



Indiana State
Department of Health
An Equal Opportunity Employer

Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL

December 11, 2013

Jeremy Westlund
Fifty Below Zero, LLC dba Dippin' Dots Ice Cream
8032 Kersey Drive
Indianapolis, IN 46236

RE: Variance Request # 592013

On August 1, 2013, this office received a request for Fifty Below Zero dba Dippin' Dots Ice Cream to vary sections 270 and/or 375, and affecting section 113 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to operating as a mobile retail food establishment while using waste/water tanks and without a three compartment sink within the unit.

Email exchanges since the application was received have indicated the two planned Dippin' Dots facilities now will not be placed in the Castleton Square Mall or the Greenwood Park Mall as originally proposed. 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.

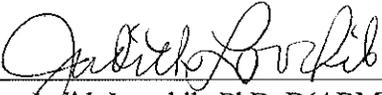
Your request for review or stay of effectiveness must be filed in writing with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before December 29, 2013. If no request for review or stay of effectiveness is filed by December 29, 2013, this decision shall become final.



DATED AT INDIANAPOLIS, INDIANA THIS 11th DAY OF DECEMBER 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: 

Judith Lovchik, PhD, D(ABMM)
Assistant Commissioner
Public Health Protection and Laboratory Services Commission

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