

**A SPECIAL MEETING OF THE OAKLAND BOARD OF HEALTH TO CONDUCT A
HEARING TO SUSPEND OR REVOKE AND/OR REFUSAL TO REISSUE THE
LICENSE TO OPERATE CAFÉ L'AMORE, A PUBLIC RESTAURANT LOCATED AT
455 RAMAPO VALLEY ROAD, OAKLAND, NEW JERSEY**

June 19, 2018 – 8:00 PM

Conference Room – Municipal Building, One Municipal Plaza, Oakland, NJ

The meeting was opened at 8:15 PM

Board of Health President Stephen C. Tiffinger who presided, introduced himself and read into the record the format for the proceedings.

Members from the Board of Health identified themselves: Board of Health President, Mr. Stephen C. Tiffinger, Board of Health Vice-President. Mr. Brian LaForgia, Board of Health Members, Ms. Jo-Ann Ashkenazi, Mr. Yuval Ashkenazi, Mr. Len Provenzale, Mr. Michael Talucci, Ms. Mary Ann West, Board of Health Attorney Mr. Thomas J. Romans, Bergen County Department of Health Services (BCDHS) Principal Registered Environmental Health Specialist (REHS) Marjorie Vanacore, BCDHS Senior REHS Ms. Kristin Caperino, BCDHS REHS Stephen Salerno and Board of Health Secretary, Ms. Karin Kennedy Dubowick

Representatives from Café L'Amore identified themselves: Sophy Sederat, Esq., Law Offices of Sophy Sederat, 684 Route 208 North, Franklin Lakes, NJ, representing Mr. Sherif (Mark) Bekhet, co-owner of Café L'Amore, 455 Ramapo Valley Road, Oakland, NJ

The hearing was held due to the repeat Conditional ratings issued to the establishment for repeat violations of Chapter 24 between the period 4/2/2015 and 5/17/18.

Mr. Romans entered into the record as evidence Complaints #002241, 002242 and 002170 and each of the inspection reports from the inspections conducted during the period between 4/2/15 and 5/17/18. The R.E.H.S. who conducted each inspection read aloud the critical violations contained in reports and provided more detail about what was observed in response to Mr. Romans' questioning. The critical violations included failure to demonstrate knowledge of food safety principles, improper hand washing, direct bare hand contact with ready-to-eat food, failure to maintain shellfish/seafood records, failure to protect food from contamination, and failure to keep foods at proper temperature while cold holding, hot holding and reheating. Food defrosting at room temperature and cross contaminated was voluntarily destroyed. It was stated that all of the critical violations cited are important in different ways and carry a higher probability than the lesser violations to cause injury to the public health. It was further noted that Mr. Bekhet's attitude most recently had become abrasive and uncooperative.

Mr. Bekhet responded to Ms. Sederat's questioning, talked about the difficulty he has retaining staff. He had just fired two employees, one of whom failed to comply with hand washing requirements, which left the restaurant short staffed. This was the reason Mr. Bekhet's partner was not present at the hearing. Mr. Bekhet also spoke about a sauce that was out on the steam table and explained that he had just put it there for a moment just before the inspectors came in and before he could put it on the stove. He said everything else on the steam table was heated to the required temperature. He said it was a mistake and there was no intention to heat up the sauce on the steam table. Mr. Bekhet also said the refrigeration was

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working the morning and afternoon the day it was found out of temperature and the temperature was out only when the inspectors were there. He said his home had just been robbed and offered that as an explanation for his attitude. He said he didn't mean it. Mr. Bekhet said he understands the seriousness of the violations, his intention is to be 100% cooperative and to fix all of the violations. The most recent report which was Satisfactory shows how much he is trying to cooperate.

Mr. Romans said it is alarming that out of 14 inspections conducted in a three-year period six Conditional ratings were issued to the establishment and the Board only heard excuses, rather than what action would be taken to correct the problems. Mr. Romans said it is highly unusual for the Board to call a restaurant in for a hearing and that other restaurants comply with the sanitary codes.

Ms. Sederat said Mr. Bekhet's establishment has been a part of the Oakland community for over 24 years and the seriousness of the hearing was not lost on Mr. Bekhet or his partner. He had retained Ms. Sederat to advise him and apprise him of the seriousness and guide him as far as remedial and corrective action to get the train back on the track. Ms. Sederat said Mr. Bekhet is willing to do whatever is necessary to bring his establishment into full compliance.

Ms. Sederat presented a Corrective Action Plan which the Board found lacking due to its vague nature. The Board wished to see a plan with more specifics. Specifically that the owners should retake the Food Manager's Course. It was also recommended that several bi-lingual employees take the Food Handler's Course. It was recommended that Ms. Bekhet hire someone who would provide oversight of the other employees, but Mr. Behket objected saying it he would not have a salary if he hired someone else. It was agreed that of great importance was making sure the employees can demonstrate a working knowledge of food safety principles and a suggestion was made that each morning before the restaurant opens to have the employees "huddle" and focus on a particular food safety principle. Proper oversight of the kitchen staff is necessary, so a Food Manager should be present at all times.

Inspector Caperino said the next round of Chapter 24 inspections are not due to start until sometime in August, but if a complaint is received or a potential food-borne illness is reported, an inspection would be done prior before then. The Board agreed that any Conditional rating issued will be evaluated at the next meeting.

On motion of, Mr. LaForgia, seconded by Ms. West, the Board decided that Café L'Amore's Correction Action Plan shall include:

1. A Food Manager must be present when employees arrive.
2. An adequate number of food thermometers shall be on the premises at all times.
3. Messrs. Bekhet and Mounir will as soon as possible retake the Bergen County Department of Health Services Food Manager's Course.
4. Monthly progress reports shall be sent to the Board Secretary by the 15th of the month.
5. Outstanding violations listed on the June 18th Satisfactory Report shall be immediately remedied.
6. The owners shall use the inspection report template as a training and self-inspection tool to evaluate employees.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

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On motion of Mr. Provenzale, seconded by Mr. LaForgia, the meeting was adjourned at 10:08 PM

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. LaForgia, Mr. Provenzale, Mr. Talucci, Mr. Tiffinger, Ms. West

A digital recording of the proceedings and copies of exhibits are on file in the Office of the Oakland Board of Health and available upon completion and submission of an Open Public Records Act Request Form.

APPROVED:

Stephen C. Tiffinger, President

ATTEST: _____
Karin Kennedy Dubowick, Secretary

DATE: _____