

Hearing 23-007

June 13, 2023

**BEFORE THE
FRANKLIN COUNTY DISTRICT BOARD OF HEALTH
COLUMBUS, OHIO**

In the matter of:

Food Service Operation License Suspension or Revocation
Boston Market #613
4310 W. Broad Street
Columbus, OH, 43228
License: NFRY-9C34HG
Licensee: Boston Market Corp
Designation: Food Service Operation (FSO)

FINDINGS AND ORDERS

WHEREAS, the Board of Health may suspend or revoke a food service operation license upon determining that the license holder is in violation of any requirement of Ohio Revised Code Chapter 3717 or rules adopted thereunder pursuant to Ohio Revised Code Section 3717.49;

WHEREAS, pursuant to Ohio Revised Code Section 3717.49, the licensee received notice of a proposed suspension or revocation of the food service operation license from Franklin County Public Health on May 26th, 2023;

WHEREAS, pursuant to Ohio Revised Code Section 3717.23 (F), the licensor may place restrictions or conditions on a retail food establishment license, based on the equipment or facilities of the establishment, limiting the types of food that may be stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Limitations pertaining to a mobile retail food establishment shall be posted on the back of the license;

WHEREAS, on April 6, 2023, an Administrative Hearing was conducted and violations were discussed by Karin Kasper, Food Safety Division Manager, Rebecca Keller, Food Safety Supervisor, Marisue Madlener, REHS II, Food Safety Inspector and Alex Sander representative for Boston Market;

WHEREAS, this matter came before the Board of Health on June 13, 2023, the Board heard sworn testimony from Sarah Jensen, Environmental Health Director/Assistant Health Commissioner; Karin Kasper, Food Safety Division Manager; Rebecca Keller, Registered Environmental Health Sanitarian, Food Safety Supervisor; and from Boston Market Representative; and

WHEREAS, the following evidence was presented and fully incorporated into the hearing on June 13, 2023:

The following documentation is attached:

1. 2023 FSO License Application
2. 2023 FSO License
3. Inspection Reports
4. Administrative Hearing documentation
5. Board of Health Hearing notice
6. Violation Summary Chart

Date	Action
10/5/22	Standard/Complaint/CCP Inspection (9 Violations)
12/29/22	Consultation, store closed due to staffing
1/18/23	Complaint Inspection Warning letter issued
1/23/23	Follow-up Inspection, store closed
3/1/23	Consultation, given more time
3/23/23	Administrative Hearing ordered
4/6/23	Hearing held, given until April 25 th to turn in a plan of action
4/25/23	District Manager sent an email on the 25 th stating work would be completed week of May 7 th
5/15/23	Standard/CCP Given until May 25 th . (25 violations)
5/25/23	Follow-up Inspection, Ordered to the BOH, Repairs not completed (14 violations)
5/26/23	Hearing letter hand delivered
6/12/2023	Follow-up Inspection. TBD

WHEREFORE, the Board of Health found that the licensee had violated provisions of Ohio Administrative Code Sections 3701-21-02(H), 3701-21-25(I), 3717-1-02.4(A)(2), 3717-1-02.4(C)(15), 3717-1-03.2(C), 3717-1-03.2(K), 3717-1-03.4(G), 3717-1-03.5(C)(1), 3717-1-04.1(C), 3717-1-04.2(I), 3717-1-04.3(B), 3717-1-04.4(A)(2), 3717-1-04.5(A)(1), 3717-1-04.5(A)(3), 3717-1-04.5(B)(1), 3717-1-05.1(E), 3717-1-05.1(S), 3717-1-05.3(C), 3717-1-05.4(F)(1), 3717-1-05.4(N), 3717-1-5.4(P), 3717-1-06.1(M), 3717-1-06.2(C), 3717-1-06.4(A), 3717-1-06.4(B), 3717-1-06.4(D) and 3717-1-07(B), as documented on the **June 12, 2023** Follow-Up Inspection Report, attached hereto and incorporated by reference.

THE BOARD OF HEALTH HEREBY ORDERS:

1. Suspend the license until the repairs to the exterior of the facility are completed and all other violations corrected.
2. The Franklin County Board of Health adhesive "ordered closed" sticker shall remain in place as posted until the suspension is lifted.
3. Require Level II food safety training for at least one (1) employee within 30 days; and,
4. Require a certified employee be on-site during operating hours.
5. Facility is to be inspected before the suspension is lifted and the facility is able to demonstrate compliance with the food code by having no critical or repeat violations.
6. Require Pest Control, as rat harborages and insects have been observed in the insulation of the facility.

This order may be appealed pursuant to Ohio Revised Code Chapter 3717.49(D) by filing a notice of appeal within thirty (30) days, with Franklin County Public Health and the Franklin County Court of Common Pleas. In addition, the Franklin County Municipal Court, Environmental Division, may have jurisdiction for such an appeal, pursuant to Ohio Revised Code Section 1901.181. This notification does not in any way preclude Franklin County Public Health from arguing any jurisdictional matters.

Hearing 23-007
June 13, 2023
Page 4

IT IS SO ORDERED.

**Franklin County District Board of Health
Board Members**
