

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	1/17/2012
File #	2012-00273

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

Petitioner,

v.

DOAH CASE NO.: 11-4371  
H&R CASE NO.: 2010-041341  
LICENSE NO.: 23-28990  
LICENSE TYPE: 2010

ALMA CARIBE CAFÉ 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 August 19, 2010, the Department issued an Administrative Complaint, a copy of which is attached as Exhibit "A."

2. On November 16, 2011, a hearing in this cause was held before the Honorable Edward T. Bauer, Administrative Law Judge, Division of Administrative Hearings.

3. On December 20, 2011, Honorable Edward T. Bauer issued a Recommended Order, a copy of which is attached as Exhibit "B." The Statement of the Issues, Preliminary Statement, Findings of

**Certified Article Number**  
7196 9008 9111 2715 3794  
**SENDERS RECORD**

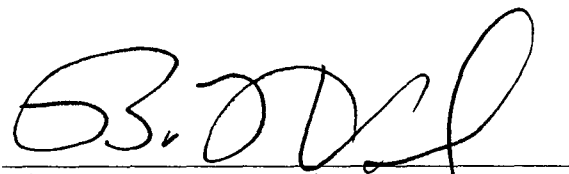
Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are hereby adopted *in toto* and incorporated herein by reference.

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 \$1,250.00, 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 11<sup>th</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 Alma Caribe Café Restaurant, c/o Evarista Daniel, 3100 Northwest 17th Avenue, Miami, Florida 33142; by regular U.S. Mail to the Honorable Edward T. Bauer, 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 17<sup>th</sup> day of January, 2012.



For the Division of Hotels  
and Restaurants



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

**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

<u>07/23/10 02 46 PM</u>	<u>Warning</u>	<u>2328990</u>	<u>SEAT</u>
<u>Callback Inspection Date and Time</u>	<u>Inspection Reason</u>	<u>License Number</u>	
<u>SANTO DOMINGO CORPORATION</u>	<u>ADMINISTRATIVE COMPLAINT recommended</u>	<u>Area Code/Telephone Number</u>	
<u>Owner Name</u>	<u>Inspection Result</u>	<u>05/19/2010</u>	
<u>ALMA CARIBE CAFE RESTAURANT</u>	<u>Requested Callback Date/Time</u>	<u>Initial Warning Date</u>	
<u>Business Name</u>		<u>MIAMI, 33142</u>	
<u>30</u>			
<u>Number of Units</u>			
<u>3100 NW 17 AVE</u>			
<u>Address / City / State / Zip / etc</u>			

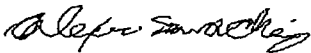

**Comments**

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

Violation 53B-08-1  
 No proof of required employee training provided All public food service establishments must provide the division with proof of employee training upon request including but not limited to, at the time of any division inspection of the establishment Pro This violation must be corrected by 7/19/10

Violation 08A-27-1  
 Observed raw animal food stored over cooked food

Violation 04-01-1

<u>07-23-10</u>		
<u>Date</u>	<u>Signature of Recipient</u>	<u>Inspector Signature</u>
<u>Recipient</u>	<u>ALEX SANCHEZ</u>	<u>For further information please contact</u>
<u>Title</u>	<u>OPERATOR</u>	<u>Reginald Gracia</u>
<u>Phone</u>	<u>786 333 4790</u>	<u>8240 NW 52 Terrace #101 Miami, Florida 33166</u>
		<u>850-487-1395</u>



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

CALL BACK INSPECTION REPORT  
LEGAL NOTICE

Page 2 of 3  
License Number  
SEAT 2328990  
Business Name  
ALMA CARIBE CAFE RESTAURANT  
Inspection Date  
07/23/10 02:46 PM

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Cold holding equipment incapable of maintaining potentially hazardous food at proper temperatures

Violation 03D-05-1

Cooked potentially hazardous food not cooled from 135 degrees Fahrenheit to 41 degrees Fahrenheit within 6 hours

Violation 03A-07-1

Observed potentially hazardous food held at greater than 41 degrees Fahrenheit

The following item(s) have been recommended for Time Extension

Violation 42-11-1

Observed unnecessary items on the premise

Violation 37-16-1

Observed ceiling soiled with accumulated dust

Violation 32-16-1

Hand wash sink lacking proper hand drying provisions

Violation 32-10-1

Covered waste receptacle not provided in women's bathroom

Violation 27-16-1

Hot water not provided/shut off at employee hand wash sink kitchen handwashing sink

Violation 24-05-1

Clean glasses, cups, utensils, pots and pans not stored inverted or in a protected manner

Violation 22-28-1

Observed interior of reach-in freezer soiled with accumulation of food residue

The following item(s) are in compliance

Violation 47-15-2

Observed an uncovered electrical box For reporting purposes only

Violation 42-03-1



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Page 3 of 3  
License Number  
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Inspection Date  
07/23/10 02 46 PM

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

Wet mop not hung to dry  
Violation 37-02-1  
Observed hole in wall Men's restroom  
Violation 37-01-1  
Ceiling tile missing  
Violation 32-17-1  
Handwashing cleanser lacking at handwashing lavatory  
Violation 32-16-1  
Hand wash sink lacking proper hand drying provisions  
Violation 32-15-1  
No handwashing sign provided at a handsink used by food employees  
Violation 32-15-1  
No handwashing sign provided at a handsink used by food employees  
Violation 29-08-1  
Plumbing system in disrepair Men's restroom  
Violation 15-17-1  
Fixed nonfood-contact equipment not sealed to adjoining equipment/walls when exposed to spillage  
Violation 13-03-1  
Observed employee with no hair restraint  
Violation 12A-16-1  
Observed employee engage in food preparation, handle clean equipment or utensils, or touch unwrapped single-service items, without washing hands  
Violation 09-04-1  
Observed bare hand contact of ready-to-eat food by employees and establishment has no approved Alternative Operating Procedure in effect  
Violation 08A-28-1  
Observed food stored on floor



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 www.MyFlorida.com/dbpr/hr

**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

05/19/10 10 15 AM Inspection Date and Time	Routine Inspection Reason	2328990 License Number	SEAT Area Code/Telephone Number
SANTO DOMINGO CORPORATION Owner Name	WARNING Violations in the operation of your establishment		
ALMA CARIBE CAFE RESTAURANT Business Name	Inspection Result	01-OCT-10 License Expiration	
30 Number of Units	07/19/2010 08 00 AM Callback Date/Time		
3100 NW 17 AVE Address / City / State / Zip / etc		MIAMI, 33142	

Item 03 Food Temperatures	Item 53a Cert Food Managers	Item 20 Warewashing Sanitization	Item 45 Fire Extinguishers and Fire Suppression Systems Dates
Beef, buffet line 136 Degrees F Pastanace buffet line 140 Degrees F Soup, buffet line, 150 Degrees F Poultry, buffet line, 138 Degrees F Beans buffet line, 180 Degrees F Goat, buffet line 136 Degrees F Poultry, reach in freezer, 52 Degrees F Beef, reach in freezer, 48 Degrees F Soup, reach in freezer, 52 Degrees F	Manager Name Evarista Daniel Laureano Certification Date 2/7/09 Certified by National Registry of Food Safety Professionals	Sanitizer Type Not Set Up found at concentration of 0 PPM	

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

Inspector's Comments

Water Source Municipal/Utility Sewage Municipal/Utility no proof of employee training certificate No Boiler On Site

I acknowledge receipt of this inspection form and comments

05-19-10		
Date	Signature of Recipient	Inspector Signature
	Recipient Alexis Sanchez	For further information please contact
	Title Operator	Reginald Gracia
	Phone 786 333 4790	8240 NW 52 Terr #101 Miami, Florida 33166
		850-487-1395

STATUS	SOURCE	STATUS	PHF TEMPERATURE CONTROL
In	*01a Approved source	Out	*03a Cold food at proper temperatures during storage, display, service,
In	*01b Wholesome, sound condition		
In	*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
N/A	*02-13 Consumer advisory on raw/undercooked animal	Out	*03d Foods properly cooled
		Out	*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  
 DBPR Form HR 5022-016



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License Number  
 SEAT 2328990  
 Business Name  
 ALMA CARIBE CAFE RESTAURA  
 Inspection Date  
 05/19/10 10 15 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
			*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		36 Floors properly constructed clean, drained, covered
In	*11 Personnel with infections restricted	Out	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
In	*12b Proper hygienic practices, eating/drinking/smoking (evidence)		39 Rooms and equipment - vented as required
Out	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
	14 Food contact surfaces designed, constructed, maintained, installed, located	In	*41b Toxic items labeled and used properly
Out	15 Non-food contact surfaces designed, constructed, maintained, installed, located	Out	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	Out	*46 Exiting 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
Out	*22 Food contact surfaces of equipment and utensils clean		*49 Flammable/combustible materials - properly stored
	23 Non-food contact surfaces clean	STATUS	GENERAL
Out	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	Out	*53b Employee training validation
Out	*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		
	*30 Cross-connection, back siphonage, backflow		
STATUS	TOILET AND HANDWASHING FACILITIES		
	*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

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





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Warning(s)

53B-08-1 No proof of required employee training provided All public food service establishments must provide the division with proof of employee training upon request including, but not limited to, at the time of any division inspection of the establishment Pro This violation must be corrected by 7/19/10

Violation(s)

08A-28-1 Observed food stored on floor

32-10-1 Covered waste receptacle not provided in women's bathroom

13-03-1 Observed employee with no hair restraint

09-04-1 Observed bare hand contact of ready-to-eat food by employees and establishment has no approved Alternative Operating Procedure in effect

15-17-1 Fixed nonfood-contact equipment not sealed to adjoining equipment/walls when exposed to spillage

32-16-1 Hand wash sink lacking proper hand drying provisions

37-16-1 Observed ceiling soiled with accumulated dust

24-05-1 Clean glasses cups, utensils, pots and pans not stored inverted or in a protected manner

47-15-2 Observed an uncovered electrical box For reporting purposes only

42-11-1 Observed unnecessary items on the premise

42-03-1 Wet mop not hung to dry

37-01-1 Ceiling tile missing

08A-27-1 Observed raw animal food stored over cooked food

32-15-1 No handwashing sign provided at a handsink used by food employees



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32-16-1 Hand wash sink lacking proper hand drying provisions

32-17-1 Handwashing cleanser lacking at handwashing lavatory

32-15-1 No handwashing sign provided at a handsink used by food employees

37-02-1 Observed hole in wall Men's restroom

29-08-1 Plumbing system in disrepair Men's restroom

03A-07-1 Observed potentially hazardous food cold held at greater than 41 degrees Fahrenheit

04-01-1 Cold holding equipment incapable of maintaining potentially hazardous food at proper temperatures

27-16-1 Hot water not provided/shut off at employee hand wash sink kitchen handwashing sink

22-28-1 Observed interior of reach-in freezer soiled with accumulation of food residue

03D-05-1 Cooked potentially hazardous food not cooled from 135 degrees Fahrenheit to 41 degrees Fahrenheit within 6 hours

REFERENCE TEXT 3-501 14(A) FC (A) Cooked potentially hazardous food shall be cooled (1) Within 2 hours, from 135 degrees Fahrenheit to 70 degrees Fahrenheit, and (2) Within a total of 6 hours from 135 degrees Fahrenheit to 41degrees Fahrenheit or less

12A-16-1 Observed employee engage in food preparation, handle clean equipment or utensils, or touch unwrapped single-service items, without washing hands