

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.

GREEN GARDEN CHINESE
RESTAURANT,

Respondent.

Final Order No. BPR-2009-00568 Date: **1-23-09**

FILED

Department of Business and Professional Regulation
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Hinkle

DOAH CASE NO.: 08-2662

H&R CASE NO.: 2008-002878

LICENSE NO.: 4502023

FILED
2009 JAN 26 A 10:52
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 January 16, 2008, the Department issued an Administrative Complaint attached hereto as exhibit "A."

2. On September 11, 2008, a hearing in this cause was held before the Honorable Barbara J. Staros, Administrative Law Judge of the Division of Administrative Hearings.

3. On December 12, 2008, Honorable Barbara J. Staros issued a Recommended Order, a copy of which is attached as Exhibit "B." The Statement of the Issue, Preliminary Statement, Findings of Fact, Conclusions of Law, and Recommendation

Certified Article Number

7160 3901 9845 8311 9322

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 Chapter 509, Florida Statutes, and/or the rules promulgated thereto the following penalty is imposed:

1. Respondent shall pay a fine in the amount of \$2,500.00, 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 7th day of Jan., 2009.



BILL L. VEACH, Director
Department of Business and
Professional Regulation
Division of Hotels and
Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399

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, Return Receipt Requested, to Respondent Green Garden Chinese Restaurant, c/o Gui Rong Liu, 1796 East Highway 50, Clermont Florida 34711; by regular U.S. Mail to the, the Honorable Barbara J. Staros, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand delivery to Charles F. Tunnickliff, Chief Attorney for Professions, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 this 23rd day of January, 2009.



For the Division of Hotels
and Restaurants

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

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION

Petitioner,

vs.

GREEN GARDEN CHINESE REST
Respondent.

License No. 4502023
License Type 2010
Case No. 2008002878

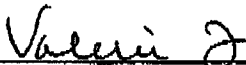
ADMINISTRATIVE COMPLAINT

The DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, DIVISION OF HOTELS AND RESTAURANTS, ("Petitioner"), files this Administrative Complaint against GREEN GARDEN CHINESE REST, ("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 1796 E HWY 50, CLERMONT, FLORIDA 34711. The mailing address of record is GREEN GARDEN CHINESE REST, at 1796 E HWY 50, CLERMONT, FLORIDA 34711.
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 January 16, 2008



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

COUNSEL FOR THE DEPARTMENT:
Charles F. Tunnickliff, 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: _____

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: 2008002878 File Number: 124854
License Number: 4502023 2010
GREEN GARDEN CHINESE REST

District Number: 04
Form revised 07.07.07

EXHIBIT A

Exhibit A

License Number: 4502023
License Type: 2010 PERMANENT FOOD SERVICE
Case Number: 2008002878

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 September 4, 2007, December 5, 2007 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. 02-26-1 3-302.12 FC:: FOOD STORAGE CONTAINERS, IDENTIFIED WITH COMMON NAME OF FOOD. WORKING CONTAINERS HOLDING FOOD OR FOOD INGREDIENTS THAT ARE REMOVED FROM THEIR ORIGINAL PACKAGES FOR USE IN THE FOOD ESTABLISHMENT, SUCH AS COOKING OILS, FLOUR, HERBS, POTATO FLAKES, SALT, SPICES, AND SUGAR SHALL BE IDENTIFIED WITH THE COMMON NAME OF THE FOOD EXCEPT THAT CONTAINERS HOLDING FOOD THAT CAN BE READILY AND UNMISTAKABLY RECOGNIZED SUCH AS DRY PASTA NEED NOT BE IDENTIFIED.

A BULK CONTAINER OF FLOUR WAS NOT LABELED.

2. 10-05-1 3-304.12(F) FC:: DURING PAUSES IN FOOD PREPARATION OR DISPENSING, FOOD PREPARATION AND DISPENSING UTENSILS SHALL BE STORED: (F) IN A CONTAINER OF WATER IF THE WATER IS MAINTAINED AT A TEMPERATURE OF AT LEAST 135 DEGREES FAHRENHEIT AND THE CONTAINER IS CLEANED AT A FREQUENCY SPECIFIED UNDER SUBPARAGRAPH 4-602.11(D)(7).

A LADEL WAS STORED IN STANDING WATER AT ROOM TEMPERATURE.

3. 14-37-1 4-501.12 FC:: CUTTING SURFACES. SURFACES SUCH AS CUTTING BLOCKS AND BOARDS THAT ARE SUBJECT TO SCRATCHING AND SCORING SHALL BE RESURFACED IF THEY CAN NO LONGER BE EFFECTIVELY CLEANED AND SANITIZED, OR DISCARDED IF THEY ARE NOT CAPABLE OF BEING RESURFACED.

THE CUTTING BOARD WAS GROOVED/PITTED AND NO LONGER CLEANABLE.

4. 15-35-1 4-101.111 FC:: NONFOOD-CONTACT SURFACES. NONFOOD-CONTACT SURFACES OF EQUIPMENT THAT ARE EXPOSED TO SPLASH, SPILLAGE, OR OTHER FOOD SOILING OR THAT REQUIRE FREQUENT CLEANING SHALL BE CONSTRUCTED OF A CORROSION-RESISTANT, NONABSORBENT, AND SMOOTH MATERIAL.

15-37-1 4-501.11 (A) AND (B) FC:: GOOD REPAIR AND PROPER ADJUSTMENT. (A) EQUIPMENT SHALL BE MAINTAINED IN A STATE OF REPAIR AND CONDITION THAT MEETS THE REQUIREMENTS SPECIFIED UNDER PARTS 4-1 AND 4-2. (B) EQUIPMENT COMPONENTS SUCH AS DOORS, SEALS, HINGES, FASTENERS, AND KICK PLATES SHALL BE KEPT INTACT, TIGHT, AND ADJUSTED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

A. THE HOOD FILTERS WERE IN DISREPAIR.

B. ALUMINUM FOIL AND CARDBOARD WERE USED AS LINERS ON EQUIPMENT.

* denotes critical violation
Case Number: 2008002878
License Number: 4502023
GREEN GARDEN CHINESE REST

District: 04
License Type: 2010
File Number: 124854

Exhibit A

5. 24-10-1 4-903.11(A) AND (B) FC:: (A) EXCEPT AS SPECIFIED IN PARAGRAPH (D) OF THIS SECTION, CLEANED EQUIPMENT AND UTENSILS, LAUNDERED LINENS, AND SINGLE-SERVICE AND SINGLE-USE ARTICLES SHALL BE STORED: (1) IN A CLEAN, DRY LOCATION; (2) WHERE THEY ARE NOT EXPOSED TO SPLASH, DUST, OR OTHER CONTAMINATION; AND (3) AT LEAST 6 INCHES ABOVE THE FLOOR. (B) CLEAN EQUIPMENT AND UTENSILS SHALL BE STORED AS SPECIFIED UNDER PARAGRAPH (A) OF THIS SECTION AND SHALL BE STORED: (1) IN A SELF-DRAINING POSITION THAT ALLOWS AIR DRYING; AND (2) COVERED OR INVERTED.

KNIVES WERE STORED IN CREVICES BETWEEN EQUIPMENT AT THE BACK KITCHEN PREP TABLE.

* 6. 32-15-1 6-301.14 FC AND 61C-1.004(2)(C) FAC:: HANDWASHING SIGNAGE. A SIGN OR POSTER THAT NOTIFIED FOOD EMPLOYEES' TO WASH THEIR HANDS SHALL BE POSTED AT ALL HANDWASHING LAVATORIES USED BY FOOD EMPLOYEES' AND SHALL BE CLEARLY VISIBLE TO FOOD EMPLOYEES'.

THERE WERE NO HANDWASHING SIGNS PROVIDED AT THE HANDSINKS USED BY FOOD EMPLOYEES.

7. 37-10-1 61C-1.004(6) FAC:: (6) ALL BUILDING STRUCTURAL COMPONENTS, ATTACHMENTS AND FIXTURES SHALL BE KEPT IN GOOD REPAIR, CLEAN AND FREE OF OBSTRUCTIONS.

THE HOOD AND HOOD FILTERS WERE HEAVILY SOILED WITH ACCUMULATED GREASE.

8. 38-07-1 6-202.11 FC:: LIGHT BULBS, PROTECTIVE SHIELDING. (A) EXCEPT AS SPECIFIED IN PARAGRAPH (B) OF THIS SECTION, LIGHT BULBS SHALL BE SHIELDED, COATED, OR OTHERWISE SHATTER-RESISTANT IN AREAS WHERE THERE IS EXPOSED FOOD; CLEAN EQUIPMENT, UTENSILS, AND LINENS; OR UNWRAPPED SINGLE-SERVICE AND SINGLE-USE ARTICLES. (B) SHIELDED, COATED, OR OTHERWISE SHATTER-RESISTANT BULBS NEED NOT BE USED IN AREAS USED ONLY FOR STORING FOOD IN UNOPENED PACKAGES, IF: (1) THE INTEGRITY OF THE PACKAGES CAN NOT BE AFFECTED BY BROKEN GLASS FALLING ONTO THEM; AND (2) THE PACKAGES ARE CAPABLE OF BEING CLEANED OF DEBRIS FROM BROKEN BULBS BEFORE THE PACKAGES ARE OPENED. (C) AN INFRARED OR OTHER HEAT LAMP SHALL BE PROTECTED AGAINST BREAKAGE BY A SHIELD SURROUNDING AND EXTENDING BEYOND THE BULB SO THAT ONLY THE FACE OF THE BULB IS EXPOSED.

THE LIGHT IN THE WALK IN COOLER WAS MISSING THE PROPER SHIELD/COVER.

* 9. 45-35-1 NFPA 1, 13.1.5 AND 10.2.2:: DETAILED RECORDS DOCUMENTING ALL SYSTEMS AND EQUIPMENT TESTING AND MAINTENANCE SHALL BE KEPT BY THE PROPERTY OWNER AND SHALL BE MADE AVAILABLE UPON REQUEST FOR REVIEW BY THE AHJ. THE AHJ SHALL BE PERMITTED TO REQUIRE THE OWNER, OPERATOR, OR OCCUPANT TO PROVIDE TESTS OR TEST REPORTS, WITHOUT EXPENSE TO THE AHJ, AS PROOF OF COMPLIANCE WITH THE INTENT OF THIS CODE.

THERE WAS NO CURRENT HOOD FIRE SUPPRESSION SYSTEM INSPECTION REPORT AVAILABLE.

* 10. 45-36-1 NFPA 96, 11.2.1:: AN INSPECTION AND SERVICING OF THE FIRE-EXTINGUISHING SYSTEM AND LISTED EXHAUST HOODS CONTAINING A CONSTANT OR FIRE-ACTUATED WATER SYSTEM SHALL BE MADE AT LEAST EVERY 6 MONTHS BY PROPERLY TRAINED AND QUALIFIED PERSONS.

THE HOOD SUPPRESSION SYSTEM TAG WAS OUT DATE. EXPIRED JULY 2007.

* denotes critical violation
Case Number: 2008002878
License Number: 4502023
GREEN GARDEN CHINESE REST

District: 04
License Type: 2010
File Number: 124854

Exhibit A

11. 51-09-1 61C-1.002(5)(B) FAC:: (B) ANY CHANGES IN THE NUMBER OF SEATS PROVIDED WHICH MAY AFFECT THE LICENSE FEE, THE FLORIDA CLEAN INDOOR AIR ACT, FIRE SAFETY, BATHROOM REQUIREMENTS OR ANY OTHER SANITATION AND SAFETY REQUIREMENTS PROVIDED IN LAW OR RULE, SHALL BE REPORTED IMMEDIATELY TO THE DIVISION BY THE OPERATOR.

THERE WERE 70 SEATS PROVIDED IN THE DINING ROOM, BUT THE FACILITY WAS ONLY LICENSED FOR 52 SEATS.

12. 51-13-1 509.213(1) FS:: (1) EVERY PUBLIC FOOD SERVICE ESTABLISHMENT SHALL POST A SIGN WHICH ILLUSTRATES AND DESCRIBES THE HEIMLICH MANEUVER PROCEDURE FOR RENDERING EMERGENCY FIRST AID TO A CHOKING VICTIM IN A CONSPICUOUS PLACE IN THE ESTABLISHMENT ACCESSIBLE TO EMPLOYEES.

THERE WAS NO HEIMLICH MANEUVER SIGN POSTED.

* denotes critical violation
Case Number: 2008002878
License Number: 4502023
GREEN GARDEN CHINESE REST

District: 04
License Type: 2010
File Number: 124854



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

EXHIBIT B

CALL BACK 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.

12/05/07 01:23 PM

Callback Inspection Date and Time

GUI RONG LIU CORPORATION

Owner Name

GREEN GARDEN CHINESE REST

Business Name

52

Number of Units

1796 E HWY 50

Address / City / State / Zip / etc.

Warning

Inspection Reason

ADMINISTRATIVE COMPLAINT recommended.

Inspection Result

Requested Callback Date/Time

4502023

SEAT

License Number

3947708

Area Code/Telephone Number

09/04/2007

Initial Warning Date

CLERMONT, 34711

Comments

Observed 70 seats in dining room during call-back re-inspection. Observed exhaust hood and hood filters soiled with heavy grease. Observed clean knives stored at crevice between wall and worktable in kitchen. Observed 2 damaged hood filters at hood/misalign vertical metal bars. Observed aluminum foil [in cookline salamander and cardboards [on storage shelves] used as liner. Observed a scoop/ladle stored in a tin can of water by cookline at room temperature. Observed bulk flour container not mark-labeled in kitchen.

The following item(s) have been recommended for Administrative Complaint:

Violation: 51-18-1

No copy of latest inspection report.

Violation: 51-13-1

No Helmlich maneuver sign posted.
 Repeat Violation.

Violation: 51-09-1

12-05-07

Date

Johnny Li

Signature of Recipient

Recipient:

Johnny Li

Title

employee

Phone:

352-243-2077

Alex Chiu

Inspector Signature

For further information please contact:

ALEX CHIU

Senior Sanitation and Safety Specialist 400 W. Robinson St.

NR02 Orlando, FL 32801

850-487-1395



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

CALL BACK INSPECTION REPORT
LEGAL NOTICE

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Page 2 of 3
License Number
SEAT 4502023
Business Name
GREEN GARDEN CHINESE REST
Inspection Date
12/05/07 01:23 PM

EXHIBIT B

Establishment did not report seating change that affects fire safety, or other related requirements. Licensed for 52, now 65 This violation must be corrected by : 11/04/07.

Violation: 50-09-1

Hotel and Restaurant license not properly displayed.

Violation: 45-36-1

Hood suppression system tag out-of-date. Dated 01/07, must be done every six months.

Violation: 45-35-1

No current hood fire suppression system inspection report available.

Violation: 38-07-1

Lights missing the proper shield, sleeve coatings or covers in walkin cooler. Repeat Violation.

Violation: 37-10-1

Observed attached equipment soiled with accumulated grease. Hood and hood filters.

Violation: 37-05-1

Observed walls in rear kitchen soiled with accumulated food debris.

Violation: 32-15-1

No handwashing sign provided at all handinks used by food employees.

Violation: 24-10-1

Observed utensils stored in crevices between equipment at back kitchen prep table, need magnetic knife board. Repeat Violation.

Violation: 15-37-1

Observed hood filters in disrepair.

Violation: 15-35-1

Nonfood-contact equipment exposed to splash/spillage not constructed of materials that are corrosion resistant, non-absorbent, smooth and easily cleanable. Aluminum foil used in small oven.

Violation: 14-37-1

Observed cutting board grooved/pitted and no longer cleanable.

Violation: 10-05-1



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
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CALL BACK INSPECTION REPORT
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License Number
SEAT 4502023

Business Name
GREEN GARDEN CHINESE REST

Inspection Date
12/05/07 01:23 PM

EXHIBIT B

Observed in-use utensil stored in unclean water below 135 degrees Fahrenheit. Reading 96 Degrees F. Corrected On Site.

Violation: 02-26-1

Working containers [storage bins] of food removed from original container not identified by common name.

The following item(s) are in compliance:

Violation: 42-03-1

Observed dirty mop water stored in mop bucket at mop sink, must be emptied after each use.

Violation: DBA-28-1

Observed food stored on floor in walk-in freezer.

Violation: 06-01-1

Observed potentially hazardous food thawed in an improper manner. Shrimp thawed in a bucket of standing water. Corrected On Site.



FOOD SERVICE INSPECTION REPORT

LEGAL NOTICE

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

09/04/07 01:25 PM
Inspection Date and Time
GUI RONG LIU CORPORATION
Owner Name
GREEN GARDEN CHINESE REST
Business Name
Number of Units
1798 E HWY 50
Address / City / State / Zip / etc.

Routine
Inspection Reason
WARNING:
Violations in the operation of your establishment must be corrected by:
Inspection Result
11/04/2007 08:00 AM
Callback Date/Time

4502023 SEAT
License Number
3947708
Area Code/Telephone Number
04/01/08
License Expiration
CLERMONT, 34711

EXHIBIT L

Table with 4 columns: Item 03: Food Temperatures, Item 53a: Cert. Food Managers, Item 20: Warewashing Sanitization, Item 45: Fire Extinguishers and Fire Suppression Systems Dates. Contains detailed inspection findings for each category.

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

Inspector's Comments
Provided Web Site: www.myflorida.com/dbpr Gloves ok, NO BAREHAND CONTACT WITH READY TO EAT FOODS Water Source: Municipal/Utility.
Sewage: Municipal/Utility. Employees trained by Florida Restaurant Association No Boiler On Site. 50 gallons

I acknowledge receipt of this inspection form and comments.

09-04-07
Date
Signature of Recipient

Recipient: Gui Rong Liu
Title: Ownership
Phone: 352-394-7708

Inspector Signature
For further information please contact:
Henry Cristwell
Sanitation and Safety Specialist 400 W. Robinson St.
850-487-1395

Table with 4 columns: STATUS, SOURCE, STATUS, PHF TEMPERATURE CONTROL. Lists various food safety items and their compliance status.

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 4502023
Business Name
GREEN GARDEN CHINESE REST
Inspection Date
09/04/07 01:25 PM

EXHIBIT B

FOOD SERVICE INSPECTION REPORT
LEGAL NOTICE

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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
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		*35b Outer openings protected from insects, rodent proof
STATUS	PERSONNEL	STATUS	FLOORS, WALLS, CEILINGS
In	*11 Personnel with infections restricted		36 Floors properly constructed, clean, drained, covered
N/O	*12a Hands washed and clean, good hygienic practices (observed), alternative operating plan	Out	37 Walls, ceilings, and attached equipment, constructed, clean
N/O	*12b Proper hygienic practices, eating/drinking/smoking (evidence)	Out	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
Out	14 Food contact surfaces designed, constructed, maintained, installed, located	In	40 Employee lockers provided and used, clean
Out	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	In	*41b Toxic items labeled and used properly
	*17 Thermometers, gauges, test kits provided	Out	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	STATUS	SAFETY
	*20b Sanitizing temperature	Out	*45 Fire extinguishers - proper and sufficient
	21 Wiping cloths clean, used properly, stored		*46 Exting system - adequate, good repair
In	*22 Food contact surfaces of equipment and utensils clean		*47 Electrical wiring - adequate, good repair
	23 Non-food contact surfaces clean		*48 Gas appliances - properly installed, maintained
Out	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	Out	*50 Current license properly displayed
	26 Single service articles not re-used	Out	51 Other conditions sanitary and safe operation
STATUS	WATER AND SEWAGE/PLUMBING		*52 False/misleading statements published or advertised relating to food/beverage
	*27 Water source safe, hot and cold under pressure	In	*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	GENERAL
	*31 Toilet and handwashing facilities, number, convenient, designed, installed		56 Copy of Chapter 509, Florida Statutes, available
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: 2
			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
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DIVISION OF HOTELS AND RESTAURANTS
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License Number
SEAT 4502023
Business Name
GREEN GARDEN CHINESE REST
Inspection Date
09/04/07 01:25 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.

Warning(s):

51-18-1: No copy of latest inspection report.

08A-28-1: Observed food stored on floor in walk-in freezer.

38-07-1: Lights missing the proper shield, sleeve coatings or covers in walk-in cooler. Repeat Violation.

24-10-1: Observed utensils stored in crevices between equipment at back kitchen prep table, need magnetic knife board. Repeat Violation.

06-01-1: Observed potentially hazardous food thawed in an improper manner. Shrimp thawed in a bucket of standing water. Corrected On Site.

32-15-1: No handwashing sign provided at all hand sinks used by food employees.

02-26-1: Working containers [storage bins] of food removed from original container not identified by common name.

51-13-1: No Heimlich maneuver sign posted.
Repeat Violation.

50-09-1: Hotel and Restaurant license not properly displayed.

10-05-1: Observed in-use utensil stored in unclean water below 135 degrees Fahrenheit. Reading 96 Degrees F. Corrected On Site.

14-37-1: Observed cutting board grooved/pitted and no longer cleanable.

15-35-1: Nonfood-contact equipment exposed to splash/spillage not constructed of materials that are corrosion resistant, non-absorbent, smooth and easily cleanable. Aluminum foil used in small oven.

51-09-1: Establishment did not report seating change that affects fire safety, or other related requirements. Licensed for 52, now 65 This violation must be corrected by 11/04/07.

45-35-1: No current hood fire suppression system inspection report available.

45-36-1: Hood suppression system tag out-of-date. Dated 01/07, must be done every six months.

37-05-1: Observed walls in rear kitchen soiled with accumulated food debris.

37-10-1: Observed attached equipment soiled with accumulated grease. Hood and hood filters.

15-37-1: Observed hood filters in disrepair.

EXHIBIT B



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

License Number
SEAT 4502023
Business Name
GREEN GARDEN CHINESE REST
Inspection Date
09/04/07 01:25 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.

42-03-1: Observed dirty mop water stored in mop bucket at mop sink, must be emptied after each use.

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