



Café Noodle & Chinese BBQ
Hearing Officer Administrative Hearing
MEETING MINUTES

Southern Nevada Health District
280 South Decatur Boulevard, Las Vegas, Nevada 89107
Red Rock Conference Room
9:00 A.M. – Friday, October 20, 2017

SNHD STAFF PRESENT:

Larry Rogers, Environmental Health (EH) Manager *VR*
Heather Anderson-Fintak, Associate General Counsel
Marissa Stanley, Environmental Health Specialist (EHS)
Candice Sims, Senior EHS
Diane Piar, EHS
Rabea Sharif, EHS

Karen Easterling, Recording Secretary *KE*
Heather Hanoff, Administrative Secretary *HA*
Christine Sylvis, EH Supervisor
Carol Culbert, EH Supervisor
Thomas San Nicholas, EHS
Larry Navarrete, EHS

FACILITY OWNERS/REPRESENTATIVES PRESENT:

Yoshida Mariko, Owner – Café Noodle & Chinese BBQ
John Wong, Café Noodle & Chinese BBQ
Wei Xia, Café Noodle & Chinese BBQ
Well Wei Zhang, Café Noodle & Chinese BBQ
Richard Swiney, Proactive F.S.
Mark Watson, Proactive Service

INTERPRETER:

Rachel Chen, Court Services Mandarin Interpreter arranged by SNHD per owner's request

I. CALL TO ORDER:

The Hearing Officer, Henry Melton, called the meeting to order at 9:16 a.m.

II. PUBLIC COMMENT:

None

III. MATTERS REQUIRING HEARING OFFICER ACTION:

Café Noodle & Chinese BBQ (PR0009870 and PR0009871), 4355 Spring Mountain Road, Las Vegas, NV 89102: Proposed Revocation of Permits

Opening Statements:

Heather Anderson-Fintak announced that the hearing is recorded and it is the Health District's responsibility to prove the case. This will be Café Noodle & Chinese BBQ's last opportunity to present any evidence or testimony. After this, any appeal is to District Court on a Petition for Judicial Review, which means the court will only review a transcript of this hearing and the documents that are presented today to decide if the Hearing Officer had substantial evidence to make his decision. Each party will present their cases through witnesses and will have an opportunity to cross examine opposing witnesses. Each party will have an opportunity to give a closing statement at the end of the hearing.

The following people were sworn in for testimony by the Hearing Officer: Christine Sylvis, Carol Culbert, Yoshida Mariko, and Rachel Chen.

Rachel Chen verified that she had no affiliations with Café Noodle & Chinese BBQ and she does not know Café Noodle & Chinese BBQ owner, Yoshida Mariko. Rachel Chen also confirmed that she has not had any food establishment affiliations in the last twelve years. Yoshida Mariko agreed to simultaneous translation by Rachel Chen.

Christine Sylvis Testimony:

Ms. Sylvis, SNHD Training Office Supervisor, provided an overview of food safety procedures and requirements of food establishments.

Carol Culbert Testimony:

Ms. Culbert answered questions on and reviewed the supervisory and managerial conferences. She confirmed that the facility has a history of not following SNHD mandates established to protect public health.

IV. EVIDENCE:

SNHD Exhibit 1: Hearing Officer Book (Containing the following: Agenda; Notice of Hearing; Revocation Letter; Timeline/History; 8/22/14 Complaint Investigation; 8/22/14 Routine Inspection; 8/25/14 Reinspection; 8/26/14 Supervisory Conference; 8/27/14 Reinspection; 1/14/15 Routine Inspection; 4/28/15 Routine Inspection; 5/19/15 Reinspection; 8/20/15 Routine Inspection; 8/21/15 2nd Supervisory Conference; 8/21/15 Reinspection; 2/29/16; 7/14/16 Routine Inspection; 7/26/16 Survey; 7/27/16 Managerial Conference; 8/1/16 Managerial Conference; 8/22/16 Survey; 8/25/16 Reinspection; 10/10/16 Survey – FSC; 11/2/16 Survey; 11/7/16 Routine Inspection; 1/23/17 Routine Inspection; 1/26/17 Survey; 1/27/17 Survey; 3/2/17 Complaint Investigation; 3/2/17 Survey; 5/18/17 Routine Inspection; 5/19/17 Survey; 5/19/17 Survey; 5/22/17 Survey; 6/8/17 Reinspection; 9/26/17 Routine Inspection; 9/27/17 Survey; 10/3/17 Survey; 10/11/17 Reinspection; and 10/11/17 Survey)

V. DECISION:

**Café Noodle & Chinese BBQ (PR0009870 and PR0009871)
Settlement Agreement**

During the hearing, SNHD staff and Café Noodle & Chinese BBQ owners and representatives met to discuss alternatives to permit revocation. SNHD staff and Café Noodle & Chinese BBQ reached a settlement agreement that was approved by the Hearing Officer to lift the permit suspensions with the following stipulations:

- All current kitchen staff will be replaced.
- Facility will have visits from a Food Safety Consultant five days a week for the next eighteen (18) months.
- Food Safety Consultant contract will notate that the Food Safety Consultant has the ability to hire and fire any employees.
- Facility will have a Certified Food Protection Manager (CFPM) onsite at all operating times to include at least one kitchen food handler who is knowledgeable and has active managerial control of the kitchen. CFPM must be actively serving as person in charge (PIC). A CFPM schedule is required at least one week in advance, emailed to SNHD Supervisor, Senior EHS, and assigned inspector.
- No prior Certified Food Protection Managers or Food Safety Consultants can be found engaged as a food handler in the kitchen.
- All logs, including but not limited to opening checklist, cooling, and refrigeration, must

- be kept onsite and be available for inspection for the next eighteen (18) months.
- Facility will have unannounced quarterly inspections for the next eighteen (18) months. All inspections must pass with an A grade (10 demerits or less). No imminent health hazards can be identified during active operations. No repeat critical or major violations on consecutive inspections will be allowed.
 - Facility staff will schedule a reinspection prior to reopening. The reinspection must pass with an A grade.
 - Facility will have monthly pest control visits from a licensed Pest Control Operator for the next eighteen (18) months, more as necessary if activity is found.
 - Facility will be professionally deep cleaned once a month for the next eighteen (18) months.
 - Pay all applicable fees.
 - Provide a means to effectively communicate and train with all staff and Food Safety Consultant (FSC) due to language barriers.
 - Walk-in will be assessed by a licensed HVAC specialist to ensure proper operation and renovate/repair as required, which may involve FDAP if a remodel is required.
 - All inspections within the next eighteen (18) months must result in an A grade.

If any of the above referenced conditions are violated within the next eighteen (18) months, the permits are immediately revoked without further administrative process or the appeal rights to the hearing officer. If revoked, LTK Corporation and any current officers may at no time own, operate, or work in a food establishment at this building/location.

VI. **PUBLIC COMMENT:**
None

VII. **ADJOURNMENT:**
The hearing was adjourned by the Hearing Officer at 1:24 p.m.