



NOTICE OF PERMIT SUSPENSION AND ORDER TO CLOSE

February 6, 2025

Eureka Restaurant LLC
417 S Street
Eureka CA, 95501

YOU ARE HEREBY NOTIFIED that your business, Burger King #3032, located at 417 S Street in Eureka California is in violation of California Health and Safety Code §114197:

Liquid wastes shall be disposed of through the APPROVED PLUMBING SYSTEM and shall discharge into the public sewerage or into an APPROVED private sewage disposal system.

Humboldt County Division of Environmental Health (DEH) policy titled Food Facilities: Permit Suspension, Revocation, and Reinstatement lists sewage disposal system failure as an imminent health hazard requiring suspension of the food facility permit.

On February 5, 2025 the City of Eureka Public Works Department (City) notified DEH that the sewer lateral serving 417 S Street was damaged and in need of replacement. The City provided notice of the sewer system defects on February 6, 2024. Therefore:

Food facility permit PT0000844 is hereby suspended and the facility must immediately close.

The permit can be reinstated upon City of Eureka's approval of the repair/replacement of the damaged sewer lateral. Contact DEH for a re-opening inspection once the work is complete.

Per California Health and Safety Code §144405 you have the right to a hearing to show cause why the permit should not be suspended. To request a hearing, the permit holder shall submit a written request for a hearing within 15 calendar days after receipt of this notice. Failure to request a hearing with 15 calendar days after receipt of this notice shall be deemed a waiver of the right to a hearing. The hearing shall be held within 15 calendar days of the receipt of a request for hearing unless a request to postpone is submitted by the permit holder.

Retail food sales are regulated under California Health and Safety Code Division 104, Part 7 - California Retail Food Code. The Humboldt County Division of Environmental Health is the enforcement agency and permitting authority for retail food sales in Humboldt County.



Failure to close will result in a financial penalty of up to two (2) times the permit fee and may result in a misdemeanor charge, a fine of up to \$1,000, imprisonment, or both per the California Retail Food Code §114395.

Sincerely,



Benjamin Dolf, REHS
Supervising Environmental Health Specialist
Consumer Protection Program

Enclosures: DEH Permit Suspension, Revocation, and Reinstatement Policy

BD:bd



POLICY & PROCEDURE	
Humboldt County Department of Health and Human Services Public Health	
Program: Environmental Health, Consumer Protection	Number: EH-00-301
Effective Date: Review Schedule: 1 yr. 2 yr. <u>5 yr.</u> Other _____ (circle one) (specify)	Reference: California Retail Food Code
Approved by: <u>Fumar Buckley</u> Director, Public Health	<u>1-17-14</u> Date
<input checked="" type="checkbox"/> Check here if additional signatures are required (Health Officer, <u>County Counsel</u> , etc.)	
Signature: <u>Maggie Fleming</u>	
Title (print): <u>Dep. County Counsel</u>	
Date: <u>1/3/14</u>	
FOOD FACILITIES: PERMIT SUSPENSION, REVOCATION AND REINSTATEMENT	

POLICY: The Division of Environmental Health (DEH) may suspend, revoke, and/or reinstate a permit to operate a food facility subject to provisions of the California Retail Food Code (CalCode) Chapter 13, Article 3.

PROCEDURE:

1. If the inspector observes an imminent health hazard consisting of any of the conditions described in 9 and 10 below, and the condition cannot be immediately corrected, and the inspector orders the food facility immediately closed, the inspector shall temporarily suspend the permit to operate. (114409) Whenever possible, the field inspector will consult the supervisor or program manager prior to closing a food facility or suspending a permit.
2. When a permit is suspended as the result of an immediate danger to the public health or safety, the inspector shall issue to the permit holder a written notice to comply in the form of an Official Inspection Report (OIR), citing the following:
 - a. The cause for suspension, specifying the applicable CalCode section(s).
 - b. Identification of required corrections.
 - c. That DEH must be contacted for reopening of facility.
 - d. That the permit holder has the right to request a hearing in writing within 15 calendar days of the notice.
(114409)



3. DEH may, after providing opportunity for a hearing, modify, suspend, or revoke a permit for serious or repeated violations of any requirement of CalCode or for interference in the performance of the duty of the enforcement officer. (114411) Notice of such suspension or revocation may be in the form of an OIR or by letter, and shall include:
 - a. The cause for suspension, specifying the applicable CalCode section(s).
 - b. Identification of required corrections.
 - c. That DEH must be contacted for reopening of facility.
 - d. That the permit holder has the right to request a hearing in writing within 15 calendar days of the notice.(114405)
4. Any food facility for which the permit has been suspended shall close and remain closed until the permit has been reinstated. Any food facility for which the permit has been revoked shall close and remain closed until a new permit has been issued. [114405(a)]
5. Whenever DEH suspends or revokes a permit, the permit holder has the right to a hearing to show cause why the permit should not be suspended or revoked.
 - a. A written request for a hearing shall be made by the permit holder within 15 calendar days after the notice given in #2 or 3 above.
 - b. Failure to request a hearing within 15 calendar days after receipt of the notice shall be deemed a waiver of the right to a hearing.
 - c. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process. (114405(b))
 - d. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. Upon written request of the permit holder, the hearing officer may postpone any hearing date, if circumstances warrant the action. [§114405(c)]
6. "Hearing officer" means a local health officer, a director of environmental health, or his or her designee. (113804)
7. The hearing officer shall issue a written notice of decision to the permit holder within five working days following the hearing. In the event of a suspension or revocation, the notice shall specify the acts or omissions with which the permit holder is charged, and shall state the terms of the suspension or that the permit has been revoked. (114407)
8. A permit may be reinstated or a new permit issued if the enforcement agency determines that the conditions that prompted the suspension or revocation no longer exist. (114413)



9. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death." (113810)
10. "Imminent health hazard" is further clarified as follows:
- a. **Unsafe food temperature:** Potentially hazardous foods that have been allowed to remain between 50°F and 130°F for more than four hours, and have not been cooked and served, or are not under diligent preparation under a HACCP plan, or have not been discarded.
 - b. **Sewage back-up or sewage-disposal-system failure.** The presence of greywater within the facility does not necessarily warrant closure if food prep areas are not immediately affected.
 - c. **Lack of an adequate, protected, pressurized, potable water supply.**
 - d. **Foodborne illness outbreak, or an employee who is a carrier of a communicable disease.**
 - e. **Absence of electricity:** Safe food holding temperatures and hot water must be maintained.
 - f. **Structural fire:** DEH must reinspect and approve before facility may reopen.
 - g. **Food served is not from an approved source or is contaminated, adulterated, or spoiled.**
 - h. **Food employee diagnosed with an illness that can be transmitted by food and caused by any of the following agents:**
 - Salmonella typhi
 - Salmonella spp.
 - Shigella spp.
 - Entamoeba histolytica
 - Enterohemorrhagic or shiga toxin producing Escherichia coli
 - Hepatitis A virus
 - Norovirus
 - Other communicable diseases transmissible through food (113949.1)
 - i. **Other insanitary conditions.**

