



# Request For Variance

State Form 81184 (12/02)

Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360

FAX: 317/233-7334

### 1. Individual Submitting Request:

Date: 06/13/2011

Name: Gerald S. Infantino Telephone: (317) 917-6723 Fax: (317) 968-5115  
 Mailing Address: 700 W. Washington St Email: gerald.infantino@centerplate.com  
Number & Street  
Indianapolis IN 46204  
City State Zip Code  
 P.O. Box

### 2. Person/Organization Seeking Variance:

Name: Centerplate @ NCAA Email: gerald.infantino@centerplate.com  
 Mailing Address: 700 W. Washington St.  
Number & Street  
P.O. Box 6222 Indpls IN 46206  
P.O. Box City State Zip Code

### 3. Food Establishment(s) for Which Variance is Sought

Include the following information for each food establishment: (List here or attach additional pages if necessary)

- Physical Location (if different than mailing address): \_\_\_\_\_
- Mailing Address: \_\_\_\_\_  
(Number, Street, City, State, & Zip Code)
- Telephone Number: (317) 917-6723 Fax Number: 317 968-5115
- Person at each retail food establishment most responsible for supervising: Gerald Infantino

### 4. State how the proposal varies from each rule requirement, citing relevant rule sections by number: (Attach additional pages if necessary)

See attached

### 5. Explain how the potential public health hazards and/or nuisances will be alternatively addressed by the proposal. Include supporting studies, Hazard Analysis Critical Control Point (HACCP) Plan(s), standard sanitation operating procedures, and/or any other evidence: (Attach additional pages, if necessary.)

Our cart is not open to the general public. No food shall be stored in or on the cart outside of the meal period. Food temps will be taken when product leaves main kitchen and several times during meal period. Hand sink is accessible in station as well as gunt sanitizer.

### 6. List how the proposal demonstrates the following (if applicable to the request):

- A) How the proposal differs from what is common and usual in similar industry situations:  
 Law states that all mobile carts that don't have drains must be transported to a kitchen daily. This variance would allow us to clean in place while moving the cart when necessary.
- B) How the proposal is unique and not addressed in existing rules or law:  
 Our cart is only open for lunch hours mon - Fri (no holidays). Also, the cart is equipped with dirty water tanks for draining the hot holding walls.
- C) How the proposal does not diminish the protection of public health:  
 All cleaning procedures will be followed and monitored closely.

D) How the proposal is based on new scientific or technological principle(s):

E) How the implementation of the variance would be practical:

The variance would allow us to clean cart in place and transport clean & dirty water daily.

7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted:

Cart will be spot cleaned daily. Three times per week cart will be transported to main kitchen for deep cleaning and any maintenance. Water from hot holding wells will be drained daily into gray water tanks and filled each day with fresh hot water.

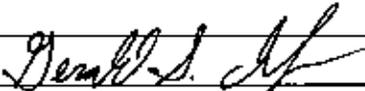
8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)

NCAA Staff

9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies.

For Office Use Only

10. Signature of Individual Making Request:

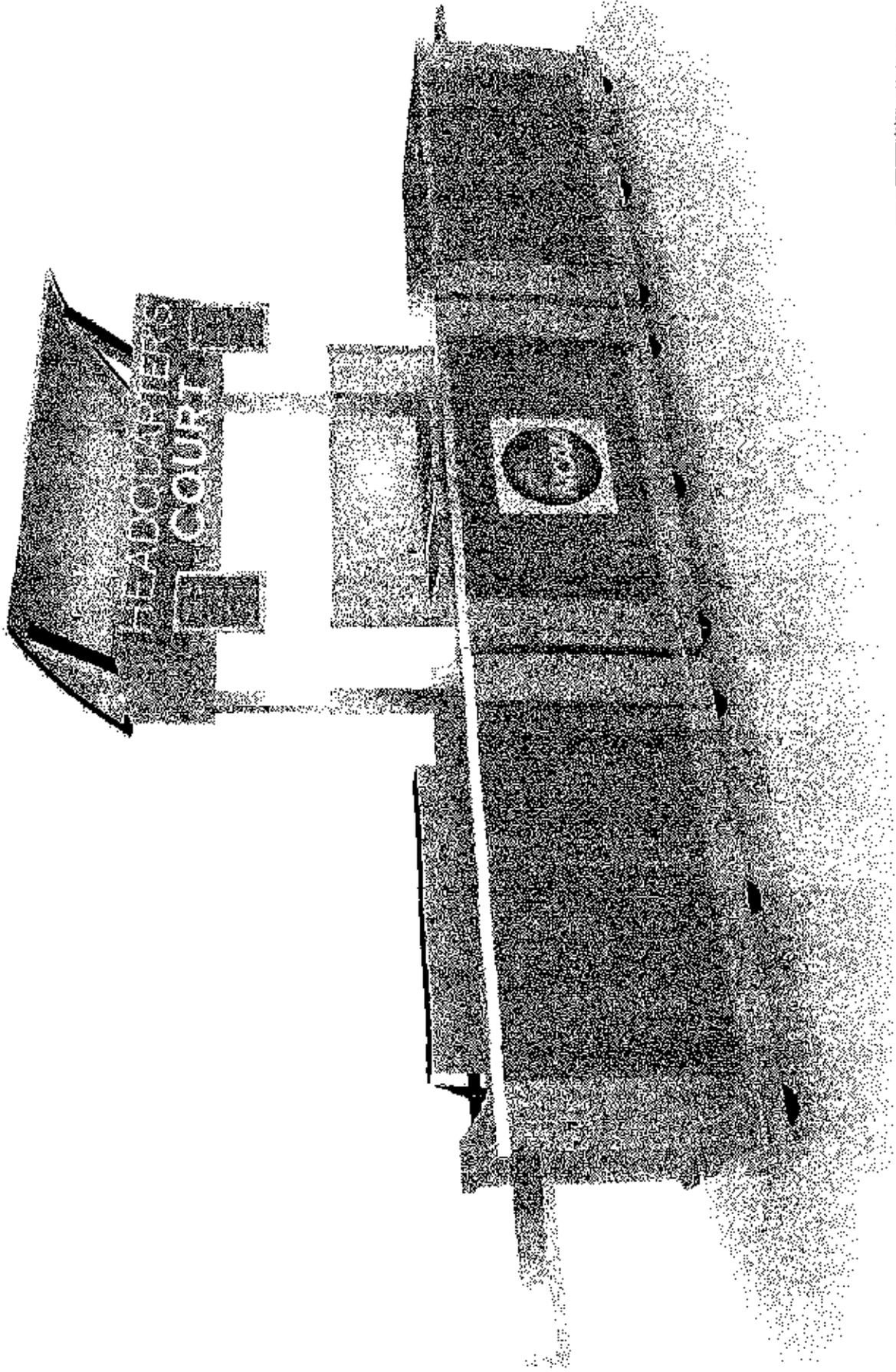


Printed Name, Title: Gerald S. Infantino Executive Chef

4. State how the proposal varies from each rule requirement, citing relevant rules sections by number.

The café cart at the NCAA Headquarters will be open for lunch Monday through Friday (excluding Holiday's). It will serve deli sandwiches, Salads and a hot entrée. The wells for hot holding will be filled with fresh hot water every morning and then drained into the self contained removable gray water tanks. That water will then be brought to the kitchen and disposed of. The cart will be spot cleaned through out the shift and then wiped down and sanitized at the end of the shift. 2-3 times per week (more if necessary less if not) the cart will be broken down and pushed to the kitchen for deep cleaning and any repairs. The station is equipped with a hand washing station as well as quaternary sanitizer will be provided. *Food will be brought back and forth from the kitchen at least one time per shift.* No food shall be stored in the cart over night.

This café cart is only open to NCAA employees. No outside guests will be allowed to dine. Time and temp logs shall be used and saved for temporary records. Line cooks shall be trained and retrained in HACCP, Sanitation, Hand Washing, Proper Food Storage, Self Grooming & overall Cleaning Procedures.



Centerplate  
NCAA Headquarters - Buffet Line  
05/31/2011



E-Z  
INDUSTRIES, INC. 10000 N. CENTRAL EXPRESSWAY, SUITE 100, DALLAS, TEXAS 75243



Mitchell E. Daniels, Jr.  
Governor

Judith A. Monroe, M.D.  
State Health Commissioner

Indiana State  
Department of Health  
*An Equal Opportunity Employer*

CERTIFIED MAIL

April 4, 2007

Mr. Jimmy Kowitt  
General Manager  
Aramark @ Victory Field  
501 West Maryland St.  
Indianapolis, IN 46204

Re: Variance Request Dated January 16, 2007 and  
Supplements dated January 30, 2007,  
February 2, 8, and 9, 2007  
Sections 113 "Public Water and Sewer"  
and 413 "Outdoor Cooking" of 410 IAC 7-24

Dear Mr. Kowitt,

The variance application and supplementals that were submitted January 16 and February 2, 8, and 9, 2007 have been reviewed and evaluated. As part of the evaluation, we also looked at the units, but did not include the units while in use. The application is approved with the following conditions:

1. The Aramark food employees are responsible for the operation of the units at Victory Field.
2. The variance approval applies only to the food products and the five (5) units and their physical locations listed in the supplements dated January 30, February 2, 8, and 9, 2007. Two (2) hot dog/bratwurst/Italian sausage units located at sections 106 and 117; one (1) Philly Cheese steak unit located inside section 120; one (1) ultimate nacho unit located inside section 115; and one (1) popcorn unit located inside section 112.
3. Aramark shall follow all Standard Operating Procedures (SOP) as submitted in the January 16, 2007 variance request and the supplements dated January 30, February 2, 8, and 9, 2007.
4. Due to the nature and limited overhead coverage for the operation, Aramark agrees not to operate any or all units when the weather and /or other environmental conditions could hinder the protection of the food, food contact surfaces, etc., except for the popcorn unit which is fully protected.

Epidemiology Resource Center  
2525 N. Shadeland Ave. Suite E3, Indianapolis, IN 46219  
317.356.7190 ext. 250

Laboratories  
550 West 16th Street, Suite B, Indianapolis, IN 46202  
317.921.5500

Weights & Measures  
2525 N. Shadeland Ave. Suite D3, Indianapolis, IN 46219  
317.356.7078 ext. 221

 Governor Mitchell Daniels  
**IN SHAPE INDIANA**  
WWW.INSHAPE.IN.GOV • 800.433.0748

2 North Meridian Street • Indianapolis, IN 46204 • 317.233.1326 • TDD 317.233.5577 • [www.statehealth.in.gov](http://www.statehealth.in.gov)

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5. Aramark shall reseal the concrete surface under and around the units making it a nonabsorbent, easily cleanable surface by April 19, 2007.
6. Aramark shall provide screening or other pest control measures required for the units if evidence of insect activity is observed.
7. Aramark shall consistently follow at all times the potable water and wastewater procedures as specified in the variance request.
8. Aramark shall enhance the hand sink accessibility located under the counter if deemed necessary by the regulatory authority upon inspection and evaluation of the usage of the hand sink by food handlers.
9. All other applicable sections of 410 IAC 7-24 must be complied with.
10. The variance approval must be available, upon request, for review by the local health department.
11. This office will notify the local health department of the variance approval.

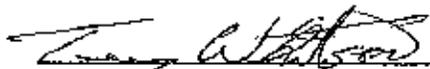
Be advised that failure to comply with any of the above conditions could result in the revocation of the variance approval and could hinder any future approvals.

**If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §4-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:**

- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

**Your request for review or stay of effectiveness must be filed in writing with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before April 23, 2007. If no request for review or stay of effectiveness is filed by April 23, 2007, this decision shall become final.**

Dated at Indianapolis, Indiana, this April 3, 2007

  
Terry Whitson, Assistant Commissioner  
Health Care Regulatory Services

cc: Executive Board, ISDH  
Marion County Health Department  
Retail Staff