



WILTON SIMPSON
COMMISSIONER

Florida Department of Agriculture and Consumer Services
Division of Food Safety

FOOD SAFETY INSPECTION REPORT

Chapter 500, Florida Statutes
(850) 245-5520

Visit #: 9999-7182-2197-54
Bureau of Food Inspection
Attention: Business Center
3125 Conner Boulevard, C-26
Tallahassee, FL 32399-1650

Name: Downstairs
Owner: Orion East Miller Llc
Type: Convenience Store Limited FS
Address: 6795 Miller DR Miami, FL 33155-5721

Establishment #: 387330
Date of Visit: June 12, 2023
Inspected By: JAMES ZHENG,
CATALINA ORDONEZ

INSPECTION SUMMARY - Re-Inspection Required

The following violations observed during the inspection must be corrected to be in compliance with Chapter 500, 581, and 583, Florida Statutes, and Rule 5K-4, Florida Administrative Code. A Department inspector will return for a reinspection on about June 26, 2023. The failure to correct the violations by this date may result in the imposition of the maximum penalties provide in Chapter 500 Florida Statutes, including an administrative fine and the suspension or revocation of your food permit. The reinspection visit is due to documented citations that pose a risk of foodborne illness.

NOTICE OF FEES

To review your account balance or to renew your permit, please visit our Food Permit Center at <https://FoodPermit.FDACS.gov>.

OBSERVATIONS AND CORRECTIVE ACTIONS

COS = Corrected on Site

P = Priority Citation
(Directly Associated with Foodborne Illnesses)

Pf = Priority Foundation Citation
(Supports or Leads to a Priority)

INSPECTION: RISK BASED

Violation Number	Citation Description and Observation	COS
1 Pf	Citation Description: A pattern of non-compliance is demonstrated with regard to the duties of the person in charge. 2-103.11(A)-(N) and (P) Pf Observation: Person in charge does not ensure active managerial control in the establishment as evidenced by violations noted on the inspection report: cold holding, hot holding, equipment sanitization; and written procedures.	<input type="checkbox"/>
1 Pf	Citation Description: Demonstration of knowledge not in compliance. At least one Priority violation observed during the inspection, the establishment does not have a certified food protection manager who has passed a test through a recognized accredited program, and the person in charge is unable to respond correctly to food safety questions relevant to the operation. 2-102.11(A), (B), (C)(1) and (4)-(16) Pf Observation: Person in charge does not demonstrate knowledge of the Food Code and Public Health principles as evidenced by: having at least 1 priority violation on the inspection report, having no certified food protection manager for the establishment, and is unable to respond to respond correctly to food safety questions relevant to their food operation.	<input type="checkbox"/>
2 Pf	Citation Description: Person in charge does not correctly respond to questions that relate to preventing transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease, can not describe symptoms associated with diseases that are transmissible through food, or can not explain how to comply with reporting responsibilities and exclusion or restriction of food employees. 2-102.11(C)(2)-(3) and (17) Pf Observation: No employee health policy available in food establishment. Copy of employee health guidance and employee reporting agreement provided.	<input type="checkbox"/>

8 Pf	<p>Citation Description: Handwashing sink or group of 2 adjacent handwashing sinks not provided with hand cleaning liquid, powder, or bar soap. Handwashing sink or group of adjacent handwashing sinks not provided with: individual, disposable towels; continuous towel system that supplies the user with a clean towel; a heated-air hand drying device; or a device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. 6-301.11 and 6-301.12 Pf</p> <p>Observation: Food service- No hand soap provided at hand sink located next to coffee machine. COS, hand soap was provided during inspection.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>
8 Pf	<p>Citation Description: Handwashing sink not maintained so that it is accessible at all times for employee use or is used for purposes other than handwashing, or an automatic handwashing facility not used in accordance with manufacturer's instructions. 5-205.11 Pf</p> <p>Observation: Food service- Food employee washed coffee cup inside hand sink. COS, food employee was asked to stop and redirected to the ware wash sink.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>
11 P	<p>Citation Description: Food not safe, or is adulterated. 3-101.11 P</p> <p>Observation: Food service- Live fly standing directly on top of shredded lettuce, tuna salad and cut tomatoes. COS, all food items were voluntarily discarded during inspection. Stop sale order and release issued, see supplements.</p>	<input checked="" type="checkbox"/>
13	<p>Citation Description: Food not protected from cross contamination by storage in packages, covered containers or wrappings. 3-302.11(A)(4)</p> <p>Observation: Food service- Cleaned oranges used for fresh juice stored uncovered on basket on top of orange juice machine. COS, cleaned oranges were properly covered during inspection.</p>	<input checked="" type="checkbox"/>
13 P	<p>Citation Description: Raw animal food not separated during storage, preparation, holding or display from ready-to-eat raw animal food, other raw ready-to-eat food, cooked ready-to-eat food, or fruits and vegetables before they are washed. 3-302.11(A)(1) P</p> <p>Observation: Food service- Raw ground beef stored over cream cheese and milk inside preparation cold unit. COS, food was voluntarily discarded during inspection due to other violation (cold holding).</p>	<input checked="" type="checkbox"/>
13 P	<p>Citation Description: Food in contact with surfaces of equipment or utensils that have not been cleaned and sanitized, linens that have not been laundered, or articles that are not single-service or single-use. 3-304.11 P</p> <p>Observation: Food service- Employee used wood knock board in contact with garbage to knock coffee grinds and fill with fresh grinds to make coffee. COS, coffee was discarded and filter was washed, rinsed and sanitized during inspection. Stop sale order and release issued, see supplement.</p>	<input checked="" type="checkbox"/>
14 P	<p>Citation Description: Equipment food-contact surface or utensil used with time/temperature control for safety food not cleaned throughout the day at least every 4 hours. Exception criteria for an alternative cleaning frequency not met. 4-602.11(C) P</p> <p>Observation: Food service- Slicer first used this morning found not cleaned, rinsed and sanitized after 4 hour period. COS, slicer was washed, rinsed and sanitized during inspection. Food service- Steam wand of coffee machine found not cleaned, rinsed and sanitized after 4 hour period. COS, steam wand of coffee machine was washed, rinsed and sanitized during inspection.</p>	<input checked="" type="checkbox"/>
14 P	<p>Citation Description: Equipment food-contact surface or utensil not cleaned before each use with a different type of raw animal food such as beef, fish, lamb or poultry; each time there is a change from working with raw foods to working with ready-to-eat food; between use with raw fruit or vegetables and with time/temperature control for safety food; before using or storing a food temperature measuring device; or at any time during the operation when contamination may have occurred. 4-602.11(A) and (B) P</p> <p>Observation: Food Service- Wood knock board found in contact with garbage located next to hand sink. COS, knock board was washed, rinsed and sanitized during inspection and placed in separate garbage can to be used only for coffee grinds.</p>	<input checked="" type="checkbox"/>
19 P	<p>Citation Description: Hot held time/temperature control for safety food not maintained at 135°F or above, or roast cooked or reheated to a temperature and for a time specified for cooking roast in the Food Code not hot held at 130°F or above. 3-501.16(A)(1) P</p> <p>Observation: Food service- Multiple food items measured out of temperature inside hot box unit: ham croquettes 130°F, meat pastry 121°F, scrambled egg croissant 124°F, corn arepas with cheese 130°F. Food service- Milk was found at 114°F next to coffee machine. COS, all food items were voluntarily discarded during inspection. Stop sale order and release issued, see supplement.</p>	<input checked="" type="checkbox"/>

20 P	<p>Citation Description: Eggs that have not been treated to destroy all viable Salmonellae not stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less. 3-501.16(B) P</p> <p>Observation: Food service- Raw shell eggs stored inside preparation cold unit with an ambient temperature of 61°F. Retail- Raw shell eggs stored inside open display cold unit with an ambient temperature of 46°F. COS, raw shell eggs were placed under proper refrigeration during inspection.</p>	<input checked="" type="checkbox"/>
20 P	<p>Citation Description: Cold held time/temperature control for safety food not maintained at 41°F or below. 3-501.16(A)(2) P</p> <p>Observation: Food service- Multiple food items measured out of temperature inside preparation cold unit: Sliced ham 51°F, cheese 53°F, cream cheese 51°F, raw steak 55°F. Food service- Multiple food items measured out of temperature inside display cold unit- Pastrami 42-45°F, turkey 45.6°F, chicken breast 43°F, provolone cheese 54°F, swiss cheese 53°F. Retail- Multiple food items measured out of temperature inside open display cold unit- Milk 45°F, yogurt 44°F. Retail- Mozzarella and salami snack found at 53°F inside cold unit located under cash register. COS, all food items were placed under proper refrigeration during inspection.</p>	<input checked="" type="checkbox"/>
23 Pf	<p>Citation Description: Animal food that is raw, undercooked, or not otherwise processed to eliminate pathogens is served or sold in a ready-to-eat form or as an ingredient in another ready-to-eat food without informing consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder using effective written means. 3-603.11(A) Pf</p> <p>Observation: Food service- No disclosure and reminder posted for food items cooked to order (steak).</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>
24 Pf	<p>Citation Description: Establishment does not have written procedures for employees to follow when responding to an event that involves the discharge of vomitus or diarrhea onto surfaces at the food establishment, or procedures do not address 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. 2-501.11 Pf</p> <p>Observation: Food establishment does not have written procedures for employees to follow when responding to an event involving the discharge of vomitus/diarrhea. Copy of guidance for written procedures for the clean-up of vomiting and diarrheal events provided.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>
26 P	<p>Citation Description: Poisonous or toxic materials not stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles by separating the poisonous or toxic material by spacing or partitioning, or locating the poisonous or toxic material in an area that is not above food, equipment, utensils, linens, and single-service and single-use articles. 7-201.11 P</p> <p>Observation: Food service- Clorox bottle and hand soap stored over sanitizing compartment of the ware wash sink. COS, clorox bottle and hand soap were placed in proper location during inspection.</p>	<input checked="" type="checkbox"/>
95	<p>Citation Description: Establishment does not have a certified food protection manager who has passed a test through a recognized accredited program. 5K-4.021(1), F.A.C.</p> <p>Observation: No Certified Food Protection Manager at food establishment.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>

INSPECTION: GRP

Violation Number	Citation Description and Observation	COS
34 Pf	<p>Citation Description: Food temperature measuring device not calibrated in accordance with manufacturer's specifications as necessary to ensure accuracy. 4-502.11(B) Pf</p> <p>Observation: Food service- Probe thermometer measured 26°F when placed in ice slurry. COS, Probe thermometer was manually corrected to 32°F in ice slurry.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>
35	<p>Citation Description: Working container holding a food or food ingredient that is not readily and unmistakably recognized and has been removed from its original packaging for use in the establishment is not identified with the common name of the food. 3-302.12</p> <p>Observation: Food service- Unlabeled containers of sugar and different sauces throughout preparation area.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>

38	<p>Citation Description: Food employee wearing jewelry, other than a plain ring such as a wedding band, on their arm or hand while preparing food. 2-303.11</p> <p>Observation: Food service- Food employees wearing bracelets while engaged in food preparation.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>
38	<p>Citation Description: Food employee not wearing a hair restraint such as a hat, hair covering or net, beard restraint, or clothing that covers body hair, that is designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles. 2-402.11</p> <p>Observation: Food service- Food employees engaged in food preparation with no hair restraint. COS, food employees were provided with hair nets during inspection.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>
41	<p>Citation Description: During pauses in food preparation or dispensing, utensil not stored on a clean portion of the food preparation table or cooking equipment; in running water of sufficient velocity to flush particles to the drain when used with moist foods; in a clean, protected location when used only with food that is not time/temperature control for safety food; or in a container of water maintained at 135°F or greater. 3-304.12(C)-(F)</p> <p>Observation: Food service- Spoons stored inside standing water at 87°F. COS, spoons were placed in a clean a dry container.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>
45	<p>Citation Description: Equipment not maintained in good repair or condition; equipment component not kept intact, tight, and adjusted in accordance with manufacturer's specifications; or cutting or piercing part of can opener not kept sharp to minimize the creation of metal fragments that can contaminate food when a container is opened. 4-501.11</p> <p>Observation: Food service- Preparation cold unit found in disrepair with an ambient temperature of 62°F. Food service- Display cold unit found in disrepair with an ambient temperature of 57-62°F. Retail- Open display cold unit found in disrepair with an ambient temperature of 46.5°F. Retail- Small open display unit under cash register found in disrepair with an ambient temperature of 51°F. See supplement. Stop Use order issued. No temperature dependent products may be placed in these units until released by an inspector. When corrections have been made and these units are able to maintain food items at an internal temperature of 41°F or below, call 850-245-5520 to request an inspector visit for a written release. Units must remain empty until released by an inspector.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>
46	<p>Citation Description: Drainboards, utensil racks, or tables not large enough to accommodate all soiled and cleaned items that accumulate during hours of operation or not provided for necessary utensil holding before cleaning and after sanitizing. 4-301.13</p> <p>Observation: Food service- Drain boards not large enough at ware wash sink to accommodate all soiled and cleaned items accumulated during hours of operation.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input type="checkbox"/>
48 Pf	<p>Citation Description: Water source and system not of sufficient capacity to meet the peak water demands, or hot water generation and distribution system not sufficient to meet peak hot water demands throughout the establishment. 5-103.11 Pf</p> <p>Observation: Food service, Backroom- Not hot water available at ware wash sink and all hand sinks throughout the establishment. COS, Water heater was repaired during inspection and hot water was made available at ware wash sink and all hand sinks.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>
54	<p>Citation Description: Dressing rooms or dressing areas not designated when employees routinely change their clothes in the establishment, or lockers or other suitable facilities not provided for the orderly storage of employee's clothing and other possessions. 6-305.11</p> <p>Observation: Food service- Food employee lunch stored with wholesome food items inside preparation cold unit. COS, food items were voluntarily discarded during inspection.</p> <p>Initial if all stated observations have been corrected: _____</p>	<input checked="" type="checkbox"/>

Citation Description: Food Establishment manufactures, processes, packs, holds, prepares or sells food products intended for human consumption beyond the scope of the existing permitted food establishment type pursuant to 5K-4.020, F.A.C. Food Establishment shall remit payment of appropriate fee within 10 days. 5K-4.020(4)(b), F.A.C.

Observation: Food establishment was found to be operating beyond the scope of their food permit. Food establishment is permitted as a 123, convenience store with limited food service, but is operating as a 124, convenience store with significant food service and or package ice that makes sandwiches and cooks from raw. The food establishment shall remit payment of the appropriate permit fee within 10 days. Contact the Business Center at 850-245-5520 for further assistance.

A Supplemental Report was also issued during the visit which includes important information for management.

COMMENTS

Trainee present during inspection. All violations verified by primary inspector.

Copy of guidance for written procedures for the clean-up of vomiting and diarrhea events provided.

Employee Health Guidelines and reporting agreement and certified food manager documentation provided.

Stop Use Order issued. Food establishment can visit <https://foodpermit.fdacs.gov> or contact the Business Center at (850) 245-5520 when corrections have been made and/or when required documents have been obtained to request food safety inspector visit for written release of equipment. Failure to comply with the request for written release may or will result in Administrative Action.

This food establishment was found to be operating beyond the scope of their food permit. The Food Establishment shall remit payment of the appropriate permit fee within 10 days. Electronic online payment by credit card or e-check is available at <https://foodpermit.fdacs.gov>. Payment by check or money order is also accepted but must be made payable to FDACS and remitted to Florida Department of Agriculture and Consumer Services, PO Box 6720, Tallahassee, FL 32314-6720. Contact the Business Center by email at FoodSafety@FDACS.gov or by calling 850-245-5520 for further assistance.

Re-inspection visit required issued for food establishment. A re-inspection will be conducted on or about 14 days.

A copy of this report has been provided to the person in charge of the food establishment and will be available online at <https://foodpermit.fdacs.gov/Reports/SearchFoodEntity.aspx>.



JAMES ZHENG, ENVIRONMENTAL SPECIALIST II

CATALINA ORDONEZ, SANITATION AND SAFETY SPECIALIST



MABELYS DE ARMAS, MANAGER

Name and Title of Whom This Report was Issued



WILTON SIMPSON
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Division of Food Safety

Bureau of Food Inspection
Attention: Business Center
3125 Conner Boulevard, C-26
Tallahassee, FL 32399-1650

FOOD SAFETY INSPECTION SUPPLEMENTAL REPORT

Florida Statutes, Chapter 500.172, 500.174
(850) 245-5520

Visit #: 99997182219754

Food Entity #: 387330
Food Entity Name: DOWNSTAIRS
Date Of Visit: June 12, 2023
Inspected By: JAMES ZHENG
Food Entity Location Address: 6795 Miller DR Miami, FL 33155-5721
Food Entity Mailing Address: 5200 NW 77th Ct Miami, FL 33166
Food Entity Type/Description: 123/Convenience Store Limited FS
Food Entity Owner: Orion East Miller LLC

STOP SALE ORDER AND RELEASE

SUPPLEMENTAL KEY #:
331305

You are hereby notified that the following item on which a STOP SALE ORDER AND RELEASE was issued on 06/12/2023 by JAMES ZHENG is hereby released.

Article:	Various, shredded lettuce, tuna salad, cut tomatoes		
Brand Name:	Downstairs		
Lot #:	# Of Pkgs:	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:
Distributor:

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.10 Adulterated.* Approved Source: Food in good condition, safe and unadulterated.

Disposition: Product was voluntarily destroyed by food entity management and witnessed by inspector.

Comments: Voluntarily discarded by food establishment.



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STOP SALE ORDER AND RELEASE

SUPPLEMENTAL KEY #:
331302

You are hereby notified that the following item on which a STOP SALE ORDER AND RELEASE was issued on 06/12/2023 by JAMES ZHENG is hereby released.

Article:	Coffee		
Brand Name:	Downstairs		
Lot #:	# Of Pkgs:	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:
Distributor:

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.10 Adulterated.* Protection From Contamination: Food separated and protected.

Disposition: Product was voluntarily destroyed by food entity management and witnessed by inspector.

Comments: Voluntarily discarded by food establishment.



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Food Entity Owner: Orion East Miller LLC

STOP SALE ORDER AND RELEASE

SUPPLEMENTAL KEY #:
331307

You are hereby notified that the following item on which a STOP SALE ORDER AND RELEASE was issued on 06/12/2023 by JAMES ZHENG is hereby released.

Article:	Various, ham croquettes, meat pastry, scrambled egg croissant		
Brand Name:	Downtairs		
Lot #:	# Of Pkgs:	Size Of Pkg:	Total Weight:
			Invoice #:
			Invoice Date:

Manufacturer:
Distributor:

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.10 Adulterated.* Time/Temperature Control for Safety Food: Proper hot holding temperatures.

Disposition: Product was voluntarily destroyed by food entity management and witnessed by inspector.

Comments: Voluntarily discarded by food establishment.



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FOOD SAFETY INSPECTION SUPPLEMENTAL REPORT

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Food Entity Type/Description: 123/Convenience Store Limited FS
Food Entity Owner: Orion East Miller LLC

STOP USE ORDER

SUPPLEMENTAL KEY #:
331312

You are hereby ordered to withhold from movement, sale or use subject to further instructions from an authorized agent of the Florida Department of Agriculture and Consumer Services, the goods or equipment listed below.

Article:	Preparation cold unit / food service		
Brand Name:	Koolit		
Lot #: Unknown	# Of Pkgs: 1	Size Of Pkg: 1	Total Weight: Unknown
			Invoice #: Unknown
			Invoice Date: 6/12/2023 12:00:0
Manufacturer:	Unknown		
Distributor:	Unknown		

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.172 Unsanitary Equipment.* Utensils, Equipment and Vending: Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used.

Comments:



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STOP USE ORDER

SUPPLEMENTAL KEY #:
331312

You are hereby ordered to withhold from movement, sale or use subject to further instructions from an authorized agent of the Florida Department of Agriculture and Consumer Services, the goods or equipment listed below.

Article:	Display cold unit / food service		
Brand Name:	Hydrakool		
Lot #: Unknown	# Of Pkgs: 1	Size Of Pkg: 1	Total Weight: Unknown
			Invoice #: Unknown
			Invoice Date: 6/12/2023 12:00:0
Manufacturer:	Unknown		
Distributor:	Unknown		

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.172 Unsanitary Equipment.* Utensils, Equipment and Vending: Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used.

Comments:



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SUPPLEMENTAL KEY #:
331312

You are hereby ordered to withhold from movement, sale or use subject to further instructions from an authorized agent of the Florida Department of Agriculture and Consumer Services, the goods or equipment listed below.

Article:	Open display cold unit / retail		
Brand Name:	Hydra kool		
Lot #: Unknown	# Of Pkgs: 1	Size Of Pkg: 1	Total Weight: Unknown
			Invoice #: Unknown
			Invoice Date: 6/12/2023 12:00:0
Manufacturer:	Unknown		
Distributor:	Unknown		

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.172 Unsanitary Equipment.* Utensils, Equipment and Vending: Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used.

Comments:



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Article:	Small open display unit / under cash register		
Brand Name:	Unknown		
Lot #: Unknown	# Of Pkgs: 1	Size Of Pkg: 1	Total Weight: Unknown
			Invoice #: Unknown
			Invoice Date: 6/12/2023 12:00:0
Manufacturer:	Unknown		
Distributor:	Unknown		

The primary reason and condition that caused the product or equipment stop sale or stop use and determined dangerous, unwholesome, fraudulent, or insanitary was: FS 500.04; FS 500.172 Unsanitary Equipment.* Utensils, Equipment and Vending: Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used.

Comments:

When the department or its duly authorized agent finds, or has probable cause to believe, that any food or food-processing equipment is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article or processing equipment is, or is suspected of being, in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article or processing equipment by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. It is unlawful for any person to remove, use, or dispose of such detained or embargoed article or processing equipment by sale or otherwise without such permission in accordance with 500.172 (1) Florida Statutes.

AN ADMINISTRATIVE HEARING IS AVAILABLE FOR ALL ORDERS, NOTICES, AND REPORTS IN THIS SUPPLEMENTAL REPORT

If you wish to contest the Department's action, you have the right to request an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes and to be represented by counsel or other qualified representative. Your request for hearing must contain:

1. Your name, address, and telephone number, and facsimile number (if any).
2. The name, address, and telephone number, and facsimile number of your attorney or qualified representative (if any) upon whom service of pleadings and other papers shall be made.
3. A statement that you are requesting an administrative hearing and dispute the material facts alleged by the department, in which case you must identify the material facts that are in dispute (formal hearing), or that you request an administrative hearing and that you do not dispute the facts alleged by the department (informal hearing).
4. A statement of when (date) you received the Notice and the file number of this Notice.

Your request for a hearing must be received at the address shown on this Notice within twenty-one (21) days of receipt of this Notice. If you fail to obtain a Release from this Notice or fail to request an administrative hearing within the twenty-one (21) day deadline you waive your right to a hearing and the Department may enter a Final Order imposing up to the maximum penalties as authorized by Florida Law.

HEARING WAIVER AND WAIVER OF RIGHTS ON DESTROYED PRODUCTS

I, MABELYS DE ARMAS the person in charge of DOWNSTAIRS hereby waive a notice and a hearing as provided in Chapter 120, Florida Statutes and waive all rights as provided on the last page of this report.



(Signature)

ACKNOWLEDGEMENT

A copy of this report has been provided to the person in charge of the food establishment.



Signature of FDACS Representative

JAMES ZHENG, ENVIRONMENTAL SPECIALIST II

I acknowledge receipt of a copy of this document.



Signature of Representative

MABELYS DE ARMAS, MANAGER

Print Name and Title

CATALINA ORDONEZ, SANITATION AND SAFETY SPECIALIST

