Indiana State Department of Health
An Equal Opportunity Employer

Michael R. Pence
Governor

William C. VanNess II, MD
State Health Commissioner

CERTIFIED MAIL #7002-2410-0000-1701-6463

July 29, 2014

Udilfido Serrano Miranda
3417 Grant Line Road
New Albany, IN 47150

RE: Variance Request # 742014

On July 28, 2014, this office received a request from Udilfido Serrano Miranda to vary section 269 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the requirements for certain warewashing equipment at the Latina America Meat Market, New Albany, IN. After a discussion with Julia Hayes, Floyd County Health Department, it has been determined that the facility does not prepare or otherwise handle food which is not prepackaged and has no operational need for warewashing equipment. Under these circumstances, a three compartment sink is not required to be installed. This will be re-evaluated in the future by the local health department should the menu change. This additional information negates the need for a variance.

Because of this, the application requesting a variance will not be further reviewed. If you have any questions, please contact Dan Miller of our staff at 317-439-9662 or at dmiller@isdh.in.gov.

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 and addressed to:

Indiana State Department of Health
Attn: Court Administrator
Office of Legal Affairs
2 North Meridian Street, Section 3H
Indianapolis, Indiana 46204

on or before August 17, 2014. If no request for review or stay of effectiveness is filed by August 17, 2014 this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 29th DAY OF JULY 2014.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, FURTHER REVIEW OF THE ABOVE MENTIONED APPLICATION IS NOT WARRANTED.

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

By: Judith C Lovchik

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
Floyd County Health Department