

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,
DIVISION OF HOTELS AND
RESTAURANTS,

Petitioner,

v.

CARVEL ICE CREAM BAKERY,

Respondent.

Final Order No. BPR-2008-10495 Date: **12-5-08**
FILED

Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

By Brandon M. Nichole

DOAH CASE NO.: 08-2653
H&R CASE NO.: 2008-020720
LICENSE NO.: 23-23930

FILED
2008 DEC 18 A 10:57
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

The Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation (the Division), after consideration of the complete record of this case on file with the Division, enters this Final Order.

1. On April 8, 2008, the Department issued an Administrative Complaint attached hereto as exhibit "A."
2. On August 20, 2008, a hearing in this cause was held before the Honorable June C. McKinney, Administrative Law Judge, Division of Administrative Hearings.
3. On November 13, 2008, the Honorable June C. McKinney issued a Recommended Order, a copy of which is attached as Exhibit "B." The Statement of the Issues, Preliminary Statement, Findings of Fact, Conclusions of Law, and Recommendation

Certified Article Number

7160 3901 9845 8311 8240

SENDERS RECORD

contained in the Recommended Order are hereby adopted in toto and incorporated herein by reference.


Based upon the foregoing, and being otherwise fully advised in the premises it is, hereby ORDERED that: for Respondent's violations of Section 509, Florida Statutes, and/or the rules promulgated thereto the following penalty is imposed:

1. Respondent shall pay a fine in the amount of \$1,500.00, due and payable to the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, within thirty (30) calendar days of the date this Order is filed with the agency clerk.

2. Respondent shall attend a Hospitality Education Program class within sixty (60) days of the date this order is filed, and provide proof to the Division.

3. This Final Order shall become effective on the date of filing with the Agency Clerk.

DONE AND ORDERED this 3 day of Dec., 2008.



Bill L. Veach, Director
Department of Business and
Professional Regulation
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1015

NOTICE OF RIGHT TO APPEAL UNLESS WAIVED

Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal within thirty (30) days rendition of this order, in accordance with Rule 9.110, Fla. R. App. P., and Section 120.68, Florida Statutes.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via Certified U.S. Mail to: Carvel Ice Cream Bakery c/o Pervez Akhter, 8565 Southwest 24th Street, Miami, Florida 33155-2335; by regular U.S. Mail to the Honorable June C. McKinney, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand delivery to Charles F. Tunnicliff, Chief Professions Attorney, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, this 5th day of December, 2008.


For the Division of Hotels
and Restaurants

State of Florida
Division of Administrative Hearings

Charlie Crist
Governor

Robert S. Cohen
Director and Chief Judge

Claudia Lladó
Clerk of the Division



Harry L. Hooper
Deputy Chief
Administrative Law Judge

David W. Lingham
Deputy Chief Judge
Judges of Compensation Claims

November 13, 2008

William L. Veach, Director
Division of Hotels and Restaurants
Department of Business and
Professional Regulation
Northwood Centre
1940 North Monroe Street
Tallahassee, Florida 32399-0792

Re: DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION,
DIVISION OF HOTELS AND RESTAURANTS vs. CARVEL ICE CREAM
BAKERY, DOAH Case No. 08-2653

Dear Mr. Veach:

Enclosed is my Recommended Order in the referenced case. Also enclosed is the one-volume transcript, together with the Petitioner's Exhibits numbered 1-5. Copies of this letter will serve to notify the parties that my Recommended Order and the hearing record have been transmitted this date.

As required by Subsection 120.57(1)(m), Florida Statutes, you are requested to furnish the Division of Administrative Hearings with a copy of the Final Order, along with any exceptions to the Recommended Order, within 15 days of its rendition.

Sincerely,

A handwritten signature in cursive script that reads "June C. McKinney".

JUNE C. MCKINNEY
Administrative Law Judge

JCM/bcl

Enclosures

cc: Charles Tunnickliff, Esquire
John J. Truitt, Esquire
Pervez Akhter
Ned Luczynski, General Counsel

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION
Petitioner,

vs.

CARVEL ICE CREAM BAKERY
Respondent.

License No. 2323930
License Type 2010
Case No. 2008020720

ADMINISTRATIVE COMPLAINT

The DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF HOTELS AND RESTAURANTS, ("Petitioner"), files this Administrative Complaint against CARVEL ICE CREAM BAKERY, ("Respondent"), and says:

1. Petitioner is the state agency charged with regulating the operation of public lodging establishments and public food service establishments, pursuant to Section 20.165 and Chapter 509, Florida Statutes.
2. Respondent is, and has been at all times material hereto, licensed by or subject to the jurisdiction of the Division of Hotels and Restaurants. The respondent's business address of record is 8565 SW 24 ST, MIAMI, FLORIDA 331552335. The mailing address of record is CARVEL ICE CREAM BAKERY, at 8565 SW 24 ST, MIAMI, FLORIDA 331552335.
3. Inspection of this establishment conducted pursuant to Sec. 509.032, Florida Statutes, revealed violations of the provisions of Chapter 509, Florida Statutes, and / or the rules promulgated thereto governing operation of the establishment. The violation(s) found and applicable law are described in Exhibit "A," attached hereto and incorporated herein by reference. Inspection documents are attached as Exhibit "B", incorporated herein by reference.

WHEREFORE, Petitioner respectfully requests entry of an Order imposing one or more of the following penalties: administrative fine not to exceed \$1,000 per offense; mandatory attendance at Respondent's expense at an educational program sponsored by the Department's Hospitality Education Program; suspension, revocation, or refusal of a license issued pursuant to this Chapter, and/or any other relief authorized by Chapter 509, Florida Statutes, or the rules promulgated thereto.

Signed April 08, 2008

S. D. Kallas

Shannie Kallas, District Manager
By delegation of the Director, or designee
Division of Hotels & Restaurants
Department of Business & Professional Regulation

COUNSEL FOR THE DEPARTMENT:
Charles F. Tunncliff, Lead Attorney
Florida Bar No. 0153831
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-1007

CERTIFICATE OF SERVICE

BY CERTIFIED U.S. MAIL, ARTICLE NUMBER: 7160 3901 9849 9961 6057

I HEREBY CERTIFY that a true and correct copy of the foregoing ADMINISTRATIVE COMPLAINT has been hand served by me on this _____ day of _____, 2008.

Inspector's Signature

Title

Received by: _____

Operator's Signature

Title

Case Number: 2008020720 File Number: 112729
License Number: 2323930 2010
CARVEL ICE CREAM BAKERY

District Number: 01
Form revised 07.07.07

EXHIBIT A

EXHIBIT A

Exhibit A

License Number: 2323930
License Type: 2010 PERMANENT FOOD SERVICE
Case Number: 2008020720

"FC" as cited herein references specific provisions of the Food Code, Recommendations of the United States Public Health Service, Food and Drug Administration, incorporated by Chapter 61C, Florida Administrative Code. "NFPA" as cited herein references specific provisions of the National Fire Protection Association Life Safety Code, incorporated by reference at Chapter 4A-3, "Fire Prevention, General Provisions", Florida Administrative Code, and 61C-1.004(5), Florida Administrative Code.

"**" denotes a critical violation.

It is alleged that on April 24, 2007, November 9, 2007, and March 18, 2008, the licensee was in violation of Florida Statute 509(FS) and/or the Rules of the Division of Hotels and Restaurants, Florida Administrative Code (FAC), in the following particulars. Copy(s) of the report(s) for the above referenced inspection(s) are attached hereto and incorporated by reference as Exhibit B.

* 1. 32-16-1 6-301.12 FC:: HAND DRYING PROVISION. EACH HANDWASHING LAVATORY OR GROUP OF ADJACENT LAVATORIES SHALL BE PROVIDED WITH: (A) INDIVIDUAL, DISPOSABLE TOWELS; (B) A CONTINUOUS TOWEL SYSTEM THAT SUPPLIES THE USER WITH A CLEAN TOWEL; OR (C) A HEATED-AIR HAND DRYING DEVICE.

HANDWASH SINK LACKING PROPER HAND DRYING PROVISIONS. (PREP AREAS). REPEAT VIOLATION.

HANDWASHING CLEANSER LACKING AT HANDWASHING LAVATORY. (PREP AREAS). REPEAT VIOLATION.

* 2. 41A-09-1 7-201.11 FC:: SEPARATION. POISONOUS OR TOXIC MATERIALS SHALL BE STORED SO THEY CAN NOT CONTAMINATE FOOD, EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE AND SINGLE-USE ARTICLES BY: (A) SEPARATING THE POISONOUS OR TOXIC MATERIALS BY SPACING OR PARTITIONING; AND (B) LOCATING THE POISONOUS OR TOXIC MATERIALS IN AN AREA THAT IS NOT ABOVE FOOD, EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE OR SINGLE-USE ARTICLES. THIS PARAGRAPH DOES NOT APPLY TO EQUIPMENT AND UTENSIL CLEANERS AND SANITIZERS THAT ARE STORED IN WAREWASHING AREAS FOR AVAILABILITY AND CONVENIENCE IF THE MATERIALS ARE STORED TO PREVENT CONTAMINATION OF FOOD, EQUIPMENT, UTENSILS, LINENS, AND SINGLE-SERVICE AND SINGLE-USE ARTICLES.

OBSERVED TOXIC ITEM STORED IN FOOD PREPARATION AREA. AMMONIA-BASED PRODUCT LOCATED ON TOP OF PREP-COUNTER AND A DARK GREEN LIQUID NOT LABELED INSIDE A BOTTLE OF WINDEX. REPEAT VIOLATION.



FOLLOW-UP INSPECTION REQUIRED
Inspector determined violations require further review, but are not an immediate threat to the public.

**FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE**

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

03/18/08 12:16 PM Inspection Date and Time	Routine	2323930 License Number	SEAT
AKHTER PERVEZ Owner Name	Inspection Reason ADMINISTRATIVE COMPLAINT recomme	(305)261-5577 Area Code/Telephone Number	
CARVEL ICE CREAM BAKERY Business Name	Inspection Result	10/2008 License Expiration	
12 Number of Units	Callback Date/Time	MIAMI, 331552335	
8565 SW 24 ST Address / City / State / Zip / etc.			

Item 03: Food Temperatures Dairy products, walk in cooler, 40 Degrees F. Ready to eat-PHF, walk in cooler, 40 Degrees F. Dairy products, reach in freezer, 0 Degrees F.	Item 53a: Cert. Food Managers Manager Name: SYED SHAH Certification Date: 10/2003 Certified by: Thompson Prometrics	Item 20: Warewashing Sanitization Sanitizer Type: Not Set Up found at concentration of 0 PPM.	Item 45: Fire Extinguishers and Fire Suppression Systems Dates A Class ABC type Fire Extinguisher, found in/at kitchen has a certification date of 08/2007
--	---	--	---

NOTE: Items marked above with an asterisk (*) indicate a violation

Inspector's Comments

No Boiler On Site.

I acknowledge receipt of this inspection form and comments.

03-18-08 Date	 Signature of Recipient	 Inspector Signature
Recipient: PERVEZ AKHTER	For further information please contact:	
Title: OWNER	Daniel Sterling	
Phone: 305-2615577	8240 NW 52 Terr. #101 Miami, Florida 33166 (850) 487-1395	

STATUS	SOURCE	STATUS	PHF TEMPERATURE CONTROL
In	*01a Approved source	In	*03a Cold food at proper temperatures during storage, display, service,
In	*01b Wholesome, sound condition		
Out	*02 Original container; properly labeled, date marking	N/A	*03b Hot food at proper temperature
N/A	*02-11 Consumer advisory on raw/undercooked oysters	N/A	*03c Foods properly cooked/reheated
N/A	*02-13 Consumer advisory on raw/undercooked animal	N/A	*03d Foods properly cooled
			*04 Facilities to maintain product temperature
			*05 Thermometers provided and conspicuously placed
			*06 Potentially hazardous foods properly thawed

Violations marked with an asterisk are critical violations. Items marked IN are in compliance. Items Marked OUT are violations. Specific details of violation are listed on subsequent pages. Items marked N/A are Not Applicable. Items Marked as N/O are Not Observed, and were not being conducted at the time of inspection.



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 DIVISION OF HOTELS AND RESTAURANTS
 www.myflorida.com/dbpr

License Number
 SEAT 2323930
 Business Name
 CARVEL ICE CREAM BAKERY
 Inspection Date
 03/18/08 12:16 PM

FOOD SERVICE INSPECTION REPORT
 LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

STATUS	PHF TEMPERATURE CONTROL	STATUS	GARBAGE AND REFUSE DISPOSAL
In	*07 Unwrapped or potentially hazardous food not re-served		33 Containers covered, adequate number, insect and rodent proof, emptied at proper intervals, clean
Out	*08a Food protection during storage, preparation, display, service, transportation		34 Outside storage area clean, enclosure properly constructed
Out	*08b Cross-contamination, equipment, personnel, storage		
	*08c Potential for cross-contamination; storage practices; damaged food segregated	STATUS	INSECT AND RODENT CONTROL
		Out	*35a Presence of insects/rodents. Animals prohibited
Out	*09 Foods handled with minimum contact		*35b Outer openings protected from insects, rodent proof
	10 In use food dispensing utensils properly stored	STATUS	FLOORS, WALLS, CEILINGS
STATUS	PERSONNEL	Out	36 Floors properly constructed, clean, drained, covered
In	*11 Personnel with infections restricted		37 Walls, ceilings, and attached equipment, constructed, clean
Out	*12a Hands washed and clean, good hygienic practices (observed), alternative operating plan		38 Lighting provided as required. Fixtures shielded
N/O	*12b Proper hygienic practices, eating/drinking/smoking (evidence)		39 Rooms and equipment - vented as required
	13 Clean clothes, hair restraints	STATUS	OTHER AREAS
			40 Employee lockers provided and used, clean
STATUS	FOOD EQUIPMENT AND UTENSILS	Out	*41a Toxic items properly stored
	14 Food contact surfaces designed, constructed, maintained, installed, located	Out	*41b Toxic items labeled and used properly
	15 Non-food contact surfaces designed, constructed, maintained, installed, located		42 Premises maintained, free of litter, unnecessary articles. Cleaning and maintenance equipment properly stored. Kitchen restricted to authorized personnel
Out	*16 Dishwashing facilities designed, constructed, operated 1. Wash 2. Rinse 3. Sanitize		43 Complete separation from living/sleeping area, laundry
	*17 Thermometers, gauges, test kits provided		44 Clean and soiled linen segregated and properly stored
	18 Pre-flushed, scraped, soaked	STATUS	SAFETY
	19 Wash, rinse water clean, proper temperature	Out	*45 Fire extinguishers - proper and sufficient
	*20a Sanitizing concentration		*46 Exiting system - adequate, good repair
	*20b Sanitizing temperature	Out	*47 Electrical wiring - adequate, good repair
Out	21 Wiping cloths clean, used properly, stored		*48 Gas appliances - properly installed, maintained
Out	*22 Food contact surfaces of equipment and utensils clean		*49 Flammable/combustible materials - properly stored
	23 Non-food contact surfaces clean	STATUS	GENERAL
	24 Storage/handling of clean equipment, utensils		*50 Current license properly displayed
STATUS	SINGLE SERVICE ARTICLES		51 Other conditions sanitary and safe operation
	25 Service items properly stored, handled, dispensed		*52 False/misleading statements published or advertised relating to food/beverage
	26 Single service articles not re-used	In	*53a Food management certification valid
STATUS	WATER AND SEWAGE/PLUMBING	In	*53b Employee training validation
	*27 Water source safe, hot and cold under pressure		54 Florida Clean Indoor Air Act
	*28 Sewage and waste water disposed properly		55 Automatic Gratuity Notice
	29 Plumbing installed and maintained		56 Copy of Chapter 509, Florida Statutes, available
	*30 Cross-connection, back siphonage, backflow	STATUS	GENERAL
STATUS	TOILET AND HANDWASHING FACILITIES		57 Hospitality Education Program Information provided
	*31 Toilet and handwashing facilities, number, convenient, designed, installed		Total Number of COS Violations:
Out	*32 Restrooms with self-closing doors, fixtures operate properly, facility clean, supplied with handsoap, disposable towels or hand drying devices, tissue, covered waste		Total Number of Repeat Violations: 3

Violations marked with an asterisk are critical violations. Items marked IN are in compliance. Items Marked OUT are violations. Specific details of violation are listed on subsequent pages. Items marked N/A are Not Applicable. Items Marked as N/O are Not Observed, and were not being conducted at the time of inspection.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
www.myflorida.com/dbpr

License Number
SEAT 2323930
Business Name
CARVEL ICE CREAM BAKERY
Inspection Date
03/18/08 12:16 PM

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

Administrative Complaint(s):

32-16-1: Hand wash sink lacking proper hand drying provisions. BACK HANDSINK (PREP-AREAS)
Repeat Violation.

32-17-1: Handwashing cleanser lacking at handwashing lavatory. BACK HANDSINK (PREP-AREAS).
Repeat Violation.

41A-09-1: Observed toxic item stored in food preparation area/ Ammonia base product located on top of PREP-COUNTER (Blue colored) and (another dark green liquid not labeled inside a bottle of WINDEX). Repeat Violation.

Violation(s):

47-06-1: Observed extension cord in use for non-temporary period. BY DESK AND FREEZER AREAS.

35A-05-1: Observed roach activity as evidenced by 12 death roaches found by storage area under back handwashing sink.

REFERENCE TEXT: 6-501.111 FC: Controlling Pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the PREMISES by: (A) Routinely inspecting incoming shipments of FOOD and supplies; (B) Routinely inspecting the PREMISES for evidence of pests; (C) Using methods, if pests are found, such as trapping devices or other means of pest control as specified under Sections 7-202.12, 7-206.12, and 7-206.13; and (D) Eliminating harborage conditions.

45-41-1: Portable fire extinguisher tag out-of-date. ABC BY MOP SINK.

45-38-1: Portable fire extinguisher not fully charged. ABC BY MOP SINK.

45-39-1: Portable fire extinguisher not properly mounted at least 4 inches off the floor and the top no higher than 5 feet off the floor. ABC BY MOP SINK.

REFERENCE TEXT: NFPA 10, 1.5.10: Fire extinguishers having a gross weight not exceeding 40 lb shall be installed so that the top of the fire extinguisher is not more than 5 ft above the floor. Fire extinguishers having a gross weight greater than 40 lb (except wheeled types) shall be so installed that the top of the fire extinguisher is not more than 3/4 ft above the floor. In no case shall the clearance between the bottom of the fire extinguisher and the floor be less than 4 in.

21-12-1: Wet wiping cloth not stored in sanitizing solution between uses.

REFERENCE TEXT: 3-304.14(B)(2) FC: (B) Cloths used for wiping FOOD spills shall be: (2) Wet and cleaned as specified under Paragraph 4-802.11(D), stored in a chemical sanitizer at a concentration specified in Section 4-501.114, and used for wiping spills from FOOD-CONTACT and nonFOOD-CONTACT SURFACES of EQUIPMENT.

36-15-1: Observed food debris accumulated on kitchen floor. KITCHEN AND STORAGE AREAS.

12A-22-1: Observed food employee touching ready-to-eat food with their bare hands and the establishment has no approved Alternative Operating Procedure.

REFERENCE TEXT: 61C-4.010(1)(d) FAC and 3-301.11(B) FC: No bare hand contact of exposed ready-to-eat food. Food employees may contact ready-to-eat foods with their bare hands immediately prior to service if the operator of the public food service establishment maintains a written operational procedure. (B) Except when washing fruits and vegetables as specified under Section 3-302.15 or when otherwise approved, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
www.myflorida.com/dbpr

License Number
SEAT 2323930
Business Name
CARVEL ICE CREAM BAKERY
Inspection Date
03/18/08 12:16 PM

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

16-13-1:Observed equipment and utensils not washed, rinsed and sanitized in the correct order in three-compartment sink.MANUAL WASHING NOT BEING FOLLOWED .
SAW WASHING WITH ONLY WATER (PROPELLER OF MIXER) NO SOAP, NO WATER.

REFERENCE TEXT: 4-301.12 (A) FC: (A) Except as specified in Paragraph (C) of this section, a sink with at least 3 compartments shall be provided for manually washing, rinsing, and SANITIZING EQUIPMENT and UTENSILS.

08A-29-1:Observed uncovered food in holding unit/dry storage area. DRESSINGS AND TOPPINGS.

12A-13-1:Observed employee handling soiled equipment or utensils then engage in food preparation, handle clean equipment or utensils, or touch unwrapped single-service items, without washing hands.

REFERENCE TEXT: 2-301.14 FC: When to Wash. Food Employees shall clean their hands and exposed portions of their arms as specified under Section 2-301.12 immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and: (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms; (B) After using the toilet room; (C) After caring for or handling service animals or aquatic animals as specified in Paragraph 2-403.11(B); (D) Except as specified in Paragraph 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; (E) After handling soiled equipment or utensils; (F) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; (G) When switching between working with raw food and working with ready-to-eat food; (H) Before donning gloves for working with food; and (I) After engaging in other activities that contaminate the hands.

02-22-1:Ready-to-eat, potentially hazardous food prepared on site and held more than 24 hours with not properly date marked.

REFERENCE TEXT: 3-501.17(A) FC: (A) Except as specified in Paragraph (D) of this section, refrigerated, ready-to-eat, potentially hazardous food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified below: (1) 41 degrees Fahrenheit or less for a maximum of 7 days; The day of preparation shall be counted as Day 1.

08B-05-1:Observed employees using same utensil to prepared dairy icing products without washing it first as required by FOOD CODE.

REFERENCE TEXT: 4-602.11(A) FC: Equipment Food-Contact Surfaces and Utensils. (A) Equipment food-contact surfaces and utensils shall be cleaned: (1) Except as specified in Paragraph (B) of this section, before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry; (2) Each time there is a change from working with raw foods to working with ready-to-eat foods; (3) Between uses with raw fruits and vegetables and with potentially hazardous food; (4) Before using or storing a food temperature measuring device; and (5) At any time during the operation when contamination may have occurred. (B) Subparagraph (A)(1) of this section does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under Section 3-401.11 than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.

22-28-1:Observed interior of reach-in cooler soiled with accumulation of food residue,ice cream and other substances.

09-03-1:Observed nonready-to-eat food handled by employees without the use of gloves, dell paper, scoops, tongs or other utensils.

REFERENCE TEXT: 3-301.11(D) FC: Preventing Contamination from Hands. (D) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

41B-03-1:Observed unlabeled spray bottle.DARK GREEN LIQUID INSIDE ANOTHER BRAND BOTTLE.

REFERENCE TEXT: 7-102.11 FC: Common Name. Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 DIVISION OF HOTELS AND RESTAURANTS
 www.myflorida.com/dbpr

FOOD SERVICE INSPECTION REPORT
 LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

11/09/07 12:09 PM Inspection Date and Time	Routine	2323930	SEAT
AKHTER PERVEZ Owner Name	Inspection Reason	License Number	
CARVEL ICE CREAM BAKERY Business Name	ANY VIOLATIONS noted herein must be corrected by the NEXT UNANNOUNCED INSPECTION, unless otherwise stated.	(305)261-5577 Area Code/Telephone Number	
12 Number of Units	Inspection Result	01-OCT-08 License Expiration	
8565 SW 24 ST Address / City / State / Zip / etc.	Callback Date/Time	MIAMI, 331552335	

Item 03: Food Temperatures	Item 53a: Cert. Food Managers	Item 20: Warewashing Sanitization	Item 45: Fire Extinguishers and Fire Suppression Systems Dates
Dairy products, reach in freezer, 10 Degrees F. Dairy products, reach in cooler, 40 Degrees F.	Manager Name: Shah Syed Certification Date: 10/21/2003 Certified by: Thompson Prometrics	Sanitizer Type: Not Set Up found at concentration of 0 PPM.	A Class ABC type Fire Extinguisher, found in/vat kitchen has a certification date of 08/2007

NOTE: Items marked above with an asterisk (*) indicate a violation

Inspector's Comments

Repeated Violations on the next unannounced inspection will result in an immediate administrative hearing. Employees trained by National Registry of Food Safety Professionals. Employees not aware of location of water heating device.

I acknowledge receipt of this inspection form and comments.

11-09-07		
Date	Signature of Recipient	Inspector Signature
Recipient: Rizwan akhter		For further information please contact:
Title: Employees		Jorge Gandolf
Phone: 305-261-5577		8240 NW 52 Ter. #101 Miami, FL 33166
		850-487-1395

STATUS	SOURCE	STATUS	PHF TEMPERATURE CONTROL
In	*01a Approved source	In	*03a Cold food at proper temperatures during storage, display, service,
In	*01b Wholesome, sound condition		
In	*02 Original container, properly labeled, date marking	N/O	*03b Hot food at proper temperature
N/A	*02-11 Consumer advisory on raw/undercooked oysters	N/O	*03c Foods properly cooked/reheated
N/A	*02-13 Consumer advisory on raw/undercooked animal	N/O	*03d Foods properly cooled
			*04 Facilities to maintain product temperature
			*05 Thermometers provided and conspicuously placed
			*06 Potentially hazardous foods properly thawed

Violations marked with an asterisk are critical violations. Items marked IN are in compliance. Items Marked OUT are violations. Specific details of violation are listed on subsequent pages. Items marked N/A are Not Applicable. Items Marked as N/O are Not Observed, and were not being conducted at the time of inspection.



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
 DIVISION OF HOTELS AND RESTAURANTS
 www.myflorida.com/dbpr

License Number
 SEAT 2323930
 Business Name
 CARVEL ICE CREAM BAKERY
 Inspection Date
 11/09/07 12:09 PM

FOOD SERVICE INSPECTION REPORT
 LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

STATUS	PHF TEMPERATURE CONTROL	STATUS	GARBAGE AND REFUSE DISPOSAL
In	*07 Unwrapped or potentially hazardous food not re-served		33 Containers covered, adequate number, insect and rodent proof, emptied at proper intervals, clean
In	*08a Food protection during storage, preparation, display, service, transportation		34 Outside storage area clean, enclosure properly constructed
In	*08b Cross-contamination, equipment, personnel, storage		
	*08c Potential for cross-contamination; storage practices; damaged food segregated	STATUS	INSECT AND RODENT CONTROL
In	*09 Foods handled with minimum contact		*35a Presence of insects/rodents. Animals prohibited
Out	10 In use food dispensing utensils properly stored	STATUS	FLOORS, WALLS, CEILINGS
STATUS	PERSONNEL	Out	36 Floors properly constructed, clean, drained, coved
In	*11 Personnel with infections restricted	Out	37 Walls, ceilings, and attached equipment, constructed, clean
In	*12a Hands washed and clean, good hygienic practices (observed), alternative operating plan	Out	38 Lighting provided as required. Fixtures shielded
In	*12b Proper hygienic practices, eating/drinking/smoking (evidence)	Out	39 Rooms and equipment - vented as required
	13 Clean clothes, hair restraints	STATUS	OTHER AREAS
STATUS	FOOD EQUIPMENT AND UTENSILS		40 Employee lockers provided and used, clean
Out	14 Food contact surfaces designed, constructed, maintained, installed, located	Out	*41a Toxic items properly stored
	15 Non-food contact surfaces designed, constructed, maintained, installed, located	In	*41b Toxic items labeled and used properly
	*16 Dishwashing facilities designed, constructed, operated 1. Wash 2. Rinse 3. Sanitize		42 Premises maintained, free of litter, unnecessary articles. Cleaning and maintenance equipment properly stored. Kitchen restricted to authorized personnel
	*17 Thermometers, gauges, test kits provided		43 Complete separation from living/sleeping area, laundry
	18 Pre-flushed, scraped, soaked	STATUS	SAFETY
	19 Wash, rinse water clean, proper temperature		*45 Fire extinguishers - proper and sufficient
	*20a Sanitizing concentration		*46 Exting system - adequate, good repair
	*20b Sanitizing temperature		*47 Electrical wiring - adequate, good repair
	21 Wiping cloths clean, used properly, stored		*48 Gas appliances - properly installed, maintained
In	*22 Food contact surfaces of equipment and utensils clean		*49 Flammable/combustible materials - properly stored
	23 Non-food contact surfaces clean	STATUS	GENERAL
	24 Storage/handling of clean equipment, utensils		*50 Current license properly displayed
STATUS	SINGLE SERVICE ARTICLES		51 Other conditions sanitary and safe operation
Out	25 Service items properly stored, handled, dispensed		*52 False/misleading statements published or advertised relating to food/beverage
	26 Single service articles not re-used	In	*53a Food management certification valid
STATUS	WATER AND SEWAGE/PLUMBING	In	*53b Employee training validation
	*27 Water source safe, hot and cold under pressure		54 Florida Clean Indoor Air Act
	*28 Sewage and waste water disposed properly		55 Automatic Gratuity Notice
	29 Plumbing installed and maintained		56 Copy of Chapter 509, Florida Statutes, available
	*30 Cross-connection, back siphonage, backflow	STATUS	GENERAL
STATUS	TOILET AND HANDWASHING FACILITIES		57 Hospitality Education Program Information provided
Out	*31 Toilet and handwashing facilities, number, convenient, designed, installed		Total Number of COS Violations:
Out	*32 Restrooms with self-closing doors, fixtures operate properly, facility clean, supplied with handsoap, disposable towels or hand drying devices, tissue, covered waste		Total Number of Repeat Violations: 3

Violations marked with an asterisk are critical violations. Items marked IN are in compliance. Items Marked OUT are violations. Specific details of violation are listed on subsequent pages. Items marked N/A are Not Applicable. Items Marked as N/O are Not Observed, and were not being conducted at the time of inspection.
 DBPR Form HR 5022-015



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
www.myflorida.com/dbpr

License Number
SEAT 2323930
Business Name
CARVEL ICE CREAM BAKERY
Inspection Date
11/09/07 12:09 PM

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

Violation(s):

10-07-1: Observed in-use utensil stored in standing water less than 135 degrees Fahrenheit.

32-16-1: Hand wash sink lacking proper hand drying provisions. Repeat Violation.

32-17-1: Handwashing cleanser lacking at handwashing lavatory. Repeat Violation.

36-15-1: Observed food debris accumulated on kitchen floor. Dry storage area

31-09-1: Handwash sink not accessible for employee use at all times. Different items stored inside

37-04-1: Observed wall soiled with accumulated black debris in mop sink area.

41A-08-1: Observed toxic item stored by food prep equipment. Repeat Violation.

36-15-1: Observed food debris accumulated on kitchen floor. Under soft serve machine

37-04-1: Observed wall soiled with accumulated black debris in dishwashing area.

38-07-1: Lights missing the proper shield, sleeve coatings or covers. Ice cream freezer

39-04-1: Exhaust fan inoperable in men's bathroom.

14-26-1: Observed floor-mounted equipment not sealed or with legs providing at least 6-inch clearance between floor and equipment. Inside walk-in cooler

25-02-1: Unwrapped single-service utensils not presented so that only the handles are touched.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
www.myflorida.com/dbpr

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

04/24/07 03:17 PM
Inspection Date and Time
AKHTER PERVEZ
Owner Name
CARVEL ICE CREAM BAKERY
Business Name

Routine
Inspection Reason
ANY VIOLATIONS noted herein must be corrected by the NEXT UNANNOUNCED INSPECTION, unless otherwise stated.
Inspection Result

2323930 SEAT
License Number
(305)261-5577
Area Code/Telephone Number
10/1/07

Number of Units
8565 SW 24 ST

Callback Date/Time
MIAMI, 331552335

License Expiration

Address / City / State / Zip / etc.

Item 03: Food Temperatures Dairy products, walk in cooler, 39 Degrees F. Dairy products, reach in freezer, 34 Degrees F.	Item 53a: Cert. Food Managers Manager Name: Shah Syed Certification Date: 10/03 Certified by: Experlor	Item 20: Warewashing Sanitization Sanitizer Type: Not Set Up found at concentration of 0 PPM.	Item 45: Fire Extinguishers and Fire Suppression Systems Dates A Class ABC type Fire Extinguisher, found in/at kitchen has a certification date of 2/06
--	--	--	--

NOTE: Items marked above with an asterisk (*) indicate a violation

Inspector's Comments

Employees trained by Serve Safe Provided Web Site: www.myflorida.com/dbpr

I acknowledge receipt of this inspection form and comments.

04-24-07

Date	Signature of Recipient	Inspector Signature
Recipient: Rizwan Akhter	For further information please contact:	
Title: manager	Maurice Chi	
Phone: 305 261-5577	8685 NW 53 Terr. Suite 111	
	850-487-1395	

STATUS	SOURCE	STATUS	PHF TEMPERATURE CONTROL
In	*01a Approved source	In	*03a Cold food at proper temperatures during storage, display, service,
In	*01b Wholesome, sound condition		
In	*02 Original container; properly labeled, date marking	N/A	*03b Hot food at proper temperature
N/A	*02-11 Consumer advisory on raw/undercooked oysters	N/A	*03c Foods properly cooked/reheated
N/A	*02-13 Consumer advisory on raw/undercooked animal	N/A	*03d Foods properly cooled
			*04 Facilities to maintain product temperature
			*05 Thermometers provided and conspicuously placed
			*06 Potentially hazardous foods properly thawed

Violations marked with an asterisk are critical violations. Items marked IN are in compliance. Items Marked OUT are violations. Specific details of violation are listed on subsequent pages. Items marked N/A are Not Applicable. Items Marked as N/O are Not Observed, and were not being conducted at the time of inspection.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
www.myflorida.com/dbpr

Page 2
License Number
SEAT 2323930
Business Name
CARVEL ICE CREAM BAKERY
Inspection Date
04/24/07 03:17 PM

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

STATUS	PHF TEMPERATURE CONTROL	STATUS	GARBAGE AND REFUSE DISPOSAL
In	*07 Unwrapped or potentially hazardous food not re-served		33 Containers covered, adequate number, insect and rodent proof, emptied at proper intervals, clean
In	*08a Food protection during storage, preparation, display, service, transportation		34 Outside storage area clean, enclosure properly constructed
In	*08b Cross-contamination, equipment, personnel, storage		
	*08c Potential for cross-contamination; storage practices; damaged food segregated	STATUS	INSECT AND RODENT CONTROL
In	*09 Foods handled with minimum contact		*35a Presence of insects/rodents. Animals prohibited
	10 In use food dispensing utensils properly stored		*35b Outer openings protected from insects, rodent proof
STATUS	PERSONNEL	STATUS	FLOORS, WALLS, CEILINGS
In	*11 Personnel with infections restricted	Out	36 Floors properly constructed, clean, drained, coved
In	*12a Hands washed and clean, good hygienic practices (observed), alternative operating plan		37 Walls, ceilings, and attached equipment, constructed, clean
In	*12b Proper hygienic practices, eating/drinking/smoking (evidence)		38 Lighting provided as required. Fixtures shielded
	13 Clean clothes, hair restraints		39 Rooms and equipment - vented as required
STATUS	FOOD EQUIPMENT AND UTENSILS	STATUS	OTHER AREAS
	14 Food contact surfaces designed, constructed, maintained, installed, located	Out	40 Employee lockers provided and used, clean
	15 Non-food contact surfaces designed, constructed, maintained, installed, located	In	*41a Toxic items properly stored
	*16 Dishwashing facilities designed, constructed, operated 1. Wash 2. Rinse 3. Sanitize		*41b Toxic items labeled and used properly
	*17 Thermometers, gauges, test kits provided		42 Premises maintained, free of litter, unnecessary articles. Cleaning and maintenance equipment properly stored. Kitchen restricted to authorized personnel
	18 Pre-flushed, scraped, soaked		43 Complete separation from living/sleeping area, laundry
	19 Wash, rinse water clean, proper temperature	STATUS	44 Clean and soiled linen segregated and properly stored
	*20a Sanitizing concentration		SAFETY
	*20b Sanitizing temperature		*45 Fire extinguishers - proper and sufficient
	21 Wiping cloths clean, used properly, stored	Out	*46 Exting system - adequate, good repair
Out	*22 Food contact surfaces of equipment and utensils clean	Out	*47 Electrical wiring - adequate, good repair
	23 Non-food contact surfaces clean		*48 Gas appliances - properly installed, maintained
	24 Storage/handling of clean equipment, utensils		*49 Flammable/combustible materials - properly stored
STATUS	SINGLE SERVICE ARTICLES	STATUS	GENERAL
	25 Service items properly stored, handled, dispensed		*50 Current license properly displayed
	26 Single service articles not re-used		51 Other conditions sanitary and safe operation
STATUS	WATER AND SEWAGE/PLUMBING	In	*52 False/misleading statements published or advertised relating to food/beverage
	*27 Water source safe, hot and cold under pressure		*53a Food management certification valid
	*28 Sewage and waste water disposed properly	In	*53b Employee training validation
	29 Plumbing installed and maintained		54 Florida Clean Indoor Air Act
	*30 Cross-connection, back siphonage, backflow		55 Automatic Gratuity Notice
STATUS	TOILET AND HANDWASHING FACILITIES	STATUS	56 Copy of Chapter 509, Florida Statutes, available
	*31 Toilet and handwashing facilities, number, convenient, designed, installed		GENERAL
Out	*32 Restrooms with self-closing doors, fixtures operate properly, facility clean, supplied with handsoap, disposable towels or hand drying devices, tissue, covered waste		57 Hospitality Education Program Information provided
			Total Number of COS Violations:
			Total Number of Repeat Violations:

Violations marked with an asterisk are critical violations. Items marked IN are in compliance. Items Marked OUT are violations. Specific details of violation are listed on subsequent pages. Items marked N/A are Not Applicable. Items Marked as N/O are Not Observed, and were not being conducted at the time of inspection.



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
DIVISION OF HOTELS AND RESTAURANTS
www.myflorida.com/dbpr

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

Page 3
License Number
SEAT 2323930
Business Name
CARVEL ICE CREAM BAKERY
Inspection Date
04/24/07 03:17 PM

Failure to comply with this Notice may initiate an administrative complaint that may result in suspension or revocation of your license and fines.

Violation(s):

- 32-17-1: Handwashing cleanser lacking at handwashing lavatory at the hand sink at back prep area.
- 32-16-1: Hand wash sink lacking proper hand drying provisions at hand sink at back prep area.
- 36-15-1: Observed food debris accumulated on floor underneath and around rack at dry storage area.
- 22-18-1: Observed soil residue in storage containers - cans stained with syrup.
- 41A-08-1: Observed toxic / spray item stored by food and food containers.
- 36-13-1: Observed debris accumulated under ice cream sunday equipment.
- 32-17-1: Handwashing cleanser lacking at handwashing lavatory at restrooms.
- 32-16-1: Hand wash sink lacking proper hand drying provisions in restrooms.
- 46-05-1: Observed obstructed exits, stairs, hallways or egress - Counter blocking accessibility to the exit. 6 inch space for employees to pass through exit.
- 47-04-1: Observed frayed/spliced electrical wires - at counter area by prep cooler.