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REQUEST FOR VARIANCE

State Form 51104 (R / 5-13)
Food Protection Program

INDIANA STATE DEPARTMENT OF HEALTH
Telephone: 317/234-8569 FAX: 317/233-9200

FOOD PROTECTION PROGRAM
INDIANA STATE DEPT. OF HEALTH

1. Individual Submitting Request:

Date: 7 / 23 / 2013

Name: JEREMY J. WESTLUND

Telephone: (317) 828-5410 Fax: ()

Mailing Address: 8032 KERSEY DRIVE

Email: KDWESTLUND@COMCAST.NET

INDIANAPOLIS

P.O. Box

City

IN

State

46236

ZIP Code

2. Person/Organization Seeking Variance:

Name: FIFTY BELOW ZERO, LLC D/B/A DIPPIN' DOTS ICE CREAM

Email: KDWESTLUND@COMCAST.NET

Mailing Address: 11760 OLIO ROAD, SUITE 500

Number and Street

FISHERS

P.O. Box

City

IN

State

46037

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): 11760 OLIO ROAD, SUITE 500, FISHERS, IN 46037
- Mailing Address: 8032 KERSEY DRIVE, INDIANAPOLIS, IN 46236
(Number, Street, City, State, and ZIP Code)
- Telephone Number: (317) 828-5410 Fax Number: ()
- Person at each retail food establishment most responsible for supervising: JEREMY OR KIM WESTLUND

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

We are requesting to scoop our Dippin' Dots ice cream at the Castleton Square Mall and maybe the Greenwood Park Mall inside our 4' x 6' serving cart. The cart has a hand washing sink, but no three compartment sink. The current rule #270 or #375 states that I need sewer and water ran to my location with a sink to wash dishes. I could get a promissory note from another food establishment in the food court area that would allow us to wash our buckets out daily or when needed. Our set-up is different from other ice cream stores because each of our 8 flavors has an individual scoop/ladle to dip the ice cream with. This prevents any contamination of the product. The only dishes I would need to wash would be 8 buckets and 8 ladles on a daily basis. The beverages we would sell are bottled beverages and not fountain drinks. Our location isn't permanent. It would only be for the holiday season starting the day after Thanksgiving and going thru the 1st weekend in January. Approximately 6 weeks. We would like to be present in the Castleton Square Mall definitely and would seriously consider the Greenwood Park Mall.

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.)

The only public health hazard I can think of that would be addressed is that we would wash and dry our buckets in the three compartment sink of another food vendor in the food court which would pertain to rule 270 or 375 (not sure which one.) I spoke with Dan Miller over the phone and he told me of these 2 rules. Our serving cart does have a hand washing sink on it w/ a small hot water pump as well.

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:
In an ideal industry situation, I would have a sink connected to my cart somehow instead of walking 50 feet to use the sink by another food establishment to wash our 8 buckets and ladles to sanitize.
- B) How the proposal is unique and not addressed in existing rules or law:
In the past, I would have to pre-cup the product and put a lid on it from my store in Fishers and drive 20-30 minutes to the mall and put the ice cream in the freezer inside the cart.
- C) How the proposal does not diminish the protection of public health:
The product would be completely sealed until opened. Making the consumption of the product safer instead of pre-cupping and transporting the product from Fishers store to the mall locations
- D) How the proposal is based on new scientific or technological principle(s):
Dippin' Dots Ice Cream is so different. It is not scooped like regular ice cream. It is held at a -40 below zero temperature and each bucket has its own scoop/ladle.
- E) How the implementation of the variance would be practical:
I don't have any grease products and my Dippin' Dots would be sealed until I open the bag for the customer and empty into the bucket rather than transporting pre-cups 20-30 minutes that could start to melt during transport.

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:

Jeremy and Kimberly Westlund would be supervising the location(s) personally on a daily basis. I also am sending an email of pictures and specs of our 4' x 8' serving cart to dmiller@isdh.in.gov so you can get a visual of what it would look like.

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

Castleton Square Mall and maybe the Greenwood Park Mall

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

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10. Signature of Individual Making Request:

Jeremy J. Westlund

Printed Name, Title: Jeremy J. Westlund, Co-Owner

Dippin' Dots

FG 4x6 Cart

4x6



Fiberglass molded body and cover caps
 Stainless steel hand sink (NSF approved)
 Overall dimension for carts 4' x 6' unless otherwise noted
 Constructed of castor frame for easy movement
 Self-contained water system
 Shredded and installed to cover serving top cap. Design will vary to accommodate various local and state requirements
 Electrical system is 220 volt unless otherwise noted
 20 amp plug

Electrical requirements for a standard cart will include:

3/2" ser/mo. feed	3 amps
Water pump	10 amps
Water heater	25 amps
Cash register	5 amps
Lighting	5 amps

