



# Restaurants that Achieve A Grades at the Time of Inspection Are No Longer Subject to Fines for Sanitary Violations

## How the Policy Works

As of January 19, 2011, restaurants that achieve A grades during their sanitary inspections will be exempt from any fines for sanitary violations. The new policy, announced by Mayor Bloomberg in his State of the City address, gives restaurants an additional incentive to maintain the highest standards of food safety.

### **Which fines are being eliminated?**

If a restaurant earns an A grade during a sanitary inspection – meaning the inspector assigns fewer than 14 points for violations related to food safety—the restaurant will not be cited or fined for those violations. Restaurants will still receive an inspection report with a listing of any deficiencies so they can be corrected.

### **If a restaurant receives a B or C on initial inspection but achieves an A on re-inspection, will it still be fined for violations cited during the initial inspection?**

Yes, restaurants are still liable for any penalties associated with inspections that don't immediately yield A grades. A restaurant operator can contest an inspector's findings at the Office of Administrative Trials and Hearings Health Tribunal, but the operator is still responsible for any citation the tribunal upholds. Fines are waived only for inspections that yield fewer than 14 violation points.

### **If a restaurant achieves an A because the Health Tribunal dismisses some observed violations, will all of its fines be waived?**

A restaurant will not be fined for any violation that is dismissed by a hearing examiner. But the restaurant is still responsible for violations the hearing examiner upholds – even if the restaurant's sanitary score moves into the A range during the adjudication process. By law, a fine must be levied for any violation sustained by the Health Tribunal.

### **If a restaurant receives an A for its sanitary conditions, can it still be fined for legal violations that don't involve food safety?**

Yes. During an inspection, the health inspector assesses the restaurant's compliance with many provisions of city and state law. Letter grades are based on a subset of provisions that bear directly on food safety. Restaurants are still subject to other legal requirements—such as having a valid permit, maintaining a smoke-free environment, posting calorie counts where applicable, and using products free of artificial trans fat—even if they achieve A grades for their sanitary conditions.



**Michael R. Bloomberg**  
Mayor

**Thomas Farley, M.D., M.P.H.**  
Commissioner