

**BOARD OF HEALTH HEARING TO DISCUSS POSSIBLE REVOCATION
OF THE
2016 LICENSE TO OPERATE ISSUED TO YUKI JAPANESE RESTAURANT,
LOCATED AT 350 RAMAPO VALLEY ROAD, OAKLAND, NJ**

June 21, 2016, 8:30 pm

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

Mr. Richard Burns, Esq. was present, representing Yuki Japanese Restaurant, the owner of which is Mr. Cheng. Also present with Mr. Burns was Mr. Mike Ho, a good friend of Mr. Cheng's and someone versed in Chinese and English, and Ms. Soh, an inspector/instructor with Bergen County Department of Health Services.

Also present were Board member Mary Ann West, Board member Mike Talucci, Board of Health Secretary Karin Dubowick, Board of Health President, Steve Tiffinger, Board Attorney, Tom Romans, R.E.H.S./Inspector Kristin Caperino, Board Member Jo-Ann Ashkenazi, Board member Yuval Ashkenazi, Board member Pat Pignatelli, Board member Mark Ostapczuk

A tape of this hearing is on file in the Office of the Board of Health.

EXECUTIVE SESSION

On motion of Ms. Ashkenazi, seconded by Ms. West, the Board went into Executive Session.

Roll Call: All Yeas - Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

Mr. Romans explained procedure, that under the Open Public Meeting Act, the Board will need to proceed by motion when the meeting goes back into public session, whatever the Board decides to do, someone will need to make a motion and then the Board will have to vote upon it publicly.

Mr. Tiffinger asked what action should be taken. Mr. Pignatelli said he wished this had been put into place six months ago. That, by now, he believes the owner of Yuki knows the Board means business. Yuki's attorney admitted that no is denying there were repeat violations.

Mr. Pignatelli acknowledged it is tough to close down an establishment when they are cooperating with the inspectors. When they are not cooperating, the establishment should be closed. It appears, in this case, the owner is trying to cooperate and willing to pay to have people on hand to explain procedures. Mr. Pignatelli said he does not believe any of the Board members like the idea this establishment keeps repeating the same violations.

Mr. Tiffinger said the owner claims to not understand everything the Board is saying. Ms. Ashkenazi said she is getting a big disconnect with someone who has been in the business for 18 years to which Mr. Tiffinger agreed. Mr. Ashkenazi said something is not right and asked if the Board should give the owner a month to clear things up.

The Board discussed how to proceed. Mr. Romans said he feels the Board should hold the owner's feet to the fire and require him to hire the consultants for a minimum period of a month and this should be

Board of Health hearing to discuss possible revocation of the 2016 License to Operate issued to Yuki Japanese Restaurant, located at 350 Ramapo Valley Road, Oakland, NJ – June 21, 2016 – Page 2

stipulated in a letter. If the owner does not comply, his license should be suspended. It was agreed that an inspection would be conducted at some point after the 30-day period.

Mr. Pignatelli said the owner took the Food Handler's Course and has hired two consultants, so he has no choice but to do well.

Mr. Romans said someone will need to make a motion to that effect and asked what will happen if the inspection is Conditional again this year. The Board agreed the license should be revoked permanently.

Mr. Romans said the owner's attorney should be required to send him a letter agreeing to all of the Board's terms, that is to hire Mr. Ho for eight hours a day, five days a week, and Ms. Soh for three hours a day, five days a week for 30-day period to retrain the owner, that the consultants will both agree to the terms under oath and in a signed affidavit. Furthermore, another conditional inspection in 2016 will result in revocation of the establishment's license.

The Board also agreed that the training provided by the two consultants should not be overlapping, in order to maximize coverage. At the conclusion of the 30-day period, Mr. Ho and Ms. Soh must each send a letter certifying to the Board they have met the stipulations of the agreement.

A question was raised about who will conduct the inspection after the 30-day period, Inspector Caperino or someone else from the County, such as a supervisor. It was agreed Inspector Caperino will conduct the inspection.

Mr. Romans said if they do not agree to all of these terms, another motion will have to be made and the Board will need to go into Executive Session to discuss what action to take next.

It was agreed Mr. Tiffinger will make the following motion:

Yuki Japanese restaurant's attorney must provide a letter certifying they will hire consultants Ms. Soh and Mr. Ho for a minimum of 30 days, with Mr. Ho working eight hours a day, five days a week, and Ms. Soh working three hours a day, five days a week, with no overlap of their time at the establishment. Ms. Soh and Mr. Ho must certify in writing to the Board they have met the stipulations of this agreement. An inspection will be made at some point after the conclusion of the 30-day period. Any Conditional rating issued to the Yuki Japanese Restaurant during 2016 after the conclusion of the 30-day training period will result in the revocation of the establishment's license to operate.

On motion of Mr. Ostapczuk, seconded by Ms. West, the Board closed the Executive Session and returned to the public portion of the meeting.

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenzi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

Due to the fact that Ms. Soh had been hired to work three hours a day, three days a week (not five as previously understood) and will be leaving for a two-week scheduled vacation on September, a modification was made to the proposed motion.

Board of Health hearing to discuss possible revocation of the 2016 License to Operate issued to Yuki Japanese Restaurant, located at 350 Ramapo Valley Road, Oakland, NJ – June 21, 2016 – Page 3

On motion of Mr. Tiffinger, seconded by, Mr. Pignatelli, the Board decided Mr. Burns must send a letter to Mr. Romans certifying Yuki Japanese Restaurant's agreement to hire two consultants, Ms. Soh and Mr. Ho, for food management training purposes. Training shall commence on June 22, 2016. Ms. Soh must provide training three hours a day on 12 days over the next 45 days. Mr. Ho must provide training for eight hours a day on 20 days over the next 45 days, with no overlap in of their time at the establishment. Ms. So and Mr. Ho must provide the Board with written certification of this agreement. Upon completion of the training, Ms. Soh and Mr. Ho must send a letter to the Board of Health certifying the stipulations of their agreement have been met. An inspection will be made at some point after the conclusion of the 45-day period. Any Conditional rating issued to Yuki Japanese Restaurant during 2016 after the conclusion of the 45-day training period will result in the revocation of the establishment's license to operate.

Roll Call: All Yeas - Mr. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

Motion of Mr. Pignatelli, seconded by Mr. Tiffinger, the hearing was adjourned at 9:10 PM

Roll Call: All Yeas – Ms. Ashkenazi, Mr. Ashkenazi, Mr. Ostapczuk, Mr. Pignatelli, Mr. Talucci, Mr. Tiffinger, Ms. West

APPROVED:

Stephen C. Tiffinger, President

ATTEST: _____
Karin Kennedy Dubowick, Secretary

DATE: _____