



Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL

June 7, 2013

Brian Rote
Texas Corral
5718 Franklin Street
Michigan City, IN 46360

Dear Mr. Rote,

On October 22, 2012, this office received a variance request (#452012) for the Texas Corral facility in Michigan City for the reduced oxygen packaging (ROP) process used for a variety of soups and sauces related to the requirements stated in 410 IAC 7-24-195 (a). After review of the application there were questions and missing pieces of information that were needed to fully understand and complete the review to make a final determination on the request. A letter requesting this information was sent on February 25, 2013. As of this date, the needed information has not been received in our office. Therefore, the request for this variance is hereby denied.

If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §40-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:

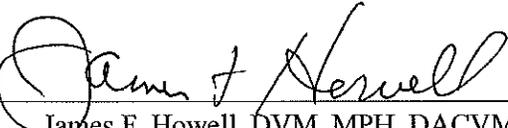
- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

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 June 25, 2013. If no request for review or stay of effectiveness is filed by June 25, 2013, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 7th DAY OF JUNE 2013.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY DENY A VARIANCE OF
FOOD PROTECTION RULES AS STATED ABOVE.

WILLIAM C. VAN NESS II, M.D.
STATE HEALTH COMMISSIONER

By: 
James F. Howell, DVM, MPH, DACVMP
Assistant Commissioner
Public Health and Preparedness Commission

cc: ISDH Executive Board
ISDH Food Protection Staff
ISDH Office of Legal Affairs
LaPorte County Health Department