

Compliance is crucial when a restaurant is cited

By Jay Hodgkins
Staff Writer

OCEAN CITY — When Bagels N' Buns was warned by county environmental health inspectors on Sept. 14, 2005, that the business had 30 days to rectify violations or face possible closure, manager Tricia Francis said the violations had nothing to do with the cleanliness of the restaurant, just "a repair on this, a repair on that."

Francis' definition of cleanliness, then, may differ from that of a common person considering she signed off on that inspection, which included a critical violation that food was not protected from contamination or spoilage.

In hand-written notes, sanitation investigator Takisha Clayton also wrote and circled notes that there was an infestation of fruit flies at the Coastal Highway breakfast eatery, no dispensable soap or hand towels at their employee sink, fruit salad was being kept at 49 degrees, cream cheese at 54 degrees, eggs at 50 degrees, sausage at 62 degrees and that the restaurant was using out-of-date products among 32 total noted problems and 15 total violations.

Tubby's owner Robert Schaeffer Jr. did not elaborate as much as Francis, saying, "We always respond in the same way, and that's to do what the health inspector tells us to do, and I have no other comment."

Schaeffer's 59th Street and Coastal Highway restaurant was warned in September 2003 and September 2005 that it had 30 days to clean up or face a possible closure.

Both Francis and Schaeffer tell the truth. They are now in good standing with the county Department of Environmental Health. Their cases are being used in this story because they reflect the latest available public record.

To ever receive a 30-day warning, however, health inspections Director Ed Potetz said restau-

VIOLATIONS, From Page A1

water, dirty dishwashing area, refrigerator temperature too warm, dirty oven. August 2005, three critical violations and 19 overall — raw meat stored improperly, no one washing hands, cold food held too warm, meat and dairy products not covered, improper dish washing procedures used, excessive hand contact with cooked food, moldy walls.

September 2005, cream cheese held at 87 degrees.

■ Crabcake Factory, 120000 Coastal Highway.

November 2004, given 30 day warning to clean up following bad inspection. August 2004, one critical violation and seven overall — multiple refrigerator temperatures too warm, hand sink blocked, use of homestyle refrigerator, uncooked crab cakes kept at 56 degrees, mayonnaise kept at 71 degrees.

■ BJs on the Water, 115 75th St. September 2003, one critical violation and 10 overall

— holes in the wall, no soap or paper towels at employee hand sink, cooks without thermometers,

Recent violations

soups kept too cool, unlabeled chemical spray bottles. August 2004, one critical violation corrected on-site.

June 2005, two critical violations corrected on-site — dirty cutting board, cook wearing cut-off shirt.

■ Plaza Tapatia, 12534 Ocean Gateway. February 2003, fly bait above food. July 2004, gnat infestation. August 2004, emergency suspension and closure due to three critical violations and 18 overall

— no running water, rain coming in dry storage area, unapproved freezer units, dish washing area overflowing with dishes, no disinfectant for dishes, extensively dirty kitchen in disarray, mold present on walls, no hot holding unit used for rice, beans and sauces, refrigerator temperatures too warm, fly and gnat infestation, fire code violations. December 2005, "lots of stuff," low temperatures.

■ Breakfast Cafe, Route 50 and Elm Street.

November 2004, two critical violations, 13 overall — faulty freezer, clogged hand sink, hand sink blocked in kitchen, use of unapproved storage units, raw eggs kept too warm, foods not kept in sealed containers.

rants have to have a number of previous bad inspections.

"If we do an inspection, they have to have a number of things wrong and a lot of repeat things, major things, wrong," Potetz said. "Then we go back and if it's not done they get that (warning) letter. If it's still bad, we send a closure letter."

From the period of November 2002 to November 2005, Potetz's department records show they only sent out two letters threatening closure within 10 days — to Popeye's Famous Chicken near 95th Street on Coastal Highway in September 2003 when it didn't improve after a 30-day warning in July 2003, and to Happy Jack Pancake House on Philadelphia Avenue near 25th Street in August 2005 when they didn't improve following a July 2005 inspection and 30-day warning.

"A lot of these people think our regulations are too tight, but every regulation is because something has happened in the past. Money is a big factor that drives the industry," Potetz said.

"We're thankful for our good

operators and they deserve to be rewarded," Potetz said. "But we also see other operators, bad operators."

Compliance is simple, he said.

"All restaurants really have to do is keep things hot, keep things cold and wash their hands, and people won't get sick," said Potetz.

Potetz said there have been numerous temporary closures of restaurants throughout his coverage area over the years because of one or more of the eight critical violations looked for by inspectors.

The director estimates that at any given moment in Ocean City, probably 50 percent of restaurants and bars are operating with

a critical violation, but most are easily correctable, such as throwing away meat that accidentally got too warm. That's why the health department always offers free food safety courses for all restaurant employees and constantly pushes education as a means of prevention.

But when inspectors aren't there to stop critical violations they know are still out there, food-borne illnesses result.

"Food-borne illnesses are a huge problem and people get them all the time, even though the vast majority are never diagnosed," said Reggie James, director of Consumer Union's NotInMyFood.com. "It's the biggest preventable problem we

have, and people die.”

Manoj Menon, epidemic intelligence services operator for the Centers for Disease Control, said food-borne illness outbreaks have overwhelmed local medical response capabilities and exceeded bed capacities in the past, and that smaller communities were more likely to have that happen.

Yet bad practices persist, angering cleanly operated restaurants, which make up the majority.

“We’re very concerned about those in non-compliance,” said Melvin Thompson, Restaurant Association of Maryland vice president for government affairs. “One of the reasons we work closely with health departments is because any improvement we can bring is better for our industry, whether they’re a member with us or not.

“Everyone wants to ensure that sanitation is of the utmost importance.”

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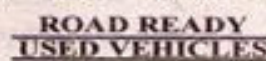
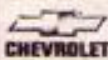
Critical violations

- Food not obtained from approved sources
- Food not protected from contamination, spoilage and adulteration
- Food workers not properly washing hands or not restricted if they have an infection or diarrhea
- Potentially hazardous foods not properly cooled and refrigerated; adequate refrigeration equipment not provided
- Potentially hazardous foods not held to proper hot and cold temperatures, adequate equipment not provided
- Potentially hazardous foods not cooked and reheated properly, adequate equipment not provided
- Potable hot and cold running water not provided
- Sewage not properly discharged



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