

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

<b>FILED</b>	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	1/5/2012
File #	2012-00036

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

Petitioner,

v.

DOAH CASE NO.: 11-3435  
H&R CASE NO.: 2010-035627  
LICENSE NO.: 58-11330  
LICENSE TYPE: 2010

LOWE'S GOOD EATON RESTAURANT,

Respondent.

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 July 20, 2010, the Department issued an Administrative Complaint, a copy of which is attached as Exhibit "A."

2. On November 7, 2011, a hearing in this cause was held before the Honorable Susan Belyeu Kirkland, Administrative Law Judge, Division of Administrative Hearings.

3. On December 14, 2011, Honorable Susan Belyeu Kirkland issued a Recommended Order, a copy of which is attached as Exhibit "B." The Statement of the Issues, Preliminary Statement,

Certified Article Number

7196 9008 9111 2715 3787

SENDERS RECORD

Findings of Fact, Conclusions of Law, and Recommendation 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 \$2,000.00, 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. This Final Order shall become effective on the date of filing with the Agency Clerk.

DONE AND ORDERED this 3<sup>rd</sup> day of January, 2012.



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

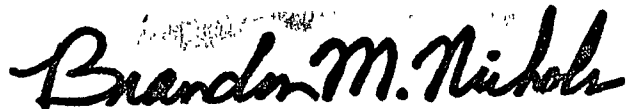
Unless expressly waived, any party substantially affected by this final order may seek judicial review by filing an original Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, and a copy of the notice, accompanied by the filing fees prescribed by law, with the 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 Lowe's Good Eaton Restaurant, c/o Shea Lowe, 429 East Kennedy Boulevard, Eatonville, Florida 32751; by regular U.S. Mail to the Honorable Susan Belyeu Kirkland, Administrative Law Judge, Division of Administrative Hearings, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by hand delivery to Marc Drexler, Chief Attorney, Division of Hotels and Restaurants, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, this 5<sup>th</sup> day of

January, ~~2011~~.

2012 



For the Division of Hotels  
and Restaurants



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

**STOP SALE ORDER** **EXHIBIT B** **LEGAL NOTICE**

06/15/10 02 38 PM  
 Inspection Date and Time  
 LOWE'S GOOD EATON  
 Owner Name  
 321-663-4999  
 Area Code/Telephone Number  
 429 E KENNEDY BLVD  
 Address / City / State / Zip / etc

LOWE'S GOOD EATON RESTAURANT  
 Business Name  
 45  
 Number of Units

5811330  
 License Number  
 4 1 11  
 License Expiration

EATONVILLE, 32751

The division may stop the sale, and supervise the proper destruction, of any food or food product when the director or designee determines that such food or food product represents a threat to the public safety or welfare. If the operator of a public food service establishment licensed under this chapter has received official notification from a health authority that a food or food product from that establishment has potentially contributed to any instance or outbreak of foodborne illness, the food or food product must be maintained in safe storage in the establishment until the responsible health authority has examined, sampled, seized, or requested destruction of the food or food product. Subsection 509.032(4) Florida Statutes

**YOU ARE HEREBY NOTIFIED TO IMMEDIATE STOP THE SALE OF THE FOLLOWING PRODUCTS**


Article	Brand	ID Number	Manufacturer	Quantity
pork ribs				6 lbs
macaroni & cheese				8 lbs
raw pork				4 lbs
pork chops, cooked				3 lbs
ground beef				3 lbs
salmon patties				2 lbs
sweet potatoes				9 lbs
shredded cheese				2 lbs
raw bacon				12 lbs
butter				3 lbs
sour cream				2 lbs
cream cheese				1 5 lbs

**REASON FOR ISSUE:** The division finds that an immediate danger to the public safety or welfare exists, based on the following conditions found for the above listed food item(s):

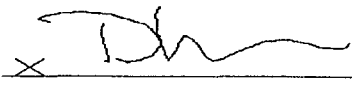
Food not maintaining cold holding temperature of at least 41 Degrees F or less for more than 4 hours  
 Foods in both glass door cookers ranging in temperature from 50-63F overnight per cook.

**ADDITIONAL ARTICLES, REASONS, OR COMMENTS ON ADDENDUM**

06-15-10  
 Date

  
 Signature of Recipient

Recipient: Roman Sinclair  
 Title: Operator  
 Phone: 407 647 7955

  
 Inspector Signature

For further information please contact:  
 Dennis Watson  
 Sanitation & Safety Specialist 400 West Robinson St  
 Orlando FL 32801 Suite 802 N  
 850 487 1395



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

**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.

06/15/10 02:25 PM _____ Callback Inspection Date and Time	Warning _____ Inspection Reason	5811330 _____ License Number	SEAT _____ Area Code/Telephone Number
LOWE'S GOOD EATON _____ Owner Name	ADMINISTRATIVE COMPLAINT recommended. _____ Inspection Result	321-663-4999 _____ Initial Warning Date	
LOWE'S GOOD EATON RESTAURANT _____ Business Name		04/14/2010 _____ Initial Warning Date	
45 _____ Number of Units		EATONVILLE, 32751 _____ Address / City / State / Zip / etc.	
429 E KENNEDY BLVD _____ Address / City / State / Zip / etc.			

**Comments**

Foods in both glass door coolers 49-53F Future legal action notice DBPR form HR 5022-097 issued to operator. Also 130 shell eggs stop saled stored above 45F for more than 4 hours

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

- ✓ Violation: 38-07-1  
Lights missing the proper shield, sleeve coatings or covers. Over food storage rack/kitchen  
Repeat Violation
- ✓ Violation 32-04-1  
Bathroom not enclosed with tight-fitting, self-closing doors Men's restroom  
Repeat Violation.
- ✓ Violation. 30-02-1

06-15-10 _____ Date	 _____ Signature of Recipient	 _____ Inspector Signature
	Recipient: Roman Sinclair	For further information please contact
	Title Operator	Dennis Watson
	Phone: 407 647 7955	Sanitation & Safety Specialist 400 West Robinson St Orlando FL 32801 Suite 802 N 850 487 1395

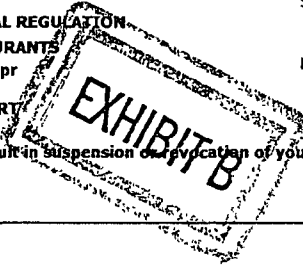


STATE OF FLORIDA  
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DIVISION OF HOTELS AND RESTAURANTS  
www.myflorida.com/dbpr

License Number  
SEAT 5811330  
Business Name  
LOWE'S GOOD EATON RESTAURANT  
Inspection Date  
06/15/10 02.25 PM

CALL BACK INSPECTION REPORT  
LEGAL NOTICE

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Vacuum breaker missing at hose bibb. Outside back door Repeat Violation

Violation: 14-36-1

Observed gaskets/seals on cold holding unit in poor repair. Right glass door cooler

Violation: 03A-07-1

Observed potentially hazardous food cold held at greater than 41 degrees Fahrenheit. Pancake batter 67F, sausage 64F on cookline for 30 minutes per cook, moved to refrigeration for temperature recovery.

Violation: 03A-06-1

Shell eggs held in a unit maintaining an ambient air temperature greater than 45 degrees Fahrenheit. Eggs held at room temperature on cookline for 30 minutes per cook, moved to refrigeration for temperature recovery

The following item(s) are in compliance:

Violation: 51-13-1

No Heimlich maneuver sign posted

Violation: 50-08-1

Establishment operating without a current Hotel and Restaurant license.

Violation: 32-17-1

Handwashing cleanser lacking at handwashing lavatory. Server's handsink Repeat Violation.

Violation: 32-16-1

Hand wash sink lacking proper hand drying provisions and soap. Warewashing area Corrected On Site Repeat Violation

Violation: 31-12-1

Observed handwash sink used for purposes other than handwashing. Warewashing area, utensils stored in sink basin Corrected On Site.

Violation: 29-05-1

No mop/service sink available at establishment Mopsink basin full with miscellaneous items, making it unuseable Repeat Violation.

Violation: 08A-26-1

Observed raw animal (shell eggs) food stored over ready-to-eat food (vegetables) in left glass door cooler. Corrected On Site.

Violation: 02-06-1



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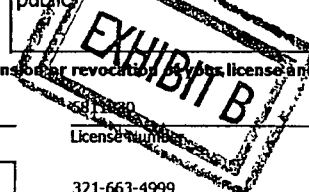
License Number  
SEAT 5811330  
Business Name  
LOWE'S GOOD EATON RESTAURANT  
Inspection Date  
06/15/10 02 25 PM

Observed combined ready-to-eat potentially hazardous food held more than 24 hours not date marked according to earliest date of opening/preparation Cooked meats,vegetables,pastas,gravy in glass door  
Repeat Violation

EXHIBIT B



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.

04/14/10 09:34 AM  
Inspection Date and Time  
LOWE'S GOOD EATON  
Owner Name  
LOWE'S GOOD EATON RESTAURANT  
Business Name  
45  
Number of Units  
429 E KENNEDY BLVD  
Address / City / State / Zip / etc.

Routine  
Inspection Reason  
WARNING.  
Violations in the operation of your establishment must be corrected by.  
Inspection Result  
06/14/2010 08:00 AM  
Callback Date/Time

SEAT  
License Number  
321-663-4999  
Area Code/Telephone Number  
4 1 10  
License Expiration

EATONVILLE, 32751

Item 03: Food Temperatures	Item 53a: Cert. Food Managers	Item 20. Warewashing Sanitization	Item 45: Fire Extinguishers and Fire Suppression Systems Dates
*pancake batter, cook line, 67 Degrees F *sausage, cook line, 64 Degrees F *sausage, reach in cooler, 40 Degrees F Plant foods, reach in cooler, 37 Degrees F macaroni & cheese, reach in cooler, 38 Degrees F macaroni & cheese, cook line, 156 Degrees F gnis, cook line, 172 Degrees F pork, cooked, cook line, 196 Degrees F beef, reach in freezer, frozen Degrees F	Manager Name: Shea Lowe Certification Date: 2 09 Certified by: National Registry of Food Safety Professionals	3 bay sink not set up, sanitizer type:chlorine	

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

Inspector's Comments

Your license is delinquent. Either renew on line at myflorida.com/dbpr or mail renewal (or copy of expired license) and payment to DBPR Bureau of Central Intake 1940 N Monroe St Tallahassee FL 32399-0783 or Customer Call Center at 850 487.1395. Establishment supplies gloves, tongs, utensils or other effective barrier for protection against bare hand contact with ready-to-eat foods. Verified food thermometer accuracy and reviewed calibration procedure, employee health policy, the BIG FIVE FOODBORNE ILLNESSES and advised operator that this inspection must be made available to the public upon request. Issued STOP the spread of Foodborne Illness form HR 5030-160. Repeat violations are from the inspection(s) dated 2-09 and/or 10-09. Water Source: Municipal/Utility. Sewage: Municipal/Utility. Employees trained by Florida Restaurant Association. No Boiler On Site.

I acknowledge receipt of this inspection form and comments.

04-14-10

*Suban Middleton*

*Dennis Watson*

Date: 04-14-10  
Signature of Recipient: Suban Middleton  
Title: Operator  
Phone: 407 647 7955

Inspector Signature: Dennis Watson  
For further information please contact:  
Sanitation & Safety Specialist 400 West Robinson St Orlando FL 32801 Suite 802 N 850 487 1395

STATUS	SOURCE	STATUS	PHF TEMPERATURE CONTROL
In	*01a Approved source	Out	*03a Cold food at proper temperatures during storage, display, service, transport, and cold holding
In	*01b Wholesome, sound condition		
Out	*02 Original container; properly labeled, date marking	In	*03b Hot food at proper temperature
N/A	*02-11 Consumer advisory on raw/undercooked oysters	In	*03c Foods properly cooked/reheated
In	*02-13 Consumer advisory on raw/undercooked animal products	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/dbr

License Number SEAT 5811330  
 Business Name LOWE'S GOOD EATON RESTAURANT  
 Inspection Date 04/14/10 09:34 AM



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
	10 In use food dispensing utensils properly stored	STATUS	FLOORS, WALLS, CEILINGS
STATUS	PERSONNEL		36 Floors properly constructed, clean, drained, coved
In	*11 Personnel with infections restricted		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)		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	In	*41a Toxic items properly stored
Out	14 Food contact surfaces designed, constructed, maintained, installed, located	In	*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
	*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		*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	Out	*50 Current license properly displayed
STATUS	SINGLE SERVICE ARTICLES	Out	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
Out	29 Plumbing installed and maintained		
Out	*30 Cross-connection, back siphonage, backflow		
STATUS	TOILET AND HANDWASHING FACILITIES		
Out	*31 Toilet and handwashing facilities, number, convenient, designed, installed		Total Number of COS Violations: 3
Out	*32 Restrooms with self-closing doors, fixtures operate properly, facility clean, supplied with handsoap, disposable towels or hand drying devices, tissue, covered waste receptacles		Total Number of Repeat Violations: 7

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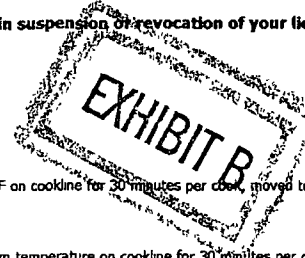
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Warning(s):

50-08-1 Establishment operating without a current Hotel and Restaurant license.

- ✓ 03A-07-1: Observed potentially hazardous food cold held at greater than 41 degrees Fahrenheit. Pancake batter 67F, sausage 64F on cookline for 30 minutes per cook, moved to refrigerator for temperature recovery
- ✓ 03A-06-1: Shell eggs held in a unit maintaining an ambient air temperature greater than 45 degrees Fahrenheit. Eggs held at room temperature on cookline for 30 minutes per cook, moved to refrigerator for temperature recovery
- ✓ 32-16-1 Hand wash sink lacking proper hand drying provisions and soap. Warewashing area Corrected On Site. Repeat Violation
- ✓ 31-12-1 Observed handwash sink used for purposes other than handwashing. Warewashing area, utensils stored in sink basin Corrected On Site.
- ✓ 08A-26-1 Observed raw animal (shell eggs) food stored over ready-to-eat food (vegetables) in left glass door cooler. Corrected On Site.
- ✗ 14-36-1 Observed gaskets/seals on cold holding unit in poor repair Right glass door cooler
- ✓ 02-06-1 Observed combined ready-to-eat potentially hazardous food held more than 24 hours not date marked according to earliest date of opening/preparation Cooked meats, vegetables, pastas, gravy in glass door Repeat Violation
- ✗ 38-07-1 Lights missing the proper shield, sleeve coatings or covers. Over food storage rack/kitchen Repeat Violation.
- ✓ 29-05-1 No mop/service sink available at establishment. Mop sink basin full with miscellaneous items, making it unuseable Repeat Violation
- ✗ 32-04-1 Bathroom not enclosed with tight-fitting, self-closing doors. Men's restroom Repeat Violation
- ✓ 32-17-1 Handwashing cleanser lacking at handwashing lavatory Server's handsink Repeat Violation.
- ✗ 30-02-1 Vacuum breaker missing at hose bibb. Outside back door Repeat Violation.





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✓ 51-13-1 No Heimlich maneuver sign posted

