

WAC 246-215-08600 Permits required, suspension, revocation, enforcement. (1) Any PERSON operating a FOOD ESTABLISHMENT without a valid PERMIT issued by the REGULATORY AUTHORITY may be guilty of a misdemeanor under RCW 70.05.120 and local regulations.

(2) The REGULATORY AUTHORITY may suspend any PERMIT to operate a FOOD ESTABLISHMENT if:

(a) Continued operation of the FOOD ESTABLISHMENT constitutes an imminent or actual health hazard;

(b) Operations, facilities, or EQUIPMENT in the FOOD ESTABLISHMENT fail to comply with these regulations;

(c) The PERMIT HOLDER does not comply with these regulations; or

(d) Interference with the REGULATORY AUTHORITY in the performance of its duties has occurred.

(3) When the REGULATORY AUTHORITY has suspended a FOOD ESTABLISHMENT PERMIT, the PERMIT HOLDER or PERSON IN CHARGE:

(a) Shall be notified in writing by the REGULATORY AUTHORITY that the FOOD ESTABLISHMENT PERMIT is immediately suspended upon service of the notice;

(b) Shall immediately cease all FOOD service operations until a hearing with the REGULATORY AUTHORITY finds the operation to be in compliance with the requirements and regulations;

(c) May request a hearing by filing a written request for a hearing with the REGULATORY AUTHORITY within ten days of receipt of the notice of suspension; and

(d) Shall be notified, if a written request for a hearing is not filed within ten days, that the suspension is sustained.

(4) Any PERSON whose FOOD ESTABLISHMENT PERMIT has been suspended may at any time make written application for a reinspection for the purpose of reinstatement of the PERMIT. The application must include a signed statement explaining how the conditions causing the suspension of the PERMIT have been corrected.

(5) Within two working days following receipt of a written request for reinspection, the REGULATORY AUTHORITY shall make a reinspection, and reinstate the PERMIT if the PERSON is in compliance with these regulations.

(6) The REGULATORY AUTHORITY may adopt and use a PERMIT suspension process different than specified under subsection (2), (3), (4), or (5) of this section.

(7) The REGULATORY AUTHORITY may revoke a FOOD ESTABLISHMENT PERMIT after providing the PERMIT HOLDER an opportunity for hearing if:

(a) Serious and repeated violation(s) of any requirements of these regulations have occurred; or

(b) Repeated interference with, or assault upon a representative of the REGULATORY AUTHORITY in the performance of his/her duty, has occurred.

(8) Before revocation, the REGULATORY AUTHORITY shall notify, in writing, the PERMIT HOLDER of the specific reason(s) why the PERMIT is to be revoked. The notice must state:

(a) That the PERMIT will be revoked at the end of the ten days following the notice unless a written request for a hearing is filed with the REGULATORY AUTHORITY by the PERMIT HOLDER within such ten-day period; and

(b) If a request for a hearing is not filed by the PERMIT HOLDER within the ten-day period, the revocation of the PERMIT becomes final.

(9) Any PERSON whose FOOD ESTABLISHMENT PERMIT has been revoked by the REGULATORY AUTHORITY, after a period of six months, may:

(a) Make written application for a new PERMIT; and

(b) Request a hearing with the REGULATORY AUTHORITY to determine whether a new PERMIT will be issued.

(10) The REGULATORY AUTHORITY may use a PERMIT revocation process different than specified under subsections (7), (8), and (9) of this section.

(11) The REGULATORY AUTHORITY may initiate any one, or a combination of, compliance methods that include, but are not limited to:

(a) Holding an administrative conference with the FOOD ESTABLISHMENT PERMIT HOLDER or PERSON IN CHARGE;

(b) Placing the FOOD ESTABLISHMENT on probation;

(c) Setting conditions for continued operation of the FOOD ESTABLISHMENT, by the PERMIT HOLDER, during the probation period;

(d) Requiring additional education or training of EMPLOYEES, management, and owners of the FOOD ESTABLISHMENT; and

(e) Completing a HAZARD evaluation and requiring monitoring procedures be implemented for CRITICAL CONTROL POINTS identified.

[Statutory Authority: RCW 43.20.050 and 43.20.145. WSR 13-03-109, § 246-215-08600, filed 1/17/13, effective 5/1/13.]