

## CHAPTER 23

### FOOD SERVICE ESTABLISHMENT INSPECTION PROCEDURES

#### **§23-01 Definitions and construction of words and terms.**

**Compliance inspection** shall mean an inspection not for the purposes of grading conducted within a cycle.

**Condition level** shall mean the value (I, II, III, IV or V) based on the number, magnitude or pervasiveness of occurrences, or the seriousness of risk presented by a violation.

**Critical violations** shall mean the violations of the Health Code or other applicable law listed under the classification critical violations in Appendix 23-A of these rules.

**Food service establishment** or **establishment** shall have the same meaning as the definition in § 81.03 of the Health Code, except that it shall not include mobile food vending units.

**General violations** shall mean violations listed under the classification "general violations" in Appendix A and Appendix B of this Chapter.

**Grade card** shall mean the card containing the letter grade associated with the score for an inspection.

**Grade pending card** shall mean the card issued by the Department to an establishment indicating that an establishment's grade for the current cycle is in the process of being determined.

**Health Tribunal** means the Health Tribunal at OATH, the adjudicatory body established by §558 of the New York City Charter, formerly known as the Department's Administrative Tribunal, whose operation was transferred to OATH by Executive Order No.148, effective July 3, 2011.

**Initial inspection** shall mean the first sanitary inspection within an inspection cycle.

**Inspection cycle** shall mean a series of related inspections consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the Department because of a previous inspection score in that cycle.

**Notice of violation** means the document issued by the Department to a respondent that specifies the charges forming the basis of an adjudicatory proceeding at the Health Tribunal and seeks a monetary penalty.

**OATH** shall mean the Office of Administrative Trials and Hearings of the City of New York.

**Operating or in operation** shall mean that a food service establishment is receiving, preparing, storing or serving food or that the establishment is open to the public.

**Pre-permit inspection** shall mean a sanitary inspection conducted prior to permit approval to determine compliance of a food service establishment with the Health Code and other applicable law, regardless of whether the establishment is in operation.

**Pre-permit serious item** is a violation, identified in Appendix 23-A of this Chapter by a plus (+) sign that shall be corrected prior to approval of the permit.

**Public health hazards** are critical violations or conditions that are known to contribute directly to food-borne illness or disease, identified with an asterisk (\*) in Appendix 23-A

of this Chapter, and which include, but are not limited to, imminent health hazards defined in Article 81 of the Health Code and Part 14 of the State Sanitary Code.

**Reinspection** shall mean a sanitary inspection conducted for the purpose of grading following receipt of a score of 14 or more points on an initial inspection.

**Re-opening inspection** shall mean the pre-operational inspection conducted after the Department closes an establishment to determine whether conditions leading to the closing have been corrected.

**Sanitary inspection** shall mean any on-site review by the Department of a food service establishment's physical facilities, food handling operations, equipment, sanitary condition, maintenance and worker hygiene practices. The term may but shall not be limited to include initial, reinspection, compliance and pre-permit inspections.

### **§23-02 Scoring of sanitary inspections.**

The Department shall when conducting a sanitary inspection assess points only for those violations, violation conditions and condition levels listed in Appendix 23-A (Food Service Establishment Sanitary Inspection Scoring Worksheet) and Appendix 23-B (Food Service Establishment Sanitary Inspection Scoring Parameters--A Guide to Conditions) to this Chapter. Terms used in these appendices shall have the same meaning as their definitions in Article 81 of the Health Code.

### **§23-03 Letter grading.**

(a) The Department, whenever practicable and subject to §23-04, shall conduct an inspection cycle at least annually at each food service establishment required by §81.51 of the Health Code to post a letter grade for the purpose of issuing such establishment a grade that identifies and represents that establishment's compliance with those laws and regulations that require it to operate in a sanitary manner so as to protect public health. Based on the results of either the initial inspection or reinspection in a cycle, an establishment shall in accordance with these rules be issued a letter grade of either "A," "B," or "C" for that cycle, except that an establishment shall not receive any grade if the Department orders that it be closed.

(b) The Department shall issue a letter grade of "A" to any establishment that receives fewer than 14 points on either the initial inspection or reinspection in a cycle.

(c) The Department shall not issue a letter grade to any establishment receiving 14 or more points on an initial inspection, but shall schedule a reinspection to occur no sooner than 7 days after the initial inspection. The Department shall on the reinspection issue a letter grade of "B" to any establishment receiving 14-27 points and a letter grade of "C" to any establishment receiving 28 or more points.

(d) The Department in any cycle may, in addition to conducting an initial and any reinspection for the purpose of issuing an establishment a letter grade, also conduct a compliance inspection after any inspection that results in a score of 28 points or more. The score received on any compliance inspection shall not change an establishment's letter grade for that cycle.

### **§23-04 Intervals between inspection cycles.**

(a) A food service establishment shall post its letter grade until the Department issues it a new letter grade card or until a "grade pending" card is required to be posted in the establishment's next inspection cycle. The Department shall not wait one year to schedule the next inspection cycle for any establishment that receives 14 or more

points on its initial inspection, but instead the interval of time between the final inspection in such cycle and the initial inspection in the establishment's next cycle shall be determined by the higher score from either its initial inspection or its reinspection:

- (1) An initial inspection commencing a new cycle shall be conducted 150 to 210 days after the reinspection at an establishment that receives a score of 14 to 27 points on an initial inspection or reinspection and does not score 28 or more points on either of these inspections.
  - (2) An initial inspection commencing a new cycle shall be conducted 90 to 150 days after the final inspection of the cycle at an establishment that receives a score of 28 or more points on its initial inspection or reinspection.
  - (3) An initial inspection commencing a new cycle shall be conducted within 60 to 120 days of reopening for an establishment that is authorized by the Department to reopen following a Department closure that occurs on an initial or reinspection of that establishment.
- (b) Notwithstanding any other provision of this Chapter to the contrary, in circumstances when the Department believes there is an increased risk to public health, nothing in this section shall prohibit the Department from inspecting an establishment and treating that inspection as the initial inspection in a new cycle. Such circumstances include, but are not limited to, an establishment having a history of Department closure(s), being the subject of complaints of unsanitary conditions, or being compromised following an environmental emergency.

#### **§23-05 Notices of violation and penalties for sustained violations.**

- (a) The Department shall issue a notice of violation whenever a food service establishment is cited on any sanitary inspection for one or more critical violations or accumulates 14 or more points, regardless of whether any critical violations are cited on such inspection.
- (b) All violations shall be recorded and/or cited individually on inspection reports and notices of violation.
- (c) A Health Tribunal hearing examiner must impose the penalty set forth in Appendix C for any sustained violation.

#### **§23-06 Revocation or suspension of permits.**

- (a) Findings of serious and persistent violations or uncorrected public health hazards on any sanitary inspection may provide the basis for commencement of a proceeding to revoke or suspend a permit pursuant to Article 5 of the Health Code.
- (b) The Department shall post signs on any establishment that it orders closed indicating that such establishment is not open to the public and shall remove any posted grade-related card.
- (c) Prior to authorizing any closed establishment being allowed to re-open, the Department shall conduct a re-opening inspection. The Department may conduct as many inspections as it deems necessary to determine whether the establishment is in compliance with applicable law and may be reopened for operation.
- (d) If an establishment that is required by §81.51 of the Health Code to post a letter grade is closed and then allowed to re-open, upon re-opening, the grade card that had

been posted by the establishment before the closure will be posted again, except that where the closure occurred on the establishment's initial inspection, a "grade pending" card shall be posted, and any grade card previously posted shall be removed, and where the closure occurred on a reinspection a "grade pending" card or the letter grade card corresponding to the score on the reinspection shall be posted.

**§23-07 Posting letter grades.**

- (a) The Department shall at the time of inspection provide any establishment required by §81.51 of the Health Code to post a letter grade that receives a score of 13 or less on an initial or reinspection with a grade card displaying the letter grade "A," which shall be posted immediately by the establishment.
- (b) If an establishment required by §81.51 of the Health Code to post a letter grade receives a score of 14 or more points on an initial inspection, and is not closed by the Department, it shall continue to post its grade card from the prior cycle until its reinspection. If the establishment has been issued no prior grade card, it shall have no posting until its reinspection.
- (c) If an establishment required by §81.51 of the Health Code to post a letter grade receives a score of 14 or more points on the reinspection, and is not closed by the Department, the Department shall provide the establishment with a "grade pending" card and a grade card displaying the letter grade that corresponds with its inspection score at the reinspection. The establishment shall immediately post either the grade card or the "grade pending" card. If the establishment elects to post the "grade pending" card, it may only do so until it has had an opportunity to be heard at the Health Tribunal pursuant to subdivision (d) of this section and §81.51 of the Health Code.
- (d) Effect of adjudication at the Health Tribunal on grading of establishments required by §81.51 of the Health Code to post letter grades:
  - (1) If the establishment appears personally at the Health Tribunal and as a result of such proceeding the score received on a reinspection does not change the grade, the establishment shall immediately upon receipt of the notice of decision remove any posted "grade pending" card and post the grade card provided by the Department at such inspection.
  - (2) Subject to the provisions of paragraph (3) of this subdivision, if the establishment does not appear at the Health Tribunal on or before the scheduled hearing date, the establishment shall, on the date of the hearing, post the letter grade card provided by the Department at the reinspection.
  - (3) If the establishment appears at the Health Tribunal on the scheduled date, but the hearing is unable to proceed for any reason, or if the establishment makes a timely request for an adjournment and such adjournment is granted, the establishment may continue to post the "grade pending" card and defer posting the letter grade card until the adjourned hearing date. In no event shall an establishment fail to post the grade card after the adjourned hearing date if the establishment is not able to proceed on such date.
  - (4) If the establishment appears at the Health Tribunal and as a result of such proceeding the score received for the reinspection changes in a way that results in a change of grade, the Department shall provide the establishment with a new

- letter grade card that shall be promptly posted by the establishment in place of any other letter grade card or "grade pending" card.
- (5) If the establishment receives notice of decision by mail, the establishment shall immediately upon receipt of the notice of decision remove any grade pending card and post the grade card provided with the notice of decision, if any. If no new grade card is issued with the notice of decision, the establishment shall immediately post the grade card issued by the Department at the reinspection.
  - (6) When an establishment settles the notice of violation issued at the reinspection by mail, online, or in person, the establishment shall immediately upon settlement post the grade card issued by the Department at such reinspection.
  - (7) The disposition of any notice of violation at the Health Tribunal shall not affect any provision of this Chapter or other applicable law other than the issuance of a grade.
- (e) An establishment required by §81.51 of the Health Code to post a letter grade shall shred or otherwise dispose of all non-current letter grade cards and "grade pending" cards in a manner that prevents reuse of the cards.
  - (f) The "grade pending" or letter grade card shall be posted in a conspicuous place where it is visible to passersby. The card shall be placed on the front window, door or exterior wall of an establishment required by §81.51 of the Health Code to post a letter grade. The card shall be within five feet of the front door or other opening to the establishment where customers enter from the street, at a vertical height no less than four feet and no more than six feet from the ground or floor. An establishment without a direct entrance from the street shall post the grade card or "grade pending" card at a place designated by the Department at its immediate point of entry so that it is clearly visible to passersby.
  - (g) Letter grade cards shall not be removed except when authorized by the Department.

**§23-08 Effect of other laws and construction.**

- (a) These rules shall be read and enforced in accordance with all applicable provisions of law, including, but not limited to, the State Public Health Law and Sanitary Code, the New York City Health Code, and Title 17 of the Administrative Code of the City of New York.
- (b) No provision herein shall limit the authority of the Department to conduct such other inspections or take any other action it deems necessary, to enforce any provision of law within the jurisdiction of the Department.
- (c) If any provision of this Chapter is adjudged invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of this Chapter.



Bureau of Food Safety and Community Sanitation  
**SELF-INSPECTION WORKSHEET FOR FOOD SERVICE ESTABLISHMENTS**

**PART ONE – SCORED VIOLATIONS**

CRITICAL VIOLATIONS	CONDITIONS					SCORE
	I	II	III	IV	V	
<b>FOOD TEMPERATURE</b>						
<b>2A*</b> Food not cooked to required minimum temperature: • Poultry, meat stuffing, stuffed meats ≥ 165°F for 15 seconds • Ground meat and food containing ground meat ≥ 158°F for 15 seconds • Pork, any food containing pork ≥ 155°F for 15 seconds • Rare roast beef, rare beefsteak except per individual customer request ≥ required temperature and time • All other foods except shell eggs per individual customer request ≥ 145°F for 15 seconds	-	-	-	10	28	
<b>2B*</b> Hot food item not held at or above 140°F.	7	8	9	10	28	
<b>2C</b> Hot food item that has been cooked and refrigerated is being held for service without first being reheated to 165°F or above within 2 hours.	5	6	7	8	-	
<b>2D</b> Precooked potentially hazardous food from commercial food processing establishment that is supposed to be heated, but is not heated to 140°F within 2 hours.	5	6	7	8	-	
<b>2E</b> Whole frozen poultry or poultry breasts, other than a single portion, is being cooked frozen or partially thawed.	5	6	-	-	-	
<b>2F</b> Meat, fish or molluscan shellfish served raw or undercooked without prior notification to customer.	-	-	-	8	-	
<b>2G*</b> Cold food item held above 41°F (smoked fish and reduced oxygen packaged foods above 38°F) except during necessary preparation.	7	8	9	10	28	
<b>2H*</b> Food not cooled by an approved method whereby the internal product temperature is reduced from 140° F to 70° F or less within 2 hours, and from 70°F to 41°F or less within 4 additional hours.	7	8	9	10	28	
<b>2I</b> Food prepared from ingredients at ambient temperature not cooled to 41°F or below within 4 hours.	5	6	7	8	-	
<b>2J*</b> Reduced oxygen packaged (ROP) foods not cooled by an approved method whereby the internal food temperature is reduced to 38°F within two hours of cooking and if necessary further cooled to a temperature of 34°F within six hours of reaching 38°F.	7	8	9	10	28	
<b>FOOD SOURCE</b>						
<b>3A*</b> Food from unapproved or unknown source or home canned. Reduced oxygen packaged (ROP) fish not frozen before processing; or ROP foods prepared on premises transported to another site.	-	-	-	10	28	
<b>3B*</b> Shellfish not from approved source, improperly tagged/labeled; tags not retained for 90 days.	-	-	-	10	28	
<b>3C*</b> Eggs found dirty/cracked; liquid, frozen or powdered eggs not pasteurized.	7	8	9	10	28	
<b>3D*</b> Canned food product observed swollen, leaking or rusted, and not segregated from other consumable food items.	7	8	9	10	28	
<b>3E*</b> Potable water supply inadequate. Water or ice not potable or from unapproved source. Cross connection in potable water supply system observed.	-	-	-	10	28	
<b>3F*</b> Unpasteurized milk or milk product present.	-	-	-	10	28	
<b>3G</b> Raw food not properly washed prior to serving.	5	6	7	8	-	
<b>FOOD PROTECTION</b>						
<b>4A</b> Food Protection Certificate not held by supervisor of food operations.	-	-	-	-	10	
<b>4B*</b> Food worker prepares food or handles utensil when ill with a disease transmissible by food, or has exposed infected cut or burn on hand.	-	-	-	10	28	
<b>4C*</b> Food worker does not use proper utensil to eliminate bare hand contact with food that will not receive adequate additional heat treatment.	7	8	9	10	28	
<b>4D*</b> Food worker does not wash hands thoroughly after using the toilet, coughing, sneezing, smoking, eating, preparing raw foods or otherwise contaminating hands.	-	-	-	10	28	
<b>4E*</b> Toxic chemical improperly labeled, stored or used such that food contamination may occur.	7	8	9	10	28	
<b>4F*</b> Food, food preparation area, food storage area, area used by employees or patrons contaminated by sewage or liquid waste.	-	-	-	10	28	
<b>4G*</b> Unprotected potentially hazardous food re-served.	-	-	-	10	28	
<b>4H*</b> Raw, cooked or prepared food is adulterated, contaminated, cross-contaminated or not discarded in accordance with HACCP plan.	7	8	9	10	28	
<b>4I</b> Unprotected food re-served.	5	6	7	8	-	

\* Public Health Hazards (PHH) must be corrected immediately

+ Pre-permit Serious (PPS) Violations that must be corrected before permit is issued

<b>4J</b>	Appropriately scaled metal stem-type thermometer or thermocouple not provided or used to evaluate temperatures of potentially hazardous foods during cooking, cooling, reheating and holding.	-	-	-	8	-	
<b>4K</b>	Evidence of rats or live rats present in facility's food and/or non-food areas.	5	6	7	8	28	
<b>4L</b>	Evidence of mice or live mice present in facility's food and/or non-food areas.	5	6	7	8	28	
<b>4M</b>	Live roaches present in facility's food and/or non-food areas.	5	6	7	8	28	
<b>4N</b>	Filth flies or food/refuse/sewage-associated (FRSA) flies present in facility's food and/or non-food areas. Filth flies include house flies, little house flies, blow flies, bottle flies and flesh flies. Food/refuse/sewage-associated flies include fruit flies, drain flies and Phorid flies.	5	6	7	8	28	
<b>4O</b>	Live animals other than fish in tank or service animal present in facility's food and/or nonfood areas.	5	6	7	8	-	
<b>FACILITY DESIGN</b>							
<b>5A*</b>	Sewage disposal system improper or unapproved.	-	-	-	10	28	
<b>5B*</b>	Harmful, noxious gas or vapor detected. CO ≥ 13 ppm.	-	-	-	10	28	
<b>5C+</b>	Food contact surface improperly constructed or located. Unacceptable material used.	7	8	9	10	28	
<b>5D+</b>	Hand-washing facility not provided in or near food preparation area and toilet room. Hot and cold running water at adequate pressure to enable cleanliness of employees not provided at facility. Soap and an acceptable hand-drying device not provided.	-	-	-	10	28	
<b>5E+</b>	Toilet facility not provided for employees or for patrons when required.	-	-	-	10	28	
<b>5F+</b>	Insufficient or no refrigerated or hot holding equipment to keep potentially hazardous foods at required temperatures.	-	-	-	10	28	
<b>5G+</b>	Properly enclosed service/maintenance area not provided. (Mobile Food Commissary)	-	-	-	10	28	
<b>5H+</b>	No facilities available to wash, rinse and sanitize utensils and/or equipment.	-	-	-	10	28	
<b>5I+</b>	Refrigeration used to implement HACCP plan not equipped with an electronic system that continuously monitors time and temperature.	-	-	-	10	28	
<b>PERSONAL HYGIENE &amp; OTHER FOOD PROTECTION</b>							
<b>6A</b>	Personal cleanliness inadequate. Outer garment soiled with possible contaminant. Effective hair restraint not worn in an area where food is prepared.	5	6	7	8	-	
<b>6B</b>	Tobacco use, eating, or drinking from open container in food preparation, food storage or dishwashing area observed.	5	6	7	8	-	
<b>6C</b>	Food not protected from potential source of contamination during storage, preparation, transportation, display or service.	5	6	7	8	-	
<b>6D</b>	Food contact surface not properly washed, rinsed or sanitized after each use and following any activity when contamination may have occurred.	5	6	7	8	-	
<b>6E</b>	Sanitized equipment or utensil, including in-use food-dispensing utensil, improperly used or stored.	5	6	7	8	-	
<b>6F</b>	Wiping cloths soiled or not stored in sanitizing solution.	5	6	7		-	
<b>6G*</b>	HACCP plan not approved or approved HACCP plan not maintained on premises.	-	-	-	10	28	
<b>6H</b>	Records and logs not maintained to demonstrate that HACCP plan has been properly implemented.	-	-	-	-	28	
<b>6I</b>	Food not labeled in accordance with HACCP plan.	-	-	-	10	28	
<b>OTHER CRITICALS</b>							
<b>7A</b>	Duties of an officer of the Department interfered with or obstructed.	-	-	-	-	28	
<b>CRITICAL VIOLATIONS TOTAL</b>							
<b>GENERAL VIOLATIONS</b>		<b>CONDITIONS</b>					<b>SCORE</b>
		<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>	
<b>VERMIN / GARBAGE</b>							
<b>8A</b>	Facility not vermin proof. Harborage or conditions conducive to attracting vermin to the premises and/or allowing vermin to exist.	-	-	4	5	-	
<b>8B</b>	Covered garbage receptacle not provided or inadequate, except that garbage receptacle may be uncovered during active use. Garbage storage area not properly constructed or maintained; grinder or compactor dirty.	2	3	4	5	-	
<b>8C</b>	Pesticide use not in accordance with label or applicable laws. Prohibited chemical used/stored. Open bait station used.	2	3	4	5	28	
<b>FOOD SOURCE</b>							
<b>9A</b>	Canned food product observed dented and not segregated from other consumable food items.	2	3	4	5	-	
<b>9B</b>	Thawing procedures improper.	2	3	4	5	-	
<b>9C</b>	Food contact surface not properly maintained.	2	3	4	5	-	

\* Public Health Hazards (PHH) must be corrected immediately

+ Pre-permit Serious (PPS) Violations that must be corrected before permit is issued

<b>FACILITY MAINTENANCE</b>						
<b>10A</b>	Toilet facility not maintained and provided with toilet paper, waste receptacle and self-closing door.	2	3	4	5	-
<b>10B</b>	Plumbing not properly installed or maintained; anti-siphonage or backflow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly.	2	3	4	5	28
<b>10C</b>	Lighting inadequate; permanent lighting not provided in food preparation areas, ware washing areas, and storage rooms.	2	3	4	5	-
<b>10D</b>	Mechanical or natural ventilation system not provided, improperly installed, in disrepair and/or fails to prevent excessive build-up of grease, heat, steam condensation vapors, odors, smoke and fumes.	2	3	4	5	-
<b>10E</b>	Accurate thermometer not provided in refrigerated or hot holding equipment.	2	3	4	5	-
<b>10F</b>	Non-food contact surface improperly constructed. Unacceptable material used. Non-food contact surface or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit.	2	3	4	5	-
<b>10G</b>	Food service operation occurring in room used as living or sleeping quarters.	2	3	4	5	-
<b>10H</b>	Proper sanitization not provided for utensil ware washing operation.	2	3	4	5	-
<b>10I</b>	Single service item reused, improperly stored, dispensed; not used when required.	2	3	4	5	-
<b>10J</b>	"Wash hands" sign not posted at hand-wash facility.	2				
<b>OTHER GENERALS</b>						
<b>99B</b>	Other general.	2	3	4	5	28
<b>GENERAL VIOLATIONS TOTAL:</b>						
<b>CRITICAL AND GENERAL COMBINED TOTAL:</b>						
<b>PART TWO - UNSCORED VIOLATIONS</b>						

**CONDITION OBSERVED**  
**YES NO**

<b>DISTRIBUTION OF TOBACCO PRODUCTS THROUGH VENDING MACHINES</b>		
<b>15A</b>	Tobacco vending machine present where prohibited.	
<b>15B</b>	Tobacco vending machine placed less than 25 feet from entrance to premises.	
<b>15C</b>	Tobacco vending machine not visible to the operator, employee or agent.	
<b>15D</b>	Durable sign with license number, expiration date, address and phone number not posted.	
<b>TOBACCO PRODUCT REGULATION ACT</b>		
<b>15E</b>	Out-of-package sale of tobacco products observed.	
<b>15F</b>	Employee under the age of 18 selling tobacco products without direct supervision of an adult retail dealer or dealer.	
<b>15G</b>	Sale to minor observed.	
<b>15H</b>	Sign prohibiting sale of tobacco products to minors not conspicuously posted.	
<b>SMOKE-FREE AIR ACT</b>		
<b>15I</b>	"No Smoking" and/or "Smoking Permitted" sign not conspicuously posted. Health warning not present on "Smoking Permitted."	
<b>15J</b>	Ashtray present in smoke-free area.	
<b>15K</b>	Operator failed to make good faith effort to inform smokers of the Smoke-Free Air Act prohibition of smoking.	
<b>15L</b>	Smoke free workplace smoking policy inadequate, not posted, not provided to employees.	
<b>15M</b>	Use of tobacco product on school premises (at or below the 12th grade level) observed.	
<b>15N</b>	Smoking permitted and/or allowed in smoking prohibited area under the operator's control.	
<b>SALE OF HERBAL CIGARETTES</b>		
<b>15O</b>	Sale of herbal cigarettes to minors observed.	
<b>TOBACCO HEALTH WARNING AND SMOKING CESSATION SIGN</b>		
<b>15P</b>	No tobacco health warning and smoking cessation sign(s) are posted.	
<b>15Q</b>	Tobacco health warning and smoking cessation sign(s) are obstructed and/or not prominently displayed.	
<b>15R</b>	No large tobacco health warning and smoking cessation sign is posted where tobacco products are displayed; small sign(s) are not posted at each register or place of payment.	

		<b>CONDITION OBSERVED</b>	
		<b>YES</b>	<b>NO</b>
<b>RESTRICTION ON THE SALE OF CERTAIN FLAVORED TOBACCO</b>			
<b>15S</b>	A flavored tobacco product sold or offered for sale in an establishment other than a tobacco bar.		
<b>15T</b>	Original label for tobacco product sold or offered for sale not maintained on site.		
<b>ARTIFICIAL TRANS FAT</b>			
<b>16A</b>	A food containing artificial trans fat, with 0.5 grams or more of trans fat per serving, is being stored, distributed, held for service, used in preparation of a menu item, or served.		
<b>16B</b>	The original nutritional fact labels and/or ingredient label for a cooking oil, shortening or margarine or food item sold in bulk, or acceptable manufacturer's documentation not maintained on site.		
<b>CALORIE MENU LABELING</b>			
<b>16C</b>	Caloric content not posted on menus, menu boards or food tags, in a food service establishment that is 1 of 15 or more outlets operating the same type of business nationally under common ownership or control, or as a franchise or doing business under the same name, for each menu item that is served in portions, the size and content of which are standardized.		
<b>16E</b>	Caloric content range (minimum to maximum) not posted on menus and or menu boards for each flavor, variety and size of each menu item that is offered for sale in different flavors, varieties and sizes.		
<b>16F</b>	Specific caloric content or range thereof not posted on menus, menu boards or food tags for each menu item offered as a combination meal with multiple options that are listed as single items.		
<b>ADMINISTRATION AND DOCUMENTATION</b>			
<b>18A</b>	Current valid permit, registration or other authorization to operate establishment not available.		
<b>18B</b>	Document issued by the Board of Health, Commissioner or Department unlawfully reproduced or altered.		
<b>18C</b>	Notice of the Department of Board of Health mutilated, obstructed, or removed.		
<b>18D</b>	Failure to comply with an Order of the Board of Health, Commissioner, or Department.		
<b>18E</b>	Failure to report occurrences of suspected food borne illness to the Department.		
<b>18F</b>	Permit not conspicuously displayed.		
<b>18G</b>	Manufacture of frozen dessert not authorized on Food Service Establishment permit.		
<b>18H</b>	Failure of event sponsor to exclude vendor without a current valid permit or registration.		
<b>SIGNAGE</b>			
<b>20A</b>	Food allergy information poster not conspicuously posted where food is being prepared or processed by food workers.		
<b>20B</b>	Food allergy information poster not posted in language understood by all food workers.		
<b>20C</b>	Food allergy poster does not contain text provided or approved by Department.		
<b>20D</b>	"Choking first aid" poster not posted. "Alcohol and pregnancy" warning sign not posted. Resuscitation equipment: exhaled air resuscitation masks (adult & pediatric), latex gloves, sign not posted. Inspection report sign not posted.		
<b>20E</b>	Letter Grade or Grade Pending card not conspicuously posted and visible to passersby.		
<b>20F</b>	Current letter grade card not posted.		
<b>NUISANCE AND OTHER MISCELLANEOUS</b>			
<b>22A</b>	Nuisance created or allowed to exist. Facility not free from unsafe, hazardous, offensive or annoying conditions.		
<b>22B</b>	Toilet facility used by women does not have at least one covered garbage receptacle.		
<b>22C</b>	Bulb not shielded or shatterproof, in areas where there is extreme heat, temperature changes, or where accidental contact may occur.		
<b>22E</b>	ROP Processing equipment not approved by DOHMH.		

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**Michelle Robinson**  
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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS

### CRITICAL VIOLATIONS

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>2A*</b>	Food not cooked to required minimum temperature.				Failure to properly cook meats, comminuted meats and other potentially hazardous foods (PHFs), unless a consumer specifically asks for a serving of item ordered to be cooked below the minimum temperature.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>2B*</b>	Hot food item not held at or above 140°F.	One hot food item out of temperature in one area. <b>Example:</b> one tray of chicken wings held at 115°F.	Two hot food items out of temperature or the same type of food out of temperature in two different areas. <b>Example:</b> one tray of chicken wings and a pot of rice held at 115°F; or one tray of chicken wings on the steam table and one tray of chicken wings in the food preparation area held at 115°F.	Three hot food items out of temperature or the same type of food out of temperature in three different areas. <b>Example:</b> one tray of chicken wings, a pot of rice and platter of roast beef held at 115°F; or one tray of chicken wings on the steam table, one tray of chicken wings in the food preparation area and one basket of chicken near the deep fryer held at 115°F.	Four or more hot food items out of temperature or the same type of food out of temperature in four or more different areas. <b>Example:</b> one tray of chicken wings, a pot of rice, platter of roast beef and tureen of beef stew held at 115°F; or one tray of chicken wings on the steam table, one tray of chicken wings in the food preparation area, one basket of chicken near the deep fryer and a rotisserie machine filled with eleven chickens held at 115°F.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>2C</b>	Hot food item that has been cooked and refrigerated is being held for service without first being reheated to 165°F or above within 2 hours.	One cooked and refrigerated hot food item not reheated to 165°F before service. <b>Example:</b> chicken soup.	Two cooked and refrigerated hot food items not reheated to 165°F before service. <b>Example:</b> chicken soup and baked ham.	Three cooked and refrigerated hot food items not reheated to 165°F before service. <b>Example:</b> chicken soup, baked ham and sliced turkey.	Four or more cooked and refrigerated hot food items not reheated to 165°F before service. <b>Example:</b> chicken soup, baked ham, sliced turkey, meatloaf and lobster bisque.	
<b>2D</b>	Precooked potentially hazardous food from commercial food processing establishment that is supposed to be heated, but is not heated to 140°F within 2 hours.	One precooked commercially prepared food not heated to 140°F. <b>Example:</b> beef patties.	Two pre-cooked commercially prepared foods not heated to 140°F. <b>Example:</b> beef patties and clam chowder.	Three pre-cooked commercially prepared foods not heated to 140°F. <b>Example:</b> beef patties, clam chowder and smoked turkey.	Four or more pre-cooked commercially prepared foods not heated to 140°F. <b>Example:</b> beef patties, clam chowder, smoked turkey, corned beef and gyros.	

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**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**CRITICAL VIOLATIONS (cont.)**

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>2E</b>	Whole frozen poultry or poultry breasts, other than a single portion, are being cooked frozen or partially thawed.	One whole poultry or poultry breast being cooked from a frozen state. <b>Example:</b> chicken breast.	Two or more whole poultry or poultry breasts being cooked from a frozen state. <b>Example:</b> chicken breast, whole chicken, turkey breast and duck.	<b>Note: For failure to properly cook poultry to the required minimum temperature, *2A cited.</b>		
<b>2F</b>	Meat, fish or molluscan shellfish served raw or undercooked without prior notification to customer.				Failure to properly cook meats, comminuted meats, fish, shellfish and other PHFs, unless a consumer specifically asks for their order to be cooked below the minimum temperature.	
<b>2G*</b>	Cold food item held above 41°F (smoked fish and Reduced Oxygen Packaged food above 38°F), except during necessary preparation.	One cold food item out of temperature in one area. <b>Example:</b> one slab of unsliced smoked salmon or packet or tray of smoked salmon slices above 38°F or one tray of potato salad above 41°F in service display case.	Two cold food items out of temperature or the same food item out of temperature in 2 different areas. <b>Example:</b> one slab of smoked salmon above 38°F and one tray of sliced tomatoes above 41°F; or one bowl of potato salad in the service display case and one bowl of potato salad in the food preparation area above 41°F.	Three cold food items out of temperature. <b>Example:</b> one slab of smoked salmon above 38°F and tray of sliced tomatoes and platter of tuna salad above 41°F; or one bowl of potato salad in the service display case and one bowl of potato salad in the food preparation area and garlic in oil mixture above 41°F.	Four cold food items out of temperature. <b>Example:</b> one slab of smoked salmon above 38°F and tray of sliced tomatoes, bowl of garlic in oil mixture and bowl of cooked collard greens above 41°F; or one tray of potato salad in the service display case, one tray of potato salad in the reach-in refrigerator and one tray of potato salad on the food preparation table above 41°F.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>2H*</b>	Food not cooled by an approved method whereby the internal product temperature is reduced from 140°F to 70°F or less within 2 hours and from 70°F to 41°F or less within 4 additional hours.	One food item not cooled by approved method. <b>Example:</b> one whole, cooked turkey.	Two food items not cooled by approved method. <b>Example:</b> two whole, cooked turkeys.	Three food items not cooled by approved method. <b>Example:</b> two whole, cooked turkeys and one container of deep pot chicken stew.	Four or more food items not cooled by approved method. <b>Example:</b> two whole, cooked turkeys, one container of deep pot chicken stew and 10 pounds of cooked rice.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>2I</b> Food prepared from ingredients at ambient temperature not cooled to 41°F or below within four hours.	One food item prepared from ambient temperature ingredients not cooled to 41°F.  <b>Example:</b> tuna salad prepared with canned tuna above 41°F.	Two food items prepared from ambient temperature ingredients not cooled to 41°F.  <b>Example:</b> tuna and salmon salads prepared with canned tuna and salmon above 41°F.	Three food items prepared from ambient temperature ingredients not cooled to 41°F.  <b>Example:</b> tuna and salmon salads prepared with canned tuna and salmon, and open can of sardines above 41°F.	Four or more food items prepared from ambient temperature ingredients not cooled to 41°F.  <b>Example:</b> tuna and salmon salads prepared with canned tuna and salmon, and open cans of sardines and anchovies above 41°F.	
<b>2J*</b> Reduced Oxygen Packaged (ROP) food not cooled by an approved method whereby the internal product temperature is reduced to 38°F within two hours of cooking and if necessary further cooled to a temperature of 34°F within six hours of reaching 38°F.	One ROP food item not cooled by approved method.  <b>Example:</b> ROP beef stew (twelve 4-oz packages).	Two ROP food items not cooled by approved method.  <b>Example:</b> ROP beef stew (twelve 4-oz packages) and ROP chicken fricassee (two 2-lb packages).	Three ROP food items not cooled by approved method.  <b>Example:</b> ROP beef stew (twelve 4-oz packages), ROP chicken fricassee (two 2-lb packages) and ROP pork tenderloin (sixteen 8-oz packages).	Four ROP food items not cooled by approved method.  <b>Example:</b> ROP beef stew (twelve 4-oz packages), ROP chicken fricassee (two 2-lb packages), ROP pork tenderloin (sixteen 8-oz packages) and meat sauce (six 1-lb packages).	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>3A*</b> Food from unapproved or unknown source or home canned; Reduced Oxygen Packaged (ROP) fish not frozen before processing; or ROP food prepared on premises transported to another site.				One or more food items not from an approved source, or home canned.  <b>Example:</b> wild mushrooms or home-canned jellies or ROP fish not frozen before processing.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>3B*</b> Shellfish not from approved source, improperly tagged/labeled; tags not retained for 90 days.				One or more containers or kinds of shellfish not from an approved source, improperly tagged/labeled; tags not retained for 90 days.  <b>Example:</b> clams not tagged, oyster tags not retained for 90 days, mussels improperly labeled and mussels not tagged.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>3C*</b> Eggs found dirty/cracked; liquid, frozen or powdered eggs not pasteurized.	1-6 dirty/cracked eggs or liquid, frozen or powdered eggs not pasteurized. <b>Example:</b> four dirty and/or cracked eggs; or one container of unpasteurized liquid eggs.	7-12 dirty/cracked eggs; or two containers of liquid, frozen or powdered eggs not pasteurized. <b>Example:</b> nine dirty and/or cracked eggs; or two containers of unpasteurized liquid eggs.	13-24 dirty/cracked eggs; or three containers of liquid, frozen or powdered eggs not pasteurized. <b>Example:</b> 16 dirty and/or cracked eggs; or 14 dirty and/or cracked eggs and two containers of unpasteurized liquid eggs.	25 or more dirty/cracked eggs; or four containers of liquid, frozen or powdered eggs not pasteurized. <b>Example:</b> 25 or more dirty and/or cracked eggs; or 18 dirty and/or cracked eggs and one container of unpasteurized liquid eggs.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>3D*</b> Cans of food products swollen, leaking or rusted and not segregated from consumable food.	1-6 cans of food products swollen, leaking or rusted and not segregated from consumable food. <b>Example:</b> one can of tomato paste swollen and one can of salmon rusted and stored on food storage shelf.	7-12 cans of food products swollen, leaking or rusted and not segregated from consumable food. <b>Example:</b> three cans of tomato paste swollen and two cans of salmon and two cans of mushrooms rusted and stored on food storage shelf.	13-18 cans of food products swollen, leaking or rusted and not segregated from consumable food. <b>Example:</b> 10 cans of tomato paste swollen, two cans of salmon and two cans of mushrooms rusted and stored on food storage shelf.	19 or more cans of food products swollen, leaking or rusted and not segregated from consumable food. <b>Example:</b> 10 cans of tomato paste swollen, two cans of salmon and two cans of mushrooms rusted, and 15 cans of baked beans leaking and stored on food storage shelf.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>3E*</b> Potable water supply inadequate. Water or ice not potable or from unapproved source. Cross connection in potable water supply system.				Potable water supply inadequate. Water or ice not potable or from unapproved source. Cross connection in potable water supply system.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>3F*</b> Unpasteurized milk or milk product present.				Unpasteurized milk or milk product present.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>3G</b> Raw food not properly washed prior to serving.	One kind of raw food type not properly washed prior to serving. <b>Example:</b> two heads of lettuce.	Two kinds of raw food types not properly washed prior to serving. <b>Example:</b> two heads of lettuce and one bunch of carrots.	Three kinds of raw food types not properly washed prior to serving. <b>Example:</b> two heads of lettuce, one bunch of carrots and one bunch of broccoli.	Four or more kinds of raw food types not properly washed prior to serving. <b>Example:</b> two heads of lettuce, one bunch of carrots, one bunch of broccoli and one head of cabbage.	

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>4A</b>	Food Protection Certificate (FPC) not held by supervisor of food operations.					FPC not held by the supervisor of food operations.
<b>4B*</b>	Food worker prepares food or handles utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.				Food worker prepares food or handles utensil when ill with a disease transmissible by food or has exposed infected cut or burn on hand.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>4C*</b>	Food worker does not use proper utensil to eliminate bare hand contact with food that will not receive adequate additional heat treatment.	One food worker preparing ready-to-eat food with bare hands. <b>Example:</b> one food worker at front food preparation area preparing a sandwich.	Two food workers preparing ready-to-eat foods with bare hands. <b>Example:</b> one food worker at front food preparation area preparing a sandwich and one food worker in kitchen preparing Caesar salad.	Three food workers preparing ready-to-eat foods with bare hands. <b>Example:</b> one food worker at front food preparation area preparing a sandwich, one food worker in kitchen preparing Caesar salad and one food worker in basement preparing shrimp cocktail.	Four or more food workers preparing ready-to-eat foods with bare hands. <b>Example:</b> two food workers at front food preparation area preparing sandwiches, one food worker in kitchen preparing Caesar salad and one food worker in basement preparing shrimp cocktail.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>4D*</b>	Food worker does not wash hands thoroughly after using the toilet, coughing, sneezing, smoking, eating, preparing raw foods or otherwise contaminating hands.				Food worker does not wash hands after visiting the toilet, coughing, sneezing, smoking, preparing raw foods or otherwise contaminating hands.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>4E*</b>	Toxic chemical improperly labeled, stored or used so that contamination of food may occur.	One toxic chemical improperly labeled, stored or used so that contamination of food may occur. <b>Example:</b> roach spray.	Two toxic chemicals improperly labeled, stored or used so that contamination of food may occur. <b>Example:</b> roach spray and bleach.	Three toxic chemicals improperly labeled, stored or used so that contamination of food may occur. <b>Example:</b> roach spray, bleach and butane.	Four or more toxic chemicals improperly labeled, stored or used so that contamination of food may occur. <b>Example:</b> roach spray, bleach, butane and rat poison.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>4F*</b>	Food, food preparation area, food storage area or area used by employees or patrons contaminated by sewage or liquid waste.				Food, food preparation area, food storage area or area used by employees or patrons contaminated by sewage or liquid waste.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.

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**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**CRITICAL VIOLATIONS (cont.)**

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>4G*</b> Unprotected potentially hazardous food re-served.				Unprotected potentially hazardous food re-served. <b>Example:</b> bowl of cooked rice re-served.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>4H*</b> Raw, cooked or prepared food is adulterated, contaminated or cross-contaminated, or not discarded in accordance with HACCP plan.	One food item is spoiled, adulterated, contaminated or cross-contaminated. <b>Example:</b> lettuce contaminated by raw chicken or custard cream contaminated by mice droppings; or one package of ROP chicken not discarded in accordance with HACCP plan.	Two food items or two batches of same food located in two areas noted spoiled, adulterated, contaminated or cross-contaminated. <b>Example:</b> lettuce and cooked chicken contaminated by raw chicken; or adulterated sausage and fish; or ROP beef stew and ROP chicken fricassee not discarded in accordance with HACCP Plan.	Three food items or three batches of the same food type located in three areas noted spoiled, adulterated, contaminated or cross-contaminated. <b>Example:</b> lettuce, cooked chicken and raw eggs contaminated by raw chicken; or lettuce, tomatoes and figs contaminated by non-potable water; or ROP beef stew, ROP chicken fricassee and ROP pork tenderloin not discarded in accordance with HACCP Plan; or a tray of chicken contaminated with mice droppings in walk-in refrigerator, a basket of chicken under the deep fat fryer contaminated with dust and debris, and a pan of chicken on the service counter cross-contaminated with raw beef drippings.	Four or more food items or four or more batches of the same food type in different areas noted spoiled, adulterated, contaminated or cross-contaminated. <b>Example:</b> lettuce, cooked chicken, raw eggs and cooked rice contaminated by raw chicken; or ROP beef stew, ROP chicken fricassee, ROP pork tenderloin and meat sauce not discarded in accordance with HACCP Plan; or a tray of chicken contaminated with mice droppings in an upper level walk-in refrigerator, a basket of chicken under the deep fat fryer contaminated with dust and debris, a pan of chicken on the service counter cross-contaminated with raw beef drippings and chicken contaminated by mice droppings in the basement walk-in refrigerator.	Failure to correct any condition of a PHH at the time of inspection. Inspector must call office to discuss closing or other enforcement measures.
<b>4I</b> Unprotected food re-served.	One unprotected food item re-served. <b>Example:</b> unwrapped crackers.	Two unprotected food items re-served. <b>Example:</b> unwrapped crackers and bread.	Three unprotected food items re-served. <b>Example:</b> unwrapped crackers, bread and pickles.	Four or more unprotected food items re-served. <b>Example:</b> unwrapped crackers, bread, pickles and breadsticks.	

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<p><b>4J</b> Appropriately scaled metal stem-type thermometer or thermocouple not provided or used to evaluate temperatures of potentially hazardous foods during cooking, cooling, reheating and holding.</p>				Appropriate thermometer(s) or thermocouple not provided or used to measure the temperature of potentially hazardous foods.	
<p><b>4K</b> Evidence of rats or live rats present in facility's food and/or non-food areas.</p>	<p>Rats present in the facility's food or non-food areas. <b>Example:</b> 1-10 fresh rat droppings in one area.</p>	<p>Rats present in the facility's food or non-food areas, demonstrated by 11-30 fresh rat droppings in one area or 1-10 fresh rat droppings in two areas. <b>Example:</b> 25 fresh rat droppings in the food preparation area; or 10 fresh rat droppings in dry food storage area and 10 fresh rat droppings in the basement, food preparation area, bathroom and garbage disposal area.</p>	<p>Rats present in the facility's food or non-food areas, demonstrated by 31-70 rat droppings one area; 11-30 fresh rat droppings in two areas; or 1-10 fresh rat droppings in three areas. <b>Example:</b> 55 fresh rat droppings in food preparation area; or 14 fresh rat droppings in dry food storage area and 16 in basement; or less than 10 fresh rat droppings in the basement, food preparation area and bathroom.</p>	<p>Rats present in the facilities food or non-food areas, demonstrated by 1-2 live rats and/or 71-100 rat droppings in one area; 31-70 fresh rat droppings in two areas; 11-30 fresh rat droppings in three areas; or 1-10 fresh droppings in four areas. <b>Example:</b> 80 fresh rat droppings in food preparation area; or 30 fresh rat droppings in dry food storage area and 16 in basement or less than 10 fresh rat droppings in basement, food prep.</p>	<p>Three or more live rats and/or greater than 100 rat droppings and/or other conditions conducive to infestation of rats, e.g., holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.</p>
<p><b>4L</b> Evidence of mice or live mice present in facility's food and/or non-food areas.</p>	<p>Mice present in the facility's food or non-food areas; 1-10 fresh mice droppings in one area. <b>Example:</b> eight fresh mice droppings found in pantry.</p>	<p>Mice present in the facility's food or non-food areas. 11-30 fresh mice droppings in one area or 1-10 in two areas. <b>Example:</b> 25 fresh mice droppings in the food preparation area; or 10 fresh mice droppings in dry food storage area and 10 in the basement.</p>	<p>Mice present in the facility's food or non-food areas. 31-70 mice droppings in one areas; 11-30 in two areas; or 1-10 in three areas. <b>Example:</b> 55 fresh mice droppings in food preparation area; 14 fresh mice droppings in dry food storage area and 16 in basement; or fewer than 10 fresh mice droppings in the basement, food preparation area and bathroom.</p>	<p>Mice present in the facility's food or non-food areas; 1-2 live mice and/or 71-100 mice droppings in one area; 31-70 in two areas, 11-30 in three areas; or 1-10 in four areas. <b>Example:</b> 80 fresh mice droppings in food preparation area; 30 fresh mice droppings in dry food storage area and 16 in basement; or fewer than 10 fresh mice droppings in basement, food preparation area, bathroom and garbage disposal area.</p>	<p>Two or more live mice and/or greater than 100 fresh mice droppings and/or other conditions exist conducive to infestation of mice. e.g., holes/openings, water, food, unused equipment/material. Inspector must call office to discuss closing or other enforcement measures.</p>

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>4M</b> Live roaches present in facility's food and/or non-food areas.	Roaches present in the facility's food and non-food areas.  <b>Example:</b> two live roaches in the dry food area.	Roaches present in the facility's food and non-food areas. 6-10 roaches in one area; or 1-5 in two areas.  <b>Example:</b> seven live roaches in the food preparation area; or two roaches in the dry food storage area and one in the basement.	Roaches present in the facility's food and non-food areas; 11-15 roaches in one area; 6-10 in two areas; or 1-5 in three areas.  <b>Example:</b> 12 live roaches in the food preparation area; four roaches in the dry food storage area and five roaches in the basement; or one live roach observed in walk-in, food preparation area and dry storage.	Roaches present in the facility's food and non-food areas; 16-20 roaches in one area; 11-15 in two areas; 6-10 in three areas; or 1-5 in four areas.  <b>Example:</b> 17 live roaches in the food preparation area; 10 roaches in the dry food storage area and five roaches in the basement; or one live roach observed in walk-in, food preparation area, garbage area and dry storage area.	Greater than 20 live roaches and/or other conditions exist conducive to infestation of roaches.  <b>Example:</b> 45 live roaches and conditions conducive to infestation, such as holes/openings, water, food, unused equipment/material.  Inspector must call office to discuss closing or other enforcement measures.
<b>4N</b> Filth flies or food/refuse/sewage-associated (FRSA) flies in facility's food and/or non-food areas. Filth flies include house flies, little house flies, blow flies, bottle flies and flesh flies. Food/refuse/sewage-associated flies include fruit flies, drain flies and Phorid flies.	2-5 filth flies or FRSA flies in the food preparation or food storage area during November 1 through March 1.  <b>Example:</b> two flies in dry non-food area in January.	6-10 filth flies or FRSA flies in one area; or 2-5 filth flies in two areas.  <b>Example:</b> seven live flies in food preparation area; or two flies in the dry food storage area and one in basement.	11-15 filth flies or FRSA flies in one area; 6-10 in two areas; or 2-5 flies in three areas.  <b>Example:</b> 12 live flies in food preparation area; four flies in the dry food storage area and five flies in basement; or one fly observed in walk-in refrigerator, food preparation area and dry storage area.	16-20 filth flies or FRSA flies in one area; 11-15 in two areas; 6-10 filth flies in three areas; or 1-5 in four areas.  <b>Example:</b> 17 filth flies in food preparation area; 10 filth flies in dry food storage area and five filth flies in basement; or two filth flies observed in walk-in refrigerator, food preparation area, garbage area and dry storage area.	More than 30 filth flies, FRSA flies and/or other conditions exist conducive to infestation of filth flies.  <b>Example:</b> 40 flies in the basement garbage area; and other conditions exist conducive to filth fly infestation, e.g., openings to the outer air, water, food, decaying matter and/or sewage.  Inspector must call office to discuss closing or other enforcement measures.
<b>4O</b> Live animal other than fish in tank or service animal present in facility's food and/or non-food areas.	Live animal in establishment.	Two live animals in establishment.	Three live animals in establishment.	Four or more live animals in establishment.	
<b>5A*</b> Sewage disposal system improper or unapproved.				Sewage or liquid waste is not disposed of in an approved or sanitary manner; or sewage or liquid waste contaminating food, food storage area, food preparation area, or area frequented by consumers or employees or used as a storage, preparation or utility area.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>5B*</b> Harmful, noxious gas or vapor detected. CO $\geq$ 13 ppm.				Harmful, noxious gas or vapor detected. CO $\geq$ 13ppm.	Failure to correct any condition of a PHH at the time of inspection.  Inspector must call office to discuss closing or other enforcement measures.
<b>5C+</b> Food contact surface improperly constructed or located; or unacceptable material used.	One food contact surface or piece of equipment improperly constructed, located and/or unacceptable material used.  <b>Example:</b> painted shelves in a walk-in unit.	Two food contact surfaces or pieces of equipment improperly constructed, located and/or unacceptable material used.  <b>Example:</b> painted shelves in a walk-in unit and cutting board made from untreated wood.	Three food contact surfaces or pieces of equipment improperly constructed, located and/or unacceptable material used.  <b>Example:</b> painted shelves of a walk-in unit, cutting board made from untreated wood and acidic foods placed in pewter bowl.	Four or more contact surfaces or pieces of equipment improperly constructed, located and/or unacceptable material used.  <b>Example:</b> painted shelves in a walk-in unit, cutting board made from untreated wood, acidic food placed in pewter bowl, and solder and flux used to repair food contact equipment.	Failure to correct as pre-permit serious (PPS) on an initial inspection re-inspection, or compliance inspection results in a follow-up inspection and/or closure.  Inspector must call office to discuss closing or other enforcement measures.
<b>5D+</b> Hand-washing facility not provided in or near food preparation area and toilet room. Hot and cold running water at adequate pressure to enable cleanliness of employees not provided at facility. Soap and an acceptable hand-drying device not provided.				Fully equipped hand wash sinks, to include soap and paper towels, not provided or conveniently located in all food preparation areas.	Failure to correct as pre-permit serious (PPS) on an initial inspection, re-inspection or compliance inspection results in a follow-up inspection and/or closure.  Inspector must call office to discuss closing or other enforcement measures.
<b>5E+</b> Toilet facility not provided for employees or for patrons when required.				Toilet facility not provided for employees or for patrons when required.	Failure to correct as pre-permit serious (PPS) on an initial inspection, re-inspection or compliance inspection results in a follow-up inspection and/or closure.  Inspector must call office to discuss closing or other enforcement measures.

\* Public Health Hazards (PHH) must be corrected immediately

+ Pre-permit Serious (PPS) Violations that must be corrected before permit is issued

**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**CRITICAL VIOLATIONS (cont.)**

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>5F+</b>	Insufficient or no refrigerated or hot holding equipment to keep potentially hazardous foods at required temperatures.				Refrigerated or hot holding equipment for PHFs not provided.	Failure to correct as pre-permit serious (PPS) on an initial inspection, re-inspection or compliance inspection results in a follow-up inspection and/or closure.  Inspector must call office to discuss closing or other enforcement measures.
<b>5G+</b>	Separate, enclosed, properly equipped cleaning and service area not provided. (Mobile Vending Commissary)				Separate, enclosed, properly equipped cleaning and service area not provided.	Failure to correct as pre-permit serious (PPS) on an initial inspection, re-inspection or compliance inspection results in a follow-up inspection and/or closure.  Inspector must call office to discuss closing or other enforcement measures.
<b>5H+</b>	No facilities available to wash, rinse and sanitize utensils and/or equipment.				No facility available to wash, rinse and sanitize utensils and equipment.	Failure to correct. Inspector must call office to discuss enforcement measures.
<b>5I+</b>	Refrigeration used to implement HACCP plan not equipped with an electronic system that continuously monitors time and temperature.				Refrigeration used to implement HACCP plan not equipped with an electronic system that continuously monitors time and temperature.	Inspector must call office to discuss closing or other enforcement measures.
<b>6A</b>	Personal cleanliness inadequate. Outer garment soiled with possible contaminant. Effective hair restraint not worn in an area where food is prepared.	One food worker observed without clean outer garment or hair restraint.	Two food workers observed without clean outer garments and/or hair restraints.	Three food workers observed without clean outer garments and/or hair restraints.	Four or more food workers observed without clean outer garments and/or hair restraints.	
<b>6B</b>	Tobacco use, eating or drinking from open container in food preparation, food storage or dishwashing area.	One food worker eating, smoking and/or drinking from open container in food or ware washing areas or evidence of tobacco use, eating or drinking in food preparation, food storage and dishwashing area.	Two food workers eating, smoking and/or drinking from open container in food or ware washing areas.	Three food workers eating, smoking and/or drinking from open container in food or ware washing areas.	Four or more food workers eating, smoking and/or drinking from open container in food or ware washing areas.	

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### CRITICAL VIOLATIONS (cont.)

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>6C</b> Food not protected from potential source of contamination during storage, preparation, transportation, display or service.	One food item not protected during storage, preparation, transportation, display or service.	Two food items not protected during storage, preparation, transportation, display or service.	Three food items not protected during storage, preparation, transportation, display or service.	Four or more food items not protected during storage, preparation, transportation, display or service.	
<b>6D</b> Food contact surface not washed, rinsed or sanitized after each use and following any activity when contamination may have occurred.	One food contact surface not washed, rinsed or sanitized after any activity when contamination may occurred. <b>Example:</b> meat slicer encrusted with old food debris.	Two food contact surfaces not washed, rinsed or sanitized after any activity when contamination may have occurred. <b>Example:</b> meat slicer and cutting board encrusted with old food debris.	Three food contact surfaces not properly washed, rinsed or sanitized after any activity when contamination may have occurred. <b>Example:</b> meat slicer, wooden cutting board and can opener encrusted with old food debris.	Four or more food contact surfaces not properly washed, rinsed or sanitized after any activity when contamination may have occurred. <b>Example:</b> meat slicer, wooden cutting board, can opener and food preparation table encrusted with old food debris, and the interior of the ice machine observed with mold.	
<b>6E</b> Sanitized equipment or utensil, including in-use food-dispensing utensil, improperly used or stored.	One sanitized piece of equipment or utensil improperly used or stored.	Two sanitized pieces of equipment or utensils improperly used or stored.	Three sanitized pieces of equipment or utensils improperly used or stored.	Four or more sanitized pieces of equipment or utensils improperly used or stored.	
<b>6F</b> Wiping cloths soiled or not stored in sanitizing solution.	Two or more wiping cloths used to clean food contact surfaces not stored in sanitizing solution; or test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided; or sanitizer solution not at appropriate level to effectively remove contaminants from wiping cloths.	Two or more wiping clothes used to clean food contact surfaces not stored in sanitizing solution and the test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided; or wiping cloths used to clean food contact surfaces not stored in sanitizing solution and test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided.	Two or more wiping cloths used to clean food contact surfaces are not stored in sanitizing solutions, the test kit to measure sanitizing solution to ensure proper sanitization of wiping cloths not provided and sanitizer solution not at appropriate level to effectively remove contaminants from wiping cloths.		
<b>6G*</b> HACCP plan not approved or approved HACCP plan not maintained on premises.				Approved HACCP plan not maintained on premises.	HACCP plan not approved. Inspector must call office to discuss enforcement measures.

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**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**CRITICAL VIOLATIONS (cont.)**

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>6H</b>	Records and logs not maintained to show HACCP plan has been properly implemented.					Record and logs not maintained to show HACCP plan has been properly implemented. Inspector must call office to discuss corrective action or other enforcement measures.
<b>6I</b>	Food not labeled in accordance with HACCP plan.				Food not labeled in accordance with HACCP plan.	Inspector must call office to discuss corrective action or other enforcement measures.
<b>7A</b>	Duties of an officer of the department interfered with or obstructed.					Duties of an officer of the department interfered with or obstructed.

**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**GENERAL VIOLATIONS**

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>8A</b>	Facility not vermin proof. Harborage or conditions conducive to attracting vermin to the premises and/or allowing vermin to exist.			Doors and door thresholds not adequately pest proofed and/or one or two openings in the facility façade (walls, floors, ceilings) and/or other condition conducive to pest entry or breeding.	Doors and door thresholds not adequately pest proofed, with quality materials, and/or three or more openings in the facility façade (walls, floors, ceilings) or other condition conducive to pest entry or breeding.	
<b>8B</b>	Covered garbage receptacle not provided or inadequate, except that garbage receptacle may be uncovered during active use. Garbage storage area not properly constructed or maintained; grinder or compactor dirty.	Garbage equipment and facilities not maintained or provided. <b>Example:</b> tight-fitting lid not provided for 32-gallon garbage can used to put garbage out overnight.	Garbage equipment and facilities not maintained or provided. <b>Example:</b> tight-fitting lid not provided for 32-gallon garbage can used to put garbage out overnight and garbage grinder encrusted with old food.	Garbage equipment and facilities not maintained or provided. <b>Example:</b> tight-fitting lids not provided for two 32-gallon garbage cans used to put garbage out overnight and garbage grinder encrusted with old food.	Garbage equipment and facilities not maintained or provided. <b>Example:</b> tight-fitting lids not provided for two 32-gallon garbage cans used to put garbage out overnight; garbage grinder encrusted with old food; and cardboard boxes, food wrappers and 15 empty cartons of milk strewn in the backyard.	

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### GENERAL VIOLATIONS

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>8C</b> Pesticide use not in accordance with label or applicable laws. Prohibited chemical used/stored. Open bait station used.	One prohibited pesticide, chemical or bait station not used in accordance with label or applicable laws.	Two types of prohibited pesticides, chemicals or bait stations not used in accordance with label or applicable laws.	Three types of prohibited pesticides, chemicals or bait stations not used in accordance with label or applicable laws.	Four or more types of prohibited pesticides, chemicals or bait stations not used in accordance with label or applicable laws.	Failure to correct. Inspector must call office to discuss enforcement measures.
<b>9A</b> Canned food product dented and not segregated from consumable food.	1-6 cans dented. <b>Example:</b> one dented can of tomato paste stored on food storage shelf not segregated.	7-12 cans dented. <b>Example:</b> seven dented cans of tomato paste stored on food storage shelf not segregated.	13-24 cans dented. <b>Example:</b> seven dented cans of tomato paste and six dented cans of soy sauce stored on food storage shelf not segregated.	25 or more cans dented. <b>Example:</b> seven dented cans of tomato paste, ten dented cans of soy sauce and five dented cans of tuna fish stored on food storage shelf not segregated.	
<b>9B</b> Thawing procedures improper.	One frozen food item improperly thawed. <b>Example:</b> whole chicken or beefsteak improperly thawed.	Two frozen food items improperly thawed or the same type of food improperly thawed in two different areas. <b>Example:</b> two chickens and beefsteak improperly thawed or chicken breast improperly thawed in sink and chicken legs thawed on kitchen counter.	Three frozen food items improperly thawed or the same type of food improperly thawed in three different areas. <b>Example:</b> three chickens, beefsteak, and pork shoulder improperly thawed; or chicken breast improperly thawed in sink, chicken legs improperly thawed on kitchen counter and chicken breast improperly thawed in bowl in food preparation area.	Four or more frozen food items improperly thawed or the same type of food improperly thawed in four different areas. <b>Example:</b> four chickens, chicken breast, beefsteak and shrimp improperly thawed; or chicken breast improperly thawed in sink, chicken legs improperly thawed on kitchen counter, chicken breast improperly thawed in bowl in food preparation area and chicken wings improperly thawed near the deep fat fryer.	
<b>9C</b> Food contact surface not properly maintained.	One food contact surface not properly maintained. <b>Example:</b> one cutting board discolored.	Two food contact surfaces not properly maintained. <b>Example:</b> one cutting board discolored and one plastic cutting board pitted and scratched.	Three food contact surfaces not properly maintained. <b>Example:</b> three cutting boards pitted and scratched.	Four or more contact surfaces not properly maintained. <b>Example:</b> three cutting board pitted and scratched and four cutting boards at the bar area discolored.	
<b>10A</b> Toilet facility not maintained and provided with toilet paper, waste receptacle and self-closing door.	One toilet facility not maintained and provided with toilet paper, waste receptacle and self-closing door.	Two toilet facilities not maintained and provided with toilet paper, waste receptacle and self-closing door.	Three toilet facilities not maintained and provided with toilet paper, waste receptacle and self-closing door.	Four or more toilet facilities not maintained and provided with toilet paper, waste receptacle and self-closing door.	

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**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**GENERAL VIOLATIONS**

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>10B</b> Plumbing not properly installed or maintained; anti-siphonage or backflow prevention device not provided where required; equipment or floor not properly drained; sewage disposal system in disrepair or not functioning properly.	One backflow prevention device not installed, or equipment or floor not properly drained. <b>Example:</b> refrigerator condensation draining into a bucket.	Two backflow prevention devices not installed, or equipment or floor not properly drained. <b>Example:</b> refrigerator condensation drained into a bucket and air conditioner draining onto sidewalk.	Three backflow prevention devices not installed, or equipment or floor not properly drained. <b>Example:</b> refrigerator condensation draining into bucket, air conditioner draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet.	Four or more backflow prevention devices not installed or equipment or floor not properly drained. <b>Example:</b> refrigerator condensation draining into bucket, two air conditioners draining onto sidewalk and no vacuum breaker provided on the hose connected to faucet or ice machine.	Sewage disposal system in disrepair or not functioning properly, 5A also cited.
<b>10C</b> Lighting inadequate; permanent lighting not provided in food preparation areas, ware-washing areas, and storage rooms.	One instance of inadequate lighting.	Two instances of inadequate lighting.	Three instances of inadequate lighting.	Four or more instances of inadequate lighting.	
<b>10D</b> Mechanical or natural ventilation system not provided, improperly installed, in disrepair and/or fails to prevent excessive build-up of grease, heat, steam condensation vapors, odors, smoke and fumes.	One mechanical or natural ventilation system not provided or inadequate. <b>Example:</b> no ventilation provided in bathroom.	Two mechanical or natural ventilation systems not provided or inadequate. <b>Example:</b> no ventilation provided in bathroom and exhaust hood not sufficient to remove excess fumes in kitchen.	Three mechanical or natural ventilation systems not provided or inadequate. <b>Example:</b> no ventilation provided in bathroom, exhaust hood not sufficient to remove excess fumes in kitchen and grease collecting on walls.	Four mechanical or natural ventilation systems not provided or inadequate. <b>Example:</b> no ventilation provided in bathroom, exhaust hood not sufficient to remove excess fumes in kitchen, grease collecting on walls and smoke from smoke-house drifting into dining area.	
<b>10E</b> Accurate thermometer not provided in refrigerated or hot holding equipment.	One refrigeration or hot holding unit not provided with accurate thermometer to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage facility.	Two refrigeration or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage facility.	Three refrigeration or hot holding units not provided with accurate thermometers to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage facility.	Four refrigeration or hot holdings units not provided with accurate thermometers to measure the temperature in the warmest part of the refrigerator or coolest part of the hot storage facility.	

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## FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)

### GENERAL VIOLATIONS

VIOLATION	CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>10F</b> Non-food contact surface improperly constructed. Unacceptable material used. Non-food contact surface or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit.	One non-food contact surface improperly constructed. Unacceptable material used. Non-food contact surface or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit. <b>Example:</b> wall in food preparation area made of material not easily cleaned.	Two non-food contact surfaces improperly constructed. Unacceptable material used. Non-food contact surfaces or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit. <b>Example:</b> wall in food preparation area made of material not easily cleaned and build-up of grease on on the wall adjacent to permanently installed convection oven that is not easily moveable or properly spaced to allow cleaning.	Three non-food contact surfaces improperly constructed. Unacceptable material used. Non-food contact surfaces or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit. <b>Example:</b> wall in food preparation area made of material not easily cleaned, build-up of grease on on the wall adjacent to permanently installed convection oven that is not easily moveable or properly spaced to allow cleaning, dried encrusted grease and old food debris under the walk-in refrigerator that is not properly sealed to the floor.	Four non-food contact surfaces improperly constructed. Unacceptable material used. Non-food contact surfaces or equipment improperly maintained and/or not properly sealed, raised, spaced or movable to allow accessibility for cleaning on all sides, above and underneath the unit. <b>Example:</b> wall in food preparation area made of brick a material not easily cleanable, build-up of grease on on the wall adjacent to permanently installed convection oven that is not easily moveable or properly spaced to allow cleaning, dried encrusted grease and old food debris under the walk-in refrigerator that is not properly sealed to the floor, and a rug in the food storage area.	
<b>10G</b> Food service operation occurring in room used as living or sleeping quarters.	Food service operation occurring in one room used as living or sleeping quarters.	Food service operation occurring in two rooms used as living or sleeping quarters.	Food service operation occurring in three rooms used as living or sleeping quarters.	Food service operation occurring in four or more rooms used as living or sleeping quarters.	
<b>10H</b> Proper sanitization not provided for utensil ware washing operation.	Manual ware washing inadequate in that one immersion basket not provided or of incorrect size.	Manual ware-washing inadequate in that one immersion basket not provided or of incorrect size and manual ware washing procedure incorrect.	Manual ware-washing inadequate in that one immersion basket not provided or of incorrect size, manual ware washing procedure incorrect and sanitizing test kit or thermometer not provided.	Minimum final rinse temperature of 170°F not maintained or mechanical dishwasher is not operated as per manufacturer's specifications (time or temperature or chemical concentration).	

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**FOOD SERVICE ESTABLISHMENT INSPECTION SCORING PARAMETERS: A GUIDE TO CONDITIONS (cont.)**

**GENERAL VIOLATIONS**

VIOLATION		CONDITION I	CONDITION II	CONDITION III	CONDITION IV	CONDITION V
<b>10I</b>	Single service item reused, improperly stored, dispensed or not used when required.	Single service item reused, improperly stored, dispensed or not used when required. <b>Example:</b> drinking straws not protected from contamination.	Single service item reused, improperly stored, dispensed or not used when required. <b>Example:</b> drinking straws not properly dispensed and paper plates not protected from contamination.	Single service item reused, improperly stored, dispensed or not used when required. <b>Example:</b> drinking straws not properly dispensed, paper plates not protected from contamination and forks not protected from contamination.	Single service item reused, improperly stored, dispensed or not used when required. <b>Example:</b> drinking straws not properly dispensed, paper plates not protected from contamination, forks not protected from contamination and plastic forks reused.	
<b>10J</b>	“Wash hands” sign not posted at hand-wash facility.	“Wash hands” sign not posted at hand-wash facility.				
<b>99B</b>	General other.	<b>Inspector must call office to discuss corrective action, enforcement measures or appropriate code citations.</b>				

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**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
02A	NYCHC 81.09(c)(1)	Public Health Hazard	Poultry, poultry stuffing not heated to 165°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(2)	Public Health Hazard	Pork/food containing pork not heated to 150°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)(3)	Public Health Hazard	Rare roast beef/steak not heated to minimum time/temperature				\$400	\$600
02A	NYCHC 81.09 (c)(4)	Public Health Hazard	Ground meat not heated to 158°F				\$400	\$600
02A	NYCHC 81.09(c)(5)	Public Health Hazard	Stuffed meats, fish, ratites and tenderized meats not heated to 165°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09 (c)(6)	Public Health Hazard	Shell eggs/food containing shell eggs not heated 145°F for 15 seconds				\$400	\$600
02A	NYCHC 81.09(c)	Public Health Hazard	Other potentially hazardous hot food not heated to 140°F for 15 seconds				\$400	\$600
02B	NYCHC 81.09(a)	Public Health Hazard	Hot potentially hazardous food not held at 140°F or above	\$250	\$300	\$350	\$400	\$600
02C	NYCHC 81.09(d)	CRITICAL	Previously heated and cooled potentially hazardous hot food not reheated to 165°F for 15 seconds within 2 hours	\$200	\$200	\$250	\$300	
02D	NYCHC 81.09(d)(2)	CRITICAL	Commercially processed potentially hazardous food not heated to 140°F within 2 hours	\$200	\$200	\$250	\$300	
02E	NYCHC 81.09(f)(5)	CRITICAL	Whole frozen poultry or poultry breast, other than a single portion, cooked frozen or partially thawed	\$200	\$200			
02F	NYCHC 81.11	CRITICAL	Meat, fish, or shellfish served raw or partially cooked					
02G	NYCHC 81.09(a)	Public Health Hazard	Cold potentially hazardous food not held at 41°F or below			\$250	\$300	\$350
02G	NYCHC 81.09(a)(3)	Public Health Hazard	Processed or smoked fish not held at or below 38°F	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.09(a)(2)	Public Health Hazard	Eggs not held at ambient temperature of 45°F or below	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(2)	Public Health Hazard	Reduced oxygen packaged raw foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged cold foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600

**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
02G	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged foods not held at proper temperatures	\$250	\$300	\$350	\$400	\$600
02H	NYCHC 81.09(e)	Public Health Hazard	Potentially hazardous food not cooled by approved method	\$250	\$300	\$350	\$400	\$600
02I	NYCHC 81.09(e)(2)	CRITICAL	Potentially hazardous food not cooled to 41°F when prepared from ambient temperature ingredients within 4 hours	\$200	\$200	\$250	\$300	
02J	NYCHC 81.12(d)(4)	Public Health Hazard	Reduced oxygen packaged foods not properly cooled	\$250	\$300	\$350	\$400	\$600
03A	NYCHC 81.04	Public Health Hazard	Food not from an approved source				\$400	\$600
03A	NYCHC 81.12(c)	Public Health Hazard	Reduced oxygen packaged foods not from an approved source				\$400	\$600
03A	NYCHC 81.12(e)	Public Health Hazard	Reduced oxygen packaging fish not frozen before processing				\$400	\$600
03A	NYCHC 81.04(b)	Public Health Hazard	Meat not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish not from an approved source				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish improperly tagged or labeled				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Shellfish required tags not retained at least 90 days				\$400	\$600
03B	NYCHC 81.04(c)	Public Health Hazard	Wholesale shellfish records not on premises				\$400	\$600
03C	NYCHC 81.07(c)	Public Health Hazard	Eggs cracked, dirty or unpasteurized[; source of eggs not identified on container]	\$250	\$300	\$350	\$400	\$600
03D	NYCHC 81.07(b)	Public Health Hazard	Food packages damaged; cans of food swollen, leaking and/or rusted	\$250	\$300	\$350	\$400	\$600
03E	NYCHC 81.20(a)	Public Health Hazard	Potable water not provided; inadequate				\$400	\$600
03E	NYCHC 141.13	Public Health Hazard	Bottled water not from an approved source				\$250	\$250
03E	NYCHC 81.20(a)	Public Health Hazard	Cross-connection observed between potable and non-potable water				\$400	\$600
03E	NYCHC 81.20 (c)	Public Health Hazard	Carbon dioxide gas lines unacceptable, improper materials used				\$400	\$600

**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
03F	NYCHC 81.07(k)	Public Health Hazard	Unpasteurized milk and milk products				\$400	\$600
03G	NYCHC 81.07(a)(4)	CRITICAL	Fruits and vegetables not washed prior to serving	\$200	\$200	\$250	\$300	
04A	NYCHC 81.15(a)	CRITICAL	Food Protection Certificate not held by supervisor or manager of food operations					\$600
04B	NYCHC 81.13(a)	Public Health Hazard	Food worker with illness, communicable disease and/or injury preparing food				\$400	\$600
04C	NYCHC 81.07(j)	Public Health Hazard	Bare hand contact with ready-to-eat foods	\$250	\$300	\$350	\$400	\$600
04D	NYCHC 81.13(d)	Public Health Hazard	Food worker failed to wash hands after contamination				\$400	\$600
04E	NYCHC 81.23(d)(3)	Public Health Hazard	Pesticides not properly used; food, equipment, utensils, etc., not protected from pesticide contamination	\$250	\$300	\$350	\$400	\$600
04F	NYCHC 81.20(b)	Public Health Hazard	Sewage and liquid waste not properly disposed of				\$400	\$600
04G	NYCHC 81.07(l)	Public Health Hazard	Unprotected potentially hazardous food re-served				\$400	\$600
04H	NYCHC 81.07(a)(2)	Public Health Hazard	Food not protected from cross-contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food in contact with toxic material	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.07(a)	Public Health Hazard	Food not protected from adulteration or contamination	\$250	\$300	\$350	\$400	\$600
04H	NYCHC 81.06(b)(3)	Public Health Hazard	Food not discarded in accordance with HACCP plan	\$250	\$300	\$350	\$400	\$600
04I	NYCHC 81.07(l)	CRITICAL	Food other than in sealed packages re-served	\$200	\$200	\$250	\$300	
04J	NYCHC 81.09(g)	CRITICAL	Thermometer not provided, calibrated properly, accessible for use and/or inadequate				\$300	
04J	NYCHC 81.12(g)(1)	CRITICAL	Thermocouple not provided				\$300	
04K	NYCHC 81.23(a)	CRITICAL	Evidence of rats	\$200	\$200	\$250	\$300	\$350
04L	NYCHC 81.23(a)	CRITICAL	Evidence of mice	\$200	\$200	\$250	\$300	\$350
04M	NYCHC 81.23(a)	CRITICAL	Evidence of roaches	\$200	\$200	\$250	\$300	\$350
04N	NYCHC 81.23(a)	CRITICAL	Filth flies	\$200	\$200	\$250	\$300	\$350
04O	NYCHC 81.25	CRITICAL	Live animal other than fish in tank or service animal	\$200	\$200	\$250	\$300	\$350

**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
05A	NYCHC 81.20(b)	Public Health Hazard	Sewage disposal system improper or unapproved				\$400	\$600
05B	NYCHC 81.19(c)	Public Health Hazard	Harmful noxious gas or vapor detected; CO levels at or exceeding 9 ppm				\$400	\$600
05C	NYCHC 81.17(d)	CRITICAL	Food contact surface improperly constructed, located and/or made of unacceptable materials	\$200	\$200	\$250	\$300	\$350
05C	NYCHC 81.07(a)(1)	CRITICAL	Culinary sink or alternative method not provided for washing food	\$200	\$200	\$250	\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand washing facilities not provided or not located where required				\$300	\$350
05D	NYCHC 81.21(a)(1)	CRITICAL	Hand washing facilities not provided within 25 feet of food preparation area or ware washing area				\$300	\$350
05D	NYCHC 81.21(a)	CRITICAL	Hand wash facility not provided with running water, or properly equipped				\$300	\$350
05D	NYCHC 81.21(b)	CRITICAL	Hand wash facility inadequate				\$300	\$350
05E	NYCHC 81.22(a)	CRITICAL	Toilet facilities not provided for employees				\$300	\$350
05E	NYCHC 81.22(b)	CRITICAL	Toilet facilities not provided for patrons				\$300	\$350
05E	NYCHC 81.22(d)	CRITICAL	Shared patron/employee toilet accessed through kitchen, food prep or storage area				\$300	\$350
05F	NYCHC 81.18	CRITICAL	Hot or cold holding equipment not provided or inadequate				\$300	\$350
05G	NYCHC 89.27(c)	CRITICAL	Enclosed service area not provided, equipped in mobile food vending commissary				\$300	\$350
05H	NYCHC 81.29	CRITICAL	Manual or mechanical tableware, utensil and/or ware washing facilities not provided				\$300	\$350
05I	NYCHC 81.12 (d)(5)	CRITICAL	Refrigeration unit not equipped with an electronic system	\$300	\$350			
06A	NYCHC 81.13	CRITICAL	Food worker does not maintain personal cleanliness	\$300	\$350			
06A	NYCHC 81.13(e)	CRITICAL	Fingernails not clean, trimmed, or with nail polish	\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(c)	CRITICAL	Clean outer garment not worn	\$200	\$200	\$250	\$300	
06A	NYCHC 81.13(b)	CRITICAL	Effective hair restraint not worn	\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(h)	CRITICAL	Eating in food preparation or service areas	\$200	\$200	\$250	\$300	
06B	NYCHC 81.13(g)	CRITICAL	Smoking tobacco, using e-cigarettes or other substance in establishment	\$200	\$200	\$250	\$300	
06C	NYCHC 81.07(a)	CRITICAL	Food not protected from contamination	\$200	\$200	\$250	\$300	

**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>	
06C	NYCHC 81.07(q)	CRITICAL	Unnecessary traffic through food prep area	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(d)	CRITICAL	Food not properly protected when stored	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(e)	CRITICAL	Food not properly protected when displayed	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(f)	CRITICAL	Condiments for self service not properly dispensed	\$200	\$200	\$250	\$300		
06C	NYCHC 81.07(i)	CRITICAL	Supplies and equipment placed under overhead sewage pipe	\$200	\$200	\$250	\$300		
06C	NYCHC 81.31	CRITICAL	Cooking by FSE on street, sidewalk, except as authorized by Articles 88, 89					\$350	
06D	NYCHC 81.27(b)	CRITICAL	Food contact surface not sanitized; and/or not clean to sight and/or touch	\$200	\$200	\$250	\$300		
06D	NYCHC 81.27(b)	CRITICAL	Equipment with food contact surfaces not clean and sanitized	\$200	\$200	\$250	\$300		
06E	NYCHC 81.07(h)	CRITICAL	In-use food dispensing utensil not properly stored	\$200	\$200	\$250	\$300		
06E	NYCHC 81.07(g)	CRITICAL	Ice not properly dispensed	\$200	\$200	\$250	\$300		
06E	NYCHC 81.07(h)	CRITICAL	Food dispensing utensil not provided	\$200	\$200	\$250	\$300		
06F	NYCHC 81.27(c)	CRITICAL	Wiping cloth improperly stored and/or sanitized	\$200	\$200	\$200			
06G	NYCHC 81.06(b) and (c)	Public Health Hazard	Approved HACCP plan not maintained on premises or not approved					\$400	\$600
06H	NYCHC 81.06(b)(4)	CRITICAL	Records and logs not maintained on site						\$350
06I	NYCHC 81.12(d)(6)	CRITICAL	Food not labeled in accordance with the approved HACCP plan					\$300	\$350
07A	NYCHC 3.15(a)	CRITICAL	Obstruction of Department personnel						\$1,000
08A	NYCHC 81.23(a)	CRITICAL	Conditions conducive to pests					\$200	\$200
08A	NYCHC 81.23(b)	GENERAL	Prevention and control measures not used for pest management					\$200	\$200
08A	NYCHC 81.23(b)(3)	GENERAL	Door openings into the establishment from the outside not properly equipped					\$200	\$200
08A	NYCHC 81.23(b)(4)	GENERAL	Pest monitors incorrectly used					\$200	\$200
08A	NYCHC 81.23(b)(2)	GENERAL	Contract with pest exterminator or record of pest extermination activities not kept on premises					\$200	\$200
08B	NYCHC 81.24(a)	GENERAL	Garbage not properly removed or stored	\$200	\$200	\$200	\$200		
08B	NYCHC 81.24(c)	GENERAL	Garbage receptacles and covers not cleaned after emptying and prior to reuse	\$200	\$200	\$200	\$200		
08C	NYCHC81.23(d)	GENERAL	Pesticides not properly labeled, not authorized for use, or improperly used	\$200	\$200	\$200	\$200	\$200	

**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
08C	NYCHC 81.23(d)(4)	GENERAL	Open bait station observed	\$200	\$200	\$200	\$200	\$200
08C	NYCHC 81.17(g)	GENERAL	Toxic materials not properly stored	\$200	\$200	\$200	\$200	\$200
09A	NYCHC 81.07(b)	GENERAL	Canned food observed dented and not segregated from other consumable foods	\$200	\$200	\$200	\$200	
09B	NYCHC 81.09(f)	GENERAL	Thawing procedures improper	\$200	\$200	\$200	\$200	
09C	NYCHC 81.17(d)(1)	GENERAL	Food contact surface improperly constructed and maintained; not easily cleanable	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly maintained	\$200	\$200	\$200	\$200	
10A	NYCHC 81.22(c)	GENERAL	Toilet facility not properly supplied	\$200	\$200	\$200	\$200	
10A	SSC 14-1.142(a)	GENERAL	Toilet room not completely enclosed with self-closing door	\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(a)	GENERAL	Potable water not protected from backflow, back siphonage or cross-connection	\$200	\$200	\$200	\$200	
10B	NYCHC 81.20(b)	GENERAL	Improper disposal of sewage or liquid waste	\$200	\$200	\$200	\$200	\$200
10B	NYCHC 81.20(b)	GENERAL	Condensation pipes not properly installed or maintained	\$200	\$200	\$200	\$200	\$200
10C	NYCHC 81.19(a)	GENERAL	Lighting insufficient; inadequate	\$200	\$200	\$200	\$200	
10D	NYCHC 81.19(c)	GENERAL	Ventilation (mechanical or natural) not provided or inadequate	\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(a)(3)	GENERAL	Thermometers not provided in cold storage and/or refrigerator	\$200	\$200	\$200	\$200	
10E	NYCHC 81.18(b)(1)	GENERAL	Thermometers not provided in hot storage or holding units	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(1)	GENERAL	Flooring improperly constructed and/or maintained	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17(e)(2)	GENERAL	Non-food contact surfaces (wall, ceiling, floors) improperly constructed/maintained	\$200	\$200	\$200	\$200	
10F	NYCHC 81.17 (e) (3)	GENERAL	Non-food contact surface (fixtures, decorative material, fans, etc.) not properly maintained or equipment not properly maintained	\$200	\$200	\$200	\$200	
10G	NYCHC 81.17(a)(2)	GENERAL	Food being processed, prepared, packed, or stored in a private home or apartment.	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)[(1)]	GENERAL	Hot water manual ware washing inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)	GENERAL	Manual chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(b)(1)	GENERAL	High temperature mechanical ware washing inadequate	\$200	\$200	\$200	\$200	

**CHAPTER 23 – APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**SCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>CATEGORY</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY CONDITION I*</b>	<b>VIOLATION PENALTY CONDITION II*</b>	<b>VIOLATION PENALTY CONDITION III*</b>	<b>VIOLATION PENALTY CONDITION IV*</b>	<b>VIOLATION PENALTY CONDITION V*</b>
10H	NYCHC 81.29 (b)(2)	GENERAL	Mechanical chemical sanitizing procedure inadequate	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(a)	GENERAL	Test kit not accurate or used for manual dishwashing	\$200	\$200	\$200	\$200	
10H	NYCHC 81.29(b)(2)	GENERAL	Test kit not accurate or used for mechanical dishwashing	\$200	\$200	\$200	\$200	
10I	NYCHC 81.07(o)	GENERAL	Single service items improperly stored or reused	\$200	\$200	\$200	\$200	
10I	NYCHC 81.07(o)	GENERAL	Drinking straws improperly dispensed	\$200	\$200	\$200	\$200	
10J	NYCHC 81.21(c)	GENERAL	Wash hands sign not posted	\$200				
99B	Miscellaneous	GENERAL		\$200	\$200	\$200	\$200	

**CHAPTER 23 - APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**UNSCORED VIOLATIONS**

<b>VIOLATION CODE</b>	<b>CITATION</b>	<b>VIOLATION DESCRIPTION</b>	<b>VIOLATION PENALTY*</b>
15A	Admin. Code 17-177(b)	Tobacco vending machine present in a facility other than tavern; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2) \$1,000 (#3 or more)
15B	Admin. Code 17-177(c)(1)	Tobacco vending machine not 25 feet from door; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2); \$1,000 (#3 or more)
15C	Admin. Code 17-177(c)(1)	Tobacco vending machine not visible by owner; initial (#1); repeat violations (#2, 3 or more)**	\$300 (#1); \$500 (#2); \$1,000 (#3 or more)
15D	Admin. Code 17-177(d)	Sign not durable and lacks required information; initial (#1) and repeat violations (#2, 3 or more)**	\$300 (#1); \$1,000 (#2 or more)
15D	Admin. Code 17-177(d)	Sign not posted on machine and not visible to the public; initial (#1) and repeat violations (#2 or more)**	\$300 (#1); \$1,000 (#2 or more)
15E	Admin. Code 17-704	Out-of-package sale of tobacco products; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15F	Admin. Code 17-705	Employee under 18 years of age selling tobacco products without direct supervision of an adult retailer; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000(#1); \$2,000 (#2 or more in 36 months)
15G	Admin. Code 17-706	Sale to persons under 21 observed; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	,\$1000 (#1); \$2,000 (#2 or more in 36 months)
15H	Admin. Code 17-706	Sign prohibiting sale of tobacco products to persons under 21 not conspicuously posted; initial (#1 or more on first day) and repeat violations (#2 or more after first day within 36 months)**	\$1,000 (#1); \$2,000 (#2 or more in 36 months)
15I	Admin. Code 17-506(a)	Sign prohibiting smoking or using electronic cigarettes not conspicuously posted; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)**	\$400 (#1); \$500 (#2 in 12 months); \$1,000 (#3 or more in 12 months)
15I	Admin. Code 17-506(a)	Sign permitting smoking or using electronic cigarettes not conspicuously posted; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)**	\$400 (#1); \$500 (#2 within 12 months); \$1,000(#3 or more in 12 months)
15I	24 RCNY 10-11(b)	"No smoking or using electronic cigarettes" sign not posted with ashtrays in hotels, or at hotel entrances*	\$500
15I	24 RCNY 10-12(c)	Sign lettering and color does not meet specifications*	\$500
15J	Admin. Code 17-506(d)	Ashtrays in smoke-free area; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)*	\$400 (#1); \$500 (#2 within 12 months); \$1,000(#3 or more in 12 months)
15K	Admin. Code 17-508(b)	Operator failed to make a good faith effort to inform smokers or users of electronic cigarettes of the Smoke-Free Air Act; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1) violations*	\$400 (#1); \$800 (#2 within 12 months); \$1,600 (#3 within 12 months)
15K	NYSPL 1399-0	No smoking permitted*	\$1,000
15L	Admin. Code 17-504(f)	Workplace SFAA policy not prominently posted in workplace; initial (#1) and repeat violations (#2, 3 or more within 12 months of #1)*	\$400 (#1); \$500 (#2 within 12 months); \$1,000(#3 or more in 12 months)
15M	Admin. Code 17-708	Use of tobacco on school premises*	\$50
15N	Admin. Code 17-176.1	Selling cigarettes, tobacco products, little cigars for less than listed price or price floor; initial (#1) and repeat violations (#2 or #3 within 60 months of #1	\$1,000 (#1); \$2,000 (#2 within 60 months); \$5,000 (#3 within 60 months)
15N	Admin. Code 17-176(b)	Distributing tobacco products at less than basic cost; initial (#1) and repeat violations (#2 or more)*	\$500 (#1); \$1,000 (#2 or more)
15O	Admin. Code 17-714	Sale of herbal cigarettes to minors*	\$2,000

**CHAPTER 23 - APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**UNSCORED VIOLATIONS**

15S	24 RCNY 28-02(a)	Flavored tobacco products sold or offered for sale*	\$500
15T	24 RCNY 28-06	Original label for tobacco products sold or offered for sale*	\$500
16A	NYCHC 81.08(a)	Cooking oil, shortening, margarine contains 0.5 grams or more of artificial trans fat.	\$200
16B	NYCHC 81.08(c)	Nutritional fact labels and/or ingredient label is not maintained on site.	\$200
16C	NYCHC 81.50(c)	Calorie information is not posted on menu and menu board	\$200
16E	NYCHC 81.50(c)	Calorie range of food item(s) that come in different flavors and varieties not provided.	\$200
16F	NYCHC 81.50(c)	Calorie range of food item(s) that comes in different combinations not provided	\$200
18A	NYCHC 81.05(c)	No currently valid permit, registration or other authorization to operate food service establishment	\$1,000
18A	NYCHC 88.05(c)	No currently valid permit, registration or other authorization to operate a temporary food service establishment	\$1,000
18B	NYCHC 3.19	Submitting false, misleading statements, documents; documents unlawfully reproduced or altered.	\$1,000
18C	NYCHC 3.17	Notice of the Department mutilated, obstructed, or removed	\$1,000
18D	NYCHC 3.05(a)	Failure to comply with an Order of the Board of Health, Commissioner, or Department	\$1,000
18E	NYCHC 81.43(a)	Failure to report occurrences of suspected food borne illness to the Department	\$200
18F	NYCHC 81.15(b)	Food Protection Certificate not available for Department inspection	\$200
18F	NYCHC 5.15	Permit not conspicuously displayed or posted	\$200
18G	SSC 14-1.190(a)	Manufacture and sell frozen dessert at retail not authorized on permit	\$200
18H	NYCHC 81.05(g)	Operator of shared kitchen allowing user without currently valid permit	\$500
18H	NYCHC 88.05(a)	Failure of temporary event sponsor to exclude vendor without a currently valid permit	\$500
20A	24 RCNY 27.03(c)	Allergy poster not posted or not in correct location; penalty may not be doubled on default	\$100
20B	24 RCNY 27.03(b)	Allergy poster not in languages; penalty may not be doubled on default	\$100
20C	24 RCNY 27.03(b)	Allergy poster is not approved by the Department, and it does not contain the required text; penalty may not be doubled on default	\$100
20D	Admin. Code 17-172(a)	Choking first aid poster not posted	\$200
20D	Admin. Code 17-173(2)(b)	Alcohol/pregnancy sign not posted	\$100
20D	24 RCNY 18-02	Resuscitation equipment not available	\$200
20D	24 RCNY 18-04	Resuscitation equipment required notice to all patrons not posted	\$200
20E	NYCHC 81.51	Current letter grade or "Grade Pending" card not conspicuously posted and/or visible to passersby	\$500
20F	NYCHC 81.51	Current letter grade or "Grade Pending" card not posted	\$1,000
22A	NYCHC 3.07	Failure to take reasonable precautions to protect health and safety, e.g., by not securing CO2 cylinders	\$1,000
22A	NYCHC 3.09	Failing to abate or remediate nuisance	\$1,000
22A	NYCHC 131.07(c)(2)	Insufficient heat in commercial premises	\$300
22B	SSC 14-1.142(b)	No covered waste receptacle in women's toilets	\$200
22C	NYCHC 81.19(b)	Light fixtures not shielded, shatterproofed, or otherwise protected from accidental breakage	\$200
22E	NYCHC 81.12(g)	Equipment used for ROP not approved by the Department	\$200

**CHAPTER 23 - APPENDIX 23-C FOOD SERVICE ESTABLISHMENT AND NON RETAIL FOOD SERVICE ESTABLISHMENT PENALTY SCHEDULE**

**UNSCORED VIOLATIONS**

22F	NYCHC 71.05(a) and 71.05(d)	Misbranded; mislabeled packaged food products	\$200
22G	Admin. Code 16-329(c)	Possess, sell expanded polystyrene single service articles	\$250 (#1); \$500 (#2) \$1,000 (#3 or more in 12 months)
99A	NYCHC miscellaneous	Other Health Code unscored violations	\$200

\*Default Penalties. When a respondent is found in default, the penalty for each violation of the Health Code or the State Public Health Law must be doubled, except that in no case may the penalty imposed exceed \$2000.

Except as indicated in this Appendix, when a respondent is found in default for any violation of the rules of the Department found in 24 RCNY, the penalty must be doubled, except that in no case may the penalty imposed exceed \$1,000.

When a respondent is found in default for any violation of the New York City Administrative Code or the New York State Sanitary Code, the penalty shall remain the same as that set forth herein.

\*\*Pursuant to applicable provisions of the New York City Administrative Code, the repeat violation penalty listed in this penalty schedule applies if, within the time period noted in this schedule, a prior violation of the same section of law occurred at the same location and was sustained against the same respondent at the Health Tribunal.

The penalties listed in this Appendix for violations of NYCHC sections 3.05(a), 3.07, 3.09, 3.15, 3.17 and 3.19 shall apply to any notice of violation citing these provisions, regardless of whether the respondent is operating a food service establishment.