

# SMALL BUSINESS REGULATORY ADVISORY COMMISSION

## CITY OF ALBUQUERQUE



Chairman:  
Vice Chairman:  
Ex-Officio Commissioner:

Don Kaufman  
Anthony Trujillo  
John A. Garcia

Commissioners:

Alex Romero  
Beverly Chavez  
Larry Garcia  
Larry Rainosek  
Scott Throckmorton

### MINUTES from March 19, 2013

**ATTENDEES:**

Don Kaufman  
Anthony Trujillo  
Alex Romero  
Larry Rainosek

**ABSENT:**

Scott Throckmorton  
Larry Garcia  
Beverly Chavez

**STAFF:**

Cheryl Rein- Borunda  
Donna Griffin  
Ramona Zamir-Gonzalez

**GUESTS:** Gilbert Montano, Deputy Chief Administrative Officer  
Mary Lou Leonard, Director, Environmental Health Department  
Theresa Alling, Environmental Health Department  
Lorie Stoller, Environmental Health Department

Meeting called to order by Chairman Don Kaufman at 7:37 a.m.

- I. There were no additions or deletions to the Agenda. Chairman Kaufman thanked the Commission and staff for their attendance and participation in the presentation to City Council on March 4.
- II. February 19, 2013 Minutes reviewed and approved by the Commission.  
MOTION BY COMMISSIONER ROMERO  
SECOND BY COMMISSIONER TRUJILLO  
MOTION CARRIED UNANIMOUSLY
- III. Cheryl Rein-Borunda reiterated that the Commission voted at the prior meeting to retain the same meeting day, time, and location. The Commission voted to post the meeting notices on its City website: [<http://www.cabq.gov/albuquerque-small-business-regulatory-advisory-commission>].  
MOTION BY COMMISSIONER ROMERO  
SECOND BY COMMISSIONER TRUJILLO  
MOTION CARRIED UNANIMOUSLY
- IV. Chairman Kaufman gave a brief introduction about the role of the Commission. Cheryl Rein-Borunda provided a short recap of the projects related to prior legislation on which the Commission has worked over the past year. She expressed the desire of the Commission to better understand the current health code in terms of enforcement, along with any recent changes or updates.

**SBRAC Minutes**

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Mary Lou Leonard advised that Environmental Health Department updated its health code in 2010 after Mayor Berry took office. She explained that this happened in order to stay in line with the FDA, and EHD has since that time worked to educate the business community about the changes. More recently, however, the Department adopted a new form for inspections. She added that this has caused some confusion from businesses about what has changed, including a misguided assumption that there are new regulations.


Theresa Alling reviewed the new form and discussed how it differs from the form that was previously used. The three main differences are as follows: 1) 'Employee Health'- There is a supplemental form listing 'Reportable Illnesses' and symptoms. EHD is distributing it to restaurants to inform managers and employees that individuals are not to come to work if they are sick with one of the illnesses on the list; 2) 'Supervision'- The person in charge of the facility has to be present and knowledgeable about food safety; 3) 'Consumer Advisory' - If the establishment serves undercooked food, it must post a consumer advisory notice for the public.

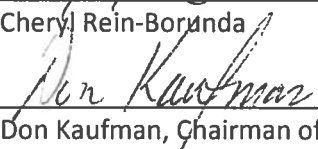
There was a lengthy discussion that followed. Some specific points addressed include: The NM Restaurant Association has been notified by EHD about the new form, and the information is referenced on their website and in other communication media. EHD provides free on-site training and classes to inform and answer questions. EHD works with establishments to correct violations as early as the following day. There are some terms on the inspection form that are discretionary. The Food Code reference numbers (on the inspection form) can be defined at [www.fda.gov](http://www.fda.gov). Restaurants are rated based on a pass/fail point system, and a RED/GREEN tag is then issued and required to be posted. There does not appear to be an evident or impartial appeal process for restaurant managers or employees who disagree with an inspector's scores. Point deductions cannot be corrected on-site to avoid a red tag.

Theresa Alling will follow up with Commissioner Rainosek and the Commission on questions and interpretation regarding the wiping cloth and glove regulations; she agreed to incorporate the inspection point system into her food safety classes (making the Inspection Form available), and to inform the training attendees about the appeal process.

Chairman Kaufman suggested that the Commission should continue its discussion about the Food Code enforcement and appeal process at the next meeting.

V. There being no further business to discuss, the meeting adjourned at 9:19 am.

Minutes submitted by:  Date 4-9-2013  
Cheryl Rein-Borunda

Minutes approved by:  Date 4-16-2013  
Don Kaufman, Chairman of the Board