

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

The New Brookland Cafe, LLC
t/a B Cafe/Brookland Cafe

Holder of a Retailer's
Class CR License

at premises
3740 12th Street, N.E.
Washington, D.C. 20017

Licensee

License No: ABRA-083121
Order No: 2015-464

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Mike Silverstein, Member
Hector Rodriguez, Member
James Short, Member

ORDER TO CEASE AND DESIST

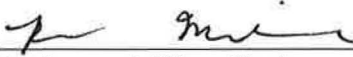
The Alcoholic Beverage Control Board (Board) has been notified by the Department of Public Health (DOH), Food Safety and Hygiene Inspection Services Division, that The New Brookland Cafe, LLC's, t/a B Cafe/Brookland Café (Licensee), at premises 3740 12th Street, N.E., Washington, D.C., was issued a Summary Suspension on August 19, 2015, for rats and other critical violations by DOH, in violation of District of Columbia Food Code Regulations (Title 25 of the District of Columbia Municipal Regulations (DCMR)) which presents an eminent health hazard(s) to the public. See DHO, Hygiene Inspection Services Division, Food Establishment Inspection Report.

In accordance with the laws and regulations of the District of Columbia, the Licensee shall not engage in the sale or service of alcoholic beverages if the Licensee presents an imminent danger to the health and safety of the public, pursuant the D.C. Official Code § 25-826(a).

Pursuant to D.C. Official Code § 25-829 you are therefore **ORDERED** by the Board on this 7th day of October, 2015, to **STOP selling, serving, or permitting the consumption of alcoholic beverages under your Retailer's Class CR License No. ABRA-083121**. You may not allow the sale of alcoholic beverages until your ABC License is reinstated by the Board.

A copy of this Order is being forwarded to the Metropolitan Police Department, D.C. licensed Wholesalers and DOH to ensure compliance. Failure to comply with this Order will subject the Respondent to the maximum civil penalties provided by the law.

District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

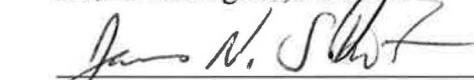
Nick Alberti, Member


Donald Brooks, Member

Herman Jones, Member


Mike Silverstein, Member

Hector Rodriguez, Member


James Short, Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).



Food Establishment Inspection Report

Pursuant to Title 25-A of the District of Columbia Municipal Regulations



Bureau of Community Hygiene • Food Safety & Hygiene Inspection Services Division • 899 North Capitol Street, NE-5th Floor • Washington, DC 20002 • food.safety@d.c.gov

Establishment Name BROOKLAND CAFE

Address 3740 12TH ST NE

City/State/Zip Code WASHINGTON, DC 20018

Telephone (202) 635-6307 E-mail address info@thebrooklandcafe.com

Date of Inspection 08 / 19 / 2015 Time In 02 : 55 PM Time Out 05 : 05 PM

License Holder The New Brookland Cafe License/Customer No. 09313xxxx-69001939 LLC

License Period 03 / 01 / 2013 - 02 / 28 / 2015 Type of Inspection Routine

Establishment Type: Restaurant Total Risk Category 1 2 3 4 5

Critical Violations	12	COS	1	R	0
Noncritical Violations	10	COS	1	R	0
Certified Food Protection Manager (CFPM) <u>GANESH SINGH</u>					
CFPM #: <u>FS-55149</u>					
CFPM Expiration Date: <u>09/27/2015</u>					
Name of licensed trash or solid waste contractor <u>kmG</u>					
Name of licensed liquid / grease collections transport contractor <u>Greenlight Biofuels</u>					
Name of licensed pest exterminator / contractor <u></u>					

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS			
Compliance Status		COS	R
Supervision			
IN <u>OUT</u>	1. Person in charge present, demonstrates knowledge, and performs duties	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	2. Certified Food Protection Manager	<input type="checkbox"/>	<input type="checkbox"/>
Employee Health			
IN <u>OUT</u>	3. Management, food employee, and conditional employee; knowledge, responsibilities, and reporting	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	4. Proper use of restriction and exclusion	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	5. Procedures for responding to vomiting and diarrheal events	<input type="checkbox"/>	<input type="checkbox"/>
Good Hygienic Practices			
IN <u>OUT</u> N/O	6. Proper eating, tasting, drinking, or tobacco use	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/O	7. No discharge from eyes, nose, and mouth	<input type="checkbox"/>	<input type="checkbox"/>
Control of Hands as a Vehicle of Contamination			
IN <u>OUT</u> N/O	8. Hands clean and properly washed	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	9. No bare hand contact with RTE foods or a pre-approved alternate procedure properly allowed	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	10. Adequate handwashing sinks properly supplied and accessible	<input type="checkbox"/>	<input type="checkbox"/>
Approved Source			
IN <u>OUT</u>	11. Food obtained from approved source	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	12. Food received at proper temperature	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	13. Food in good condition, safe, and unadulterated	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	14. Required records available: shellstock tags, parasite destruction	<input type="checkbox"/>	<input type="checkbox"/>
Protection from Contamination			
IN <u>OUT</u> N/A	15. Food separated and protected	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A	16. Food-contact surfaces: cleaned and sanitized	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	17. Proper disposition of returned, previously served, reconditioned, and unsafe food	<input type="checkbox"/>	<input type="checkbox"/>
Potentially Hazardous Food (Time/Temperature Control for Safety Food)			
IN <u>OUT</u> N/A N/O	18. Proper cooking time and temperatures	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	19. Proper reheating procedures for hot holding	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	20. Proper cooling time and temperature	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	21. Proper hot holding temperatures	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A	22. Proper cold holding temperatures	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	23. Proper date marking and disposition	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	24. Time as a public health control: procedures and records	<input type="checkbox"/>	<input type="checkbox"/>
Consumer Advisory			
IN <u>OUT</u> N/A	25. Consumer advisory provided for raw or undercooked foods	<input type="checkbox"/>	<input type="checkbox"/>
Highly Susceptible Populations			
IN <u>OUT</u> N/A	26. Pasteurized foods used; prohibited foods not offered	<input type="checkbox"/>	<input type="checkbox"/>
Chemical			
IN <u>OUT</u> N/A	27. Food additives: approved and properly used	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A	28. Toxic substances properly identified, stored, and used	<input type="checkbox"/>	<input type="checkbox"/>
Conformance with Approved Procedures			
IN <u>OUT</u> N/A	29. Compliance with variance, specialized process, and HACCP plan	<input type="checkbox"/>	<input type="checkbox"/>

GOOD RETAIL PRACTICES			
Compliance Status		COS	R
Safe Food and Water			
IN <u>OUT</u> N/A	30. Pasteurized eggs used where required	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	31. Water and ice from approved source	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A	32. Variance obtained for specialized processing methods	<input type="checkbox"/>	<input type="checkbox"/>
Food Temperature Control			
IN <u>OUT</u>	33. Proper cooling methods used; adequate equipment for temperature control	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	34. Plant food properly cooked for hot holding	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	35. Approved thawing methods used	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	36. Thermometers provided and accurate	<input type="checkbox"/>	<input type="checkbox"/>
Food Identification			
IN <u>OUT</u>	37. Food properly labeled; original container	<input type="checkbox"/>	<input type="checkbox"/>
Prevention of Food Contamination			
IN <u>OUT</u>	38. Insects, rodents, and animals not present	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	39. Contamination prevented during food preparation, storage, and display	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A	40. Personal cleanliness	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	41. Wiping cloths: properly used and stored	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A N/O	42. Washing fruits and vegetables	<input type="checkbox"/>	<input type="checkbox"/>
Proper Use of Utensils			
IN <u>OUT</u>	43. In-use utensils: properly stored	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	44. Utensils, equipment and linens: properly stored, dried, and handled	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	45. Single-use/single-service articles: properly stored and used	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u> N/A	46. Gloves used properly	<input type="checkbox"/>	<input type="checkbox"/>
Utensils, Equipment, and Vending			
IN <u>OUT</u>	47. Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	48. Warewashing facilities: installed, maintained, and used; test strips	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	49. Nonfood-contact surfaces clean	<input type="checkbox"/>	<input type="checkbox"/>
Physical Facilities			
IN <u>OUT</u>	50. Hot and cold water available; adequate pressure	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	51. Plumbing installed; proper backflow devices	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	52. Sewage and waste water properly disposed	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	53. Toilet facilities: properly constructed, supplied, and cleaned	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	54. Garbage and refuse properly disposed; facilities maintained	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	55. Physical facilities installed, maintained, and clean	<input type="checkbox"/>	<input type="checkbox"/>
IN <u>OUT</u>	56. Adequate ventilation and lighting; designated areas used	<input type="checkbox"/>	<input type="checkbox"/>

Six (6) or more CRITICAL VIOLATIONS that cannot be corrected on site during the course of the inspection results in an automatic suspension and closure of a food establishment.



IN = in compliance OUT = not in compliance N/O = not observed
N/A = not applicable COS = corrected on-site R = repeat violation

OBSERVATIONS	25 DCMR	CORRECTIVE ACTIONS
1. - No DC Certified Food Protection Manager on duty at the start of the inspection. Midway through the inspection, the DC Certified Food Protection Manager arrived. (Corrected On Site)	200.1	The licensee shall be the person in charge or shall designate a person in charge, who shall serve as an on-site manager or supervisor. The licensee shall ensure that a person in charge is present at the food establishment during all hours of operation. Pf
3. - No employee health policy present in establishment. A copy of the FDA Food Code employee health policy was provided. (Corrected On Site)	300.1	The licensee shall require food employees and conditional employees to report to the person in charge, in accordance with this Section, information about their health and activities as they relate to diseases that are transmissible through food.
5. - Establishment has no written procedures for responding to vomiting and diarrheal events. A copy of a guideline to clean up diarrheal/emetic events was provided. The establishment must now write cleaning procedures for such events.	504.1	A licensee shall ensure that its food establishment shall have procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter. Pf
8. - Food employees working behind the bar are using the 3-compartment warewashing bar sink to wash their hands.	403.1	Food employees shall clean their hands in a handwashing sink or approved automatic handwashing facility and shall not clean their hands in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water or similar liquid waste. Pf
10. - No handwashing sink is provided behind the bar.	2406.1	Handwashing sinks shall be provided for employees' use in areas specified in Section 2411 in accordance with the D.C. Plumbing Code (2008) incorporating the International Plumbing Code (2006) or most recent edition, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR). Pf
36. - Thermometers observed absent from several refrigeration units.	1524.2	Cold or hot holding equipment used for potentially hazardous food (time/temperature control for safety food) shall be designed to include and shall be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display, except as specified in Section 1524.3.
38. - No recent pest control invoice/service report was provided at call.	3210.2	The licensee shall maintain a copy of the establishment's professional service contract and service schedule, and the following documents shall be available for inspection: Pf (a) Name and address of its District-licensed Pesticide Operator/contractor; (b) Frequency of pest extermination services provided under the contract; and (c) Date pest extermination services were last provided to the establishment.
38. - Rodent droppings observed at the rear of the dry food/single-use item storage room. Also, both a dead mouse and cockroach carcasses observed in glue traps pertaining to this area.	3210.1	The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by: Pf (a) Routinely inspecting incoming shipments of food and supplies; Pf (b) Routinely inspecting the premises for evidence of pests; Pf (c) Using methods, if pests are found, such as trapping devices or other means of pest control as specified in Sections 3402, 3410 and 3411; Pf and (d) Eliminating harborage conditions. Pf
41. - Sponges observed at the warewashing sinks.	1405.1	Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.
44. - Cardboard boxes containing kitchenware and single-use items observed on the floor of the storage area.	2203.1	Cleaned equipment and utensils, laundered linens, and single-service and single-use articles, except as specified in Section 2203.4, shall be stored: (a) In a clean, dry location; (b) Where they are not exposed to splash, dust, or other contamination; and (c) At least fifteen centimeters (15 cm) or six inches (6 in.) above the floor.
48. - 3-compartment warewashing sink is not set-up appropriately.	1601.1	A sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils, except as specified in Section 1601.3. Pf
48. - No test strips provided for measuring the concentration of sanitizing solution.	1608.1	A test kit or other device that accurately measures the concentration in micrograms per liter (mg/L) of sanitizing solutions shall be provided. Pf
51. - Food waste grinder (garbage disposal) unit observed in disrepair.	2418.1	A plumbing system shall be: (a) Repaired according to the D.C. Plumbing Code (2008) incorporating the International Plumbing Code 2006, as amended by the D.C. Plumbing Code Supplement (subtitle F of 12 DCMR); and (b) Maintained in good repair.
52. - A direct connection exists between the 3-compartment warewashing sinks and the floor drains at both the kitchen and bar. An air gap beneath the warewashing sinks is required.	2602.1	Except as specified in Sections 2602.2 through 2602.4, a direct connection shall not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed. P
53. - No covered waste receptacles present in unisex restrooms.	2707.1	A toilet room used by females shall be provided with a covered receptacle for feminine hygiene products.
55. - Unnecessary/unused items (i.e. kitchen equipment, refrigerators) observed in the storage room.	3213.1	The premises shall be free of: (a) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and (b) Litter.
55. - Mops stored improperly when not in use.	3205.1	After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.
55. - Several ceiling tiles in the storage room observed either missing, loose, or broken.	3200.1	The physical facilities shall be maintained in good repair.
56. - No evidence of a hood cleaning contractor was provided at call.	1509.5	The licensee shall maintain on the premises a copy of the establishment's professional service contract and service schedule, which documents the following information: P (a) Name and address of its District-licensed ventilation hood system cleaning contractor; P (b) Frequency and extent of ventilation hood system cleaning services provided under the contract; P and (c) Date and time of ventilation hood system cleaning services were last provided to the establishment. P
62. - The business license for this establishment expired 2/28/2015.	4300.2	No person shall operate a food establishment with an expired license. Pf

TEMPERATURES

Item/Location	Temp	Item/Location	Temp	Item/Location	Temp	Item/Location	Temp
Hot Water (Handwashing Sink)	106.9F	Hot Water (3-compartment sink)	116.4F	Cheese (Reach-in Refrigerator) (Cold Holding)	41.9F	Potatoes (Reach-in Refrigerator) (Cold Holding)	41.6F
Shrimp raw (Under-counter Refrigerator) (Cold Holding)	41.6F	(Under-counter Refrigerator)	40.0F	Ranch dressing (Under-counter Refrigerator) (Cold Holding)	41.5F	Tilapia (Under-counter Refrigerator) (Cold Holding)	38.8F

Inspector Comments:
 SUMMARY SUSPENSION: IN ORDER FOR LICENSE TO BE RESTORED, A RE-INSPECTION FEE OF \$100 [DURING NORMAL BUSINESS HOURS] OR \$400 [DURING NON-BUSINESS HOURS] MUST BE PAID PRIOR TO REQUEST AND ALL VIOLATIONS MUST BE ABATED AND APPROVED BY THE DC DOH.
 Ganesh Singh 08/19/2015

			
Person-in-Charge (Signature)	(Print)		Date
	Jaime Hernandez	607	08/19/2015
Inspector (Signature)	(Print)	Badge #	Date

FSHID_6/15/2010