



Peoria City/County Health Department Food Safety Enforcement Procedures

I. PURPOSE

Establish a Peoria City/County Health Department food program policy and procedure for administrative enforcement and judicial procedures in accordance with Illinois Food Code and Peoria County Code. This procedure has been adopted by the Peoria County Board of Health and implemented to comply with Section 10-23, Corrections of Violations, of Chapter 10 Food Safety of the Peoria County Code. Other Sections of this Code may also apply to the Peoria City/County Health Department Food Safety Enforcement Procedure.

II. APPLICATION

This procedure applies to all food service establishments licensed by the Peoria City/County Health Department.

III. INSPECTION

Inspections are performed to identify violations and establish the appropriate corrective measures and schedule. Inspections include, but are not limited to routine, follow-up, complaint, request for service, and compliance inspections. Enforcement is based on a progressive approach that begins with providing education and/or information and progresses to a penalty or restriction of a food establishment's operations. When applied consistently to all food establishments, it promotes fair and objective treatment. Any order or enforcement decision must include follow-up by the Health Authority to verify that the enforcement actions resulted in compliance or to determine the need for further enforcement. This procedure is designed to provide flexibility. It does not dictate what specific actions must occur in each situation but provides options for each level of enforcement. The decision regarding actions will be made by the Health Authority, given the specifics of each case. Each decision must be documented in the file.

IV. DEFINITIONS

1. **Active Managerial Control:** A purposeful incorporation of specific action or procedures by industry management into the operation of their business to obtain control over foodborne illness risk factors. This is a preventative rather than reactive approach to food safety through a continuous system of monitoring and verification. This term is used to describe the industry's responsibility for developing and implementing food safety management systems to prevent, eliminate, or reduce the occurrence of foodborne illness risk factors.
2. **Administrative Follow-Up:** A means to verify correction of a violation without visiting the establishment.

3. **Compliance Conference:** A meeting between an establishment owner or a designated representative, and representatives from the Health Authority, for the purpose of reviewing the severity of observed violations, the need for correction, and consequences of allowing violations to continue. In addition, this meeting is intended to clarify expectations for food protection and sanitation, discuss the consequences of non-compliance, review the licensee's plan for addressing the violation(s) that led to this action, and establish a corrective action plan, that, if followed, will result in compliance with the Illinois Food Code and Chapter 10 Food Safety, of the Peoria County Code. Compliance Conferences precede hearings.
4. **Compliance Inspection:** A follow-up inspection of a food service establishment conducted as a result of a compliance plan developed during a compliance conference or hearing. It may or may not be a full inspection.
5. **Continuous Violation:** A specific Priority or Priority Foundation violation that is observed during an inspection, is documented, and persists on the next two follow-up inspections without correction. (Example-routine/follow-up/follow-up).
6. **Follow-Up Inspection:** Inspection(s) deemed necessary to ensure corrective action has been taken to correct Code violations documented during previous inspection(s). A follow-up inspection may be a charged inspection depending on the nature of the Code violation necessitating a follow-up inspection.
7. **Formal Enforcement:** Corrective actions taken by the Health Authority to mitigate Priority, Priority Foundation, and Core Violations that have become continuous, or of a substantial number that poses a significant risk to public health. Examples of formal enforcement include, but are not limited to: compliance conference, compliance inspection, license limitation, hearing, license suspension, license revocation, and referral to the State's Attorney's Office.
8. **Hearing:** A meeting request received by the Health Authority from the license holder or representative to determine if a food service license should be suspended or revoked; or to determine whether an order from the Health Authority to suspend or revoke a food safety license should be withdrawn.
9. **Informal Enforcement:** Corrective actions taken by an establishment to mitigate Priority, Priority Foundation, and Core Violations before they become continuous, or of a substantial number that poses a significant risk to public health. Examples of informal enforcement include, but are not limited to: voluntary destruction, embargo, follow-up, risk control plan, self-inspection form, in-service training, warning comments or letters, and proof of correction.
10. **In-Service Training:** Training conducted on-site at the establishment with establishment staff and the Health Authority to help mitigate violations that are at risk of becoming continuous or posing a significant risk to public health. *See Appendix G.*
11. **License Limitation:** Restrictions placed on a food establishment's license by the Health Authority, limiting the preparation of food for the purpose of protecting the public's health. A licensee must be provided an opportunity for a hearing on the issue of the imposition of the license limitation. A licensee may, at any time, request a follow-up inspection of the food service establishment for removing the limitation and re-instating the full license.

12. Risk Control Plan: A written document developed by the establishment in cooperation with the Health Authority for the purpose of correcting a violation that has been repeated on two or more consecutive inspections. A risk control plan should address what the violation is, why it is a violation, how it will be corrected; as well as methods to ensure it does not occur again. Successful risk control plans are often developed with a team of people instead of individually. They involve training, teaching, and coaching staff on proper procedures. Risk control plans will be reviewed by the Health Authority to determine, if followed, that the risk control plan corrects the violation. *See Appendix E.*
13. Self-Inspection Form: A simplified version of the inspection form that can be utilized by the operator of a food establishment to self-assess deficiencies within the establishment and help guide corrective action. *See Appendix F.*
14. Substantial Number: For Priority and Priority Foundation Violations *See Appendix A Routine Inspection Enforcement Matrix, and Appendix B Ten (10) Day Follow-Up Enforcement Matrix.* For Core Violations a substantial number is defined as ten (10).
15. Warning Comment: A standard comment documented in the general comments section of the inspection form that lists the continuous, Priority, Priority Foundation, or substantial number of Core violation(s) observed at the time of inspection and establishes compliance requirements. These comments inform the operator that the potential for a public health hazard is present and must be corrected in the designated time period to avoid additional enforcement inspections and fees. A copy of this inspection shall be printed by the Environmental Health Specialist/Practitioner and placed in the outgoing mail folder on the EH Program Assistant's desk, to be mailed to the owner *if* the owner is different than the Person in Charge at the time of the inspection.

V. CORRECTION OF VIOLATIONS POSING AN IMMINENT HEALTH HAZARD

An imminent health hazard is a significant threat or danger to health that is considered to exist when there is evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury. A condition at a food establishment that an Environmental Health Coordinator or the Director of Environmental Health determine requires immediate action to prevent endangering the health of the public may also be considered an imminent health hazard.

1. A license holder shall immediately discontinue operations if an imminent health hazard exists including, but not limited to:
 - Damage due to a public health emergency, i.e., fire, flooding, or severe weather.
 - Lack of power, water, hot water, refrigeration, sewer, or presence of sewage,
 - Severe insect or rodent infestation,
 - Misuse of poisonous or toxic materials,
 - Unchecked foodborne illness outbreak and continued exposure of patrons to disease causing organisms,
 - Gross unsanitary occurrence or condition, or
 - Other circumstances that may endanger public health.

2. If a violation constitutes an imminent health hazard due to conditions which may readily contaminate food or food equipment, and lead to a possible food-borne illness outbreak, the violation must be corrected immediately.
3. If the imminent health hazard cannot be corrected immediately, the Health Authority has the following options:
 - Embargo the food item(s) or equipment, per Section 10-24B, Chapter 10 Food Safety, of the Peoria County Code;
 - Voluntary Destruction of food or beverage items per Section VII (3) of this document;
 - Suspend license following steps in Section VIII (5) of this document and seek voluntary closure.

VI. CORRECTION OF VIOLATIONS NOT POSING AN IMMINENT HEALTH HAZARD

Assessment is based on the presence of violations at the time of the inspection as well as the history of violations and enforcement. Inspection reports shall convey violations clearly and concisely. The completed inspection report form shall specify the inspection item number, Code violation reference, type of violation (P, Pf, or C), nature and location of the violation, recommendations for correction, and if it is a repeat violation. In addition, the Person in Charge shall be informed of the compliance expectations and time period upon which the violations shall be corrected. Violations cited during an inspection shall be categorized by severity or type. The establishment's time period for correction of the violations shall be in accordance with the provisions listed in this section.

1. **Core Violations (C):** Those violations identified as Core in the Illinois Food Code include items that usually relate to general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design, or general maintenance. Core violations must be corrected by the next routine inspection or a time period agreed upon by the Health Authority, except for training and certification violations as outlined in Section VI (4a-c).
 - If in the opinion of the Health Authority, equipment and/or structural deficiencies may contribute to a potential health hazard, or ten (10) or more Core violations are cited on an inspection, a thirty (30) day follow up with fees will occur. A standard warning comment, "Potential for Compliance Conference Based on Thirty (30) Day Follow-Up Inspection" will be documented in the general comments section of the inspection form.
 - If any follow-up inspections for uncorrected Priority and/or Priority Foundation Violations occur prior to the Thirty (30) Day Follow-Up Inspection, the Environmental Health Specialist/Practitioner may cancel the Thirty (30) Day Follow-Up Inspection if a significant amount of Core Violations have been corrected. For the purposes of this enforcement procedure, a significant amount is equal to four (4).
 - If at the thirty (30) day follow up, the Core violation(s) that may contribute to a potential health hazard or seven (7) or more Core violations remain uncorrected, the establishment shall be referred to the Environmental Health Food Coordinator and/or Director of Environmental Health for a compliance conference.
 - Document standard warning comment "Referral for Compliance Conference," in the general comments section of the inspection form.
 - Refer to VIII (2), Compliance Conference, to proceed.

- Due to the number or level of noncompliance with Core violations which create unsanitary conditions, the Health Authority may suspend the license following steps in Section VIII (5) License Suspension.
2. **Priority Foundation Violations (Pf):** Those violations identified as Priority Foundation in the Illinois Food Code include items that require the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury. Priority Foundation violations must be corrected immediately or within ten (10) days of the inspection, or other specified time frame as determined by the Health Authority.
 3. **Priority Violations (P):** Those violations identified as Priority in the Illinois Food Code include items with a quantifiable measure to show control of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority violations must be corrected immediately, within three (3) business days of the inspection, or other specified time frame as determined by the Health Authority.
 4. **Training and Certification Violations:** Those violations identified in the Illinois Food Code as quantifiable measurements of food safety knowledge acquired by course and/or exam completion in an accredited program.
 - a. **Certified Food Protection Manager (CFPM):** To correct this violation an establishment must provide written proof to the Health Authority that an adequate number of staff have successfully completed an ANSI approved CFPM course and exam within thirty (30) days of the violation. Failure to submit written proof of completion of the exam (electronic is acceptable) shall result in follow-up inspections and fees as outlined in VI (d) Procedures for Training and Certification Violations.
 - b. **Food Handler:** To correct this violation an establishment must provide written proof to the Health Authority that any staff who did not meet this requirement at the time of inspection has done so within thirty (30) days of the violation. Failure to submit written proof of completion of food handler training (electronic is acceptable) shall result in follow-up inspections and fees as outlined in VI (d) Procedures for Training and Certification Violations.
 - c. **Allergen Awareness Training:** To correct this violation, an establishment must provide written proof to the Health Authority showing that the allergen awareness training requirement has been met within thirty (30) days of the violation. Failure to submit written proof of completion of allergen awareness training (electronic is acceptable) shall result in follow-up inspections and fees as outlined in VI (d) Procedures for Training and Certification Violations.
 - d. **Procedures for Training and Certification Violations.**
 - CFPM/Food Handler/Allergen Awareness Training provided prior to the follow-up inspection may be considered an Administrative Follow-Up.
 - Training and certification not provided prior to the follow-up inspection shall result in a Follow-Up Fee 1 inspection. If proof of completion is provided at the Follow-Up Fee 1 inspection, the violation is corrected. If training and

certification is not provided at the Follow-Up Fee 1 inspection, a standard warning comment, “Potential for Continuous Violation” will be documented in the general comments section of the inspection form and a Follow-Up Fee 2 inspection will be scheduled.

- Training and certification not provided prior to, or at, the Follow-Up Fee 2 inspection will result in a continuous violation. A standard warning comment, “Potential for Compliance Conference Based on Second Follow-Up Without Correction” will be documented in the general comments section of the inspection form and a Follow-Up Fee 3 inspection will be scheduled.
 - Training and certification not provided prior to, or at, the Follow-Up Fee 3 inspection will result in compliance conference and/or license limitation. A standard warning comment, “Referral for Compliance Conference” will be documented in the general comments section of the inspection form.
 - Refer to VIII (2), Compliance Conference, to proceed.
5. **Request for Extended Compliance Deadline:** Approval of a compliance deadline that extends beyond the time limits specified under this section may occur if the extension is requested by the license holder *prior to the date of the original deadline*, and if no imminent health hazard will result from allowing additional time to achieve compliance with the Code.

VII. INFORMAL ENFORCEMENT

1. **Routine Inspections:** Unannounced, risk-based inspections that occur at the frequency denoted in Section 10-16, Chapter 10 Food Safety, of the Peoria County Code.
- a. If an establishment’s inspection indicates five (5) or more Priority Violations the establishment shall receive a ten (10) day, full Follow-Up Fee 1 inspection. A standard warning comment, “Potential for Compliance Conference Based on Ten (10) Day Follow-Up Inspection” will be documented in the general comments section of the inspection form. *See Appendix A: Routine Inspection Enforcement Matrix and Appendix B: Ten (10) Day Follow-Up Inspection Enforcement Matrix.*
 - b. If an establishment’s inspection indicates five (5) or more Priority Foundation Violations the establishment shall receive a ten (10) day, full Follow-Up Fee 1 inspection. A standard warning comment, “Potential for Compliance Conference Based on Ten (10) Day Follow-Up Inspection” will be documented in the general comments section of the inspection form. *See Appendix A: Routine Inspection Enforcement Matrix and Appendix B: Ten (10) Day Follow-Up Inspection Enforcement Matrix.*
 - c. If an establishment’s inspection indicates eight (8) or more Priority and Priority Foundation Violations (any combination), the establishment shall receive a ten (10) day, full Follow-Up Fee 1 inspection. A standard warning comment, “Potential for Compliance Conference Based on Ten (10) Day Follow-Up Inspection” will be documented in the general comments section of the inspection form. *See Appendix A: Routine Inspection Enforcement Matrix and Appendix B: Ten (10) Day Follow-Up Inspection Enforcement Matrix.*

- d. If an establishment has two (2) consecutive routine inspections that prompt ten (10) day, full Follow-Up Fee 1 inspections, the establishment shall be referred to the Environmental Health Coordinator and/or Director of Environmental Health for a compliance conference. Document standard warning comment “Referral for Compliance Conference,” in the general comments section of the inspection form. Refer to VIII (2), Compliance Conference, to proceed.
 - e. If an establishment’s inspection indicates ten (10) or more Core Violations the establishment shall receive a thirty (30) day, full Follow-Up Fee 1 inspection. If any follow-up inspections for uncorrected Priority and/or Priority Foundation Violations occur prior to the Thirty (30) Day Follow-Up Inspection, the Environmental Health Specialist/Practitioner may cancel the Thirty (30) Day Follow-Up Inspection if a significant amount of Core Violations have been corrected. For the purposes of this enforcement procedure, a significant amount is equal to four (4). If at the thirty (30) day follow up, seven (7) or more Core violations remain uncorrected, the establishment shall be referred to the Environmental Health Food Coordinator and/or the Director of Environmental Health for a compliance conference. Document standard warning comment “Referral for Compliance Conference,” in the general comments section of the inspection form. Refer to VIII (2), Compliance Conference, to proceed.
2. **Follow-Up Inspections:** Inspection(s) necessary to ensure corrective actions have been taken to correct Code violations documented during previous inspection(s).
- a. **Ten (10) Day Follow-Up Inspection.** *See Appendix B: Ten (10) Day Follow-Up Inspection Enforcement Matrix.*
 - b. **First Follow-Up Inspection (Follow-Up Fee 1).** Determines the level of compliance regarding Priority or Priority Foundation violations. The Health Authority has the following options or combination of options if Priority and Priority Foundation violations noted on the initial inspection still exist at the time of the First Follow-Up inspection:
 - Issue an embargo order to embargo the food item or equipment if it was not done during the initial inspection or continue the embargo order on the food item or equipment, per Section 10-24B, of the Peoria County Code, Chapter 10 Food Safety,
 - Ask the establishment to voluntarily destroy food or beverage items suspected of being tainted/contaminated by harmful bacteria or chemical toxins per Section VII (3) of this document,
 - Suspend license following steps in Section VIII (5) when conditions constitute an imminent health hazard,
 - Document a standard warning comment, “Potential for Continuous Violation” in the general comments section of the inspection form,
 - Work with the establishment to develop a risk control plan or other informal enforcement activity to assist with regaining active managerial control with corrective action dates and follow-up actions, if applicable, and or
 - Grant additional time of ten (10) business days or less if justifiable and good faith is being demonstrated by the license holder/person in charge. The additional time

may only be granted if the existence of the violation does not create an imminent health hazard.

- c. **Second Follow-Up Inspection (Follow-Up Fee 2).** Determines the level of compliance regarding Priority or Priority Foundation violations at the end of the granted time period. The Health Authority has the following options if Priority or Priority Foundation violations noted on the initial inspection still exist at the time of the Second Follow-Up Inspection:
- Any applicable options outlined under First Follow-Up Inspection,
 - Continue the embargo order of the food item or equipment if one was issued during previous inspection(s) per Section 10-24B, of the Peoria County code, Chapter 10 Food Safety,
 - Document that a continuous violation now exists and if violation is not corrected prior to, or at, the Third Follow-Up Inspection, the establishment will be referred to the Environmental Health Coordinator and/or Director of Environmental Health for a compliance conference.
 - Document a standard warning comment, “Potential for Compliance Conference Based on Second Follow-Up Without Correction” in the general comments section of the inspection form.
- d. **Third Follow-Up Inspection (Follow-Up Fee 3).** Determines the level of compliance regarding Priority and Priority Foundation violations at the end of the granted time period. The Health Authority has the following options if Priority or Priority Foundation violations noted on the initial inspection still exist at the time of the Third Follow-Up Inspection:
- Continue the embargo order of the food item or equipment if one was issued during previous inspection(s) per Section 10-24B, Chapter 10 Food Safety, of the Peoria County Code, and
 - Document standard warning comment “Referral for Compliance Conference,” in the general comments section of the inspection form. Refer to VIII (2), Compliance Conference, to proceed.
- e. **Administrative Follow-Up Inspection.** Documentation may be submitted to the Health Department within the allotted time frame given for correction from a reputable repair service (licensed or certified to make repair) indicating corrections have been made or other Department approved documentation, including, but not limited to photographs or receipts. If the correction requires repairs, the documentation must be on the service company’s letterhead with the license/certificate number of repair person and indicate how the violation was corrected. This type of follow-up may be used for correcting P/Pf/C violations, such as training and certification violations, metal stem thermometers and test kit violations, or others not deemed necessary for a site visit. If an administrative follow-up occurs, it shall be documented on a mobile inspection form under Administrative Follow-Up. All supporting documentation shall be scanned and attached to the Administrative Follow-Up prior to uploading to CDP.

3. **Voluntary Destruction:** An informal enforcement procedure in which foods and/or beverages suspected of contamination, spoilage, time/temperature abuse, etc., are voluntarily discarded and denatured.
 - The Health Authority shall ask the Person in Charge to place items in the trash and pour bleach or other denaturing substance on the food or destroy the food by other means deemed appropriate, i.e., garbage disposal, and
 - Document all items with approximate amount/weight on voluntary destruction form and have Person in Charge sign.
 - If Person in Charge refuses to discard the food items; document refusal, embargo food items per Section VII (4) of this document and notify the Environmental Health Food Coordinator or the Director of Environmental Health.
 - Advise establishment that either the food must be destroyed, or they must provide laboratory testing to prove the food is safe for human consumption at their own expense.
 - Continued use of the food will result in license suspension and potential permanent license revocation.
 - The Director of Environmental Health will consult with the State's Attorney's Office for legal action.

4. **Embargo:** An order issued by the Health Authority that acts as a temporary isolation of food or equipment the Health Authority believes or has reason to believe is in unsafe, unsuitable for use, in a state of disrepair, or unsanitary. See Section 10-24B of Chapter 10 Food Safety, of the Peoria County Code for full details.
 - The Health Authority shall advise the Person in Charge of what is being embargoed, why it is being embargoed, and that it must remain embargoed until the food(s), or equipment, is deemed safe through laboratory testing at the establishment's expense, or the equipment has been repaired and approved to use by the Health Authority.
 - Document specifics of all items being embargoed, including, but not limited to what, the amount, and the location.
 - If the Person in Charge refuses to embargo item(s); document, suspend the license per Section VIII (5) of this document, and notify the Environmental Health Food Coordinator or the Director of Environmental Health.
 - Advise the Person in Charge failure to discard, repair, and or have laboratory testing (food items only) to prove safe to use at their own expense may result in permanent license revocation.
 - The Director of Environmental Health will consult with the State's Attorney's Office for legal action.

5. **Warning Comments:** A standard comment documented in the general comments section of the inspection form by the Health Authority that lists the continuous, Priority, or Priority Foundation violation/s, and establishes compliance requirements. If the licensee or owner is not present during the inspection, a copy of the inspection shall be printed by the Environmental Health Specialist/Practitioner and mailed to the licensee/owner.

- a. Potential for Continuous Violation: Be advised, the following Priority and/or Priority Foundation violation(s) documented on the last inspection have not been corrected and will be considered a continuous violation if not corrected prior to, or at, the Second Follow-Up Inspection. Be further advised that follow-up inspection fees shall apply, and continued noncompliance may result in a referral to the Director of Environmental Health for additional enforcement action.
- b. Potential for Compliance Conference Based on Second Follow-Up Without Correction: Be advised, the following Priority and/or Priority Foundation violation(s) documented on the routine inspection, First Follow-Up, and Second Follow-Up Inspection have not been corrected. The establishment has a continuous violation and will receive a Third Follow-Up Inspection with fees. If the violation is not corrected prior to, or at, the Third Follow-Up Inspection, a Compliance Conference with the Director of Environmental Health will be scheduled.
- c. Potential for Compliance Conference Based on Ten (10) Day Follow-Up: Due to the substantial number of Priority and/or Priority Foundation Violations observed during this inspection, a ten (10) day follow-up inspection will occur to determine compliance with the Illinois Food Code. If significant improvement in food safety practices is not observed at the follow-up, a referral will be made to the Director of Environmental Health for a compliance conference. Follow-up fees apply.
- d. Potential for Compliance Conference Based on Thirty (30) Day Follow-Up: Due to the substantial number of Core Violations observed during this inspection, a thirty (30) day follow-up inspection will occur to determine compliance with the Illinois Food Code. If significant improvement in food safety practices is not observed at the follow-up, a referral will be made to the Director of Environmental Health for a compliance conference. Follow-up fees apply.
- e. Referral for Compliance Conference: Be advised, the establishment will be referred to the Director of Environmental Health for a compliance conference to determine additional enforcement action due to continued noncompliance with the Illinois Food Code and Chapter 10 Food Safety, of the Peoria County Code.

6. **Other Informal Enforcement Options**

- a. Risk Control Plan: *See Appendix E.*
- b. Self-Inspection Form: *See Appendix F.*
- c. In-Service Training Request: *See Appendix G.*
- d. Receipt of Proof of Correction: *See Section VII (2e).*

VIII. FORMAL ENFORCEMENT

- 1. **Referral to State’s Attorney’s Office:** A referral may be made to the State’s Attorney’s Office for an injunction or other legal remedy for the cessation of all operations. Once this occurs the State’s Attorney’s Office may have to be involved in gaining approval to resume operations which could increase the amount of time the establishment will be required to remain closed.

2. **Compliance Conference:** A meeting between an establishment owner or a designated representative, and representatives from the Health Authority, for the purpose of reviewing and addressing a pattern of noncompliance with the Illinois Food Code and/or Chapter 10 Food Safety, of the Peoria County Code (Section 10-39). Compliance Conferences are conducted by the Director of Environmental Health, however, in the Director's absence the Environmental Health Food Coordinator may conduct Compliance Conferences and/or sign compliance letters.
- a. A referral for compliance conference shall be made to the Environmental Health Food Coordinator by the Environmental Health Specialist/Practitioner when active managerial control has not been achieved by means of informal enforcement actions (follow-ups, risk control plans, in-service training, etc.).
 - b. The Environmental Health Specialist/Practitioner shall meet with the Environmental Health Food Coordinator (or Director of Environmental Health if the Environmental Health Food Coordinator is unavailable) to verbally discuss the establishment's pattern of non-compliance with applicable Codes. If, at the end of this discussion, a compliance conference is the recommended course of action, the Environmental Health Specialist/Practitioner shall add the establishment to the compliance log (*EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Logs*).
 - c. The Environmental Health Specialist/Practitioner will work with the Environmental Health Program Assistant to secure a meeting location for the date and time of the compliance conference. If a translator service will be beneficial, schedule a meeting room with a conference phone.
 - d. Once a meeting location, date, and time are secured, the Environmental Health Specialist/Practitioner shall send an Outlook invitation for the compliance conference to the Environmental Health Food Coordinator, the Director of Environmental Health, and any trainers or other Environmental Health Specialists/Practitioners involved with the inspections that prompted the conference. The General EH Coordinator shall be cc'd on all invitations for establishment's that are in his or her route.
 - d. A hand delivered, certified letter, or other approved method by the Department that enables tracking of the delivery to the establishment's licensee/Person in Charge requesting his/her attendance for a compliance conference before the Director of Environmental Health shall be written by the Environmental Health Specialist/Practitioner using the "Request to Attend Compliance Conference Letter" template. All compliance conference letters shall be signed by the Director of Environmental Health. The signed letter shall be given to the Environmental Health Program Assistant to create a hand delivery form. *See: Appendix H or EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Template Letters\Request to Attend Compliance Conference Letter.*
 - e. The Environmental Health Specialist/Practitioner shall create an individual folder (if a folder for the establishment does not already exist) with the establishment's name on SharePoint in the following location to store electronic copies of all compliance related letters and documents: *EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Establishment Folders.*

- f. A pre-compliance conference meeting shall be scheduled by the Environmental Health Specialist/Practitioner assigned to the establishment at least two (2) days prior to the compliance conference. This meeting shall include all applicable Environmental Health Specialists/Practitioners, the Environmental Health Food Coordinator, and the Director of Environmental Health. The General EH coordinator shall be cc'd on all invitations for establishment's that are in his or her route.
- g. At the pre-compliance conference meeting, the Environmental Health Specialist/Practitioner shall provide each attendee with a copy of the establishment's inspection and violation history, documented on a Pre-Compliance Conference Worksheet. This form will be used to determine potential outcomes and recommendations for after action. The expectation is that the EHS/P shall come to the meeting prepared to advise the Director of Environmental Health of recommended actions that could be taken by the establishment to regain active managerial control. *See: EH SharePoint\Compliance Conferences (All-Inclusive) \Pre-Compliance Conference Worksheets.*
- h. During the compliance conference the Director of Environmental Health will give an overview of the violations observed and discuss a timeline for correction, as well as a clear explanation of actions the establishment shall take to regain active managerial control. A determination of the conditions of compliance will occur during this meeting, i.e., how many compliance inspections will be required, which months compliance inspections will occur, and/or any other applicable activities that are required to meet compliance.
- i. Findings. The Director of Environmental Health shall make a finding based on the information presented at the conference and shall sustain, modify or rescind any notice or order considered at the compliance conference.
- j. If the owner/Person in Charge fails to attend the conference, the Health Authority may require the suspension of the food license.
- k. A certified letter or other approved method by the Department that enables tracking of the delivery to the establishment's licensee/Person in Charge stating the findings of the compliance conference, requirements for correction, and outlining fees and a time-frame for follow-up inspections of the establishment shall be written by the Environmental Health Specialist/Practitioner and signed by the Director of Environmental Health. The signed letter shall be given to the Environmental Health Program Assistant to create a hand delivery form. *See Appendix J or EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Letter Templates\Post-Compliance Conference Letter).*
- l. Compliance inspection(s) of the establishment shall be performed by the Health Authority as outlined in the compliance plan developed during the compliance conference.
- m. When all requirements for correction and/or compliance and follow-up inspection(s) of the establishment have been completed, and the establishment is found to be in

compliance with the Illinois Food Code and Chapter 10 Food Safety, of the Peoria County Code, a certified letter or other approved method by the Department that enables tracking of the delivery to the establishment's licensee/Person in Charge shall be sent/delivered. This letter shall be written by the Environmental Health Specialist/Practitioner, signed by the Director of Environmental Health, and inform the licensee/Person in Charge that the establishment has been returned to a routine inspection schedule. The signed letter shall be given to the Environmental Health Program Assistant to create a hand delivery form or to mail. *See Appendix L or EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Letter Templates\Release from Compliance Conference Letter).*

- n. The Environmental Health Specialist/Practitioner shall document the date the establishment is released from compliance on the compliance log. *See: EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Logs.*
3. **Compliance Inspection:** A follow-up inspection of a food service establishment conducted as a result of a compliance plan developed during a compliance conference or hearing.
 - a. All compliance inspections shall be documented as a Compliance (fee) inspection type.
 - b. Compliance inspections may or may not be a full inspection.
 - c. Compliance inspections may be extended beyond the time frame specified under the requirements for correction if active managerial control has not been achieved. *See Appendix K or EH SharePoint\Compliance Conferences (All-Inclusive) \Compliance Conference Letter Templates\Extension of Compliance Letter.*
4. **License Limitation:** The agency may place restrictions on a food service license, limiting the preparation of food for the purpose of protecting the public's health. A licensee must be provided an opportunity for an administrative hearing on the issue of the imposition of the license limitation. A licensee may, at any time, request a follow-up inspection of the food service establishment for removing the limitation and reinstating the full license. License limitation may be imposed due to an establishment's inability to employ staff that have completed required training and certification.
5. **License Suspension:** The temporary removal of permission to engage in food operations that require licensure from the Health Authority due to substantial noncompliance with the Illinois Food Code or Chapter 10 Food Safety, of the Peoria County Code, or due to the presence of imminent health hazards or other conditions that cause potential harm to consumers.
 - a. A food safety license may be suspended for any reason outlined in Section 10-40, of Chapter 10 Food Safety, of the Peoria County Code.
 - b. Failure to comply with any notice regarding violations which pose imminent health hazards or repeat violations issued in accordance with Chapter 10 Food Safety, of the Peoria County Code, may result in the immediate suspension of the food safety license.
 - c. If the Health Authority deems suspension of the food safety license may be warranted due to imminent health hazards or other conditions that may cause potential harm to

consumers, he/she must immediately contact the Environmental Health Food Coordinator or the Director of Environmental Health to discuss the action.

- d. If suspension of the food safety license remains the recommended action upon discussion with the Environmental Health Food Coordinator or the Director of Environmental Health, the Health Authority shall note the request on the inspection report. The time and date of the request must be noted on these forms. The Health Authority shall review the conditions pertinent to the existence of an imminent health hazard or other condition relevant to suspension of the food safety license with the establishment's owner/Person in Charge and request voluntary closure. Documentation must also include conditions for follow-up inspection and resumption of operations.
 - e. **Removal of license.** The Health Authority shall remove the food safety license from the establishment if possible, when license suspension is deemed necessary.
 - f. The establishment shall be given the option to close voluntarily.
 - If the establishment agrees to close voluntarily, it shall be documented on the inspection form and the Voluntary Closure form shall be completed.
 - If voluntary closure is refused, the license is still considered suspended, and
 - The Health Authority shall document such action taken on the inspection report form, remove the license, and return to the Health Department to provide the Environmental Health Food Coordinator or the Director of Environmental Health with all applicable inspection reports and information.
 - The Director of Environmental Health will contact the State's Attorney's Office for an injunction or other legal remedy.
6. **License Reinstatement:** To restore a suspended food safety license to full, active status, allowing the resumption of food operations.
- a. Time frame for follow-up inspection. After receiving a written or verbal request from the license holder that the conditions cited in the license suspension order no longer exist, the Health Authority shall conduct an inspection of the food establishment for which the license was suspended within two (2) days during which the Health Authority's office is open to the public. Flexibility may be exercised for establishments that have had their license suspended for unforeseen emergency (i.e. natural disaster, boil order, fire) situations.
 - b. Terms of suspension and reinstatement of the license. A suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and their elimination has been confirmed by the Health Authority through a follow-up inspection and other means as appropriate.
 - c. The suspended license shall be reinstated immediately if the Health Authority determines that the public health hazard or nuisance no longer exists. A notice of reinstatement shall be provided to the license holder or person in charge.

- d. Establishments that have had their license suspended for reasons other than an unforeseen emergency (i.e. natural disaster, boil order, fire) situation shall be subject to the license reinstatement fee.
- e. If the establishment is subject to the license reinstatement fee, this fee must be paid in full before the license shall be reinstated.

7. **License Revocation:** To permanently revoke a food safety license.

- a. If any of the circumstances below occur, the Environmental Health Specialist/Practitioner will advise the Environmental Health Food Coordinator who will in turn advise the Director of Environmental Health. If license revocation is warranted, the Director of Environmental Health will make a referral to the Public Health Administrator and the revocation process as outlined in Section 10-41, of Chapter 10 Food Safety, of the Peoria County Code, will be followed.
 - An establishment's food safety license is suspended for non-compliance two (2) times during a twelve-consecutive-month period.
 - An establishment has two (2) or more compliance conferences during a twelve-consecutive-month period and fails to meet the agreed upon compliance plan.
- b. The License Holder or representative will be advised of the right to a hearing pursuant to Section 10-42, of Chapter 10 Food Safety, of the Peoria County Code.
- c. If a hearing is requested, the hearing will be conducted in accordance with the Peoria City/County Health Department Health Authority Environmental Hearing Procedures.
- d. Closure by injunction or other legal remedy. If closure is warranted by the final decision of the revocation hearing, but the establishment fails to cease operations and close, the Health Authority shall inform the license holder/person in charge that the State's Attorney will be contacted to have an injunction or other legal remedy issued for the cessation of all operations.

IX. CONDITIONS NOT ADDRESSED

These procedures are intended to be administrative guidelines for Health Department personnel in the conduct of their duties. It is understood that in the interest of protecting the public's health, the Health Authority may deviate from these guidelines based on their professional judgement. If a decision is made not to adhere to these guidelines, personnel shall document the conditions that necessitated the deviation and the underlying factors that influenced that finding.

In order to protect the public's health, the Health Department reserves the right to impose additional regulatory health protection requirements beyond those outlined in these guidelines if conditions warrant such action.

This procedure was amended and adopted on the 18th day of November 2019, to be implemented January 1, 2020.



Samuel Duren, President, Peoria County Board of Health

X. APPENDIX

A. Routine Inspection Enforcement Matrix

N= No Action
FU & WC = Ten Day Follow Up and Warning Comment

ROUTINE INSPECTION ENFORCEMENT MATRIX

		Priority Foundation Violations										
		0	1	2	3	4	5	6	7	8	9	10+
Priority Violations	0	N	N	N	N	N	FU & WC					
	1	N	N	N	N	N	FU & WC					
	2	N	N	N	N	N	FU & WC					
	3	N	N	N	N	N	FU & WC					
	4	N	N	N	N	FU & WC						
	5	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC
	6	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC
	7	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC
	8	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC
	9	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC
	10+	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC	FU & WC

B. Ten (10) Day Follow-Up Inspection Enforcement Matrix

N= No Action (Return to Routine Schedule)
CC= Compliance Conference

TEN (10) DAY FOLLOW UP INSPECTION ENFORCEMENT MATRIX

		Priority Foundation Violations										
		0	1	2	3	4	5	6	7	8	9	10+
Priority Violations	0	N	N	N	N	CC						
	1	N	N	N	N	CC						
	2	N	N	N	N	CC						
	3	N	N	N	N	CC						
	4	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
	5	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
	6	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
	7	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
	8	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
	9	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC
	10+	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC	CC

D. Embargo Tag

Tag #: _____ Est. #: _____

Date: 0 6 / 1 3 / 2 0 1 9 Permit #: _____

Establishment Name: _____

Establishment Address: _____, IL



**Peoria City/County Health
Department
(309) 679-6161**

The following articles have been found not to be in compliance with the Peoria County Food Safety Ordinance and have been:

**DETAINED
or
EMBARGOED**

Therefore, these articles are not to be utilized, served, or disposed until removal of this tag by the Peoria City/County Health Department.

Embargoed Item(s):

**DO NOT REMOVE THIS TAG
UNDER PENALTY OF LAW**

Peoria City/County Health
Department

Owner/Manager

E. Risk Control Plan - <http://www.pcchd.org/149/Forms>

F. Self-Inspection Form - <http://www.pcchd.org/149/Forms>

G. In-Service Training Request Form (English and Spanish) - <http://www.pcchd.org/149/Forms>

H. Request to Attend Compliance Conference Letter (On Company Letterhead)

DATE

HAND DELIVERED OR CERTIFIED MAIL

ESTABLISHMENT NAME

Attn: LICENSEE/PIC

ADDRESS OF ESTABLISHMENT

ADDRESS OF ESTABLISHMENT

RE: Compliance Conference

Dear LICENSEE/PIC:

On DATES OF INSPECTION/S personnel representing this Department performed a food safety inspection of your establishment known as ESTABLISHMENT NAME located at ESTABLISHMENT ADDRESS. This survey was conducted to determine compliance with the Illinois Food Code and Chapter 10, Food Safety of the Peoria County Code.

At the time of this survey, a substantial number of Priority and/or Priority Foundation violations of the Illinois Food Code were observed. Priority and Priority Foundation violations have serious implications regarding the prevention and control of foodborne illness. The establishment was issued a warning that significant improvement in food safety practices must be noted at the follow-up inspection, or a referral would be made to the Director of Environmental Health for a Compliance Conference. On DATE/S OF TEN DAY INSPECTION/S a follow-up inspection was conducted at the establishment, and multiple uncorrected Priority and/or Priority Foundation violations were observed.

Subsequently, this Department is requesting that you, and all applicable parties, attend a Compliance Conference before the Peoria City/County Health Department's Director of Environmental Health, Carey Panier, at TIME, on DAY OF WEEK, DATE.

It is intended that during this conference, a plan of compliance will be developed to eliminate these Code violations as well as to evaluate the status of your Peoria County Food Safety License. This conference will take place at the Peoria City/County Health Department located at 2116 Sheridan, Peoria, IL.

Be advised that failure to attend this conference will leave this Department no other option, but to seek legal action through the State's Attorney's Office for suspension and/or revocation of your Peoria County Food Safety License.

Please contact EHS/P NAME, Environmental Health Specialist/Practitioner, at 309/679-6161, on or before TIME, DAY OF THE WEEK, DATE to confirm your attendance.

Sincerely,

Carey A. Panier, BS, LEHP, REHS/RS
Director of Environmental Health

I. Pre-Compliance Conference Establishment Worksheet – *(EH SharePoint\Compliance Conferences (All-Inclusive) \Pre-Compliance Conference Establishment Worksheet).*

J. Post Compliance Conference Letter (On Company Letterhead)

DATE

HAND DELIVERED OR CERTIFIED MAIL

ESTABLISHMENT NAME

Attn: LICENSEE/PIC

ADDRESS OF ESTABLISHMENT

ADDRESS OF ESTABLISHMENT

RE: Compliance Conference Follow-Up for ESTABLISHMENT

Dear LICENSEE/PIC:

This letter is intended as a follow-up for the Compliance Conference that was held on DATE. This conference was held to discuss recent food safety inspection results for the food service establishment known as ESTABLISHMENT NAME located at the above address. Present at this meeting was LICENSEE/PIC, representing ESTABLISHMENT NAME, Carey Panier, Director of Environmental Health, COORDINATOR NAME, Environmental Health Coordinator, and EHS/P NAME, Environmental Health Specialist/Practitioner, representing the Peoria City/County Health Department.

At the time of this meeting, the corrective actions that ESTABLISHMENT NAME needs to take to achieve compliance with the Illinois Food Code were discussed. It was our understanding that you have plans to address the violations.

The following was agreed upon during the conference to ensure compliance is met:

1. Three monthly full compliance inspections shall be conducted in MONTH, MONTH, and MONTH of YEAR.
2. During the three compliance inspections, the establishment **cannot have more than three (3) Priority or three (3) Priority Foundation Violations**, or **any combination of more than six (6) Priority and Priority Foundation Violations** during any of the compliance inspections.
3. If more than the allowed number of Priority and/or Priority Foundation Violations are found during any of the compliance inspections, the establishment's license will be suspended for a minimum of 24 hours or until the Priority and Priority Foundation Violations are corrected, whichever is longer.
4. There will be fees of \$150 for each of the monthly compliance inspections. If any of those inspections result in violations which need follow-up inspections, the normal follow up fees will apply.
5. If at any time the license is suspended, a license reinstatement fee of \$250 must be paid prior to the license reinstatement inspection.
6. If the license is suspended twice in a twelve-month-consecutive time frame, a license revocation hearing will occur.

Failure to meet the above criteria may result in permanent license suspension or revocation.

If during the monthly inspections, all the above criteria are met, and your establishment is determined to be in significant compliance with the Illinois Food Code and Chapter 10, Food Safety of the Peoria County Code, the establishment will return to the routine inspection schedule.

If you have any questions, please contact me at (309)679-6161.

Respectfully,

Carey A. Panier, BS, LEHP, REHS/RS
Director of Environmental Health

K. Extension of Compliance Letter (On Company Letterhead)

[DATE]

HAND DELIVERED OR CERTIFIED MAIL

[ESTABLISHMENT]

ATTN: [LICENSEE/PIC]

[ADDRESS]

[CITY, STATE, ZIP]

Re: Extension of Compliance Inspections

Dear [LICENSEE/PIC]:

This letter serves as a follow-up to the compliance conference corrective actions that [ESTABLISHMENT], located at the address listed above, agreed to take and continue in order to achieve active managerial control and compliance with the Illinois Food Code. This agreement was made on [DATE OF COMPLIANCE CONFERENCE] and is documented on the enclosed Post-Compliance Conference Letter, which was delivered on [DATE OF HAND DELIVERY OR CERTIFIED MAIL RECEIPT].

This Department has conducted [NUMBER OF COMPLIANCE INSPECTIONS] compliance inspections of the establishment and has not observed proof that active managerial control has been obtained. A significant number of food safety violations remain uncorrected and the conditions of the compliance agreement have not been met.

Due to continued non-compliance with the agreed upon conditions established during the compliance conference, an additional monthly compliance inspection will occur in [MONTH] of [YEAR]. Compliance inspections will continue to be assessed at a fee of \$150.

Please be advised that continued failure to meet the agreed upon benchmarks will result in additional enforcement action, up to and including a referral for permanent license revocation.

Please contact this office at (309) 679-6161 with any questions.

Respectfully,

Carey A. Panier, BS, LEHP, REHS/RS
Director of Environmental Health

Enclosure: Post-Compliance Conference Letter for [ESTABLISHMENT]

L. Release from Compliance Inspections Letter (On Company Letterhead)

DATE

HAND DELIVERED OR CERTIFIED MAIL

ESTABLISHMENT NAME

Attn: LICENSEE/PIC

ADDRESS OF ESTABLISHMENT

ADDRESS OF ESTABLISHMENT

RE: Release from Compliance

Dear LICENSEE/PIC:

This Department requested that you, and all applicable parties, attend a Compliance Conference on DATE OF COMPLIANCE CONFERENCE. At the time of this meeting, the corrective actions that ESTABLISHMENT NAME, located at the address listed above, needed to take and continue in order to achieve compliance with the Illinois Food Code were discussed. Compliance criteria including, but not limited to monthly inspections for three months, Priority and Priority Foundation Violation criteria, etc...were agreed upon.

During the last monthly compliance inspection on DATE OF LAST COMPLIANCE INSPECTION, it was determined that your establishment is in significant compliance with the Illinois Food Code and Chapter 10, Food Safety, of the Peoria County Code. Therefore, this Department is releasing your establishment from compliance and returning the establishment to a routine inspection schedule.

If you have any questions, please contact EHS/P NAME, Environmental Health Specialist/Practitioner, at (309)679-6161.

Included in this correspondence is a Risk Control Plan, In-Service Training Request Form, and Self-Inspection Form to aid your establishment in maintaining effective food safety standards. Additional food safety forms and guidance can be found on our website at www.pcchd.org/149/Forms.

Respectfully,

Carey A. Panier, BS, LEHP, REHS/RS
Director of Environmental Health

Enclosures