

BOARD OF HEALTH MADISON & DANE COUNTY

PUBLIC HEALTH MADISON & DANE COUNTY,

Complainant,

v.

COMPLAINT
Sec. 7.07(8)(d), M.G.O.

I'm Here – Restaurant Mobile Base # 66913-69022
Thai's Cuisine – Restaurant Mobile Cart # 51418-41805
Suong Tran
819 S. Park Street
Madison, Wisconsin 53705,

Respondent.

JANEL HEINRICH, Director, Public Health Madison and Dane County, being first duly sworn, on oath hereby complains on behalf of Public Health Madison and Dane County that she has read the Complaint and knows the contents thereof, and that the same is true of her own knowledge or upon information and belief based on official reports by Public Health Sanitarians filed pursuant to their official duties. She is informed and believes that on the dates indicated below, at the City of Madison, in Dane County, the defendants, against public health and safety and contrary to City of Madison Health Codes, Chapter 7 Madison General Ordinances (MGO), Suong Tran, as owners and operators of the Restaurant Mobile Base and Cart known as I'm Here and Thai's Cuisine, respectively and located at 819 S. Park Street, Madison, Wisconsin have committed serious and repeated violations of the Madison General Ordinances between May 3, 2002 and June 19, 2012, including, but not limited to:

I. P'M HERE RESTAURANT MOBILE BASE (LICENSE #66913-69022)

A. May 3, 2002

On May 3, 2002, Public Health Sanitarian Valerie Reiter inspected the above-named premises and observed:

COUNT 1: Soiled wiping rags stored on the floor in violation of WFC 3-304.

COUNT 2: Lime/scale build up on the inside of the ice machine in violation of WFC 4-601.

COUNT 3: Light fixtures in the restaurant are soiled in violation of WFC 4-601.

COUNT 4: Large mixer is soiled with old food residue in violation of WFC 4-601.

COUNT 5: Mop sink in restroom with no hot water in violation of 5-205.

COUNT 6: Water damaged toilet paper rolls and other items in the restroom in violation of WFC 8-201.

COUNT 7: Soiled mop heads in violation of WFC 4-904.

COUNT 8: Soiled light fixtures in violation of WFC 4-601.

COUNT 9: Unused equipment/utensils kept in the restaurant in violation of WFC 6-501.

COUNT 10: Unused equipment kept in storage shed in violation of WFC 6-501.

COUNT 11: Over 10 small home style garbage containers piled in rear of building in violation of WFC 5-501.

B. September 10, 2002

On September 10, 2002, Public Health Sanitarian Valerie Reiter inspected the

above-named premises and observed:

COUNT 12: Piles of garbage, rubbish, standing water, all of which were attracting flies in back of the restaurant in violation of WFC 6-501.

C. September 30, 2002 (Resulting in Immediate Temporary Suspension)

On September 30, 2002, Public Health Sanitarian Valerie Reiter inspected the above-named premises and observed insufficient progress made in correction of the above-noted violations resulting in an immediate temporary suspension of the license.

D. May 13, 2003

On May 13, 2002, Public Health Sanitarian Bonnie Kinney inspected the above-named premises and observed:

COUNT 13: Rotten Mangos on the counter in violation of WFC 2-101.

COUNT 14: Frozen meats and precooked frozen items not properly identified as required by WFC 3-302.

COUNT 15: Missing or improperly located thermometer in cooler across from woks in violation of WFC 4-204.

COUNT 16: Unclean fruit freezer in need of defrosting in violation of WFC 4-601 and 4-602.

COUNT 17: Dirty light fixtures covered with spider webs in violation of WFC 4-601 and 4-602.

COUNT 18: Outside refuse and recycling containers soiled and unprotected from insects and rodents in violation of WFC 5-501.

COUNT 19: Inadequate lighting in food storage area in violation of WFC 6-303.

COUNT 20: Mice feces in the storage shed in violation of WFC 6-501.

COUNT 21: Premises cluttered with unused, unnecessary, and improper items in violation of WFC 6-501.

COUNT 22: Unclean or soiled floors, door handles, light switches in violation of WFC 6-501.

E. May 11, 2006 (Resulting in Immediate Temporary Suspension)

On May 11, 2006, Public Health Sanitarian Bonnie Kinney inspected the above-named premises and observed:

COUNT 23: Unclean food employee's hands, including fingernails imbedded with black dirt underneath the fingernail bed, in violation of WFC 2-301.

COUNT 24: Yogurt cartons stored in freezer expired 2004 in violation of WFC 3-101.

COUNT 25: Pork bones in freezer dated 11/2004 in violation of WFC 3-101.

COUNT 26: Second Harvest Food Bank and USDA canned foods not commercially prepared by an approved source and/or not for retail sale in violation of WFC 3-201.

COUNT 27: Kim chi not commercially prepared by an approved source in violation of WFC 3-201.

COUNT 28: Undated rice water and cut watermelon in violation of WFC 3-501.

COUNT 29: Undated bean paste in cooler stored in shed in violation of WFC 3-501.

COUNT 30: Inaccessible hand sink in toilet room in violation of WFC 5-205.

COUNT 31: Improper or inefficient methods used to minimize the presence of mosquitoes in violation of WFC 6-501.

COUNT 32: Improper or inefficient methods used to minimize the presence of mice as evidenced by mouse droppings observed throughout the establishment and the shed in violation of WFC 6-501.

COUNT 33: Paint thinner stored near food in violation of WFC 7-201.

COUNT 34: Dented can of palm seed in violation of WFC 3-202.

COUNT 35: Food containers not labeled in violation of WFC 3-302.

COUNT 36: Onions improperly stored on floor of kitchen in violation of WFC 3-305.

COUNT 37: Expired infant formula held out to sale to public in violation of WFC 3-602.

COUNT 38: Inaccurate metal-stem thermometer used to measure food temperatures in violation of WFC 4-203.

COUNT 39: Test strips for the sanitizer not working in violation of WFC 4-302.

COUNT 40: Single-use containers and plastic bags being reused in violation of WFC 4-502.

COUNT 41: Unclean fruit freezers exhibiting significant frost build up in violation of WFC 4-601.

COUNT 42: Unclean metal stem thermometer in violation of WFC 4-601.

COUNT 43: Unclean door handles and food storage shelves in violation of WFC 4-601.

COUNT 44: Hand wash sink not draining properly in violation of WFC 5-205.

COUNT 45: Inadequate lighting in food shed in violation of WFC 6-603.

COUNT 46: Storage shed floor cracked, dirty, and in disrepair in violation of WFC 6-501.

COUNT 47: Unused, unnecessary, and improper items throughout the premises, including oil containers, garbage containers, crates, and empty milk cartons in violation of WFC 6-501.

F. April 18, 2007

On April 18, 2008, Public Health Sanitarian Cheri Schweitzer inspected the above-named premises and observed:

COUNT 48: Unclean freezers with significant frost build up in violation of WFC 4-601.

COUNT 49: Unclean flour mixer in violation of WFC 4-601.

COUNT 50: Soiled stove top from frying rice balls in violation of WFC 4-601.

COUNT 51: Refuse and recycling containers are not stored in containers and are unprotected from insects and rodents in violation of WFC 5-501.

COUNT 52: Hand washing signage not provided at hand wash sink in restroom or kitchen in violation of WFC 5-501.

COUNT 53: Unclean facility floor soiled with food accumulation in violation of WFC 6-501.

G. May 15, 2008

On May 15, 2008 Public Health Sanitarian Bonnie Lynn inspected the above-named premises and observed:

COUNT 54: Unclean coolers used for Farmer's Market in violation of WFC 4-601.

COUNT 55: Unclean freezer in outdoor shed in violation of WFC 4-601.

COUNT 56: Unclean Silver King cooler in violation of WFC 4-601.

COUNT 57: Unclean exterior doors of all coolers in kitchen in violation of WFC 4-601 and 4-602.

COUNT 58: Floor tile in kitchen cracked and in disrepair in violation of WFC 6-501.

COUNT 59: Ants in dry store room and kitchen in violation of WFC 6-501.

COUNT 60: Premises contains litter, unused, unnecessary and improper items in violation of WFC 6-501.

COUNT 61: Unclean storage area and standing water in dry storage area in violation of WFC 6-501.

H. November 4, 2008

On November 4, 2008 Public Health Sanitarian Bonnie Lynn inspected the above-named premises and observed:

COUNT 62: Unclean shelving, cooler door handles and food equipment in violation of WFC 4-601.

COUNT 63: Outside refuse and recycling containers are soiled and/or unprotected from insects and rodents in violation of WFC 5-501.

COUNT 64: Toilet room hand wash sink is not provided with single-use toweling in violation of WFC 6-301 and 8-301.

COUNT 65: Unclean kitchen hand sink handles; improperly maintained hand washing sink in violation of WFC 6-501.

COUNT 66: Premises contains unused, unnecessary, and improper items in violation of WFC 6-501.

COUNT 67: Unclean and sticky floor in dry storage area in violation of WFC 6-501.

COUNT 68: Unclean freezers with significant frost build up in violation of WFC 4-601.

I. June 7, 2010

On June 7, 2010 Public Health Sanitarian Brandon Macomber inspected the above-named premises and observed:

COUNT 69: Inaccessible hand sink in restroom in violation of WFC 5-205.

COUNT 70: Improper or inefficient method used to minimize the presence of insects or rodents on the premises as evidenced by rodent droppings observed in the storage building in the back of the facility in violation of WFC 6-501 and 7-202.

COUNT 71: Box of single-use syringes filled with medication improperly stored in prep top cooler with foods in violation of WFC 7-207.

COUNT 72: Test strips for the sanitizer unavailable or not being used in violation of WFC 4-302.

COUNT 73: Unclean shelving in food storage areas and unclean interior of the coolers in violation of WFC 4-601 and 4-602.

COUNT 74: Employee personal items improperly stored with food and utensils in violation of WFC 6-403.

COUNT 75: Premises covered in litter, unused, unnecessary or improper items in violation of WFC 6-501.

COUNT 76: Unclean and food-soiled floors, walls, ceiling, including cobwebs on ceiling and a sticky floor in violation of WFC 6-501.

J. April 25, 2011 (Resulting in Immediate Temporary Suspension)

On April 25, 2011 Public Health Sanitarian Brandon Macomber inspected the above-named premises and observed:

COUNT 77: Inaccessible hand sink in restroom in violation of WFC 5-205.

COUNT 78: Several medications stored among food projects in the kitchen and storage area in violation of WFC 7-207.

COUNT 79: Holes in the floor of the exterior storage building which could allow the entrance of insects or rodents in violation of WFC 6-202.

COUNT 80: Pest and rodent droppings observed throughout the premises in violation of WFC 6-501.

COUNT 81: Unnecessary items that provide harborage for pests and rodents in violation of WFC 6-501.

COUNT 82: Unclean non-food contact surfaces of shelves and equipment throughout the establishment in violation of WFC 4-601.

COUNT 83: Unclean floors and walls soiled with grease, food accumulations and soil in violation of WFC 6-501.

COUNT 84: Unused equipment, excess single use items and food, and personal foods stored in food establishment that are unnecessary to its operation or maintenance in violation of WFC 6-501.

COUNT 85: Current Food and Drink license not posted in the establishment in violation of DHS 196.04(7).

K. June 19, 2012 (Resulting in Immediate Temporary Suspension)

COUNT 86: Bottles of strawberry drink mix stored under the front sink with cleaning compounds in violation of WFC 7-201.

COUNT 87: Pest and rodent droppings observed throughout the interior of the kitchen and storage shed in violation of WFC 6-501.

COUNT 88: Evidence of pests in the form of adult meal moths in bulk rice bag, on rice spilled in between bags of rice, and flying in other areas of the establishment in violation of WFC 6-501.

COUNT 89: Food items stored in unlabeled containers throughout the establishment in violation of WFC 3-302.

COUNT 90: Unnecessary items stored on the premises which provide harborage conditions for insects and rodents in violation of WFC 6-501.

COUNT 91: Single use food packaging re-used for multi-use storage of oil/spices/other foods in violation of WFC 4-201.

COUNT 92: Unclean non-food contact surfaces of shelves and equipment throughout the establishment in violation of WFC 4-601.

COUNT 93: Unclean non-food contact surfaces of all freezers soiled with food debris and in need of defrosting in violation of WFC 4-601.

COUNT 94: Floors, walls, and ceiling in the establishment heavily soiled with debris, grease, cobwebs and food accumulations in violation of WFC 6-501.

COUNT 95: Cordless drill batteries stored on food prep table in violation of WFC 6-501.

COUNT 96: Unused equipment and excess maintenance items are stored in the food establishment and are unnecessary to its operation or maintenance in violation of WFC 6-501.

COUNT 97: Leaking 4-compartment dish washing sink in violation of WFC 5-205.

II. THAI'S CUISINE RESTAURANT MOBILE CART (LICENSE # 51418-41805)

A. September 24, 2002 (Resulting in Immediate Temporary Suspension).

On September 24, 2002 Public Health Sanitarian Stefanie Moccero inspected the above mobile cart and observed:

COUNT 1: Unclean food contact surfaces, including cooler and freezer shelving, juice containers, utensils, and food grade bags in violation of WFC 4-601.

COUNT 2: Unclean non-food contact surfaces, including outside of cooler and freezers, stove, and shelves in violation of WFC 4-601.

COUNT 3: Food contact surfaces in such disrepair that cleaning is impossible, including coolers and utensils in violation of WFC 4-202.

COUNT 4: Operator's fingers and nails are unclean with dirt and food debris in violation of WFC 2-301 and 304.

COUNT 5: Unclean and reused food storage bags in violation of WFC 4-602.

COUNT 6: Numerous items in stock exceeding the requirement that cart be stocked with 1-day supply of needed items in violation of WFC 6-501.

B. April 28, 2003

On April 28, 2003, Public Health Sanitarian Bonnie Kinney inspected the above-mentioned mobile cart and observed:

COUNT 7: Employee preparing and serving food without hand washing before cooking or after handling money in violation of WFC 2-301.

COUNT 8: No sanitizing test strips available in violation of WFC 4-302.

COUNT 9: Hand wash sink not accessible in violation of WFC 5-205.

COUNT 10: Drain for hand wash sink not working properly in violation of WFC 5-205.

COUNT 11: Unnecessary items on cart, including too much food and single service items in violation of WFC 501.

C. May 10, 2004

On May 10, 2004 Public Health Sanitarian Bonnie Kinney inspected the above-mentioned mobile cart and observed:

COUNT 12: Unclean freezers in need of defrosting in violation of WFC 4-601.

COUNT 13: Unclean non-food contact surfaces, including counter tops, cooler shelves, and doors in violation of WFC 4-601.

COUNT 14: Unclean and sticky floor from old juice spills in violation of WFC 6-501..

D. May 10, 2005

On May 10, 2005 Public Health Sanitarian Bonnie Kinney inspected the above-mentioned mobile cart and observed:

COUNT 15: Fresh whole eggs stored over bean sprouts in violation of WFC 3-302.

COUNT 16: No Certified Food Manager Certificate posted in the cart in violation of WFC 12-201..

COUNT 17: Food scoop improperly stored in pan of water between uses in violation of WFC 3-304.

COUNT 18: Ice scoop handle in contact with drink ice in violation of WFC 3-304.

COUNT 19: No metal-stem thermometer available to measure food temperatures in violation of WFC 4-203.

COUNT 20: Unclean freezers in need of defrosting in violation of WFC 4-601.

COUNT 21: Unclean condiment holder for soy sauce packets in violation of WFC 4-601.

COUNT 22: Mobile Cart permit license is not posted in violation of M.G.O. 7.07.

COUNT 23: Temperature thermometer missing in refrigerator in violation of WFC 4-204.

E. April 27, 2006

On April 27, 2006 Public Health Sanitarian James Blackmore inspected the above-mentioned mobile cart and observed:

COUNT 24: Cooked potato cubes at 129 degrees F. in strainer on stove top in violation of WFC 3-501.

COUNT 25: Brown water coming out of hand sink faucet on the cart in violation of WFC 5-304.

COUNT 26: In-use utensils improperly stored in a pan of water in violation of WFC 3-304.

COUNT 27: Single-use items reused as food storage containers in violation of WFC 4-502.

COUNT 28: Newspapers layered between pans not constructed of a corrosion resistant, non-absorbent, and/or smooth material in violation of WFC 4-101.

COUNT 29: Unclean food contact surfaces, including unclean ice cream scoop in violation of WFC 4-601.

COUNT 30: Unclean food contact surfaces, including cooking pans on stove in violation of WFC 4-601.

COUNT 31: Unclean non-food contact surfaces, including interiors of coolers and freezers in violation of WFC 4-601.

F. August 31, 2006

On August 31, 2006, Public Health Sanitarian Cheri Schweitzer inspected the above-mentioned mobile cart and observed:

COUNT 32: Newspapers layered between pans not constructed of a corrosion resistant, non-absorbent, and/or smooth material in violation of WFC 4-202.

COUNT 33: Single-use items reused as food storage containers in violation of WFC 4-502.

COUNT 34: Premises not maintained free of litter and unused, unnecessary, or improper items in violation of WFC 6-501.

G. April 25, 2007

On April 25, 2007 Public Health Sanitarian Cheri Schweitzer inspected the above-mentioned premises and observed:

COUNT 35: Newspapers layered between pans not constructed of a corrosion resistant, non-absorbent, and/or smooth material in violation of WFC 4-202.

COUNT 36: Premises not maintained free of litter and unused, unnecessary, or improper items in violation of WFC 6-501.

H. May 6, 2008

On May 6, 2008, Public Health Sanitarian Bonnie Lynn inspected the above-referenced mobile cart and observed:

COUNT 37: Food and Drink permit not posted on the cart in violation of M.G.O. 7.07.

COUNT 38: Thermometer is missing or improperly located in the cooler in violation of WFC 4-204.

COUNT 39: Unclean freezers in need of defrosting in violation of WFC 4-601.

COUNT 40: Unclean coolers in violation of WFC 4-601.

COUNT 41: Floor of cart is unclean and soiled with food preparations in violation of WFC 6-501.

I. August 11, 2008

On August 11, 2008 Public Health Sanitarian Bonnie Lynn inspected the above-referenced cart and observed:

COUNT 42: License not posted on cart in violation of M.G.O. 7.07.

COUNT 43: Unclean non-food contact surfaces in violation of WFC 4-601.

COUNT 44: Unclean food contact surfaces in violation of WFC 4-601.

J. May 8, 2009

On May 8, 2009, Public Health Sanitarian Bonnie Lynn inspected the above-referenced cart and observed:

COUNT 45: Food manager certificate not posted in public view in violation of WFC 12-201.

COUNT 46: Food and Drink Permit not posted in public view in violation of M.G.O. 7.07.

COUNT 47: White rice cooling in tightly closed plastic bag in violation of WFC 3-501.

COUNT 48: Insulated coolers used for ice bins are unapproved for use in a food establishment in violation of WFC 4-205.

COUNT 49: Unclean Freezers in need of defrosting in violation of WFC 4-601.

COUNT 50: Floor of cart unclean and soiled with food accumulations in violation of WFC 6-501.

K. October 27, 2009

On October 27, 2009, Public Health Sanitarian Brandon Macomber inspected the above-referenced mobile cart and observed:

COUNT 51: Unclean freezers in need of defrosting in violation of WFC 4-601.

COUNT 52: Interior cart is unclean as evidenced by food and grease build up on surfaces in violation of WFC 4-601 and 602.

COUNT 53: Employee personal items improperly stored in carton on top of counter in violation of WFC 6-403.

COUNT 54: Litter, unused, or improper items contained throughout the cart, including extra utensils, food, and maintenance items in violation of WFC 6-501.

L. April 6, 2011 (Resulting in Immediate Temporary Suspension).

On April 6, 2011, Public Health Sanitarian Brandon Macomber inspected the above-referenced mobile cart and observed:

COUNT 55: Employee not washing hands after eating and before handling food in violation of WFC 12-301.

COUNT 56: No certified food manager certificate present in the cart in violation of WFC 12-201.

COUNT 57: Evidence of pests as demonstrated by droppings observed throughout storage areas in cart in violation of WFC 6-501.

COUNT 58: Unnecessary times which provide harborage conditions for insects and rodents in violation of WFC 6-501.

COUNT 59: Unclean freezers with significant frost build up in violation of WFC 4-101.

COUNT 60: Non-food contact surfaces inside the cart are unclean in violation of WFC 4-601.

M. June 18, 2012 (Resulting in Immediate Temporary Suspension).

On June 18, 2012 Public Health Sanitarian Brandon Macomber inspected the above-referenced cart and observed:

COUNT 61: No certified food manager certificate present in the cart in violation of WFC 12-201.

COUNT 62: Hand sink not accessible or available for proper hand washing in violation of WFC 5-205.

COUNT 63: Stem thermometer used in cart is inaccurate by greater than +/- 2 degrees in violation of WFC 4-203.

COUNT 64: Unnecessary items, including excess food, personal food, and personal items providing harborage conditions for insects and rodents in violation of WFC 6-501.

COUNT 65: Food subject to contamination due to being stored in same storage compartments as maintenance tools in violation of WFC 3-305.

COUNT 66: Broken tongs and other equipment held on wire in violation of WFC 4-501.

COUNT 67: Single-use items reused as food storage containers, including shopping bags for food storage and drink/condiment containers to store water in violation of WFC 4-201.

COUNT 68: Unclean coolers used for ice storage in violation of WFC 4-601.

COUNT 69: Non-food contact surfaces throughout the cart are soiled with food debris and grease in violation of WFC 4-601.

COUNT 70: Numerous unnecessary items, including excessive amounts of cups in violation of WFC 6-501.

COUNT 71: Food and drink license not posted in violation of DHS 196.04(7).

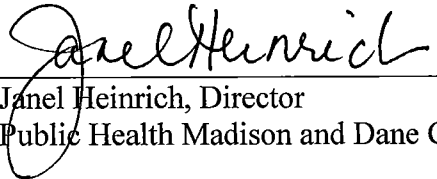
WHEREFORE, the complainant asserts that the serious and repeated violations of the above named premises are contrary to Sec. 7.07(8), Madison General Ordinances.

NOW, THEREFORE, for all of the above stated reasons, the Complainant asks that the Board of Health for Madison and Dane County REVOKE for a period of not less than 1 year the Food and Drink Permits issued to I'm Here, Restaurant Mobile Base

#66913-69022 and Thai's Cuisine, Restaurant Mobile Cart # 51418-41805 in the name of Suong Tran, 819 S. Park Street, Madison, Wisconsin, pursuant to Sec. 7.07(8)(d), Madison General Ordinances.

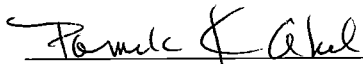
STATE OF WISCONSIN)
 ss.)
COUNTY OF DANE)

Director, Public Health Madison and Dane County, being duly sworn on oath states that she has read the foregoing complaint and that the statements are true of her own knowledge, except those which are stated upon information and belief, and as to such matters, she believes them to be true as they are based on reports by Madison Public Health Sanitarians filed pursuant to their official duties.



Janel Heinrich, Director
Public Health Madison and Dane County

Subscribed and sworn to before me
This 25th day of July, 2012.



Notary Public, Dane County, WI
My Commission 12-28-2014

