



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

October 28, 2020

Frances Zemlik
c/o Blue Mountain Bakery & Café, LLC
207 Stone St.
Jasper, Arkansas 72641

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Blue Mountain Bakery & Café, LLC, 207 Stone St., Jasper, Arkansas

Dear Mrs. Zemlik:

On September 11, 2020 and October 8, 2020, Hilary Hocut, an Environmental Health Specialist with the Arkansas Department of Health, conducted inspections at your retail food facility and identified that your facility was not in compliance with the Directive on Resuming Restaurant Dine-In Operations. Our office has received multiple complaints from the public regarding this facility.

The Directive on Resuming Restaurant Dine-In Operations was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020, then modified on September 9, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

During the latest inspection on October 8, 2020, the following items were found to be in violation of the Directive:

1. Facility hasn't adjusted to maintain six (6) feet between occupied seats at adjacent tables.
2. Restaurant Staff were not wearing masks.

During an inspection on September 11, 2020, the following items were found to be in violation of the Directive:

1. Restaurant Staff were not wearing masks.

2. According to the manager, staff members are being screened for temperature, symptoms, and/or exposure before starting their shift. But they are not keeping a daily log of staff being screened.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

This notice is to advise that your facility is in violation of the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

Micheal D Sullins, R.S.
Northwest Region Food Program Specialist
Arkansas Department of Health

CC: File

Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Sherri Woodus, R.S., Retail Food Section Chief
Richard S Murphree, R.S., Environmental Manager-NW Region
Forrest Montgomery, Environmental Supervisor-NW Region
Jeff Jackson, R.S., Environmental Supervisor
Hilary Hocut, R.S., EHS



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Governor Asa Hutchinson

Nathaniel Smith, MD, MPH, Secretary of Health

July 15, 2020

Brent Lewis
5901 HWY 71 S
Fort Smith, AR 72903

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation

Dear Mr. Lewis:

On 07/10/2020, April Barton, Environmental Health Specialist, Sebastian County, conducted a compliance inspection at your retail food facility and identified non-compliance with the directive on Resuming Restaurant Dine-In Operations by:

- Not limiting dining capacity to less than 66% of total capacity
- It was observed that patrons were sitting next to each other without six foot distancing
- The cashier was not wearing a face mask
- Patrons were not asked to wear mask or face covering upon entry into facility

The Directive on Resuming Restaurant Dine-In Operations was issued on May 11th, 2020 by the Secretary of Health, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

Among other protective measures:

Seating must be limited to no more than 66% of total seating capacity.

Seating shall be adjusted to maintain six (6) feet between occupied seats at adjacent tables.

All staff who come in contact with patrons must wear a face mask that completely covers their nose and mouth. Staff in the back are encouraged to wear a face mask.

Patrons must wear a face covering while in the establishment when physical distancing of 6 feet cannot be ensured. This is most likely in entry or waiting areas, while walking to their seat, visiting the restroom, etc. As before, face coverings may be removed when food or drink arrives.

Signage must be placed at the front of restaurants to alert patrons not to enter the facility if they are sick or have symptoms such as cough, sore throat, fever, or shortness of breath.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

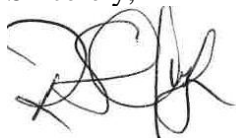
Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

This notice is to advise that your facility is in violation of the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,



Richard Murphree, R.S.
Environmental Manager
Northwest Region
Washington County Health Unit
3270 Wimberly Drive
Fayetteville, AR 72703

CC: File

Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Sherri Woodus, R.S., Retail Food Section Chief
April Barton, Environmental Health Specialist, Sebastian County



Arkansas Department of Health

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11/5/2020

Flash Market #179
Attn: Mickey Avery
998 S Lincoln
Siloam Springs, AR 72761

RE: Directive on Resuming Restaurant Dine-in Operations
Flash Market #179

Ms. Avery,

On November 3, 2020 Marijo Root, Environmental Health Specialist with the Arkansas Department of Health, met with you to discuss a complaint we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations.

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department. Violations were also observed by our staff during visits to the facility.

1. Staff not wearing masks. This includes wait staff, the manager/owner and the kitchen workers.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

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This notice is to advise that your facility is in violation of the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'RS Murphree', with a stylized flourish at the end.

Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Marijo Root, Benton County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



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9/21/2020

Hiwasse Store
Attn: Julie Holloway
13471 W State Hwy 72
Hiwasse, AR72939

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Hiwasse Store, Hiwasse, AR

Dear Mrs. Holloway

On multiple occasions, Kevin Power, Environmental Health Specialist with the Arkansas Department of Health, has met with you to discuss complaints we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations (Directive).

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department, and observed by our staff in person during visits to your business:

1. Business staff not wearing masks. Wait staff were also observed singing over food they were carrying to the table.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.
3. Dancing is allowed and encouraged.
4. Karaoke allowed with patrons sharing un-sanitized microphone.
5. Tables not sanitized between customers.
6. Tables not spaced at least 10' apart as required.
7. Self-service items available to the public.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

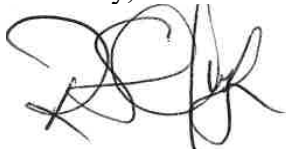
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This notice is to advise that your facility is in violation of the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'RS Murphree', with a large, stylized initial 'R' and 'M'.

Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Kevin Power, Benton County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



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11/20/2020

Jaelyn's Kitchen
Attn: Jaelyn Slaughter
14438 E. Hwy 12
Rogers AR, 72756

RE: Directive on Resuming Restaurant Dine-in Operations
Jaelyn's Kitchen

Ms. Slaughter,

On October 28, 2020, Freddie Young, Environmental Health Specialist with the Arkansas Department of Health, met with you to discuss a complaint we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations.

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department. The latest complaint was received on Nov 20, 2020. Violations were also observed by our staff during visits to the facility.

1. Staff not wearing masks or wearing them improperly.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

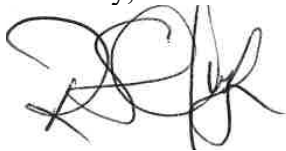
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This notice is to advise that your facility is in violation of the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'RSM', is positioned below the word 'Sincerely,'.

Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Freddie Young, Benton County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



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9/17/2020

Locke Wholesale Electrical Supply
Attn: Richard Donohue
1303 W. Walnut St
Rogers, AR 72756

RE: Directive on Face Coverings
Issued July 18, 2020
Last Modified August 26, 2020

Mr. Donohue,

Today, Rachel Arthur, Environmental Health Specialist with the Arkansas Department of Health, visited your business and met with you to discuss a complaint we received concerning reported non-compliance with the Face Coverings Directive. A copy was provided for your review.

The Directive was issued on July 18th, 2020 by the Secretary of Health and revised on August 26th, 2020 in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.


The complainant stated that while visiting your business, multiple employees were not wearing masks. Employees were observed without masks during Rachel's visit as well. You informed Rachel that you did not believe masks are required but that you would forward her concerns to your superiors. At this time, we have received no verbal commitment from you or any other representative of Locke that the Directive will be followed in the future.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

This notice is to advise that your facility is in violation of the Directive on Face Coverings. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'RS Murphree', written in a cursive style.

Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Rachel Arthur, Benton County EHS



Arkansas Department of Health

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10/6/2020

Rolling Pin Café LLC
Attn: Travis and Devona Freeman
2656 E. Huntsville Rd
Fayetteville, AR 72701

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Rolling Pin Café

Mr. and Mrs. Freeman

On multiple occasions, David Cowan, Environmental Health Specialist with the Arkansas Department of Health, has met with you to discuss complaints we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations (Directive).

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department on 6/29, 8/8, 9/8, and 10/4 of this year. Violations were also observed by our staff during visits to the facility.

1. Staff not wearing masks. This includes wait staff, the manager/owner and the kitchen workers.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.
3. Inadequate spacing between tables and unenforced social distancing.
4. Food handlers not wearing gloves

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

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Thank you for your anticipated cooperation with this important matter.

Sincerely,

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Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
David Cowan, Washington County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



Arkansas Department of Health

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11/13/2020

Short Stop
Attn: Emmitt Musick
18440 Marshall Street
Garfield, AR 72732

RE: Directive on Resuming Restaurant Dine-in Operations
Short Stop
Garfield, AR

Mr. Musick or current Manager,

On multiple occasions, Freddie Young, Environmental Health Specialist with the Arkansas Department of Health, has met with you to discuss complaints we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations.

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department. The latest complaint was received on Nov 10, 2020. Violations were also observed by our staff during visits to the facility.

1. Staff not wearing masks or wearing them improperly.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

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This notice is to advise that your facility is in violation of the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. S. Murphree', written over a light blue horizontal line.

Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Freddie Young, Benton County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



Arkansas Department of Health

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José R. Romero, MD, Secretary of Health

11/23/2020

Waffle House #1432
Attn: Melissa McComb
9009 Hwy 71 South
Ft. Smith, AR 72908

RE: Directive on Resuming Restaurant Dine-in Operations
Waffle House #1432

Ms. McComb or current Manager,

On several occasions, April Barton, Environmental Health Specialist with the Arkansas Department of Health, has met with you to discuss complaints we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations.

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department. The latest complaint was received on Nov 20, 2020. Violations were also observed by our staff during visits to the facility.

1. Staff not wearing masks or wearing them improperly.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.
3. Seating not adjusted to limit capacity and maintain 6' spacing

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

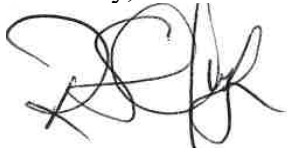
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Thank you for your anticipated cooperation with this important matter.

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Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
April Barton, Sebastian County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



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11/5/2020

White Oak Station #36
Attn: Ginny Baker
301 S. 45th Street
Rogers, AR 72758

RE: Directive on Resuming Restaurant Dine-in Operations
White Oak Station #36
701 SW Regional Airport Blvd

Ms. Baker or current Manager,

On multiple occasions, Chelsey Smith, Environmental Health Specialist with the Arkansas Department of Health, has met with you to discuss complaints we received concerning your facility and reported non-compliance with the Governor's Directive on Resuming Restaurant Dine-in Operations.

The Directive was issued on May 11th, 2020 by the Secretary of Health and revised on June 15, 2020 as part of Phase II Reopening, in consultation with Governor Asa Hutchinson. This Directive was implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The following items were noted in complaints received by the Department. Violations were also observed by our staff during visits to the facility.

1. Staff not wearing masks.
2. Patrons not wearing masks when entering, exiting or moving about within the establishment.
3. Tables and other equipment not sanitized between customers

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

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Thank you for your anticipated cooperation with this important matter.

Sincerely,

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Richard S Murphree, RS
Environmental Manager-NW Region
Arkansas Department of Health

CC: File
Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Chelsey Smith, Benton County Environmental Health Specialist
Cary Gray, RS, NW Region Food Program Specialist



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11/25/2020

Sonic
9420 North Rodney Parham Road
Little Rock, AR 72227

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Face Coverings Directive

Dear Owner/Manager:

This letter is to inform you that since July 6, 2020, the Arkansas Department of Health has received four (4) complaints that your facility is in violation of the above referenced Directives, particularly regarding the lack of employees wearing face masks or not wearing them properly. In addition to July 6, complaints were received October 20, November 14 and again today, November 25. The complaint received on November 25 is yet another complaint of employees not wearing face masks but also states that workers are not wearing gloves which is a violation of the Rules Pertaining to Retail Food Establishments.

The complaint investigation conducted July 6 found employees in compliance regarding face coverings; a routine inspection and complaint investigation conducted October 22 noted the facility was in violation for bare hand contact but in compliance regarding face coverings; and the complaint investigation conducted November 17 found employees in compliance regarding face coverings with no violation for bare hand contact. During each visit the Environmental Health Specialist discussed the complaint received with the manager on duty as well as the importance of following the Directives in place.

It appears that face coverings are not being worn at all times as required, and that no bare hand contact is being adhered to at all times, or complaints of this nature would not continue to be filed with the Arkansas Department of Health.

It is the recommendation of this Agency that you meet with all of your employees to emphasize the importance of following the Directives and Rules Pertaining to Retail Food Establishments at all times, not just some of the time. It is the hope that by doing this there will be no reason for additional complaints to be filed.

The Directive on Resuming Restaurant Dine-In Operations became effective May 11th, 2020 with a Phase 2 Revision Effective June 15, 2020, and the Face Coverings Directive became effective July 20, 2020 by the Secretary of Health in consultation with Governor Asa

Hutchinson. These Directives were implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

Among other protective measures, all employees who come in contact with patrons must wear a face mask that completely covers their nose and mouth.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

Thank you for your anticipated cooperation with this important matter.

Sincerely,



Tamara Almand, R.S.
Environmental Health Specialist Manager
Central Public Health Region
5800 W 10th Street, Suite 907
Little Rock, AR 72204
501-280-4995
tamara.almand@arkansas.gov

Cc: File

Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Sherri Woodus, R.S., Retail Food Section Chief
Nathaniel Worrell, R.S., Environmental Health Specialist



Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72205-3867 • Telephone (501) 661-2000
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

October 5, 2020

Nyeta Hawthorne
8801 Doyle Spring's Road
Little Rock, AR 72209

RE: Illegal Food Service – Cease and Desist, Second Warning

Ms. Hawthorne:

On August 12, 2020 a letter was sent to you from the Arkansas Department of Health informing you that you were in violation of the Arkansas State Board of Health Rules Pertaining to Retail Food Establishments by selling food from an unapproved location/residence, 8801 Doyle Spring's Road, Little Rock, AR that did not meet the definition of a cottage food. You were instructed to immediately cease and desist the sale of potentially hazardous foods. A copy of this letter has been included for your reference.

The Arkansas Department of Health received another complaint October 1, 2020 that you are continuing to sell unapproved foods from 8801 Doyle Spring's Road, Little Rock, as well as another location, 5901 Dreher Lane, Little Rock. The sale of the foods is being advertised through your social media, Facebook. Again, foods being sold do not meet the definition of a cottage food. By continuing this practice, you remain in violation of the Arkansas State Board of Health Rules Pertaining to Retail Food Establishments.

You are once again notified to immediately cease and desist the preparation and sale of all potentially hazardous foods from your home, as well as any location that does not have a valid food permit issued by the Arkansas Department of Health.

Continued violation will result in this matter being referred to the Arkansas State Board of Health for legal action.

Sincerely,

A handwritten signature in blue ink that reads "Tamara Almand".

Tamara Almand, Manager
Environmental Health Specialist
5800 West 10th Street, Suite 907
Little Rock, AR 72115
501-280-4955
tamara.almand@arkansas.gov

cc: Terry Paul, Director, Environmental Health
Legal, Arkansas Department of Health



mailed 8-12-20
Arkansas Department of Health

4815 West Markham Street • Little Rock, Arkansas 72206-3867 • Telephone (501) 661-2000
Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

August 12, 2020

Nyeta Hawthorne
8801 Doyle Spring's Road
Little Rock, Arkansas 72209

RE: Illegal Food Service- Cease and Desist

Dear Ms. Hawthorne:

The food service operation at your residence was brought to the attention of the Arkansas Department of Health by a concerned citizen that saw your post on social media (Facebook). Further investigation by this Department found posts advertising the sale of potentially hazardous food such as tacos, burritos, homemade slushes, smoothies, sandwiches, taco bowls and nachos.

You are hereby notified to cease and desist the preparation and sale of all potentially hazardous foods from your home immediately. Your current circumstances are in violation of the Arkansas State Board of Health Rules Pertaining to Retail Food Establishments {ACA 20-7-101-130}. These rules state in part:

2-103.11 Person in charge

The person in charge shall ensure that:

- (A) Retail Food Establishment operations are not conducted in a private home or room used as living quarters as specified under subpart 6-202.111;

8-301.11 Prerequisite for Operation

A person may not operate a Retail Food Establishment without a valid permit to operate issued by this Regulatory Authority.

8-302.12 Form of Submission

A person desiring to operate a Retail Food Establishment shall submit to the Regulatory Authority a written application for a Permit on a form provided by the Regulatory Authority.

8-302.13 Qualifications and Responsibilities of Applicants

To qualify for a permit, an applicant shall*** (B) Comply with the requirements of this code ***

These rules may be accessed at www.healthyarkansas.gov

You are hereby notified to cease and desist the preparation and sale of all potentially hazardous food from your home immediately. The only foods that may be sold from your home are those that meet the requirement under the Cottage Food Guide. A copy of that guide is enclosed for your information.

If you are interested in preparing other foods that contain potentially hazardous products you must follow the plan review guidelines that are also enclosed for your information. These foods must be prepared in a licensed facility that is inspected and permitted by the Arkansas Department of Health.

If you have any further questions you may contact me at the information below or contact the Food Specialist for the Central Region, David Cornell. Mr. Cornell's contact is david.cornell@arkansas.gov or at 501-624-0466.

Sincerely,

**Tamara Almand, Manager
Environmental Health Specialist
Central Region Office
5800 West 10th Street, Suite 907
Little Rock, AR 72115
501-280-4955
tamara.almand@arkansas.gov**

Enc.



Arkansas Department of Health

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Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

10/23/2020

Jennifer Spann, Owner
Moo Moo's Café & Gathering Place
120 West Center Street
Sheridan, AR 72150

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Face Coverings Directive Notice of Violation

Dear Ms. Spann:

On June 30, 2020 a representative of the Arkansas Department of Health (ADH) conducted a COVID 19 Compliance Inspection at your facility, Moo Moo's Café & Gathering Place, 120 West Center Street, Sheridan, AR. At that it was noted that face masks were not being required of either the staff or patrons, and that staff was not being screened daily before entering the facility.

Since that time ADH has received complaints on August 31, 2020, September 8, 2020 and October 3, 2020 alleging you are not following the Directive on Resuming Restaurant Dine-In Operations or the Face Coverings Directive regarding the operation of your restaurant.

In response to these complaints, a representative of the Arkansas Department of Health visited your facility. During each visit it was identified you were not requiring staff or patrons to wear face masks. During all visits, education was provided as to the importance of following the Directives along with a copy of said Directives. In addition, the ADH representative has been told you do not intend to require your staff or patrons to follow the current Directives in place.

The Directive on Resuming Restaurant Dine-In Operations became effective May 11th, 2020 with a Phase 2 Revision Effective June 15, 2020, by the Secretary of Health in consultation with Governor Asa Hutchinson. The Face Coverings Directive became effective July 20, 2020 by the Secretary of Health in consultation with Governor Asa Hutchinson. These Directives were implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

This notice is to advise that your facility is in violation of the Face Coverings Directive, the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Tamara Almand, R.S.".

Tamara Almand, R.S.
Environmental Health Specialist Manager
Central Public Health Region
5800 W 10th Street, Suite 907
Little Rock, AR 72204
501-280-4995
tamara.almand@arkansas.gov

CC: File

Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Sherri Woodus, R.S., Retail Food Section Chief
Hunter McKenzie, Environmental Health Specialist



Arkansas Department of Health

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Governor Asa Hutchinson
José R. Romero, MD, Secretary of Health

12/1/2020

Brew Ya Ya
2800 S 2nd Street, Ste A
Cabot, AR 72023

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Face Coverings Directive

Dear Owner/Manager:

This letter is to inform you that since July 21, 2020, the Arkansas Department of Health has received three (3) complaints that your facility is in violation of the above referenced Directives, particularly regarding the lack of employees wearing face masks or not wearing them properly. In addition to July 21, complaints were received September 29, and November 25.

A routine COVID-19 Compliance Inspection conducted June 22, 2020 found the facility out of compliance regarding maintaining the required six (6) foot distance between occupied seats at adjacent tables; staff was not wearing a face mask; patrons were not being required to wear a face mask; and staff was not being screened daily for possible COVID 19 symptoms. The complaint investigation conducted July 22 found the facility in compliance, however, the complaint investigation conducted September 30 found once again staff out of compliance regarding face coverings. During each visit the Environmental Health Specialist discussed the complaint received with the manager on duty as well as the importance of following the Directives in place.

Based upon continued complaints, it appears that face coverings are not being worn at all times as required or complaints of this nature would not continue to be filed with the Arkansas Department of Health.

It is the recommendation of this Agency that you meet with all of your employees to emphasize the importance of following the Directives at all times, not just some of the time. It is the hope that by doing this there will be no reason for additional complaints to be filed.

The Directive on Resuming Restaurant Dine-In Operations became effective May 11th, 2020 with a Phase 2 Revision Effective June 15, 2020, and the Face Coverings Directive became effective July 20, 2020 by the Secretary of Health in consultation with Governor Asa Hutchinson. These Directives were implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

Among other protective measures, all employees who come in contact with patrons must wear a face mask that completely covers their nose and mouth.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

Upon acceptance of the PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

Thank you for your anticipated cooperation with this important matter.

Sincerely,



Tamara Almand, R.S.
Environmental Health Specialist Manager
Central Public Health Region
5800 W 10th Street, Suite 907
Little Rock, AR 72204
501-280-4995
tamara.almand@arkansas.gov

Cc: File

Reginald Rogers, Deputy General Counsel-Arkansas Department of Health
Terry Paul, R.S., Environmental Health Branch Chief
Sherri Woodus, R.S., Retail Food Section Chief
Chris McDaniel, R.S., Environmental Health Specialist



Arkansas Department of Health

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José R. Romero, MD, Secretary of Health

10/23/2020

Derek Henderson, Owner
Whippet Drive In
P.O. Box 126
Prattsville, AR 72129

RE: Directive on Resuming Restaurant Dine-In Operations-Notice of Violation
Face Coverings Directive

Dear Mr. Henderson:

On September 28, 2020, October 6, 2020, and October 16, 2020 the Arkansas Department of Health received complaints alleging you are not following the Directive on Resuming Restaurant Dine-In Operations or the Face Coverings Directive regarding the operation of your restaurant, The Whippet Drive In, 9011 Highway 270W, Prattsville, AR.

In response to these complaints, a representative of the Arkansas Department of Health conducted a COVID 19 Compliance Inspection October 6, 2020 and October 20, 2020 at your facility. During both visits it was identified you were not requiring staff or patrons to wear face masks and that staff was not being screened daily before entering the facility. During both visits you were provided education as to the importance of following the Directives along with a copy of said Directives. In addition, it was noted you have a sign at the entrance to your facility stating "Our employees and customers are not required to wear masks or face coverings. If this concerns you, please do not enter this building".

The Directive on Resuming Restaurant Dine-In Operations became effective May 11th, 2020 with a Phase 2 Revision Effective June 15, 2020, and the Face Coverings Directive became effective July 20, 2020 by the Secretary of Health in consultation with Governor Asa Hutchinson. These Directives were implemented to ensure COVID-19 remains controlled and that residents and visitors in Arkansas remain safe.

The Secretary of Health has sole authority over all instances of restriction on commerce as appropriate and necessary to control disease in the State of Arkansas as authorized by Ark. Code Ann. §20-7-109—110. Therefore, compliance with this directive is required immediately.

Additionally, the Rules Pertaining to Retail Food Establishments §8-304.11 (Responsibilities of the Permit Holder) states:

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(H) Comply with directives of the REGULATORY AUTHORITY including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER'S RETAIL FOOD ESTABLISHMENT or in response to community emergencies;

This notice is to advise that your facility is in violation of the Face Coverings Directive, the Directive on Resuming Restaurant Dine-In Operations and the Rules Pertaining to Retail Food Establishments. Failure to immediately correct the above captioned conditions will result in increased enforcement actions which can include suspension of your Retail Food Establishment Permit, as well as criminal and civil fines and penalties.

Thank you for your anticipated cooperation with this important matter.

Sincerely,



Tamara Almand, R.S.
Environmental Health Specialist Manager
Central Public Health Region
5800 W 10th Street, Suite 907
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