



**Proceedings for 2nd Board of Health Hearing**  
**Highland Pizza & Ice Cream, 6530 S.R. 229, Sparta, OH (facility location)**  
**May 16, 2022 6:00 pm**

**Board of Health Hearing Guidelines**

1. Board of Health hearings will be scheduled by the Health Commissioner at the request of the Environmental Health Director. More than one such hearing may be scheduled at a meeting.
2. Health department staff will prepare a history of the case which will be provided to the Board of Health and the affected party\* during the staff's presentation of evidence.
3. Each hearing is to be recorded or a court stenographer may be utilized. All documents will be numbered and entered as evidence. Witnesses will be sworn in.
4. These are the purposes of Board of Health hearings:
  - a. To present all facts to the Board of Health before a final decision is made.
  - b. To ensure that the rules and regulations of the Board are followed.
  - c. To provide all parties with the opportunity to present witnesses or evidence, question evidence or witnesses, and generally be heard.
  - d. To approve, modify, or disapprove the staff decision from which the affected party may be seeking relief.
5. **The hearing proceedings will follow this format:**
  - a. Opening statement/outline of presentation by Morrow County Health District (MCHD)
  - b. Opening statement/ outline of presentation by Highland Pizza
  - c. MCHD's case to be presented in the form of testimony of witnesses; presentation of reports, data, and documentary evidence
  - d. Examination of MCHD's evidence by Board of Health and Highland Pizza
  - e. Highland Pizza's case to be presented in the form of testimony of witnesses; presentation of reports, data, and documentary evidence.
  - f. Examination of Highland Pizza's position by Board of Health and MCHD
  - g. Rebuttal of testimony or evidence by MCHD
  - h. Closing statement by Highland Pizza
  - i. Closing statement by MCHD
  - j. Board of Health decision

The affected party\* means the person, agent, organization, governmental body, group, corporation, or the like that could be affected by the Board of Health final decision. The affected party could be the proponent in the hearing depending upon the particular circumstances of the hearing.

**Proceedings for 2<sup>nd</sup> Board of Health Hearing: Highland Pizza & Ice Cream, 6530 S.R. 229, Sparta, OH**

"Let the record reflect that this hearing is called to order at 7:35 pm on May 16, 2022, at a regular meeting of Morrow County Board of Health, 619 West Marion Road, Mt. Gilead, Ohio. The Board of Health is the licensor for Highland Pizza & Ice Cream, and will be hearing the evidence in this matter.

The Morrow County Board of Health proposes to suspend license number NFRY-98T2UA issued for Highland Pizza & Ice Cream on March 1, 2022. These proceedings are conducted pursuant to Ohio Revised Code Section 3717.49, and Ohio Administrative Code 3701-21-26, which give the licensee the right to appeal the proposed action and to be granted a hearing, to present arguments orally or in writing, and the licensee may be represented by counsel. Mr. Ken Stuff hand-delivered a written appeal request to the health department office on May 6, 2022.

I note that <sup>Kenneth Stuff</sup> {licensee and/or representative(s)} is/are present in the hearing room with without counsel. Mr. Stuff, let me explain our procedures to you. We will begin the hearing with the health department's opening statement and follow with your opening statement, where you'll give a summary of what you'll present to the Board.

Next, the health department will have the opportunity to present evidence on behalf of their position in this matter. Then you will have the opportunity to present evidence. All parties involved in this matter will have an opportunity to present evidence, question witnesses, and examine the evidence presented. The health department will then have an opportunity to respond to what you've presented, and for rebuttal of your case. The hearing will conclude with the closing statements by both parties. At the close of all evidence and cross-examination, the Board will consider the evidence that has been presented. The Board of Health may immediately render a decision to deny, suspend, or revoke a license, or render a decision removing or continuing a license suspension.

Should the Board of Health issue an order to suspend or revoke a license, you have the right under Ohio Revised Code Section 3717.49 to appeal that decision with the Morrow County Court of Common Pleas.

Mr. Stuff, do you understand these procedures and your rights regarding these procedures? Let the record reflect Mr. Stuff indicated he/she/they understand(s) his/her/their rights regarding this proceeding."

## Section 3717.29 | Board of health may suspend or revoke retail food establishment license.

Ohio Revised Code / Title 37 Health-Safety-Morals /

Chapter 3717 Retail Food Establishments; Food Service Operations

**Effective:** November 21, 2001    **Latest Legislation:** Senate Bill 136 - 124th General Assembly

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(A) This section applies when the licensor of retail food establishments is a board of health.

(B) A board of health may suspend or revoke a retail food establishment license on determining that the license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to retail food establishments, including a violation evidenced by documented failure to maintain sanitary conditions within the establishment.

(C)(1) Except in the case of a violation that presents a clear and present danger to the public health, before initiating action to suspend or revoke a retail food establishment license, the board shall give the license holder written notice specifying each violation and a reasonable time within which the license holder must correct each violation to avoid suspension or revocation of the license. The board may extend the time specified in the notice for correcting a violation if the license holder is making a good faith effort to correct it.

If the license holder fails to correct the violation in the time granted by the board, the board may initiate action to suspend or revoke the retail food establishment license by giving the license holder written notice of the proposed suspension or revocation. The board shall include in the notice a description of the procedure for appealing the proposed suspension or revocation. The license holder may appeal the proposed suspension or revocation by giving written notice to the board. The license holder shall specify in the notice whether a hearing is requested. The appeal shall be conducted in accordance with division (C)(3) of this section.





**Highland Pizza and Ice Cream**  
**6530 State Route 229, Sparta, OH 43350**

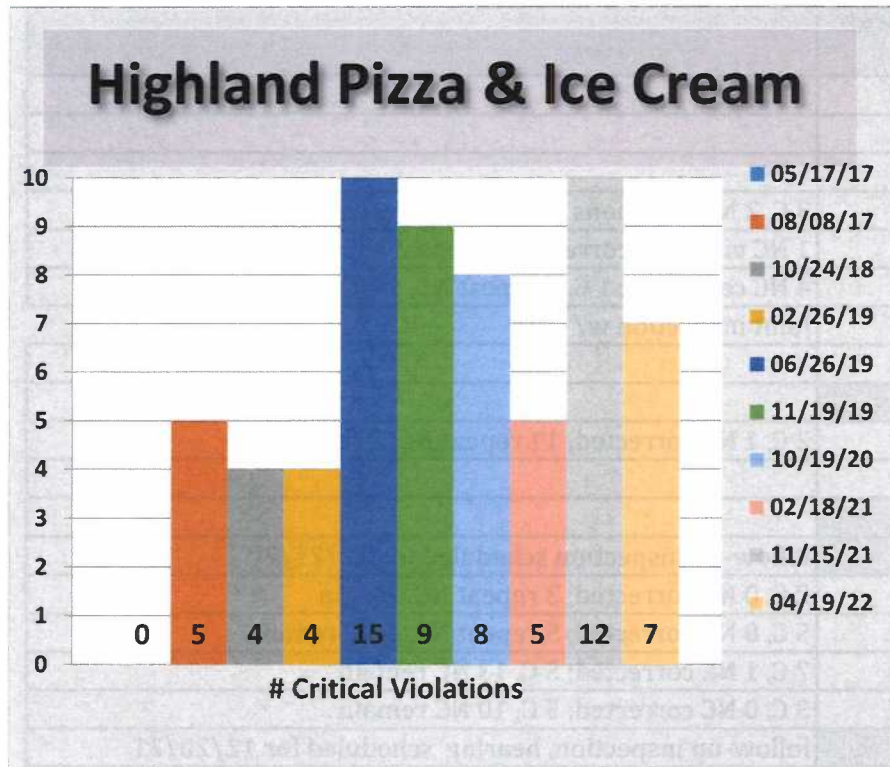
Highland Pizza hearing, 05/16/22:  
MCHD Exhibit 2

Event	Date	Critical Violations	Corrected on Site (C)	Repeat Critical	Notes
Inspection - standard/CCP	08/08/17	6	2	0	
Inspection - follow-up	01/29/18	5	2	5	
Inspection - standard/CCP	10/24/18	4	0	2	
Inspection - follow-up	10/29/18	2	1	1	3 C, 2 NC violations corrected; 8 repeat NC remain
Inspection - standard	02/26/19	4	2	1	1 NC violation corrected; 3 repeat NC, 10 NC remain
Inspection - follow-up	03/11/19	6	5	2	4 NC corrected; 1 C, 8 repeat NC, 1 NC remain
Inspection - standard	06/26/19	15	3	4	Joint inspection w/ ODA
Inspection - follow-up	07/01/19	9	1	8	
Notice of Noncompliance	10/24/19				
Inspection - standard/process review	11/19/19	9	2	7	2 C, 1 NC corrected; 11 repeat NC, 2 NC remain
Inspection - standard/process review	10/19/20	12	0	2	
Notice of Administrative Conference	11/10/20				
Administrative Conference	12/07/20				follow-up inspection scheduled for 12/21/20
Inspection - follow-up	12/21/20	4	2	4	2 C, 0 NC corrected; 3 repeat NC remain
Inspection - standard/process review	02/18/21	5	5	2	5 C, 0 NC corrected; 5 repeat NC, 4 NC remain
Inspection - standard/process review	11/15/21	12	7	4	7 C, 1 NC corrected; 5 C, 13 NC remain
Inspection - follow-up	11/23/21	8	3	7	3 C, 0 NC corrected; 5 C, 10 NC remain
Notice of Proposed Suspension	11/30/21				follow-up inspection, hearing scheduled for 12/20/21
Board of Health hearing	12/20/21				cancelled due to certified mail delivery failure
Notice of Proposed Suspension	12/21/21	<i>posted on premises, sent via standard mail</i>			follow-up inspection, hearing scheduled for 01/10/22
Inspection - follow-up	01/10/22	4	3	3	
Board of Health hearing	01/10/22				license suspended effective immediately; follow-up 01/13/22
Corrective action planning meeting	01/11/22				Stephanie Bragg, Stephanie Zmuda, Michaela Byler & Ken Stuff
Inspection - follow-up	01/13/22	1	1	0	facility approved to return to business after suspension
Inspection - follow-up	02/14/22	2	2	2	4 repeat NC, 1 NC remain
Inspection - standard/process review	04/19/22	7	4	4	
Notice of Proposed Suspension	04/22/22	<i>hand-delivered by Michaela Byler 04/26/22</i>			hearing scheduled for 05/16/22

Priority: C = Critical violation; NC = Non-Critical violation



Highland Pizza and Ice Cream  
6530 State Route 229, Sparta, OH 43350



more exhibit 2



## NOTICE OF BOARD OF HEALTH HEARING AND PROPOSED LICENSE SUSPENSION

April 22, 2022

Highland Pizza & Ice Cream  
Attn: Kenneth Stuff  
6530 S.R. 229  
Marengo, Ohio 43334

Dear Ken,

Highland Pizza & Ice Cream has demonstrated repeated violations of the Ohio Administrative Code 3717-1, Ohio Uniform Food Safety Code, governing food service operations and retail food establishments. Food code violations cited during the most recent standard inspections on November 15, 2021, and April 19, 2022, are as follows:

November 15, 2021 – standard & process review inspection

- 02.2(C) – Hands and arms – when to wash – **CRITICAL**
- 02.3(A) – Food contamination prevention – eating, drinking, or using tobacco
- 02.3(C) – Hair restraints – effectiveness (rule changed March 1, 2019, to require hair *covering*) - **REPEAT**
- 02.4(B)(1) – Person in charge: demonstration of knowledge – **CRITICAL, REPEAT**
- 02.4(C)(16) – Person in charge – ensure written procedures and plans are maintained and implemented in the facility – **CRITICAL**
- 03.2(D) – Food storage containers – identified with common name of food – **REPEAT**
- 03.2(K) – In-use utensils – between-use storage
- 03.2(Q) – Food storage – preventing contamination from the premises – **REPEAT**
- 03.4(F)(1)(b) – Time/temperature controlled for safety food – cold holding – **CRITICAL, REPEAT**
- 03.4(G) – Ready-to-eat, time/temperature controlled for safety food – date marking – **CRITICAL, REPEAT**
- 03.4(I)(2) – Time as a public health control – 4 hour time limit – **CRITICAL, REPEAT**
- 04.1(A) – Equipment and utensils – durability and strength
- 04.1(KK) – Food equipment – certification and classification
- 04.2(I) – Sanitizing solutions – testing devices
- 04.4(N)(1) – Manual/mechanical warewashing equipment – chemical sanitization – **CRITICAL**
- 04.5(A)(1) – Equipment food-contact surfaces – cleanliness – **CRITICAL, REPEAT**
- 04.5(A)(3) – Nonfood-contact surfaces – cleanliness – **REPEAT**
- 04.5(B)(1) – Equipment food-contact surfaces and utensils – cleaning frequency – **CRITICAL**
- 04.8(A) – Equipment and utensils – air-drying required
- 04.8(E)(1) – Equipment, utensils, and linens – storage (clean, dry location; not exposed to splash, dust, other contamination; at least 6" above floor) - **REPEAT**
- 05.1(D) – Backflow prevention – air gap – **CRITICAL**
- 05.1(O)(1) – Using a handwashing sink – accessible at all times – **CRITICAL**



- 06.4(A) – Physical facilities: maintenance and operation – repairing – **REPEAT**
- 06.4(B) – Physical facilities – cleaning - **REPEAT**
- 901:3-4-07.0 – Facility layout and equipment specifications – **REPEAT**
- 901:3-4-15(B) – Embargoing of food due to adulteration, misbranding, or expired baby formula or baby foods – **CRITICAL**

April 19, 2022 – standard & process review inspection

- 02.4(B)(1) – Person in charge: demonstration of knowledge-no critical violations – **CRITICAL, REPEAT**
- 03.4(H)(1) – Ready-to-eat, time/temperature controlled for safety food – disposition – **CRITICAL**
- 03.4(I)(2) – Time as a public health control – 4 hour time limit – **CRITICAL, REPEAT**
- 04.1(A) – Equipment and utensils – durability and strength – **REPEAT**
- 04.1(H) – Nonfood-contact surfaces – cleanability
- 04.4(N)(1) – Manual/mechanical warewashing equipment – chemical sanitization – **CRITICAL, REPEAT**
- 04.5(A)(1) – Equipment food-contact surfaces – cleanliness – **CRITICAL, REPEAT**
- 04.5(A)(3) – Nonfood-contact surfaces – cleanliness – **REPEAT**
- 04.8(E)(1) – Equipment, utensils, and linens – storage (clean, dry location; not exposed to splash, dust, other contamination; at least 6" above floor) – **REPEAT**
- 06.2(B) – Handwashing cleanser – availability
- 06.4(B) – Physical facilities – cleaning – **REPEAT**
- 06.4(K) – Controlling pests – **CRITICAL**
- 06.4(N) – Maintaining premises – unnecessary items and litter
- 07.1(C) – Poisonous or toxic materials – conditions of use – **CRITICAL**

Due to repeated violations and failure to maintain minimum standards of the code, you are hereby required to appear for a hearing before the Morrow County Board of Health on May 16, 2022, at 6:00 pm at the Community Services Building located at 619 West Marion Road, Mt. Gilead (conference room inside Entrance B). The Board of Health will consider the proposed suspension of your retail food establishment license for a minimum of seven (7) days at that time. Please be aware the hearing is your opportunity to show cause for noncompliance and present information on your behalf. Should you fail to appear, you forfeit that opportunity.

You may appeal the proposed license action by submitting a written request for an appeal hearing to this office, which must be *received* within fifteen (15) days of the date of this letter.

Please contact me if you have questions or concerns, by phone at 419-947-1545 ext 324, by email at [stephanie.zmuda@morrowcountyhealth.org](mailto:stephanie.zmuda@morrowcountyhealth.org), or in person.

Sincerely,

*Stephanie Zmuda* /REHS

Stephanie Zmuda, REHS  
Environmental Health Director

Enclosure(s): Inspection report dated November 15, 2021  
Inspection report dated April 19, 2022

04/26/2022  
Approx: 04:40pm  
*Michaela Byler, SIT*

*MCHD Exhibit 3*

**State of Ohio**  
**Food Inspection Report**  
 Authority: Chapters 3717 and 3715 Ohio Revised Code

Highland Pizza hearing, 05/16/22:  
 MCHD Exhibit 4

Name of facility Highland Pizza & Ice Cream	Check one <input type="checkbox"/> FSO <input checked="" type="checkbox"/> RFE	License Number NFRY-98T2UA	Date 15-Nov-2021
Address 6530 S.R. 229		City/State/Zip Code Sparta OH 43350	
License holder Kenneth Stuff	Inspection Time 210	Travel Time 0	Category/Descriptive Commercial RFE < 25000 sq. ft. - Risk Level IV
Type of Inspection Standard/Process Review		Follow up date (if required) 23-Nov-2021	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	OUT	Person in charge present, demonstrates knowledge, and performs duties	21	IN	Proper hot holding temperatures
2	IN	Certified Food Protection Manager	22	OUT	Proper cold holding temperatures
Employee Health			23	OUT	Proper date marking and disposition
3	IN	Management, food employees and conditional employees; knowledge, responsibilities and reporting	24	OUT	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	OUT	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	OUT	Hands clean and properly washed	28		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
	IN	Food obtained from approved source	31	N/A	Special Requirements: Heat Treatment Dispensing Freezers
	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	N/A	Critical Control Point Inspection
15	IN	Food separated and protected	36		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	<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.		
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			

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



MCHD  
Exhibit 4

State of Ohio  
**Food Inspection Report**  
Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Highland Pizza & Ice Cream	Type of Inspection Standard/Process Review	Date 15-Nov-2021
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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

Safe Food and Water			Utensils, Equipment and Vending		
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
Food Temperature Control			56	OUT	Non-food contact surfaces clean
40	IN	Proper cooling methods used; adequate equipment for temp control	Physical Facilities		
41	N/O	Plant food properly cooked for hot holding	57	IN	Hot and cold water available; adequate pressure
42	N/O	Approved thawing methods used	58	OUT	Plumbing installed; proper backflow devices
43	IN	Thermometers provided and accurate	59	IN	Sewage and waste water properly disposed
Food Identification			60	IN	Toilet facilities: properly constructed, supplied, cleaned
44	OUT	Food properly labeled; original container	61	IN	Garbage/refuse properly disposed; facilities maintained
Prevention of Food Contamination			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	OUT	Contamination prevented during food preparation, storage & display	64	IN	Existing Equipment and Facilities
47	OUT	Personal cleanliness	Administrative		
48	N/O	Wiping cloths: properly used and stored	65	OUT	901:3-4 OAC
49	N/O	Washing fruits and vegetables	66	N/A	3701-21 OAC
Proper Use of Utensils					
50	OUT	In-use utensils: properly stored			
51	OUT	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
01	3717-1-02.4(B)(1)	C	Observations: Person in charge (PIC) unable to demonstrate knowledge by having no critical violations. Please prevent foodborne illness by correcting critical violations, and keep them from reoccurring.		X
01	3717-1-02.4(C)(16)	C	Observations: Written procedures and plans are not maintained and implemented: pizza sauce and sliced tomatoes which normally use time in lieu of temperature as the public health control were not marked with a time by which they must be used or discarded. Affected pizza sauce and tomatoes were discarded during inspection.	X	
06	3717-1-02.3(A)	NC	Observations: Employee eating in non-designated, food prep area. Affected employee relocated to a designated area during inspection and upon the inspector's request.	X	
08	3717-1-02.2 (C )	C	Observations: Food employee did not wash hands when required: after eating/contacting her mouth with her hands. Affected employee washed her hands during inspection and upon the inspector's request.	X	
10	3717-1-05.1(O)(1)	C	Observations: Handwashing sink not accessible: large trash can placed in front of kitchen hand sink makes accessing the sink difficult. Please relocate trash can.		
16	3717-1-04.4(N)(1)	C	Observations: Chlorine sanitizing solution at incorrect concentration: 0 ppm residual in dish machine. Person in charge took steps necessary to provide 100 ppm in dish machine during inspection.	X	
16	3717-1-04.5(B)(1)	C	Observations: Food equipment surfaces not cleaned at required frequency: person in charge advised utensils are cleaned every night (shifts longer than 4 hours). Please begin cleaning equipment and utensils used in contact with time/temperature controlled for safety (TCS) foods at least every 4 hours while in use.		
16	3717-1-04.5(A)(1)	C	Observations: Equipment food-contact surfaces or utensils are unclean: black spoon rough with mineral buildup; mixer bowl unclean. Affected spoon was removed from service during inspection. Please clean mixer bowl.	X	
22	3717-1-03.4(F)(1)(b)	C	Observations: Time/temperature controlled for safety (TCS) foods not being cold held at the proper temperature: cheese slices on prep table at 52 degrees. Affected cheese slices were discarded during inspection.	X	X
23	3717-1-03.4(G)	C	Observations: Refrigerated, ready-to-eat, time/temperature controlled for safety (TCS) foods not properly date marked: piece of cooked chicken in prep cooler and gallon jug of milk in cooler in front cooler. Affected chicken was discarded and milk properly date marked during inspection.	X	X
24	3717-1-03.4(I)(2)	C	Observations: Improper use of time as a public health control (4 hours): pizza sauce (52 degrees) and sliced tomatoes (46.5 degrees) held at ambient temperature using time as the public health control were not marked to indicate the time that is 4 hours past the point when the food was removed from temperature control. Affected pizza sauce and tomatoes were discarded during inspection.	X	X
44	3717-1-03.2(D)	NC	Observations: Working food containers not properly labeled: squeeze bottle at prep table. Please label working food containers with the name of the contents.		X

			on racks in walk-in cooler less than 6" from the floor and the walk-in cooler drain is 1/2", 4 1/2". Please take steps necessary to store pizzas in a clean, dry location not exposed to splash, dust, or other contamination, and at least 6" above the floor.		
47	3717-1-02.3(C)	NC	Observations: Food employees not wearing a hair restraint. Please begin effectively restraining hair by wearing a hair covering such as a hat, hair net, or other hair covering. This violation has been cited numerous times.		X
50	3717-1-03.2(K)	NC	Observations: In-use utensils improperly stored: water only dripping at dipper well. Please take steps necessary to provide running water of sufficient velocity to flush particulates to the drain if using the dipper well for in-use utensil storage.		
	3717-1-04.8(A)	NC	Observations: Equipment and utensils are not being air dried: observed wet stacking during inspection. Please begin completely air-drying equipment and utensils prior to storage.		
51	3717-1-04.8(E)(1)	NC	Observations: Improper storage of cleaned equipment and utensils: silverware stored in unclean container. Affected container and contents removed to warewashing area during inspection.		X
54	3717-1-04.1(KK)	NC	Observations: Equipment not approved by a recognized testing agency: Panasonic microwave model NN-SN 744S. Equipment use may continue as long as it can be maintained in compliance with code requirements. When it is replaced please purchase equipment approved by a recognized food equipment testing agency.		
54	3717-1-04.1(A)	NC	Observations: Non-durable equipment observed: badly damaged door gaskets on Delfield pizza prep cooler doors, chest freezer adjacent to mop sink badly damaged/worn; multiple clear plastic cambros damaged (broken handles, etc.). Please replace damaged cooler door gaskets and discard damaged containers. Freezer must be removed from the premises on or before November 21, 2021.		
55	3717-1-04.2(I)	NC	Observations: Sanitizer test kit was incomplete (no color chart provided). Please provide complete test kit compatible with the sanitizer(s) in use.		
56	3717-1-04.5(A)(3)	NC	Observations: Non-food contact surfaces of equipment are unclean: shelving under ice cream POS register; shelving under ice cream topping counter; warming rack shelving; pizza slips; pizza grates; oven conveyors; Beverage-Air cooler (under microwave) exterior surfaces and door gaskets; Delfield pizza prep cooler interior and exterior surfaces; shelving above pizza prep cooler and freezer; Beverage-Air 2 door freezer interior surfaces and door gaskets; dough prep table and shelving under; table under pizza racks and grates; sheeter; pan racks; glass door freezer interior surfaces; bulk food storage containers for cinnamon, taco chips, salt, and sugar; shelving used to store clean equipment and utensils; dish machine exterior. Please clean affected equipment/surfaces.		X
58	3717-1-05.1(D)	C	Observations: Insufficient air gap between the flood rim and the water supply inlet: dipper well inlet was submerged during inspection. Please take steps necessary to provide an air gap at least 2 times the diameter of the inlet.		
62	3717-1-06.4(A)	NC	Observations: Physical facilities not maintained in good repair: damaged floor tiles in ice cream area and pizza prep area; some ceiling tiles falling down, paint peeling from grid. Please replace damaged floor tiles, chip/repaint grid as needed, and repair/replace affected ceiling tiles to restore smooth, durable, easily cleanable surface finishes.		X
62	3717-1-06.4(B)	NC	Observations: Facility not maintained clean: floors in pizza prep area and under equipment there; wall behind pizza prep cooler; floors and walls in dough prep area and under equipment there; ceiling tiles throughout kitchen are unclean/stained.		X
65	901:3-4-15(B)	C	Observations: Food in an RFE must be embargoed due to adulteration, misbranding, or baby food or formula is expired: 3 qt. hot and 3 qt. mild wing sauce prepared in the facility was held at room temperature with no documentation on file proving it is safe to do so. Affected sauces were embargoed at the time of inspection.		
65	901:3-4-07.0	NC	Observations: Retail food establishment added without prior approval from the licenser: Beverage-Air 2 door freezer, ventilation hood above pizza oven. Please submit manufacturer specifications for affected equipment within 10 business days.		X

Process reviewed: pizza preparation using time as a public health control

Person in Charge Kenneth Stuff	Date 15-Nov-2021
Sanitarian Stephanie Zmuda	Licenser Morrow County Health Department

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

MCHD Exhibit 4



**State of Ohio**  
**Food Inspection Report**  
 Authority: Chapters 3717 and 3715 Ohio Revised Code

Highland Pizza hearing, 05/16/22:  
 MCHD Exhibit 5

Name of facility Highland Pizza & Ice Cream	Check one <input type="checkbox"/> FSO <input checked="" type="checkbox"/> RFE	License Number NFRY-98T2UA	Date 19-Apr-2022
Address 6530 S.R. 229		City/State/Zip Code Sparta OH 43350	
License holder Kenneth Stuff	Inspection Time 135	Travel Time 0	Category/Descriptive Commercial RFE < 25000 sq. ft. - Risk Level IV
Type of Inspection Standard/Process Review		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	OUT	Person in charge present, demonstrates knowledge, and performs duties	21	IN	Proper hot holding temperatures
2	IN	Certified Food Protection Manager	22	IN	Proper cold holding temperatures
<b>Employee Health</b>			23	OUT	Proper date marking and disposition
3	IN	Management, food employees and conditional employees; knowledge, responsibilities and reporting	24	OUT	Time as a public health control: procedures & records
4	IN	Proper use of restriction and exclusion	<b>Consumer Advisory</b>		
5	IN	Procedures for responding to vomiting and diarrheal events	25	N/A	Consumer advisory provided for raw or undercooked foods
<b>Good Hygienic Practices</b>			<b>Highly Susceptible Populations</b>		
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	<b>Chemical</b>		
<b>Preventing Contamination by Hands</b>			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	<b>Conformance with Approved Procedures</b>		
10	OUT	Adequate handwashing facilities supplied & accessible	29	N/A	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
<b>Approved Source</b>			30	N/A	Special Requirements: Fresh Juice Production
	IN	Food obtained from approved source	31	N/A	Special Requirements: Heat Treatment Dispensing Freezers
	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
<b>Protection From Contamination</b>			35	N/A	Critical Control Point Inspection
15	IN	Food separated and protected	36		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	<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.		
<b>Time/Temperature Controlled for Safety Food (TCS food)</b>					
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			

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



MCHD  
Exhibit 5

State of Ohio

# Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility Highland Pizza & Ice Cream	Type of Inspection Standard/Process Review	Date 19-Apr-2022
------------------------------------------------	-----------------------------------------------	---------------------

## 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

Safe Food and Water			Utensils, Equipment and Vending		
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
Food Temperature Control			56	OUT	Non-food contact surfaces clean
40	IN	Proper cooling methods used; adequate equipment for temp control	Physical Facilities		
41	N/A	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
Food Identification			60	IN	Toilet facilities: properly constructed, supplied, cleaned
44	IN	Food properly labeled; original container	61	IN	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	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	Administrative		
48	IN	Wiping cloths: properly used and stored	65	IN	901:3-4 OAC
49	N/O	Washing fruits and vegetables	66	N/A	3701-21 OAC
Proper Use of Utensils					
50	IN	In-use utensils: properly stored			
51	OUT	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

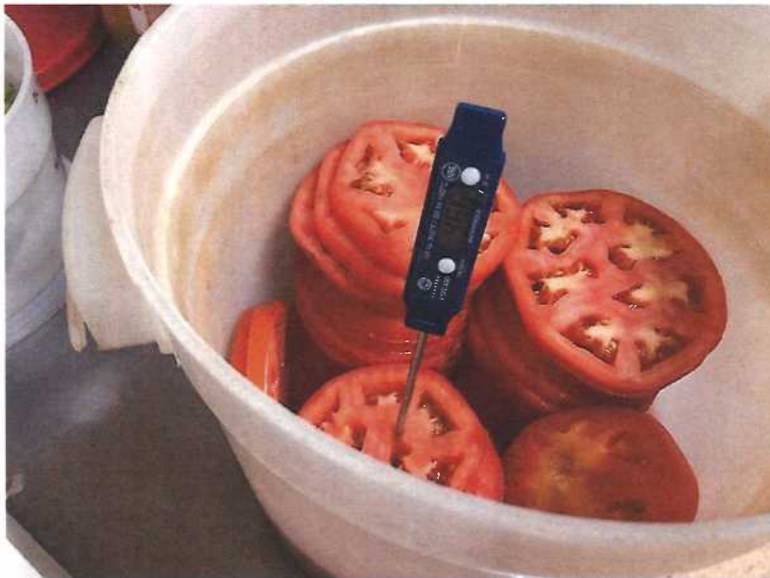
Item No.	Code Section	Priority Level	Comment	COS	R
01	3717-1-02.4(B)(1)	C	Observations: Person in charge (PIC) unable to demonstrate knowledge by having no critical violations. Please prevent foodborne illness by correcting critical violations, and keep them from reoccurring.		X
10	3717-1-06.2(B)	NC	Observations: No soap at kitchen and ice cream handwashing sinks. Please provide and maintain an adequate supply of soap at handwashing sinks.		
16	3717-1-04.4(N)(1)	C	Observations: Chlorine sanitizing solution at incorrect concentration: no measurable chlorine residual in dish machine. Please manually sanitize cleaned equipment and utensils until the machine can be repaired and returned to proper operation.		X
16	3717-1-04.5(A)(1)	C	Observations: Equipment food-contact surfaces or utensils are unclean: dicer parts, slicer. Slicer was broken down, and dicer and slicer parts were taken to the warewashing area to be cleaned during inspection.	X	X
23	3717-1-03.4(H)(1)	C	Observations: Ready-to-eat, time/temperature controlled for safety (TCS) food not properly discarded when required: chicken wings expired 04/15; taco meat expired 04/18. Affected foods were discarded during inspection.	X	
24	3717-1-03.4(I)(2)	C	Observations: Improper use of time as a public health control (4 hours): lettuce had been marked for use or discard by 7:30, which was beyond the 4 hour time limit (observation made at 2:20 pm). Affected lettuce was discarded during inspection.	X	X
28	3717-1-07.1(C)	C	Observations: Improper use of a poisonous or toxic substance: chlorine in sanitizer bucket was beyond the testable limit of the available test kit. Affected solution was discarded during inspection.	X	
45	3717-1-06.4(K)	C	Observations: Presence of live insects, rodents, and other pests: apparent rodent waste on window sill with heavy accumulation of food debris, behind dough prep table. Please remove accumulated food debris and thoroughly clean and sanitize affected areas.		
51	3717-1-04.8(E)(1)	NC	Observations: Improper storage of cleaned equipment, utensils, and/or laundered linens: dicer parts stored in unclean container; and utensils stored in unclean container near hot holding rack. Affected containers and their contents were taken to the warewashing area to be cleaned during inspection.		X
54	3717-1-04.1(A)	NC	Observations: Non-durable equipment observed: badly damaged door gaskets on Delfield pizza prep cooler doors; damaged ice cream freezer sliding lid. Please replace damaged cooler door gaskets and freezer lid.		X
54	3717-1-04.1(H)	NC	Observations: Nonfood-contact surfaces not easily cleanable: tabletop has become worn, rough where food warmer is placed. Please take steps necessary to provide nonfood-contact surface that is smooth, durable, easily cleanable, and nonabsorbent.		
56	3717-1-04.5(A)(3)	NC	Observations: Non-food contact surfaces of equipment are unclean: can opener blade, dough prep tables and shelves underneath, sheeter, pizza racks, ice cream chest freezer in dough prep, slicer table, dish machine and platform, pizza prep cooler, 2 door freezer, pizza oven and crumb trays. Please thoroughly clean		X

			amount of litter in front of dumpster enclosure, street and 2 liter soda racks on ground behind facility, and soda dispenser equipment in hallway to dining room. Please clean up litter and dispose in a safe and sanitary manner, remove unnecessary or nonfunctional items from the premises, and if necessary store soda racks properly until needed or returned to vendor.	
62	3717-1-06.4(B)	NC	Observations: Facility not maintained clean: floors and walls in the dough prep and warewashing areas. Please thoroughly clean affected floors and walls.	X
Process reviewed: pizza preparation using ingredients protected by time as the public health control				
Person in Charge			Date	
Stephanie Zmuda			19-Apr-2022	
Sanitarian			Licensor	
Stephanie Zmuda			Morrow County Health Department	

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

MCHD Exhibit 5





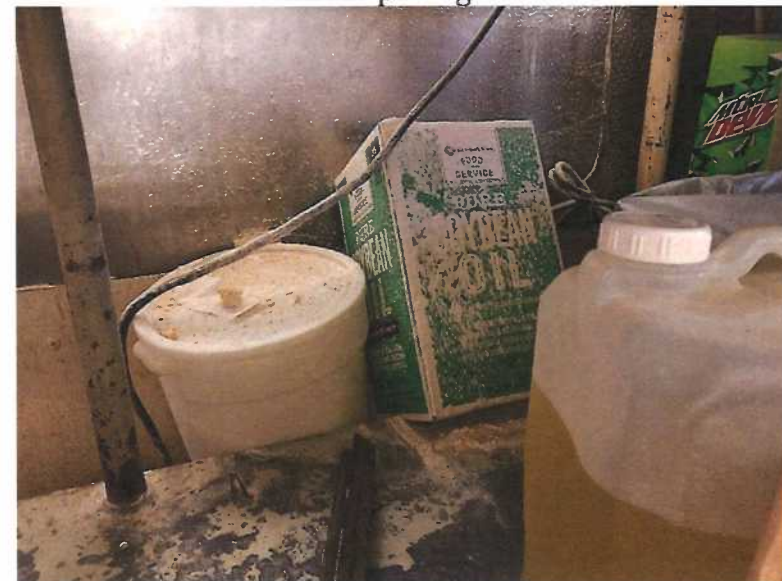
tomatoes using time as public health control unmarked



unclean pizza grates



food in pizza prep cabinet not protected against contamination



unclean equipment, shelving under dough prep table





dough stored in unclean containers on floor



deposits on ladle food contact surfaces



debris on ground outside facility



debris, junk outside facility





junk in storage unit outside facility



clean utensils in unclean container



unclean food contact surfaces, unclean storage container



unclean pan in storage



containers with broken handles



dipper well inlet submerged, causing backsiphonage risk



prepped pizzas on rack on unclean floor in walk-in, <6" above floor drain



A



Exhibit  
A  
From  
Licensee



B



Exhibit  
B  
From  
Licensee



4.1 <A>

DOOR GASKETS STILL  
ON BACK ORDER

C

Exhibit  
C  
from  
Licensee





D

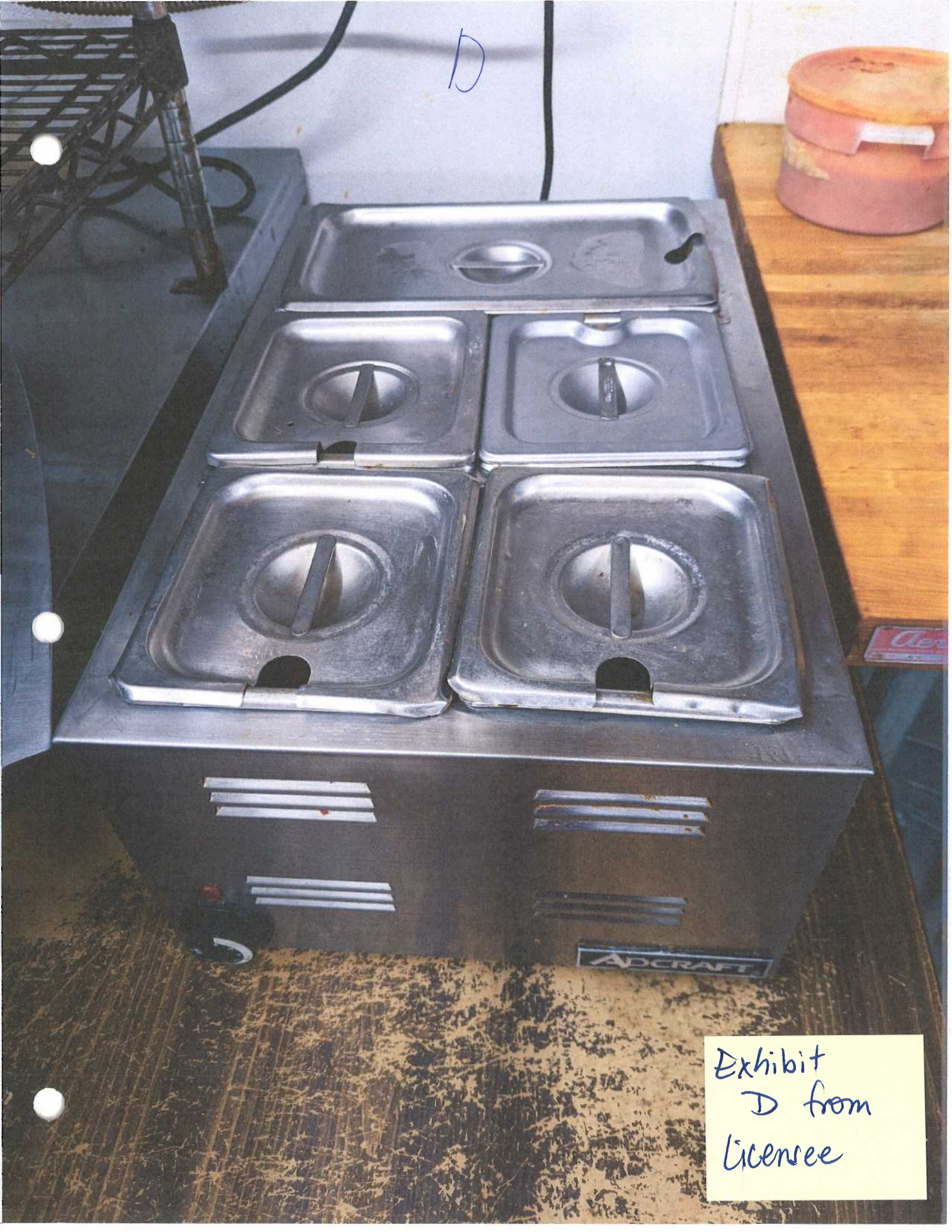


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D from  
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