



Franklin County Public Health  
 280 East Broad Street  
 Columbus, Ohio 43215-4562  
 (614) 525-3160  
 www.myfcph.org

## Board of Health Hearing Summary & Recommendation

**Facility information**

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

**Current situation**

Repeat uncorrected violations and failure to maintain the physical facility in good repair according to the Ohio Uniform Food Safety Code.

**Timeline**

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 <sup>th</sup> to turn in a plan of action
4/25/23	District Manager sent an email on the 25 <sup>th</sup> stating work would be completed week of May 7 <sup>th</sup>
5/15/23	Standard/CCP Given until May 25 <sup>th</sup> . (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)

Staff visited the facility 8 times between 10/5/22 – 5/5/26/23

- Standard = 2
- Follow-up = 2
- Complaint Investigation = 2
- Consultation = 2

52 violations have been cited:

- Critical = 14
- Non-critical = 38

Failure to maintain the exterior of the facility has been ongoing since 10/5/2022

**Options**

1. Suspend the Food Service Operation License; Until the repairs are completed on the exterior of the building and all other violations corrected or a timeframe to be determined by Board of Health.
2. Revoke the Food Service Operation License.
3. Require Level II food safety training for employees and a certified employee be on-site.



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### Recommend

- Suspend the license until the repairs to the exterior of the facility are completed and all other violations corrected.
  - Require Level II food safety training for at least one (1) employee within 30 days; and,
  - Require a certified employee be on-site during operating hours.
  - 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.
  - Require Pest Control, as rat harborages and insects have been observed
  - in the insulation of the facility.
- 

### Documentation

The following documentation is attached:

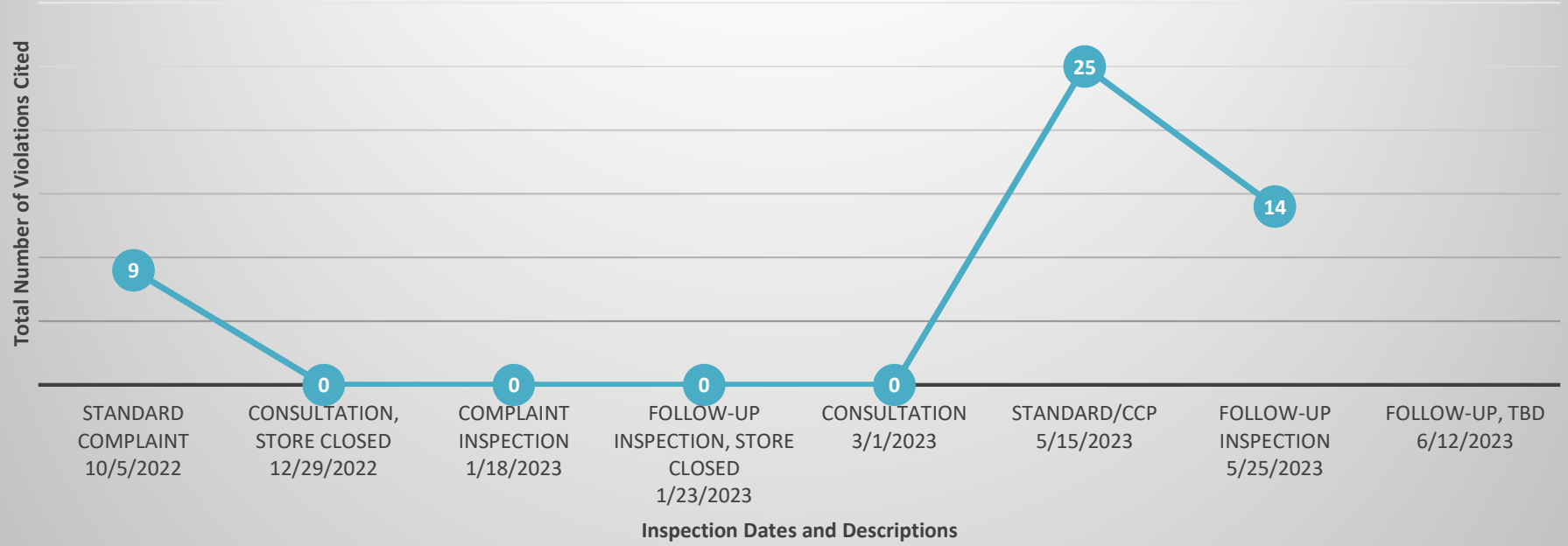
- 2023 FSO License
  - Inspection Reports
  - Administrative Hearing documentation
  - Email from District Manger 4/25/2023
  - Board of Health Hearing notice
  - Pictures of the exterior of the building with rat harborages depicted.
-

# Violation Summary

Boston Market #613

4310 W Broad St

Columbus, OH 43228





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 280 East Broad Street  
 Columbus, Ohio 43215-4562  
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## Boston Market #613 Violation Summary Chart

Administrative Hearing- April 6, 2023  
 Board of Health Hearing- June 13, 2023

Ohio Administrative Code	Standard/ Complaint Inspection 10/5/2022	Consultation Inspection Store Closed 12/29/2022	Complaint Inspection 1/18/2023	Follow-Up Inspection Store Closed 1/23/2023	Consultati on Inspection 3/1/2023	Standard Inspection 5/15/2023	Follow-Up Inspection 5/25/2023 (WL Issued)	Follow-Up Inspection 6/12/2023	Total Times Cited
3717-1-02.4(A)(2) - Person in charge	X					X	X		3
<b>*3717-1-02.4(C)(15)-Employees not informed responsibility to report illness information</b>	X					X	X		3
<b>*3717-1-03.2(C) Food not protected from contamination.</b>						X			1
3717-1-03.2(K) In-use utensils improperly stored						X			1
<b>*3717-1-03.4(G) Ready-to-eat TCS food not properly date marked</b>						X			1
3717-1-03.5(C)(1) A food packaged in the facility not labeled						X			1
<b>*3717-1-04.1(C) Food Contact Surfaces Not Easily Cleanable</b>	X					X			2
3717-1-04.2(I) No sanitizer test kit						X	X		2
3717-1-04.3(B) Fixed equipment not properly sealed or spaced for cleaning						X	X		2





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Board of Health Hearing- June 13, 2023

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3717-1-06.4(B) Facility not maintained clean						X	X		2
3717-1-06.4(D) Ventilation system not maintained						X	X		2
<b>*3717-1-07(B) – Poisonous or toxic materials</b>	X								1
3701-21-02(H) FSO license not displayed; improper display of mobile FSO information						X	X		2
3701-21-25(I) No PIC present with PIC certification in food protection	X					X			2
<b>TOTAL (Critical Violations)</b>	<b>9</b>	1	1	<b>1</b>	1	25	14		<b>52</b>

\*Denotes Critical Violation

Total Non-Critical Violations: 38

**Total Critical Violations: 14**



# Food Service Operation License

Audit Number:  
BFRY-CPFP56

License No.  
NFRY-9C34HG

Licensors Franklin County Public Health, 280 E Broad Street, Columbus, OH, 43215
Name of Facility/License Holder Boston Market #613, Boston Market Corp
Address/City/State/Zip 4310 W Broad Street, Columbus, OH, 43228
Category / Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV - Catering

This license has been issued in accordance with the requirements of Chapter 3717 of the Ohio Revised Code and is subject to revocation or suspension for cause and is not transferable without consent of the licensor.

**This license shall expire on March 1, 2024**

If this is a mobile food service operation, the license is not valid unless pertinent information appears on the reverse side.

27-Feb-2023

Date

Joe Mazzola, MPA

Health Commissioner

Boston Market Corp  
ATTN: Boston Market #613  
14103 Denver West Parkway  
Golden CO 80401



2023 Application for a License to Conduct a: (check only one)  Food Service Operation  
 Retail Food Establishment

**Instructions:**

1. Complete the applicable section. (Make any corrections if necessary.)
2. Sign and date the application.
3. Make a check or money order payable to: Franklin County Public Health
4. Return check and signed application by: **March 1, 2023\***  
 Return to: Franklin County Public Health  
 280 E Broad Street  
 Columbus, OH 43215

\*There is a mandatory penalty fee of 25% of the renewal fee for operating a food service operation or retail food establishment after the deadline (Chapter 3717 of the Ohio Revised Code).

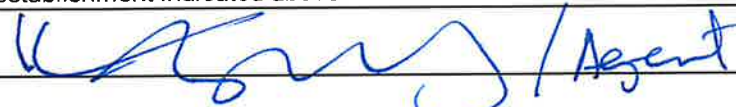
Before license application can be processed the application must be completed and the indicated fee submitted. Failure to complete this application and remit the proper fee will result in not issuing/renewing a license. This action is governed by Ohio Revised Code 3717.

Name of Facility Boston Market #613		Name of License Holder Boston Market Corp	
Address 4310 W Broad Street		E-mail jreyescruz@bost.com farrow@bost.com	
City Columbus	State OH	ZIP 43228	
Phone # (614) 274-9300	Fax (614) 453-3916	Check if applicable <input checked="" type="checkbox"/> Catering <input type="checkbox"/> Seasonal	
Name of individual certified in food protection (if any) and their certificate number (use back for additional names)			

**Mailing address for annual renewal if different than above:**

Name of parent company or owner Boston Market Corp		Phone # (303) 278-9500	
Address 14103 Denver West Parkway		E-mail jcook1@bost.com	
City Golden	State CO	ZIP 80401	

I hereby certify that I am the license holder, or the authorized representative, of the food service operation or retail food establishment indicated above:

Signature 	Date 2/24/23
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**Licensors to complete below**

Category Commercial FSO < 25000 sq. ft. Risk Level IV			
License fee \$608.00	+ Late fee \$0.00	+ State amount \$28.00	= Total amount due \$636.00

*OK 832653*

Application approved for license and certified as required by Chapter 3717 of the Ohio Revised Code.

*Megan Freshkorn*

*Duditt  
Bfey-CFFPS6*

*Lic #  
NFey-9234HG*



Franklin County  
Public Health

## Franklin County Public Health

280 East Broad Street · Columbus, Ohio · 43215-4562

May 25, 2023

Boston Market #613  
4310 W Broad St  
Columbus, OH, 43228  
License: NFRY-9c34HG  
Licensee: Boston Market Corp

RE: Notice of Proposed Suspension or Revocation of Food Service Operation License

Dear Boston Market Corp:

Pursuant to Ohio Revised Code 3717.49, the Board of Health "may suspend or revoke a food service operation license on determining that the license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to food service operations, including a violation evidenced by the documented failure to maintain sanitary conditions within the operation."

Wherefore, the Franklin County Board of Health proposes to suspend or revoke your food service operation license for Boston Market #613 on **June 13, 2023 at 9:30am**. This meeting will be held at **Memorial Hall, 280 East Broad Street, Columbus, Ohio**, in the Alpha Conference Room (located on the first floor).

You have a right to appeal the proposed suspension or revocation of your food service operation license to the Franklin County Board of Health. We are automatically granting you this appeal hearing on June 13, 2023 at 9:30am. This hearing will be held at Memorial Hall, 280 East Broad Street, Columbus, Ohio, in the Alpha Conference Room (located on the first floor).

At such hearing, Boston Market #613 is entitled to present its case, orally or in writing, and confront and cross-examine witnesses. **If Boston Market #613 is a corporation, it must be represented by legal counsel.** Boston Market #613 also has the right to review the case prior to the scheduled hearing date, upon request.

Sincerely,

Joe Mazzola, MPA  
Health Commissioner  
Cc: Franklin County Assisting Prosecuting Attorney

*Karin Kasper*

Karin Kasper, REHS \_\_\_\_\_ Date

*Jacqueline M. Delly* 5/26/2023  
Received by: \_\_\_\_\_ Date

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 5-Oct-2022
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 105	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Standard/Complaint/Critical Control Point		Follow up date (if required)	Water sample date/result (if required)

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item:   **IN**=In Compliance   **OUT**=Out of Compliance   **N/O**=Not Observed   **N/A**=Not Applicable

Supervision			Time/Temperature Controlled for Safety Food (TCS food)		
1	IN	Person in charge present, demonstrates knowledge, and performs duties	21	IN	Proper hot holding temperatures
2	OUT	Certified Food Protection Manager	22	IN	Proper cold holding temperatures
Employee Health			23	IN	Proper date marking and disposition
3	OUT	Management, food employees and conditional employees; knowledge, responsibilities and reporting	24	N/O	Time as a public health control: procedures & records
4	IN	Proper use of restriction and exclusion	Consumer Advisory		
5	IN	Procedures for responding to vomiting and diarrheal events	25	N/A	Consumer advisory provided for raw or undercooked foods
Good Hygienic Practices			Highly Susceptible Populations		
6	IN	Proper eating, tasting, drinking, or tobacco use	26	N/A	Pasteurized foods used; prohibited foods not offered
7	IN	No discharge from eyes, nose, and mouth	Chemical		
Preventing Contamination by Hands			27	N/A	Food additives: approved and properly used
8	IN	Hands clean and properly washed	28	OUT	Toxic substances properly identified, stored, used
9	IN	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	Conformance with Approved Procedures		
10	OUT	Adequate handwashing facilities supplied & accessible	29	N/A	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
Approved Source			30	N/A	Special Requirements: Fresh Juice Production
11	IN	Food obtained from approved source	31	N/A	Special Requirements: Heat Treatment Dispensing Freezers
12	N/O	Food received at proper temperature	32	N/A	Special Requirements: Custom Processing
13	IN	Food in good condition, safe, and unadulterated	33	N/A	Special Requirements: Bulk Water Machine Criteria
14	N/A	Required records available: shellstock tags, parasite destruction	34	N/A	Special Requirements: Acidified White Rice Preparation Criteria
Protection From Contamination			35		Critical Control Point Inspection
15	IN	Food separated and protected	36	N/A	Process Review
16	OUT	Food-contact surfaces: cleaned and sanitized	37	N/A	Variance
17	IN	Proper disposition of returned, previously served, reconditioned, and unsafe food			
Time/Temperature Controlled for Safety Food (TCS food)					
18	IN	Proper cooking time and temperatures			
19	IN	Proper reheating procedures for hot holding			
20	N/O	Proper cooling time and temperatures			

**Risk factors** are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness.  
**Public Health Interventions** are control measures to prevent foodborne illness or injury.

HEA 5302A Ohio Department of Health (10/19)  
 AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Standard/Complaint/Critical Control Point	Date 5-Oct-2022
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GOOD RETAIL PRACTICES					
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: IN=In Compliance OUT=Out of Compliance N/O=Not Observed N/A=Not Applicable					
<b>Safe Food and Water</b>			<b>Utensils, Equipment and Vending</b>		
38	N/A	Pasteurized eggs used where required	54	OUT	Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	IN	Water and ice from approved source	55	IN	Warewashing facilities: installed, maintained, used; test strips
<b>Food Temperature Control</b>			56		Non-food contact surfaces clean
40	N/O	Proper cooling methods used; adequate equipment for temp control	<b>Physical Facilities</b>		
41	IN	Plant food properly cooked for hot holding	57	IN	Hot and cold water available; adequate pressure
42	IN	Approved thawing methods used	58	IN	Plumbing installed; proper backflow devices
43	IN	Thermometers provided and accurate	59	IN	Sewage and waste water properly disposed
<b>Food Identification</b>			60	IN	Toilet facilities: properly constructed, supplied, cleaned
44	IN	Food properly labeled; original container	61	IN	Garbage/refuse properly disposed; facilities maintained
<b>Prevention of Food Contamination</b>			62	OUT	Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
45	IN	Insects, rodents, and animals not present/outer openings protected	63	IN	Adequate ventilation and lighting; designated areas used
46	IN	Contamination prevented during food preparation, storage & display	64	IN	Existing Equipment and Facilities
47	IN	Personal cleanliness	<b>Administrative</b>		
48	IN	Wiping cloths: properly used and stored	65	N/A	901:3-4 OAC
49	N/O	Washing fruits and vegetables	<b>Administrative</b>		
<b>Proper Use of Utensils</b>			66	OUT	3701-21 OAC
50	IN	In-use utensils: properly stored			
51	IN	Utensils, equipment and linens: properly stored, dried, handled			
52	IN	Single-use/single-service articles: properly stored, used			
53	IN	Slash-resistant, cloth, and latex glove use			

Observations and Corrective Actions					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R
02	3717-1-02.4(A)(2)	NC	Observations: Facility does not have an employee with manager certification in food protection. AN EMPLOYEE WITH MANAGERIAL SUPERVISORY RESPONSIBILITY NEEDS TO HAVE OHIO DEPT OF HEALTH MANAGER FOOD SAFETY CERTIFICATION AND THE CERTIFICATE NEEDS TO BE KEPT ON-SITE.		X
03	3717-1-02.4(C)(15)	C	Observations: Employees are not informed in a verifiable manner of their responsibility to report information about their health. FACILITY HAS EMPLOYEE HEALTH POLICY HANGING UP, BUT THERE WERE NO SIGNED COPIES OF THE HEALTH POLICY AVAILABLE AT THE TIME OF INSPECTION. ENSURE ALL EMPLOYEES HAVE READ AND SIGNED THE HEALTH POLICY. KEEP SIGNED COPIES ON FILE FOR FUTURE INSPECTIONS.		
10	3717-1-06.2(C)	NC	Observations: No towels or drying device at the handwashing sink(s). OBSERVED NO PAPER TOWELS AT THE BACK HAND SINK. PAPER TOWELS WERE RESTOCKED DURING INSPECTION.	X	
16	3717-1-04.5(A)(1)	C	Observations: Equipment food-contact surfaces or utensils are unclean. OBSERVED THE POTATO SLICER NEEDING CLEANED. SLICER WAS CLEANED DURING INSPECTION.	X	
28	3717-1-07(B)	C	Observations: Working containers of poisonous or toxic materials not properly labeled. OBSERVED AN UNLABELED CHEMICAL SPRAY BOTTLE. SPRAY BOTTLE WAS LABELED DURING INSPECTION.	X	
54	3717-1-04.4(A)(2)	NC	Observations: Equipment components are not intact, tight or properly adjusted. OBSERVED THE BACK WALK-IN COOLER WAS DOWN AT THE TIME OF INSPECTION AND NOT BEING USED. REPAIR. OBSERVED TORN GASKETS ON THE FREEZER DOORS. REPLACE.		X
54	3717-1-04.1(C)	C	Observations: Food contact surfaces not easily cleanable. OBSERVED MULTIPLE SMALL RUBBER SPATULAS THAT ARE STAINED AND WORN		X

			DOWN. REPLACE THE SPATULAS AS THEY ARE NO LONGER SMOOTH AND EASILY CLEANABLE.		
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. OBSERVED THE TILES AND BRICK HAVE FALLEN OFF THE SIDE OF THE BUILDING. OBSERVED A MISSING CEILING TILE NEAR THE FRONT HAND SINK, AND THE FRONT HAND SINK AND ONE OF THE BATHROOM SINKS NEED RESEALED TO THE WALL. REPAIR THE FACILITY.		X
66	3701-21-25(I)	NC	Observations: FSO did not have a person in charge per shift with the person in charge certification in food protection. NO EMPLOYEE WITH THE LEVEL 1 FOOD SAFETY CERTIFICATE. ONE INDIVIDUAL NEEDS TO HAVE THE LEVEL 2 MANAGER CERTIFICATION, AND WHEN THEY ARE NOT ON SITE THERE SHOULD ALWAYS BE AN EMPLOYEE PRESENT WITH THE LEVEL 1 CERTIFICATION. VISIT WWW.SERVSAFE.COM OR WWW.STATEFOODSAFETY.COM AND TAKE THE FOOD HANDLER'S COURSE. KEEP CERTIFICATES ON SITE.		

INSPECTION CONDUCTED IN RESPONSE TO COMPLAINT RECEIVED THAT THE SIDE OF THE BUILDING BY THE DRIVE THRU LINE IS FALLING OFF.

AT THE TIME OF INSPECTION THE BRICK AND TILES ARE FALLING OFF THE SIDE OF THE BUILDING AND ROTTEN WOOD CAN BE SEEN UNDERNEATH. THIS NEEDS TO BE FIXED AS SOON AS POSSIBLE.

THERE ALSO NEEDS TO BE EMPLOYEES AT THE FACILITY WITH THE LEVEL 2 AND LEVEL 1 FOOD SAFETY CERTIFICATIONS AND THEIR CERTIFICATES NEED TO BE KEPT ON SITE.

PLEASE CONTACT INSPECTOR WITH ANY QUESTIONS.

Comments related to the Critical Control Point Inspection (Item 35) are listed below. Note: Positive observations are indicated by the element number and the letter P.

**I - Employee Health:** Person in charge did not ensure that employees are informed of their responsibility to report information about their health.

**III - Preventing Contamination by Hands:** Observed no towels or hand drying device at the handwashing sink(s).

**IV - Demonstration of Knowledge:** There was no person in charge present in the food facility during inspection.

**VII - Protection from Contamination:** Equipment food-contact surfaces or utensils are dirty.

**X - Chemical:** Observed toxic materials improperly identified, stored and used.

Person in Charge Josephina	Date 5-Oct-2022
Sanitarian Megan Hayes	Licensors Franklin County Public Health

HEA 5302B Ohio Department of Health (10/19)

AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 29-Dec-2022
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 30	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Consultation	Follow up date (if required) 30-Jan-2023		Water sample date/result (if required)

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item:   **IN**=In Compliance   **OUT**=Out of Compliance   **N/O**=Not Observed   **N/A**=Not Applicable

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Employee Health		Consumer Advisory	
3	Management, food employees and conditional employees; knowledge, responsibilities and reporting	23	Proper date marking and disposition
4	Proper use of restriction and exclusion	24	Time as a public health control: procedures & records
5	Procedures for responding to vomiting and diarrheal events	Highly Susceptible Populations	
Good Hygienic Practices		Chemical	
6	Proper eating, tasting, drinking, or tobacco use	25	Consumer advisory provided for raw or undercooked foods
7	No discharge from eyes, nose, and mouth	Conformance with Approved Procedures	
Preventing Contamination by Hands		26	Pasteurized foods used; prohibited foods not offered
8	Hands clean and properly washed	27	Food additives: approved and properly used
9	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	28	Toxic substances properly identified, stored, used
10	Adequate handwashing facilities supplied & accessible	Conformance with Approved Procedures	
Approved Source		29	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
11	Food obtained from approved source	30	Special Requirements: Fresh Juice Production
12	Food received at proper temperature	31	Special Requirements: Heat Treatment Dispensing Freezers
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16	Food-contact surfaces: cleaned and sanitized	36	Process Review
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Time/Temperature Controlled for Safety Food (TCS food)		<b>Risk factors</b> are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness. <b>Public Health Interventions</b> are control measures to prevent foodborne illness or injury.	
18	Proper cooking time and temperatures		
19	Proper reheating procedures for hot holding		
20	Proper cooling time and temperatures		

HEA 5302A Ohio Department of Health (10/19)

AGR 1268 Ohio Department of Agriculture (10/19)

**State of Ohio**  
**Food Inspection Report**

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Consultation	Date 29-Dec-2022
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<b>GOOD RETAIL PRACTICES</b>			
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: <b>IN</b> =In Compliance <b>OUT</b> =Out of Compliance <b>N/O</b> =Not Observed <b>N/A</b> =Not Applicable			
<b>Safe Food and Water</b>		<b>Utensils, Equipment and Vending</b>	
38	Pasteurized eggs used where required	54	Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	Water and ice from approved source	55	Warewashing facilities: installed, maintained, used; test strips
<b>Food Temperature Control</b>		56	Non-food contact surfaces clean
40	Proper cooling methods used; adequate equipment for temp control	<b>Physical Facilities</b>	
41	Plant food properly cooked for hot holding	57	Hot and cold water available; adequate pressure
42	Approved thawing methods used	58	Plumbing installed; proper backflow devices
43	Thermometers provided and accurate	59	Sewage and waste water properly disposed
<b>Food Identification</b>		60	Toilet facilities: properly constructed, supplied, cleaned
44	Food properly labeled; original container	61	Garbage/refuse properly disposed; facilities maintained
<b>Prevention of Food Contamination</b>		62	OUT Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
45	Insects, rodents, and animals not present/outer openings protected	63	Adequate ventilation and lighting; designated areas used
46	Contamination prevented during food preparation, storage & display	64	Existing Equipment and Facilities
47	Personal cleanliness	<b>Administrative</b>	
48	Wiping cloths: properly used and stored	65	901:3-4 OAC
49	Washing fruits and vegetables	66	3701-21 OAC
<b>Proper Use of Utensils</b>			
50	In-use utensils: properly stored		
51	Utensils, equipment and linens: properly stored, dried, handled		
52	Single-use/single-service articles: properly stored, used		
53	Slash-resistant, cloth, and latex glove use		

<b>Observations and Corrective Actions</b>					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. OBSERVED LARGE SECTIONS OF THE OUTSIDE OF THE BUILDING HAVE FALLEN OFF EXPOSING ROTTEN WOOD. PER THIS CODE REQUIREMENT, FACILITIES SHALL BE MAINTAINED IN GOOD REPAIR.		X
<p style="color: blue;">STOPPED BY THE STORE TODAY AND NOTICED THAT THE OUTSIDE OF THE BUILDING IS IN VERY POOR REPAIR. SECTIONS OF THE WALL HAVE FALLEN OFF. IT WAS NEARLY 3 MONTHS AGO THAT A COMPLAINT WAS INVESTIGATED REGARDING THIS ISSUE. THE ISSUE IS STILL OUTSTANDING AND IT NEEDS TO BE REPAIRED. UNABLE TO DISCUSS THIS WITH MANAGEMENT SINCE A NOTE ON THE DOOR INDICATED THEY ARE "TEMPORALLY CLOSED" DUE TO STAFFING ISSUES.</p> <p style="color: blue;">PLEASE CONTACT THIS INSPECTOR REGARDING THE NEEDED REPAIRS. A PLAN OF ACTION IS BEING REQUESTED. CONTACT HER AT 614-374-2499 OR MARYMADLENER@FRANKLINCOUNTYOHIO.GOV.</p> <p style="color: blue;">THANK YOU. A FOLLOW UP WILL OCCUR ON OR BEFORE JANUARY 30, 2023</p>					
Person in Charge EMAIL ON FILE			Date 29-Dec-2022		
Sanitarian Mary Madlener			Licensor Franklin County Public Health		

HEA 5302B Ohio Department of Health (10/19)  
AGR 1268 Ohio Department of Agriculture (10/19)





Siding stayed like this from October 2022-January 2023. They were ordered to clean it all up and begin repairs after the original complaint was filed and investigated on 10/5/2022.



All photos on this page were taken on December 29, 2022.





# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 18-Jan-2023
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 45	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Complaint	Follow up date (if required)	Water sample date/result (if required)	

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item:   **IN**=In Compliance   **OUT**=Out of Compliance   **N/O**=Not Observed   **N/A**=Not Applicable

Supervision		Time/Temperature Controlled for Safety Food (TCS food)	
1	Person in charge present, demonstrates knowledge, and performs duties	21	Proper hot holding temperatures
2	Certified Food Protection Manager	22	Proper cold holding temperatures
Employee Health		Consumer Advisory	
3	Management, food employees and conditional employees; knowledge, responsibilities and reporting	23	Proper date marking and disposition
4	Proper use of restriction and exclusion	24	Time as a public health control: procedures & records
5	Procedures for responding to vomiting and diarrheal events	Highly Susceptible Populations	
Good Hygienic Practices		Chemical	
6	Proper eating, tasting, drinking, or tobacco use	25	Consumer advisory provided for raw or undercooked foods
7	No discharge from eyes, nose, and mouth	26	Pasteurized foods used; prohibited foods not offered
Preventing Contamination by Hands		Conformance with Approved Procedures	
8	Hands clean and properly washed	27	Food additives: approved and properly used
9	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	28	Toxic substances properly identified, stored, used
10	Adequate handwashing facilities supplied & accessible	Approved Source	
		29	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
Approved Source		30	Special Requirements: Fresh Juice Production
11	Food obtained from approved source	31	Special Requirements: Heat Treatment Dispensing Freezers
12	Food received at proper temperature	32	Special Requirements: Custom Processing
13	Food in good condition, safe, and unadulterated	33	Special Requirements: Bulk Water Machine Criteria
14	Required records available: shellstock tags, parasite destruction	34	Special Requirements: Acidified White Rice Preparation Criteria
Protection From Contamination		35	Critical Control Point Inspection
15	Food separated and protected	36	Process Review
16	Food-contact surfaces: cleaned and sanitized	37	Variance
17	Proper disposition of returned, previously served, reconditioned, and unsafe food		
Time/Temperature Controlled for Safety Food (TCS food)			
18	Proper cooking time and temperatures		
19	Proper reheating procedures for hot holding		
20	Proper cooling time and temperatures		

**Risk factors** are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness.  
**Public Health Interventions** are control measures to prevent foodborne illness or injury.

HEA 5302A Ohio Department of Health (10/19)  
AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Complaint	Date 18-Jan-2023
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GOOD RETAIL PRACTICES		
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: <b>IN</b> =In Compliance <b>OUT</b> =Out of Compliance <b>N/O</b> =Not Observed <b>N/A</b> =Not Applicable		
<b>Safe Food and Water</b>		
38	Pasteurized eggs used where required	
39	Water and ice from approved source	
<b>Food Temperature Control</b>		
40	Proper cooling methods used; adequate equipment for temp control	
41	Plant food properly cooked for hot holding	
42	Approved thawing methods used	
43	Thermometers provided and accurate	
<b>Food Identification</b>		
44	Food properly labeled; original container	
<b>Prevention of Food Contamination</b>		
45	Insects, rodents, and animals not present/outer openings protected	
46	Contamination prevented during food preparation, storage & display	
47	Personal cleanliness	
48	Wiping cloths: properly used and stored	
49	Washing fruits and vegetables	
<b>Proper Use of Utensils</b>		
50	In-use utensils: properly stored	
51	Utensils, equipment and linens: properly stored, dried, handled	
52	Single-use/single-service articles: properly stored, used	
53	Slash-resistant, cloth, and latex glove use	
<b>Utensils, Equipment and Vending</b>		
54	Food and non-food contact surfaces cleanable, proper designed, constructed, and used	
55	Warewashing facilities: installed, maintained, used; test strips	
56	Non-food contact surfaces clean	
<b>Physical Facilities</b>		
57	Hot and cold water available; adequate pressure	
58	Plumbing installed; proper backflow devices	
59	Sewage and waste water properly disposed	
60	Toilet facilities: properly constructed, supplied, cleaned	
61	Garbage/refuse properly disposed; facilities maintained	
62	OUT Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas	
63	Adequate ventilation and lighting; designated areas used	
64	Existing Equipment and Facilities	
<b>Administrative</b>		
65	901:3-4 OAC	
66	3701-21 OAC	

Observations and Corrective Actions					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. SECTIONS OF THE EXTERIOR OF THE BUILDING HAS FALLEN OFF THE BUILDING. EXPOSED AND THERE HAS BEEN NO PROGRESS TO REPAIR THE BUILDING IN OVER 3 MONTHS.		X
THE EXTERIOR OF THE BUILDING REMAINS IN POOR REPAIR. SECTIONS OF THE BUILDING HAVE FALLEN OFF AND IT HAS NOT BEEN ADDRESSED SINCE OCTOBER'S COMPLAINT INVESTIGATION THAT WAS CONDUCTED BY FRANKLIN COUNTY PUBLIC HEALTH (FCPH). CORPORATE HAS NOT RESPONDED TO TWO EMAILS THAT WERE SENT IN DECEMBER 2022 AND JANUARY 2023 REGARDING THE CONDITION OF THE BUILDING AND THEIR PLAN OF ACTION FOR REPAIRS. DUE TO THE LACK OF ANY PROGRESS TO REPAIR THE BUILDING SINCE OCTOBER 2022 A WARNING LETTER WAS ISSUED TODAY.					
PLEASE SEND A PLAN OF ACTION REGARDING THE REPAIR OF THE BUILDING TO MARYMADLENER@FRANKLINCOUNTYOHIO.GOV NO LATER THAN FRIDAY, JANUARY 20 TH. A FOLLOW UP WILL OCCUR AFTER JANUARY 20TH. IF FCPH DOES NOT RECEIVE A PLAN OF ACTION, FURTHER ENFORCEMENT ACTIONS MAY OCCUR.					
Person in Charge JIMMY				Date 18-Jan-2023	
Sanitarian Mary Madlener				Licensor Franklin County Public Health	

HEA 5302B Ohio Department of Health (10/19)  
 AGR 1268 Ohio Department of Agriculture (10/19)



## **WARNING LETTER**

Date:

Facility Name:

Address:

City/State/Zip:

License#:

Re: Continued Violations of Chapter 3717-1 OAC- Ohio Uniform Food Safety Code

Due to repeat uncorrected violations and/or failure to maintain sanitary conditions according to the Ohio Uniform Food Safety Code, the above mentioned facility has entered into the enforcement procedures of the Food Safety Program at Franklin County Public Health.

An additional follow-up inspection will be performed. If there are continued issues, repeat violations and/or new critical violations, an Administrative Hearing may be ordered. The Administrative Hearing may result in moving forward with a proposed license suspension or proposed revocation of the food license and possible additional enforcement actions.

The expectations of the Food Safety Program are to ensure that all facilities maintain the standards set forth in the Ohio Uniform Food Safety Code. Your facility must maintain the standards and ensure that all areas of food safety are being followed and maintained.

If you have any questions regarding this matter, please contact Sarah Jensen, MPH, RS/REHS, CP-FS Environmental Health Division Manager, at 614-561-3252 or sarahjensen@franklincountyohio.gov.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Jensen".

Sarah E. Jensen MPH, RS/REHS, CP-FS  
Environmental Health Division Manager  
Food Safety and School Health

CC: Health Commissioner; Director Environmental Health  
File

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 23-Jan-2023
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 25	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Follow-up	Follow up date (if required) 25-Jan-2023	Water sample date/result (if required)	

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item:   **IN**=In Compliance   **OUT**=Out of Compliance   **N/O**=Not Observed   **N/A**=Not Applicable

Supervision		Time/Temperature Controlled for Safety Food (TCS food)	
1	Person in charge present, demonstrates knowledge, and performs duties	21	Proper hot holding temperatures
2	Certified Food Protection Manager	22	Proper cold holding temperatures
Employee Health		Consumer Advisory	
3	Management, food employees and conditional employees; knowledge, responsibilities and reporting	23	Proper date marking and disposition
4	Proper use of restriction and exclusion	24	Time as a public health control: procedures & records
5	Procedures for responding to vomiting and diarrheal events	Highly Susceptible Populations	
Good Hygienic Practices		Chemical	
6	Proper eating, tasting, drinking, or tobacco use	25	Consumer advisory provided for raw or undercooked foods
7	No discharge from eyes, nose, and mouth	Conformance with Approved Procedures	
Preventing Contamination by Hands		26	Pasteurized foods used; prohibited foods not offered
8	Hands clean and properly washed	27	Food additives: approved and properly used
9	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	28	Toxic substances properly identified, stored, used
10	Adequate handwashing facilities supplied & accessible	Conformance with Approved Procedures	
Approved Source		29	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
11	Food obtained from approved source	30	Special Requirements: Fresh Juice Production
12	Food received at proper temperature	31	Special Requirements: Heat Treatment Dispensing Freezers
13	Food in good condition, safe, and unadulterated	32	Special Requirements: Custom Processing
14	Required records available: shellstock tags, parasite destruction	33	Special Requirements: Bulk Water Machine Criteria
Protection From Contamination		34	Special Requirements: Acidified White Rice Preparation Criteria
15	Food separated and protected	35	Critical Control Point Inspection
16	Food-contact surfaces: cleaned and sanitized	36	Process Review
17	Proper disposition of returned, previously served, reconditioned, and unsafe food	37	Variance
Time/Temperature Controlled for Safety Food (TCS food)		<b>Risk factors</b> are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness. <b>Public Health Interventions</b> are control measures to prevent foodborne illness or injury.	
18	Proper cooking time and temperatures		
19	Proper reheating procedures for hot holding		
20	Proper cooling time and temperatures		

HEA 5302A Ohio Department of Health (10/19)

AGR 1268 Ohio Department of Agriculture (10/19)

**State of Ohio**  
**Food Inspection Report**

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Follow-up	Date 23-Jan-2023
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<b>GOOD RETAIL PRACTICES</b>			
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: <b>IN</b> =In Compliance <b>OUT</b> =Out of Compliance <b>N/O</b> =Not Observed <b>N/A</b> =Not Applicable			
<b>Safe Food and Water</b>		<b>Utensils, Equipment and Vending</b>	
38	Pasteurized eggs used where required	54	Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	Water and ice from approved source	55	Warewashing facilities: installed, maintained, used; test strips
<b>Food Temperature Control</b>		56	Non-food contact surfaces clean
40	Proper cooling methods used; adequate equipment for temp control	<b>Physical Facilities</b>	
41	Plant food properly cooked for hot holding	57	Hot and cold water available; adequate pressure
42	Approved thawing methods used	58	Plumbing installed; proper backflow devices
43	Thermometers provided and accurate	59	Sewage and waste water properly disposed
<b>Food Identification</b>		60	Toilet facilities: properly constructed, supplied, cleaned
44	Food properly labeled; original container	61	Garbage/refuse properly disposed; facilities maintained
<b>Prevention of Food Contamination</b>		62	OUT Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
45	Insects, rodents, and animals not present/outer openings protected	63	Adequate ventilation and lighting; designated areas used
46	Contamination prevented during food preparation, storage & display	64	Existing Equipment and Facilities
47	Personal cleanliness	<b>Administrative</b>	
48	Wiping cloths: properly used and stored	65	901:3-4 OAC
49	Washing fruits and vegetables	66	3701-21 OAC
<b>Proper Use of Utensils</b>			
50	In-use utensils: properly stored		
51	Utensils, equipment and linens: properly stored, dried, handled		
52	Single-use/single-service articles: properly stored, used		
53	Slash-resistant, cloth, and latex glove use		

<b>Observations and Corrective Actions</b>					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R

62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. SECTIONS OF THE EXTERIOR OF THE BUILDING HAS FALLEN OFF THE BUILDING. EXPOSED AND THERE HAS BEEN NO PROGRESS TO REPAIR THE BUILDING IN OVER 3 MONTHS.		X
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**STOPPED BY THE STORE TODAY. THEY WERE CLOSED. HOURS POSTED ON THE ENTRANCE DOOR INDICATE THEY ARE CLOSED ON MONDAYS.**

**BUILDING DEBRIS REMAINS ON THE GROUND AND A PLAN OF ACTION WAS NOT SEND TO THE INSPECTOR BY FRIDAY, AS REQUESTED.**

**\*\*\*\*\*PLEASE NOTE. THE BUILDING MATERIALS THAT ARE ON THE GROUND OUTSIDE MUST BE REMOVED BY THIS WEDNESDAY. A WRITTEN PLAN OF ACTION MUST ALSO BE SENT TO MARYMADLENER@FRANKLINCOUNTYOHIO.GOV BY THIS WEDNESDAY, JANUARY 25, 2023. FAILURE TO COMPLETE BOTH REQUESTS WILL RESULT IN ENFORCEMENT (AN ADMINISTRATIVE HEARING WILL BE ORDERED)\*\*\*\*\***

**CONTACT ME, IF YOU HAVE QUESTIONS.**

**A FOLLOW UP WILL OCCUR ON JANUARY 25, 2023.**

Person in Charge JIM	Date 23-Jan-2023
Sanitarian Mary Madlener	Licenser Franklin County Public Health

HEA 5302B Ohio Department of Health (10/19)  
AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 1-Mar-2023
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 30	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Consultation	Follow up date (if required)		Water sample date/result (if required)

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

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Good Hygienic Practices		Highly Susceptible Populations	
6	Proper eating, tasting, drinking, or tobacco use	26	Pasteurized foods used; prohibited foods not offered
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9	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	Conformance with Approved Procedures	
10	Adequate handwashing facilities supplied & accessible	29	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
Approved Source		30	Special Requirements: Fresh Juice Production
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18	Proper cooking time and temperatures		
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**Risk factors** are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness.  
**Public Health Interventions** are control measures to prevent foodborne illness or injury.

HEA 5302A Ohio Department of Health (10/19)  
 AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Consultation	Date 1-Mar-2023
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GOOD RETAIL PRACTICES			
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: <b>IN</b> =In Compliance <b>OUT</b> =Out of Compliance <b>N/O</b> =Not Observed <b>N/A</b> =Not Applicable			
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<b>Prevention of Food Contamination</b>		62	OUT Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
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46	Contamination prevented during food preparation, storage & display	64	Existing Equipment and Facilities
47	Personal cleanliness	<b>Administrative</b>	
48	Wiping cloths: properly used and stored	65	901:3-4 OAC
49	Washing fruits and vegetables	66	3701-21 OAC
<b>Proper Use of Utensils</b>			
50	In-use utensils: properly stored		
51	Utensils, equipment and linens: properly stored, dried, handled		
52	Single-use/single-service articles: properly stored, used		
53	Slash-resistant, cloth, and latex glove use		

Observations and Corrective Actions					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. THE EXTERIOR OF THE BUILDING IS IN POOR REPAIR, AS EVIDENCED BY MISSING TILES AND BRICKS ON THE BUILDING THAT HAVE BEEN MISSING SINCE OCTOBER 2022. REPAIR IMMEDIATELY.		X
INSPECTOR OBSERVED THAT THE DAMAGED AREA ON YOUR BUILDING REMAINS UNFIXED.. MANAGEMENT FAILED TO EMAIL THE INSPECTOR QUOTES FOR REPAIRS, AS PREVIOUSLY REQUESTED VIA EMAILS AND IN PERSON. *****PLEASE NOTE - THE DAMAGED AREA ON YOUR BUILDING SHALL BE REPAIRED WITHIN ONE WEEK OR AN ADMINISTRATIVE HEARING WILL BE ORDERED AND YOUR LICENSE COULD BE A T RISK*****					
Person in Charge EMAIL ON FILE			Date 1-Mar-2023		
Sanitarian Mary Madlener			Licensor Franklin County Public Health		

HEA 5302B Ohio Department of Health (10/19)  
AGR 1268 Ohio Department of Agriculture (10/19)





All pictures on this page were taken on April 5, 2023.

The exterior walls of the facility did not have the proper finishing, along with evidence of possible harborage of rats and other pests.

The facility remained in this condition October 2022-May 2023.



Evidence of rodent/pest nests and harborage in the walls of the building.

The facility remained in this condition from October 2022-May 2023.

All pictures on this page were taken on April 5, 2023.





April 6, 2023

Boston Market #613  
4310 W Broad St.  
Bexley, OH 43209  
Columbus, OH 43228  
Licensee: Boston Market Corp  
License #: NFRY-9C34HG

Dear Boston Market, #613:

An Administrative Hearing for Boston Market #613 was held in person with Franklin County Public Health on April 6, 2023. In attendance were Karin Kasper, Division Manager; Rebecca Keller, Supervisor; and Marisue Madlener, REHS. An area representative for the facility failed to attend in person and we were able to get ahold of them to send out a virtual meeting invite on zoom. Factual evidence was presented from file records regarding the ongoing violations of Chapter 3717 of the Ohio Administrative Code.

The inspection reports from October 5, 2022 to present were to be discussed. During these inspections, the facility has failed to take action regarding the exterior of the building.

The following is a plan of action that was to be implemented after the hearing:

**Physical Facilities:**

- The facility has had repeat violations on the physical facility being in a state of disrepair.
- A plan of action for the repairs to the exterior of the building will be submitted to Franklin County Public Health by April 25, 2023.
- Repairs must commence immediately after securing a plan.
- Have pest control inspect the exterior before repairs. There are signs of harborage.
- Address all other violations immediately
- Correct all repeat violations.

The facility must work to adopt a responsible food safety culture to ensure that all food safety rules are being followed. The management staff/Person-In-Charge has the responsibility to ensure that all food safety violations/concerns are immediately abated.

It is recommended that the facility have a licensed pest control operator before and after the repairs, as there are pests in the insulation.

Due to the history of violations, and the need for the facility to attend the Administrative Hearing, failure to turn in a plan of action by April 25 will result in a Board of Health Hearing notice being delivered on April 25. The Board of Health Hearing will take place May 9, 2023 and will result in the possible suspension or revocation of your Food Service Operation License.

If you have any questions, please feel free to email Karin Kasper, REHS at [karinkasper@franklincountyohio.gov](mailto:karinkasper@franklincountyohio.gov)

Sincerely,



Karin Kasper, REHS,  
Food Safety & School Health Division Manager

CC: Health Commissioner  
Assistant Franklin County Prosecutor  
File

KK/rjk



Franklin County Public Health  
 280 East Broad Street  
 Columbus, Ohio 43215-4562  
 (614) 525-3160  
 www.myfcph.org

## Attendance Record

### Boston Market Administrative Hearing Meeting

Memorial Hall, Nursing Conference Room

April 6, 2023, 10 a.m.

Name	Agency	Title	Signature
Karin Kasper	FCPH	Division Manager	<i>Karin Kasper</i>
Rebecca Keller	FCPH	Supervisor	
Marisue Madlener	FCPH	REHS II	
Alex Sander	Boston Market		

**From:** [Alex Sanders](#)  
**To:** [Kasper, Karin C.](#)  
**Cc:** [Keller, Rebecca](#); [Madlener, Mary S.](#)  
**Subject:** Re: Boston Market Administrative Hearing Outcome  
**Date:** Tuesday, April 25, 2023 4:49:45 PM

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Sorry for the delay.

To whom it may concern at the Ohio Department of Health.  
Boston Market has approved the estimate for work to be done at Boston Market 613 in Columbus Ohio, 4310 West Broad St.  
Weather permitting Northern Exteriors will be responsible for replacing exterior/interior walls back to the original form. This includes removing damaged or molded drywall, paneling, insulation, ESP foam walls including hardware paint to match. We will begin this the week of 5-7-23 and finish by weeks end. The Area Manager notified us of the possibility of rodents running rampant after or during the deconstruction of the mall across the street. It will be air tight and rodent proof to the best of our abilities. Sincerely yours,  
Northern Exteriors. Edward Upesleja 216-513-9837  
Eddieu1972@yahoo.com or Kevin Jacna 216-244-1053  
Kevinupesleja@hotmail.com

Sent from my T-Mobile 5G Device  
Get [Outlook for Android](#)

---

**From:** Kasper, Karin C. <karinkasper@franklincountyohio.gov>  
**Sent:** Tuesday, April 25, 2023 4:25:21 PM  
**To:** Alex Sanders <asanders1@bost.com>  
**Cc:** Keller, Rebecca <RebeccaKeller@franklincountyohio.gov>; Madlener, Mary S. <MaryMadlener@franklincountyohio.gov>  
**Subject:** RE: Boston Market Administrative Hearing Outcome

Good afternoon,

Please send us your written plan ASAP. We must receive your plan in writing.

Thank you.

Karin Kasper, REHS  
Food Safety & School Health Division Manager  
Franklin County Public Health  
280 East Broad Street  
Columbus, Ohio 43215-4562

[KarinKasper@franklincountyohio.gov](mailto:KarinKasper@franklincountyohio.gov)  
Cell: (614) 653-2235  
General Food Line: (614) 525-7462  
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**From:** Kasper, Karin C.  
**Sent:** Thursday, April 6, 2023 10:16 AM  
**To:** asanders1@bost.com  
**Cc:** Keller, Rebecca <RebeccaKeller@franklincountyohio.gov>; Madlener, Mary S. <MaryMadlener@franklincountyohio.gov>  
**Subject:** Boston Market Administrative Hearing Outcome

Good morning,

Thank you for attending the meeting this morning. See attached outcome letter.

Please have a plan turned in to us by April 25, 2023 or a Notice of Board of Health Hearing will be hand delivered on April 25<sup>th</sup>.

Please sign the attached attendance sheet from our meeting today.

Feel free to reach out to any of us with any questions.

Thank you.

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# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 15-May-2023
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 150	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Standard/Critical Control Point		Follow up date (if required) 25-May-2023	Water sample date/result (if required)

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item:   **IN**=In Compliance   **OUT**=Out of Compliance   **N/O**=Not Observed   **N/A**=Not Applicable

Supervision			Time/Temperature Controlled for Safety Food (TCS food)		
1	IN	Person in charge present, demonstrates knowledge, and performs duties	21	IN	Proper hot holding temperatures
2	OUT	Certified Food Protection Manager	22	IN	Proper cold holding temperatures
Employee Health			23	OUT	Proper date marking and disposition
3	OUT	Management, food employees and conditional employees; knowledge, responsibilities and reporting	24	N/A	Time as a public health control: procedures & records
4	IN	Proper use of restriction and exclusion	Consumer Advisory		
5	IN	Procedures for responding to vomiting and diarrheal events	25	N/A	Consumer advisory provided for raw or undercooked foods
Good Hygienic Practices			Highly Susceptible Populations		
6	IN	Proper eating, tasting, drinking, or tobacco use	26	N/A	Pasteurized foods used; prohibited foods not offered
7	IN	No discharge from eyes, nose, and mouth	Chemical		
Preventing Contamination by Hands			27	N/A	Food additives: approved and properly used
8	IN	Hands clean and properly washed	28	IN	Toxic substances properly identified, stored, used
9	IN	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	Conformance with Approved Procedures		
10	OUT	Adequate handwashing facilities supplied & accessible	29	N/A	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
Approved Source			30	N/A	Special Requirements: Fresh Juice Production
11	IN	Food obtained from approved source	31	N/A	Special Requirements: Heat Treatment Dispensing Freezers
12	N/O	Food received at proper temperature	32	N/A	Special Requirements: Custom Processing
13	IN	Food in good condition, safe, and unadulterated	33	N/A	Special Requirements: Bulk Water Machine Criteria
14	N/O	Required records available: shellstock tags, parasite destruction	34	N/A	Special Requirements: Acidified White Rice Preparation Criteria
Protection From Contamination			35		Critical Control Point Inspection
15	OUT	Food separated and protected	36	N/A	Process Review
16	OUT	Food-contact surfaces: cleaned and sanitized	37	N/A	Variance
17	IN	Proper disposition of returned, previously served, reconditioned, and unsafe food			
Time/Temperature Controlled for Safety Food (TCS food)					
18	N/O	Proper cooking time and temperatures			
19	N/O	Proper reheating procedures for hot holding			
20	N/O	Proper cooling time and temperatures			

**Risk factors** are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness.  
**Public Health Interventions** are control measures to prevent foodborne illness or injury.

HEA 5302A Ohio Department of Health (10/19)  
 AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Standard/Critical Control Point	Date 15-May-2023
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GOOD RETAIL PRACTICES					
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: <b>IN</b> =In Compliance <b>OUT</b> =Out of Compliance <b>N/O</b> =Not Observed <b>N/A</b> =Not Applicable					
<b>Safe Food and Water</b>		<b>Utensils, Equipment and Vending</b>			
38	N/A	Pasteurized eggs used where required	54	OUT	Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	IN	Water and ice from approved source	55	OUT	Warewashing facilities: installed, maintained, used; test strips
<b>Food Temperature Control</b>		<b>Physical Facilities</b>			
40	IN	Proper cooling methods used; adequate equipment for temp control	57	IN	Hot and cold water available; adequate pressure
41	N/O	Plant food properly cooked for hot holding	58	OUT	Plumbing installed; proper backflow devices
42	N/O	Approved thawing methods used	59	OUT	Sewage and waste water properly disposed
43	IN	Thermometers provided and accurate	60	IN	Toilet facilities: properly constructed, supplied, cleaned
<b>Food Identification</b>		<b>Administrative</b>			
44	OUT	Food properly labeled; original container	61	OUT	Garbage/refuse properly disposed; facilities maintained
<b>Prevention of Food Contamination</b>		<b>Physical Facilities</b>			
45	OUT	Insects, rodents, and animals not present/outer openings protected	62	OUT	Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
46	IN	Contamination prevented during food preparation, storage & display	63	OUT	Adequate ventilation and lighting; designated areas used
47	IN	Personal cleanliness	64	IN	Existing Equipment and Facilities
48	IN	Wiping cloths: properly used and stored	<b>Administrative</b>		
49	IN	Washing fruits and vegetables	65	N/A	901:3-4 OAC
<b>Proper Use of Utensils</b>		<b>Physical Facilities</b>			
50	OUT	In-use utensils: properly stored	66	OUT	3701-21 OAC
51	IN	Utensils, equipment and linens: properly stored, dried, handled			
52	IN	Single-use/single-service articles: properly stored, used			
53	IN	Slash-resistant, cloth, and latex glove use			

Observations and Corrective Actions					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R
02	3717-1-02.4(A)(2)	NC	Observations: Facility does not have an employee with manager certification in food protection. THE EMPLOYEE ON DUTY (ONLY ONE EMPLOYEE WAS PRESENT AT THE TIME OF INSPECTION) COULD NOT DEMONSTRATE IF THE FACILITY HAS A MANAGER, WHO IS CERTIFIED BY THE STATE OF OHIO IN A MANAGER FOOD PROTECTION COURSE.		X
03	3717-1-02.4(C)(15)	C	Observations: Employees are not informed in a verifiable manner of their responsibility to report information about their health. OBSERVED A POSTED EMPLOYEE HEALTH POLICY, BUT IT LACKED SIGNATURES OF EMPLOYEES TO INDICATE THE EMPLOYEES WERE INFORMED OF THEIR HEALTH REPORTING RESPONSIBILITIES, AS REQUIRED BY STATE CODE. HAVE ALL FOOD EMPLOYEES READ, UNDERSTAND AND SIGN YOUR HEALTH POLICY TO REDUCE THE LIKELIHOOD OF FOODBORNE ILLNESSES AND CONTAMINATION RISKS.		X
10	3717-1-06.2(C)	NC	Observations: No towels or drying device at the handwashing sink(s). THE HANDSINK BY THE FOOD PREP SINK WAS OBSERVED WITHOUT SINGLE USE TOWELS IN THE DISPENSER. CORRECTED ON SITE. (PAPER TOWELS WERE OBTAINED AND LOADED INTO THE DISPENSER AT THE TIME OF INSPECTION.)	X	X
15	3717-1-03.2(C)	C	Observations: Food not properly protected from contamination by separation, packaging, and segregation. OBSERVED AN OPEN AND EXPOSED BOX OF FROZEN CORN IN THE REACH-IN FREEZER. CORRECTED ON SITE. THE SCOOP IN THE CORN WAS REMOVED AND THE THE BOX CLOSED TO REDUCE THE LIKELIHOOD OF CONTAMINATION.	X	
			Observations: Food equipment surfaces not cleaned at required frequency.	X	

16	3717-1-04.5(B)(1)	C	OBSERVED SOME STANDING WATER WITH BROWN PARTICLES IN THE WATER INSIDE THE ICE SCOOP HOLDER. CORRECTED. THE HOLDER AND ICE SCOOP WERE TAKEN TO THE DISH AREA TO WASH-RINSE AND SANITIZE.		
16	3717-1-04.5(A)(1)	C	Observations: Equipment food-contact surfaces or utensils are unclean. OBSERVED A SMALL AMOUNT OF PINK AND BLACK SUBSTANCES ON THE FRONT OF THE WHITE DROP PLATE INSIDE THE ICE MAKER. CLEAN AND SANITIZE TO PREVENT CONTAMINATION AND PATHOGEN GROWTH.		
23	3717-1-03.4(G)	C	Observations: Refrigerated, ready-to-eat, TCS foods not properly date marked. OBSERVED REFRIGERATED PORTION CONTROL CUPS OF DIPPING SAUCE NOT DATED IN THE SANDWICH STATION'S FLIP TOP COOLER. THE PC CUPS WERE PORTIONED 3 DAYS AGAIN, PER THE EMPLOYEE ON DUTY. CORRECTED ON SITE. THE PC CUPS WERE VOLUNTARILY DISCARDED TO PREVENT PATHOGEN GROWTH AND CONTAMINATION. DATE MARK READY TO EAT TCS FOODS. THE DAY OF PREP IS DAY 1/THE DAY THE PACKAGE IS OPENED IS DAY 1. DISCARD ON DAY 7	X	
44	3717-1-03.5(C)(1)	NC	Observations: A food packaged in the facility not labeled. OBSERVED A PLATE OF SELF SERVICE BROWNIES AND COOKIES NOT LABELED. ALL PACKAGED AND SELF SERVICE FOOD ITEMS ARE REQUIRED TO BE LABELED WITH INGREDIENTS BY PREDOMINANCE OF WEIGHT AND THEIR SUB-INGREDEINTS, THE NAME OF MANUFACTURER/DISTRIBUTOR/REPACKER AND THEIR ADDRESS, WEIGHT OF THE FOOD, ALLERGENS AND THE COMMON NAME OF THE ITEM.		
45	3717-1-06.1(M)	NC	Observations: Outer opening not protected. OBSERVED GAPS AND LIGHT UNDER THE BACK DOOR. ALL OUTER OPENINGS NEED TO BE FREE OF GAPS TO PREVENT THE ENTRY OF PESTS AND RODENTS. REPAIR.		
50	3717-1-03.2(K)	NC	Observations: In-use utensils improperly stored. OBSERVED THE HANDLE OF A SPOON THAT WAS IN THE PARMESAN CHEESE CONTAINER IN A COLD WELL WAS IN CONTACT WITH THE CHEESE. CORRECTED ON SITE. THE HANDLE WAS REMOVED FROM BEING IN CONTACT WITH THE PARMESAN CHEESE. KEEP HANDLES UPRIGHT TO PREVENT CONTAMINATION RISKS.	X	
54	3717-1-04.3(B)	NC	Observations: Fixed equipment not properly sealed or spaced for cleaning. THE HANDSINK IN THE LEFT MOST RESTROOM IS NOT PROPERLY SEALED TO THE WALL NOR THE LEFT SIDE OF THE FOOD PREP SINK. CAULK TO SEAL TO ENSURE PROPER CLEANING.		
54	3717-1-04.1(C)	C	Observations: Food contact surfaces not easily cleanable. OBSERVED 3 STORED SPATULAS WITH CHIPS ALONG THEIR EDGES. CORRECTED ON SITE. THEY WERE VOLUNTARILY DISCARDED. DO NOT USE DAMAGED FOOD CONTACT SURFACES FOR THEY CANNOT BE CLEANED PROPERLY.	X	X
55	3717-1-04.2(I)	NC	Observations: No sanitizer test kit available. OBSERVED EXPIRED QUAT TEST STRIPS. ACQUIRE NEW.		
56	3717-1-04.5(A)(3)	NC	Observations: Non-food contact surfaces of equipment are unclean. 1. OBSERVED AN AREA ON THE BASE OF THE MIXER AND THE GUARDS ON THE MIXER TO BE SOILED. 1. OBSERVED SOILED FAN GUARDS IN THE WALK-IN COOLER. CLEAN AND SANITIZE		
58	3717-1-05.1(E)	C	Observations: Improper backflow prevention device installed on a water supply system. THE MOP SINK THAT IS EQUIPPED WITH A V ATTACHMENT WAS NOT TURNED OFF AFTER USE. CORRECTED ON SITE. THE V ATTACHMENTS WAS TURNED OFF. TURN OFF AFTER USE FOR THEY ARE NOT DESIGNED TO BE UNDER CONSTANT PRESSURE.	X	
58	3717-1-05.1(S)	NC	Observations: Plumbing system not properly maintained or repaired. THE FAUCET AT THE FOOD PREP SINK LEAKS. REPAIR		
59	3717-1-05.3(C)	C	Observations: Direct connection between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed. OBSERVED DIRECT PLUMBING CONNECTIONS AT THE FOLLOWING		

			PIECES OF EQUIPMENT: ICE MAKER RETHEMALIZER AND THE STEAMTABLE. AIR GAPS ARE REQUIRED TO PREVENT BACK SIPHONAGE.		
61	3717-1-05.4(P)	NC	Observations: Improperly cleaned storage area for refuse, recyclables, or returnables. OBSERVED TRASH ON THE GROUD IN THE DUMPSTER ENCLOSURE. CLEAN AND MAINTAIN		
61	3717-1-05.4(N)	NC	Observations: Waste receptacles not covered properly. OBSERVED AN OUTDOOR GREASE RECEPTACLE NOT PROPERLY COVERED DUE TO A DAMAGED LID. KEEP COVERED.		
61	3717-1-05.4(F)(1)	NC	Observations: Outdoor refuse containers without tight fitting lids, doors, or covers. OBSERVED AN OUTDOOR GREASE RECEPTACLE WITH A DAMAGED LID. REPAIR. OUTDOOR REFUSE CONTAINER MUST BE EQUIPPED WITH TIGHT LIDS FOR PEST AND RODENT CONTROL AS WELL AS ENVIRONMENT REASONS.		
62	3717-1-06.4(B)	NC	Observations: Facility not maintained clean. OBSERVED DUST ON AREAS OF THE WALL AND CEILING, AS WELL AS SOME SPILLS. THE WALL UNDER THE 3 BAY SINK HAS BROWNISH STREAK MARKS. OBSERVED AN UNCLEAN FLOOR BY THE RETHEMALIZER. ENSURE YOUR FLOORS, WALLS AND CEILING ARE CLEAN AND MAINTAINED.		
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. 1. THE OUTSIDE OF THE BUILDING WHERE A PORTION OF THE BUILDING HAS FALLEN OFF HAS NOT BE FULLY REPAIRED. ON THE BACKSIDE OF THE BUILDING SYTROFOAM WAS PUT UP. ON THE LOWER LEFT OF THE SYTROFOAM A HOLE IS PRESENT. 2. THERE IS A MISSING CEILING TILE IN THE BACK OF HOUSE. 3. THERE IS PEELING PAINT ON THE WALK-IN COOLER CEILING. COMPLETE ALL REPAIRS ON THE OUTSIDE BY THURSDAY, MAY 25TH.		X
63	3717-1-06.4(D)	NC	Observations: Ventilation system not maintained. OBSERVED BLACK BUILD UP ON BACK OF HOUSE CEILING VENTS. CLEAN		
66	3701-21-02(H)	NC	Observations: FSO license not displayed; improper display of mobile FSO information. THE STORE'S CURRENT FOOD LICENSE WAS NOT ON DISPLAY; IT COULD NOT BE LOCATED IN THE RESTAURANT. OBTAIN AND POST YOUR CURRENT FOOD LICENSE (NO COPIES)		
66	3701-21-25(I)	NC	Observations: FSO did not have a person in charge per shift with the person in charge certification in food protection. THE RESTAURANT LACKED SOMEONE PRESENT WHO HAS TAKEN A REQUIRED LEVEL 1 (AS KNOW AS A PERSON IN CHARGE (PIC)) COURSE. ONLINE COURSES ARE AVAILABLE. SAMPLE WEBSITE INCLUDE BUT NOT LIMITED TO SERVS SAFE.COM AND STATEFOODSAFETY.COM. AT LEAST ONE PERSON WITH A LEVEL 1/PIC CERTIFICATE MUST BE PRESENT ON ALL SHIFTS.		X

A FOLLOW UP WILL OCCUR ON OR AFTER THURSDAY, MAY 25TH. ENSURE ALL CITED VIOLATIONS ARE CORRECTED BY THIS DATE.

THE OUTSIDE BUILDING REPAIRS MUST BE COMPLETED BY MAY 25TH. FAILURE TO REPAIR THE OUTSIDE OF THE BUILDING WILL RESULT IN FURTHER ENFORCEMENT (HEARING WITH THE BOARD OF HEALTH)

**III - Preventing Contamination by Hands:** Observed no towels or hand drying device at the handwashing sink(s).

**VII - Protection from Contamination:** Observed food that was not properly protected from contamination by separation, packaging, and segregation.

**VII - Protection from Contamination:** Equipment food-contact surfaces or utensils are dirty.

**I - Employee Health:** The person in charge removed a food employee's exclusion or restriction without release from a health care provider or licensor approval.

**VI - TCS Food:** Refrigerated, ready-to-eat, TCS foods held refrigerated for more than 24 hours were not properly date marked.

**IV - Demonstration of Knowledge:** There was no person in charge present in the food facility during inspection.

Person in Charge

Date

CELSO	15-May-2023
Sanitarian	Licenser
Mary Madlener	Franklin County Public Health

HEA 5302B Ohio Department of Health (10/19)  
AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number NFRY-9C34HG	Date 25-May-2023
Address 4310 W Broad Street		City/State/Zip Code Columbus OH 43228	
License holder Boston Market Corp	Inspection Time 135	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Follow-up	Follow up date (if required) 12-Jun-2023	Water sample date/result (if required)	

## FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item:    **IN**=In Compliance   **OUT**=Out of Compliance   **N/O**=Not Observed   **N/A**=Not Applicable

Supervision		Time/Temperature Controlled for Safety Food (TCS food)	
1	Person in charge present, demonstrates knowledge, and performs duties	21	Proper hot holding temperatures
2	OUT Certified Food Protection Manager	22	Proper cold holding temperatures
Employee Health		Consumer Advisory	
3	OUT Management, food employees and conditional employees; knowledge, responsibilities and reporting	23	Proper date marking and disposition
4	Proper use of restriction and exclusion	24	Time as a public health control: procedures & records
5	Procedures for responding to vomiting and diarrheal events	Highly Susceptible Populations	
Good Hygienic Practices		Chemical	
6	Proper eating, tasting, drinking, or tobacco use	25	Consumer advisory provided for raw or undercooked foods
7	No discharge from eyes, nose, and mouth	Conformance with Approved Procedures	
Preventing Contamination by Hands		26	Pasteurized foods used; prohibited foods not offered
8	Hands clean and properly washed	27	Food additives: approved and properly used
9	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	28	Toxic substances properly identified, stored, used
10	Adequate handwashing facilities supplied & accessible	Conformance with Approved Procedures	
Approved Source		29	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
11	Food obtained from approved source	30	Special Requirements: Fresh Juice Production
12	Food received at proper temperature	31	Special Requirements: Heat Treatment Dispensing Freezers
13	Food in good condition, safe, and unadulterated	32	Special Requirements: Custom Processing
14	Required records available: shellstock tags, parasite destruction	33	Special Requirements: Bulk Water Machine Criteria
Protection From Contamination		34	Special Requirements: Acidified White Rice Preparation Criteria
15	Food separated and protected	35	Critical Control Point Inspection
16	Food-contact surfaces: cleaned and sanitized	36	Process Review
17	Proper disposition of returned, previously served, reconditioned, and unsafe food	37	Variance
Time/Temperature Controlled for Safety Food (TCS food)		<b>Risk factors</b> are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness. <b>Public Health Interventions</b> are control measures to prevent foodborne illness or injury.	
18	Proper cooking time and temperatures		
19	Proper reheating procedures for hot holding		
20	Proper cooling time and temperatures		

HEA 5302A Ohio Department of Health (10/19)

AGR 1268 Ohio Department of Agriculture (10/19)

# State of Ohio Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Boston Market #613	Type of Inspection Follow-up	Date 25-May-2023
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GOOD RETAIL PRACTICES			
Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods. Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: <b>IN</b> =In Compliance <b>OUT</b> =Out of Compliance <b>N/O</b> =Not Observed <b>N/A</b> =Not Applicable			
Safe Food and Water		Utensils, Equipment and Vending	
38	Pasteurized eggs used where required	54	OUT Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	Water and ice from approved source	55	OUT Warewashing facilities: installed, maintained, used; test strips
Food Temperature Control		56	OUT Non-food contact surfaces clean
40	Proper cooling methods used; adequate equipment for temp control	Physical Facilities	
41	Plant food properly cooked for hot holding	57	Hot and cold water available; adequate pressure
42	Approved thawing methods used	58	OUT Plumbing installed; proper backflow devices
43	Thermometers provided and accurate	59	OUT Sewage and waste water properly disposed
Food Identification		60	Toilet facilities: properly constructed, supplied, cleaned
44	Food properly labeled; original container	61	OUT Garbage/refuse properly disposed; facilities maintained
Prevention of Food Contamination		62	OUT Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
45	OUT Insects, rodents, and animals not present/outer openings protected	63	OUT Adequate ventilation and lighting; designated areas used
46	Contamination prevented during food preparation, storage & display	64	Existing Equipment and Facilities
47	Personal cleanliness	Administrative	
48	Wiping cloths: properly used and stored	65	901:3-4 OAC
49	Washing fruits and vegetables	66	OUT 3701-21 OAC
Proper Use of Utensils			
50	In-use utensils: properly stored		
51	Utensils, equipment and linens: properly stored, dried, handled		
52	Single-use/single-service articles: properly stored, used		
53	Slash-resistant, cloth, and latex glove use		

Observations and Corrective Actions					
Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL					
Item No.	Code Section	Priority Level	Comment	COS	R
02	3717-1-02.4(A)(2)	NC	Observations: Facility does not have an employee with manager certification in food protection. THE EMPLOYEE ON DUTY (ONLY ONE EMPLOYEE WAS PRESENT AT THE TIME OF INSPECTION) COULD NOT DEMONSTRATE IF THE FACILITY HAS A MANAGER, WHO IS CERTIFIED BY THE STATE OF OHIO IN A MANAGER FOOD PROTECTION COURSE.		X
03	3717-1-02.4(C)(15)	C	Observations: Employees are not informed in a verifiable manner of their responsibility to report information about their health. OBSERVED A POSTED EMPLOYEE HEALTH POLICY, BUT IT LACKED SIGNATURES OF EMPLOYEES TO INDICATE THE EMPLOYEES WERE INFORMED OF THEIR HEALTH REPORTING RESPONSIBILITIES, AS REQUIRED BY STATE CODE. HAVE ALL FOOD EMPLOYEES READ, UNDERSTAND AND SIGN YOUR HEALTH POLICY TO REDUCE THE LIKELIHOOD OF FOODBORNE ILLNESSES AND CONTAMINATION RISKS.		X
45	3717-1-06.1(M)	NC	Observations: Outer opening not protected. OBSERVED GAPS AND LIGHT UNDER THE BACK DOOR. ALL OUTER OPENINGS NEED TO BE FREE OF GAPS TO PREVENT THE ENTRY OF PESTS AND RODENTS. REPAIR.		X
54	3717-1-04.3(B)	NC	Observations: Fixed equipment not properly sealed or spaced for cleaning. THE HANDSINK IN THE LEFT MOST RESTROOM IS NOT PROPERLY SEALED TO THE WALL NOR THE LEFT SIDE OF THE FOOD PREP SINK. CAULK TO SEAL TO ENSURE PROPER CLEANING.		X
55	3717-1-04.2(I)	NC	Observations: No sanitizer test kit available. OBSERVED EXPIRED QUAT TEST STRIPS. ACQUIRE NEW.		X

56	3717-1-04.5(A)(3)	NC	Observations: Non-food contact surfaces of equipment are unclean. 1. OBSERVED AN AREA ON THE BASE OF THE MIXER AND THE GUARDS ON THE MIXER TO BE SOILED. 1. OBSERVED SOILED FAN GUARDS IN THE WALK-IN COOLER. CLEAN AND SANITIZE	X
58	3717-1-05.1(S)	NC	Observations: Plumbing system not properly maintained or repaired. THE FAUCET AT THE FOOD PREP SINK LEAKS. REPAIR	X
59	3717-1-05.3(C)	C	Observations: Direct connection between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed. OBSERVED DIRECT PLUMBING CONNECTIONS AT THE FOLLOWING PIECES OF EQUIPMENT: ICE MAKER RETHEMALIZER AND THE STEAMTABLE. AIR GAPS ARE REQUIRED TO PREVENT BACK SIPHONAGE.	X
61	3717-1-05.4(F)(1)	NC	Observations: Outdoor refuse containers without tight fitting lids, doors, or covers. OBSERVED AN OUTDOOR GREASE RECEPTACLE WITH A DAMAGED LID. REPAIR. OUTDOOR REFUSE CONTAINER MUST BE EQUIPPED WITH TIGHT LIDS FOR PEST AND RODENT CONTROL AS WELL AS ENVIRONMENT REASONS.	X
61	3717-1-05.4(N)	NC	Observations: Waste receptacles not covered properly. OBSERVED AN OUTDOOR GREASE RECEPTACLE NOT PROPERLY COVERED DUE TO A DAMAGED LID. KEEP COVERED.	X
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair. 1. THE OUTSIDE OF THE BUILDING WHERE A PORTION OF THE BUILDING HAS FALLEN OFF HAS NOT BE FULLY REPAIRED. ON THE BACKSIDE OF THE BUILDING SYTROFOAM WAS PUT UP. ON THE LOWER LEFT OF THE SYTROFOAM A HOLE IS PRESENT. 2. THERE IS A MISSING CEILING TILE IN THE BACK OF HOUSE. 3. THERE IS PEELING PAINT ON THE WALK-IN COOLER CEILING. COMPLETE ALL REPAIRS ON THE OUTSIDE BY THURSDAY, MAY 25TH.	X
62	3717-1-06.4(B)	NC	Observations: Facility not maintained clean. OBSERVED DUST ON AREAS OF THE WALL AND CEILING, AS WELL AS SOME SPILLS. THE WALL UNDER THE 3 BAY SINK HAS BROWNISH STREAK MARKS. OBSERVED AN UNCLEAR FLOOR BY THE RETHEMALIZER. ENSURE YOUR FLOORS, WALLS AND CEILING ARE CLEAN AND MAINTAINED.	X
63	3717-1-06.4(D)	NC	Observations: Ventilation system not maintained. OBSERVED BLACK BUILD UP ON BACK OF HOUSE CEILING VENTS. CLEAN	X
66	3701-21-02(H)	NC	Observations: FSO license not displayed; improper display of mobile FSO information. THE STORE'S CURRENT FOOD LICENSE WAS NOT ON DISPLAY; IT COULD NOT BE LOCATED IN THE RESTAURANT. OBTAIN AND POST YOUR CURRENT FOOD LICENSE (NO COPIES)	X

**Corrected Violations**

Item No.	Code Section	Priority Level	Comment
16	3717-1-04.5(A)(1)	C	Observations: Equipment food-contact surfaces or utensils are unclean. OBSERVED A SMALL AMOUNT OF PINK AND BLACK SUBSTANCES ON THE FRONT OF THE WHITE DROP PLATE INSIDE THE ICE MAKER. CLEAN AND SANITIZE TO PREVENT CONTAMINATION AND PATHOGEN GROWTH.
44	3717-1-03.5(C)(1)	NC	Observations: A food packaged in the facility not labeled. OBSERVED A PLATE OF SELF SERVICE BROWNIES AND COOKIES NOT LABELED. ALL PACKAGED AND SELF SERVICE FOOD ITEMS ARE REQUIRED TO BE LABELED WITH INGREDIENTS BY PREDOMINANCE OF WEIGHT AND THEIR SUB-INGREDEINTS, THE NAME OF MANUFACTURER/DISTRIBUTOR/REPACKER AND THEIR ADDRESS, WEIGHT OF THE FOOD, ALLERGENS AND THE COMMON NAME OF THE ITEM.
61	3717-1-05.4(P)	NC	Observations: Improperly cleaned storage area for refuse, recyclables, or returnables. OBSERVED TRASH ON THE GROUD IN THE DUMPSTER ENCLOSURE. CLEAN AND MAINTAIN
66	3701-21-25(I)	NC	Observations: FSO did not have a person in charge per shift with the person in charge certification in food protection. THE RESTAURANT LACKED SOMEONE PRESENT WHO HAS TAKEN A REQUIRED LEVEL 1 (AS KNOW AS A PERSON IN CHARGE (PIC)) COURSE. ONLINE COURSES ARE AVAILABLE.



		<p>SAMPLE WEBSITE INCLUDE BUT NOT LIMITED TO SERVSAFE.COM AND STATEFOODSAFETY.COM.          AT LEAST ONE PERSON WITH A LEVEL 1/PIC CERTIFICATE MUST BE PRESENT ON ALL SHIFTS.          5/25 - INFORMED THAT THIS STORE HAS BEEN AT THIS LOCATION FOR AT LEAST 20 YEARS. WILL MARK THIS VIOLATION AS IN SINCE THIS CODE APPLIES TO FOOD OPERATIONS THAT HAVE OPENED FROM 3/2010 AND LATER.</p>
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A FOLLOW UP WILL OCCUR ON JUNE 12TH WHICH IS THE DAY BEFORE THE FRANKLIN COUNTY BOARD MEETING.

PLEASE CORRECT VIOLATIONS PRIOR TO JUNE 13TH, WHICH IS THE DATE OF YOUR HEARING WITH THE FRANKLIN COUNTY BOARD OF HEALTH.  
 I WILL DROP OFF YOUR BOARD MEETING LETTER TOMORROW, WHICH WILL PROVIDE YOU WITH MORE BOARD HEARING INFORMATION SUCH AS THE TIME AND LOCATION.

PROVIDED THE MANAGER ON HOW TO OBTAIN A STATE OF OHIO CERTIFICATION IN FOOD PROTECTION AND AN EMPLOYEE HEALTH POLICY.

Person in Charge JAQUECA	Date 25-May-2023
Sanitarian Mary Madlener	Licensor Franklin County Public Health

HEA 5302B Ohio Department of Health (10/19)  
 AGR 1268 Ohio Department of Agriculture (10/19)



All pictures on this page were taken on May 25, 2023.



Evidence of rats/pests chewing through the styrofoam on the walls of the facility and the wood framing doesn't extend all the way to the ground, leaving room for pests to get in. These are the most recent pictures of the repairs made to the facility.





March 23, 2023

Boston Market #613  
4310 W Broad St  
Columbus, OH 43228  
Licensee: Boston Market Corp  
License #: NFRY-9C34HG

Re: Repeated violations and failure to maintain standards of Ohio Administrative Code 3717: Ohio Uniform Food Safety Code

Dear Boston Market Corp:

For failure to correct violations and maintain minimum standards of the Ohio Uniform Food Safety Code, you are hereby requested to appear for an Administrative Hearing on:

**Thursday April 6, 2023, at 10:00am**

Boston Market #613 is currently in violation of Ohio Administrative Code, Chapter 3717 governing food service operations and retail food establishments.

This hearing will be at the office of the Franklin County District Board of Health, Memorial Hall 280 E. Broad Street, located on the 2<sup>nd</sup> floor, Columbus, Ohio 43215, and will be conducted by the Food Safety and School Health Division Manager or her designee.

Failure to appear may result in immediate legal action by Franklin County Public Health. Please contact this office if you have any questions regarding this hearing at (614)525-3160.

Sincerely,

*Rebecca J Keller, REHS*

Rebecca J Keller, REHS  
Supervisor, Food Safety Program  
Franklin County Public Health  
280 East Broad Street  
Columbus, Ohio 43215-4562

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Received by

\_\_\_\_\_  
Date

Hand delivered by M. Madlener, REHS on:

\_\_\_\_\_  
Date