



**Washtenaw County Environmental Health Division
Washtenaw County Public Health**

**PROCEDURES FOR THE ADMINISTRATION AND ENFORCEMENT
OF THE MICHIGAN FOOD LAW**

Effective October 25, 2013

PREAMBLE

Recognizing that safe food is fundamental to individual and public health, further recognizing that food service operations that are constructed, maintained, and operated in a proper manner are necessary to safeguard public health, and to minimize the onset and spread of foodborne illness from food service operations, these rules and regulations governing food service establishments, vending locations, and temporary food establishments are hereby established under the authority of Section 3117 of the State of Michigan Food Law, as amended. Specifically, Section 3117 states, “A local health department may apply procedures for the enforcement of this act that provide notice and opportunity for a hearing equivalent in effectiveness to and which protect the rights of the applicant or licensee comparable to the provisions of chapters 4 and 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.292. A local health department shall have a written enforcement procedure and shall make a copy of that procedure available to the public upon request.”

ARTICLE I: DEFINITIONS

The following definitions shall apply herein:

- Sec. 1.0** “Active Managerial Control” means the food service establishment has a person or persons who are overseeing and controlling food safety risk factors associated with the operation of that establishment.
- Sec. 1.1** “Adulterated” means food to which any of the following apply:
- a. Food that consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance or it is otherwise unfit for food.
 - b. Food that has been produced, prepared, packed or held under insanitary conditions in which it may have become contaminated with filth or in which it may have been rendered diseased, unwholesome, or injurious to health.
 - c. Adulterated also has the additional meanings as defined in the Michigan Food Law, Section 1105.
- Sec. 1.2** “Authorized agent” means a person or persons who are able to make commitments on behalf of the licensee, including decisions related to staffing, training, processes and procedures, and financial commitments.
- Sec. 1.3** “Board” means the Washtenaw County Food Service Hearing Board established pursuant to Section 4127 of the Food Law. The Board shall consist of three (3) members as follows: (a) Washtenaw County Commissioner appointed by the Chair of the Board of Commissioners; (b) the Health Officer; and (c) an owner or operator of a food service establishment in Washtenaw County or an alternate, both of whom shall be appointed by the Washtenaw County Board of Commissioners.

Sec. 1.4	“Chronic violation” means a priority or priority foundation violation that is documented on three (3) of the last five (5) routine inspections, but which need not be on consecutive inspections. Chronic violation does not include those items that have had two (2) consecutive routine inspections in compliance.
Sec. 1.5	“Continuous violation” means a priority or priority foundation violation that is documented on two or more consecutive routine inspections.
Sec. 1.6	“Core violation” or “Core item” means a provision in the food code that is not designated as priority or priority foundation. Core item includes an item that usually relates to general sanitation, operational controls, facilities or structures, equipment design or general maintenance.
Sec. 1.7	“Food Code” means Food Code, 2009 Recommendations of the Food and Drug Administration of the United States Public Health Service that regulates the design, construction, management, and operation of certain food establishments or any future Food Codes as adopted by the Michigan Food Law.
Sec. 1.8	“Food Law” means Michigan Food Law (Act No. 92 of 2000, as amended).
Sec. 1.9	“Food service establishment” means a fixed or mobile restaurant, coffee shop, cafeteria, short order café, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving to the public, rental hall, catering kitchen, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public. Food service establishment does not include the following: <ol style="list-style-type: none"> a. A motel that serves continental breakfasts only. b. A bed and breakfast that has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available to rent to transient tenants. c. A bed and breakfast that has at least 11 but fewer than 15 rooms for rent, if the bed and breakfast serves continental breakfast only. d. A childcare organization regulated under 1973 PA 116, MCL 722.111 to MCL 722.128, unless the establishment is carrying out an operation considered by the Health Officer also to be a food service establishment.
Sec. 1.10	“Health Officer” means the Health Officer as defined by Michigan Public Health law, or his/her designated representative.
Sec. 1.11	“Imminent or substantial hazard” means a condition at a food establishment that the Health Officer determines to require immediate action to prevent endangering the public health.
Sec. 1.12	“Licensee” means a person, individual, sole proprietorship, partnership, corporation, association, or other legal entity that holds a food service license or his/her authorized agent.
Sec. 1.13	“Person” means an individual, sole proprietorship, partnership, corporation, association, or other legal entity.
Sec. 1.14	“Person in charge” means the individual present at a food service establishment who is responsible for the food service establishment at the time of the inspection.

Sec. 1.15	“Priority violation” or “priority item” means a provision in the food code whose application contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury if there is no other provision that more directly controls the hazard. Priority item includes an item with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, or hand washing. A priority item is an item that is denoted in the food code with a superscript P.
Sec. 1.16	“Priority foundation violation” or “priority item” means a provision in the food code whose application supports, facilitates, or enables 1 or more priority items. Priority foundation item includes an item that requires the purposeful factors that contribute to foodborne illness or injury such as personnel training, infrastructure, or necessary equipment, HACCP plans, documentation or record keeping and labeling. A priority foundation item is an item that is denoted in the food code with a superscript Pf.
Sec. 1.17	“Temporary food service establishment” means a food establishment which operates at a fixed location for a temporary period not to exceed fourteen (14) consecutive days.
Sec. 1.18	“Vending machine” means a self-service device offered for public use that, upon activation by a coin, token, card, or paper currency, dispenses unit servings of food or beverages without the necessity of replenishing the device between each vending operation. Vending machine does not include any of the following: <ul style="list-style-type: none"> a. A device that dispenses only bottled or canned soft drinks; other packaged nonperishable foods or beverages; or bulk ball gum, nuts, and panned candies. b. A water-dispensing machine that is registered under Chapter IV of the Food Law.
Sec. 1.19	“Working day” means the normal shift of Washtenaw County employees as set by the Washtenaw County Board of Commissioners and any agreements with the employee bargaining units.

ARTICLE II: GENERAL REQUIREMENTS

Sec. 2.0	No person shall operate a food service establishment, temporary food service establishment or vending machine location in Washtenaw County without a license issued by the Health Officer.
Sec. 2.1	Prior to constructing or remodeling a food service establishment, plans shall be submitted to the Health Officer for review and approval. Upon finding the plans are complete and adequate the Health Officer shall notify the license applicant of the approval and authorize the construction or renovation to the establishment. Failure to submit plans for review and approval or commencing construction prior to receiving approval shall result in an order to cease construction until such time as approval is obtained. The applicant shall be given the opportunity for an informal hearing to appeal the order.
Sec. 2.2	A food service license is not transferable as to person or place and must be posted in a conspicuous place in every establishment. In the case of vending machines, the name and address and telephone number of the current vending machine location operator shall be conspicuously displayed on each vending machine.
Sec. 2.3	All licenses issued hereunder shall expire at midnight, April 30, following date of issuance, or as otherwise approved. A license for a temporary food service establishment shall be issued only for a stated period of time not to exceed fourteen (14) consecutive days. Any required license shall be deemed to be effective upon the approval of the Health Officer.

- Sec. 2.4** The Health Officer may limit a license for a food service establishment, temporary food service establishment or vending machine location as to the time or season, menu, food served, procedures or equipment if the applicant is unable to fully comply with the Food Code and, in the opinion of the Health Officer, the operation of such food service establishment, temporary food service establishment or vending machine location will not constitute a threat to the public health, safety and welfare.
- Sec. 2.5** When the Health Officer intends to limit a license, the applicant, owner, or authorized agent shall be given a written notice of his/her right to a hearing before the Board to appeal the placement of limitations on its license.
- Sec. 2.6** When a limited license is issued a written notice of the limitations shall be issued to the applicant, owner, or authorized agent and shall be considered to be in effect until said limitations have been removed by the Health Officer.
- Sec. 2.7** Any person proposing to operate a food service establishment, temporary food service establishment or vending machine location in Washtenaw County shall submit a written application for a license on forms provided by the Health Officer. Such application shall be accompanied by the appropriate license fee and any late fees in accordance with fee schedules adopted by the Washtenaw County Board of Commissioners. If the application is for a license to operate a temporary food service establishment, it shall include the inclusive dates of the proposed operation and the types and source of food intended to be served. An application for a seasonal business shall provide in writing the dates of the proposed operation not to exceed nine (9) months. Failure on the part of an applicant to fully complete the required application may be deemed cause for refusal to issue a license.
- Sec. 2.8** Upon receipt of a properly completed application accompanied by the appropriate fee, the Health Officer shall make an inspection of the establishment to determine compliance with the applicable provisions of the Food Code.
- Sec. 2.9** The Health Officer shall approve the license application if the inspection reveals that all priority and priority foundation provisions of the Food Code and Food Law are in compliance, as well as the majority of core provisions. Minor core items shall be corrected as indicated on the pre-opening inspection report and prior to opening to the public.
- Sec. 2.10** Food service licenses are not transferrable. In the event that a new owner begins operation without a valid license, the owner may be subject to higher fees, as well as limitation, suspension and/or closure of the operation.
- Sec. 2.11** A new owner shall submit a menu, standard operating procedures, and any proposed equipment changes. A pre-opening inspection may be required prior to approval for operation.
- Sec. 2.12** The Department shall review the menu, standard operating procedures, and equipment changes and may require plan review prior to approving the operation.
- Sec. 2.13** If the applicant fails to meet all the requirements for issuance of a license, the Health Officer shall issue a written notice promptly to the applicant that the license will not be issued, citing the deficiencies or non-complying items that constitute the basis for the denial, and informing the applicant of his/her right to a hearing before the Board to appeal the denial of a license. If such appeal is not received by the Health Officer, in writing, within ten (10) calendar days of the date of such denial, the applicant shall be deemed to have waived his/her right to appeal.

ARTICLE III: TEMPORARY FOOD SERVICE ESTABLISHMENTS

- Sec. 3.0** The Health Officer may require the operator(s) of a temporary food service establishment to attend an approved training session in food service sanitation prior to issuing a temporary food service license.
- Sec. 3.1** Failure to fully comply with the priority and priority foundation provisions of the Food Code and Food Law may be cause for denial of the application for a temporary food service establishment license by the Health Officer.
- Sec 3.2** A proposed temporary food establishment whose license has been denied under Section 3.1 may request a reinspection to show compliance with provisions in the Food Law or the Food Code at the time of the inspection. The requested reinspection will depend on staff availability, payment of a reinspection fee and compliance with the Food Code and Food Law.

ARTICLE IV: INSPECTIONS

- Sec. 4.0** Representatives of the Health Officer, after showing proper identification, shall be permitted to enter every food service operation within Washtenaw County at any reasonable time without prior notice for the purpose of making inspections to determine compliance with the Food Law and Food Code. Such inspections shall be performed as often as deemed necessary by the Health Officer. The representatives shall further be permitted to examine the pertinent records of the operation to obtain information as to food and supplies purchased, received or used to determine its source or origin. Representatives of the Health Officer shall be permitted to examine the pertinent records of the operation to obtain information concerning names, addresses, and certain health information of persons employed or served in the food service operation where necessary in conducting an epidemiological investigation of suspected communicable diseases. No person shall knowingly make false statements, create falsified reports or discard information required by the Food Code or the Food Law.
- Sec. 4.1** Whenever an inspection of a food service operation is made, the findings shall be recorded on an inspection report form approved by the Michigan Department of Agriculture. The inspection report form shall indicate where violations of the Food Code exist, correction schedule, an indication if the violation is considered to be priority, priority foundation or core, and an indication if the violation has been repeated from the previous inspection. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.
- Sec. 4.2** Upon completion of an inspection the Health Officer shall sign the inspection report and shall request the licensee or the person in charge, or any employee thereof who is present if the licensee or the person in charge is not available, to sign the report acknowledging receipt thereof. Failure of any of said persons to sign the inspection report upon such delivery shall not constitute a defense for failure to comply with conditions in the Food Code or Food Law.
- Sec. 4.3** All priority and priority foundation violations shall be corrected as soon as possible but in any event within ten (10) calendar days following the inspection. When the licensee submits and maintains a schedule of compliance approved by the Health Officer, the time for correction may be extended in accordance with said schedule. A follow-up inspection shall be conducted to confirm correction unless the licensee has submitted proof of such correction acceptable to the Health Officer.
- Sec. 4.4** All core violations shall be corrected as soon as possible, but in any event, within ninety (90) days from the date of the routine inspection.

- Sec. 4.5** The inspection report shall state that failure to comply with an inspection report may result in license suspension and/or other legal action. An opportunity for administrative review on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Officer within ten (10) calendar days following the date of inspection. If a request for an administrative review is received, a review shall be held within a reasonable time of receipt of the request.
- Sec. 4.6** Food may be examined or sampled by the Health Officer as often as necessary to ensure compliance with the Food Code or the Food Law or during the course of a foodborne illness investigation. The Health Officer may, upon written notice to the licensee or person in charge, place a hold order on any food that he/she believes is in violation of the Food Code or Food Law or during the course of a foodborne illness investigation. The Health Officer shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment unless allowed by order of the Health Officer. The Health Officer shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten (10) calendar days and that if no hearing is requested the food shall be destroyed in the presence of the Health Officer. If a request for hearing is received, the hearing shall be held within twenty (20) calendar days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the licensee or persons in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of the Food Code and Food Law in the presence of the Health Officer. Evidence of the safety of the food shall be obtained at the expense of the food establishment owner, operator or authorized agent through means including but not limited to independent inspection, testing, or certification.
- Sec. 4.7** Food that is determined to be adulterated by the Health Officer shall be immediately condemned, destroyed, or in any other manner rendered unsalable as human food.
- Sec. 4.8** Failure of the licensee, or person in charge, to comply with a hold order issued by the Health Officer on any food shall be cause for revocation of his/her food service license.

ARTICLE V: IMMEDIATE CLOSURES

- Sec. 5.0** As stated in 333.2451 of the Public Health Code Act 368 of 1978, as amended, the Health Officer may order the immediate closure of a food service establishment, temporary food service establishment, vending machine or vending machine location without a hearing upon a determination that continued operation would create an imminent or substantial hazard to the public health. An order for closure of the food service operation may require the complete cessation of all operations or may be limited to a specific area(s) and/or a specific menu item(s).
- Sec. 5.1** A written notice shall be given stating the reason(s) for immediate closure of the operation. When a review of the establishment discloses that the reason(s) for immediate closure of the operation has been eliminated, a notice shall be issued that the closure order has been vacated and the establishment may reopen for business to the public.
- Sec. 5.2** As stated in 333.2455 of the Public Health Code Act 368 of 1978, as amended, if during an ongoing investigation of a foodborne illness outbreak, epidemiological evidence implicates an ongoing transmission of illness associated with a food service establishment, the Health Officer shall have the authority to suspend or limit the food service license until such time that the Health Officer has determined there is no longer a threat for continued spread of the illness.

Sec. 5.3 If in the opinion of the Health Officer the lack of active managerial control in a food service establishment has resulted in a violation or violations of such severity and/or magnitude that the likelihood of the public welfare is at risk, then the Health Officer shall suspend the license in effect until such time as the violation or violations have been corrected. Corrections must be verified by the department through an inspection and an approval must be issued to reopen. Within five (5) working days following the reopening of the establishment, a written description of the specific procedures, processes, monitoring steps and other relevant protocols that have been developed to address the condition or conditions that lead to this action must be submitted to the department for review and approval. Failure to submit a plan within the allotted time frame shall be reason to initiate further enforcement action.

Sec. 5.4 The Health Officer may immediately suspend a food service license for interference with the Health Officer in the performance of his/her duties.

ARTICLE VI: ADMINISTRATIVE CONFERENCES; HEARINGS

Sec. 6.0 The licensee may appeal, in writing, an order for immediate closure of a food service operation to the Board. The hearing before the Board shall be afforded as soon as possible within a period of time not to exceed ten (10) working days after receipt of written notice of appeal.

Sec. 6.1 Prior to the commencement of proceedings to deny, limit, revoke or suspend a food service license the Health Officer shall give notice, personally or by mail, of the facts or conduct which warrants the intended action and the right of the licensee to an administrative conference, informal hearing, or hearing before the Board. The licensee shall be given an opportunity at such conference or hearing to show compliance with all lawful requirements for issuance or retention of the license, provided that such an appeal shall not affect any order for an immediate closure as listed under Article V.

Sec. 6.2 The Health Officer shall issue a notice of the requirement to attend an administrative conference when any chronic violation exists, when a facility fails to complete a risk control plan for a continuous violation, when there is no evidence of correction, or when numerous and repeated core violations that impact the overall safety and sanitation of the establishment occurs. The notice shall cite the alleged deficiencies or non-complying items.

Sec. 6.3 The purpose of an administrative conference is to clarify expectations for food protection and sanitation, discuss the consequences of non-compliance, review the licensee's plan for addressing the violation(s) that led to this action and to set a schedule for compliance, including field verification of the effectiveness of the plan.

Sec. 6.4 When a violation or violations that resulted in an administrative conference are cited on either of the next two routine inspections following that administrative conference, the Health Officer shall issue a notice of the requirement to attend an informal hearing. Once two consecutive routine inspections have been completed showing the violation or violations that resulted in an administrative conference are in compliance, the enforcement for that violation or violations begins anew unless the licensee has agreed to alternate terms in a consent agreement or formal hearing.

Sec. 6.5 The purpose of an informal hearing is to show cause as to why the food service license should not be suspended or revoked, to reach agreement on measures necessary to prevent suspension/revocation, and to further establish that continued violations or failure to meet measures will result in the issuance of a notice of intent to suspend or revoke the food service license.

- Sec. 6.6** When a violation or violations that resulted in an informal hearing are cited on either of the next two routine inspections following that informal hearing, a notice of intent to revoke the license shall be issued. The licensee shall have the opportunity to appeal that decision at a formal hearing before the Board to show cause as to why the license should not be revoked. Once two consecutive routine inspections have been completed showing the violation or violations that resulted in an informal hearing are in compliance, the enforcement for that violation or violations begins anew unless the licensee has agreed to alternate terms in a consent agreement or formal hearing.
- Sec. 6.7** Failure of a licensee to respond to the notice of an administrative conference or informal hearing within ten (10) calendar days or fail to attend a scheduled conference or hearing may result in the commencement of proceedings by the Health Officer to deny, limit, revoke, or suspend the license.
- Sec. 6.8** The Health Officer shall conduct and set the time and place for all enforcement proceedings with due consideration for the convenience of the licensee.
- Sec. 6.9** A written summary of the enforcement proceedings shall be made by the Health Officer and a copy provided to the licensee upon request.
- Sec. 6.10** The licensee may attend the hearing with or without benefit of assistance by legal counsel and/or witnesses, or may be represented by legal counsel.
- Sec. 6.11** The Board shall make a decision based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written copy of such decision shall be furnished to the licensee. The decision of the Board following the hearing shall be final unless a petition for review is filed in the Circuit Court of the County of Washtenaw within sixty (60) calendar days after the date of mailing of the final decision of the Board. The filing of a petition for review does not stay enforcement of the Board action, unless so ordered by the Circuit Court.
- Sec. 6.12** As a result of or in lieu of an administrative conference, an informal hearing, or a hearing before the Board, the Health Officer and the licensee may enter into a Consent Agreement or Compliance Schedule for a specified period of time to establish the conditions under which the food service license may continue.
- Sec. 6.13** Conditions in the Consent Agreement or Compliance Schedule may include any item(s) included in the Food Code, and any other conditions agreeable to both parties which may serve to improve or promote good sanitation and public health in a licensed food service operation. These agreements may also require that the establishment employ an individual certified in food safety whenever the establishment is operating or open to the public. Frequency of inspections by representatives of the Health Officer may be increased.
- Sec. 6.14** Prior to revoking a license, the Health Officer shall provide notification, in writing, stating the reasons for which the license is to be revoked and advising the licensee of his/her right to a hearing before the Board, in accordance with the Administrative Procedures Act MCL 24.271. Request for a hearing shall be made in writing to the Health Officer within ten (10) calendar days from the date of such notice. If the licensee at said hearing fails to satisfactorily show cause why his/her license should not be revoked the revocation shall become effective no later than 48 hours from the conclusion of the Board meeting.
- Sec. 6.15** In the event the licensee fails to request a hearing in writing before the Board within ten (10) calendar days from the date of such notice of intent to suspend, revoke, deny, or limit a license, the Health Officer shall revoke the license and the licensee shall immediately close the food service operation for service to the public.

- Sec. 6.16** Once a license has been revoked, the licensee shall cease all food service operations. Thereafter, the licensee shall not be issued another license for any food service operation within Washtenaw County until such time as said person shall demonstrate that he/she is capable of operating a food service operation in accordance with requirements of the Food Code and Food Law.
- Sec. 6.17** After revocation of a license any application for a new license shall be accompanied by the appropriate annual license fee if it is determined by the Health Officer that the licensee is capable of operating.
- Sec. 6.18** Prior to the reinstatement of a suspended license, a food service operator shall correct all violations, pay any applicable fees and provide a description of the specific procedures, processes, monitoring steps and other relevant protocols that will be implemented to address the condition or conditions that lead to this action and will render it unlikely to recur. Upon reinstatement of a license, the Health Officer shall issue a written notice of reinstatement to the licensee. The licensee shall not resume operation of the establishment until said notice of reinstatement has been issued by the Health Officer.
- Sec. 6.19** The Health Officer may refuse to issue a license for a period of two years to any establishment in which a person has ownership or management interest whose food establishment license has been revoked for egregious violations, as provided in MCL289.5101 Section 1 (a), (b), (c) or (k).
- Sec. 6.20** Nothing in this document shall change the terms of an existing enforcement action at the time that this enforcement procedures document goes into effect.

ARTICLE VII: ADMINISTRATION; PENALTIES

- Sec. 7.0** The Health Officer shall have jurisdiction throughout Washtenaw County, including all cities, villages, townships, and charter townships, in the administration and enforcement of these procedures and any amendments hereafter adopted, unless specifically stated herein.
- Sec. 7.1** No person shall remove, mutilate, or conceal any notice, tags, or placards posted by the Health Officer except by permission of the Health Officer.
- Sec. 7.2** A notice provided for herein is deemed to be properly served when it is delivered to the licensee, or the person in charge, or when it is sent by first class, registered, or certified mail, return receipt requested, to the last known address of the licensee or to the person operating a food establishment without a permit.
- Sec. 7.3** Nothing stated in these procedures shall be construed to limit the power of the Health Officer to order the immediate and complete abatement of a nuisance or a condition, which in the opinion of the Health Officer may become a hazard to the public health. Nothing stated in these procedures shall be construed to limit any power vested to Washtenaw County by the Public Health Code or any other applicable statute, rule, order, ordinance, regulation, or other law.
- Sec. 7.4** These procedures are supplemental to the rules and regulations duly promulgated by the Michigan Department of Agriculture, and to other local ordinances and regulations.
- Sec. 7.5** Penalties may be applied pursuant to Section 24 of the Public Health Code Act 368 of 1978, as amended.
- Sec. 7.6** Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in the name of the County in a court of competent jurisdiction for an injunction or other appropriate process against any person to restrain or prevent violations of these procedures.

APPENDIX

Risk Control Plan

A Risk Control Plan is a written document developed by the establishment in cooperation with the department for the purpose of correcting a priority or priority foundation violation that has been repeated on two or more consecutive inspections. A risk control plan should address what the problem is, why it is a problem, how it will be solved as well as methods to ensure it does not occur again. Successful risk control plan are often developed with a team of people instead of individually. They involve training, teaching and coaching staff on proper procedures. Risk control plans will be reviewed by department representatives at the establishment to determine if followed, that the risk control plan corrects the violation.

Administrative Conference

An Administrative Conference is a meeting between an establishment owner, or a designated representative, and department representatives for the purpose of reviewing the severity of observed violations, the need for correction and consequences of allowing violations to continue. In addition the conference is intended to reach agreement on procedures that, if followed, will result in compliance with Food Law and Food Code.

Administrative conferences are preliminary to informal hearings. An administrative conference may be held for any or all of the following reasons:

1. A written request from licensee.
2. A chronic violation is found.
3. A risk control plan was not developed after a continuous violation is found.
4. Numerous and repeated core violations are found that impact the overall safety and sanitation of the establishment.
5. Lack of active managerial control is exhibited at the establishment.

Informal Hearing

An informal hearing is held to determine correction schedules and license limitations necessary to create compliance with Michigan's food service regulations and to protect the public health. An informal hearing may be held for any or all of the following reasons:

1. Failure to comply with an order of the Health Officer.
2. Interfering with an agent of the Health Officer in performance of his/her official duties.
3. A written request from licensee.
4. Repeat priority or priority foundation violations are found during either of the two routine inspections following an Administrative Conference.

The requirement for an informal hearing shall be noted on an inspection report if a representative of Washtenaw County Environmental Health observes practices or conditions in violation of an existing compliance agreement. The licensee shall be notified of the time, place and date for the informal hearing in a written notice. The notice shall state the reasons for the hearing; and shall advise the licensee of his/her right to representation at the hearing.

At the hearing, a hearing officer will hear testimony from the Washtenaw County Environmental Health staff and the licensee or licensee's representative. The procedures developed in the Administrative Conference to correct the violation(s) will be reviewed. The hearing officer shall mandate corrections and a compliance schedule. The facility shall remain in compliance with mandated corrections for the length of the compliance schedule. If the facility is not in compliance with mandated corrections during the length of the compliance schedule, the department may issue a revocation notice giving the food service establishment the opportunity to appeal the revocation.

Formal Hearing

Either upon request to the Health Officer by or on behalf of any licensee or licensee's representative whose license has been revoked or if a foodservice establishment has failed to comply with requirements set forth by an informal hearing, a formal hearing shall be afforded as soon as possible, within a period not to exceed ten (10) working days, provided that this shall in no way affect any order to cease food service operations or revocation of license in advance of said hearing. The hearing shall be conducted during the working hours of Washtenaw County Environmental Health at the time and place designated by the Health Officer. The Hearing Board shall consist of at least two members described as follows: the Health Officer, a member of the Washtenaw County Board of Commissioners, and a food service representative appointed by the Washtenaw County Board of Commissioners. Upon conclusion of the presentations at the hearing, the Hearing Board shall determine whether and under what stipulations the affected license shall be reinstated or shall be further suspended, or limited, or revoked, and shall notify the licensee in writing of the determinations.

The decision of the Hearing Board following the hearing shall be final unless appealed to a court of competent jurisdiction. The licensee or licensee's representative may attend the hearing with witnesses, and may be represented by legal counsel. In the event the licensee or licensee's representative fails to attend said hearing, the licensee shall be deemed to have been afforded an opportunity to comply with said regulations.