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Champaign-Urbana Public Health District

BOARD OF HEALTH
Special Meeting – Administrative Hearing
April 16, 2025

On April 16, 2025, the Board of Health of the Champaign-Urbana Public Health District (CUPHD) held a Special Meeting and Administrative Hearing at 201 W. Kenyon Road, Champaign, IL. Ms. Danielle Chynoweth called the meeting to order at 5:07 p.m. Upon a roll call, the following board members were found to be present: Ms. Danielle Chynoweth, Chair, Ms. Jennifer Locke, Secretary, and Mr. Kyle Patterson.

Ms. Danielle Chynoweth reviewed the agenda and process for the meeting.

Public Participation – None.

Ms. Danielle Chynoweth called the special hearing with Mr. Alven Allison of Sooi Bros. to order at 5:10 p.m. This hearing falls under Resolution 2004-10-01. Upon a roll call, the following board members were found to be present: Ms. Danielle Chynoweth, Chair, Ms. Jennifer Locke, Secretary, and Mr. Kyle Patterson.

There were no attorneys present for either Mr. Allison or CUPHD.

Ms. Chynoweth presented the proposed rules for the hearing for all parties to have an opportunity to object. Each party will state if they are ready for the Board to hear their case and will have an opportunity to present an opening statement. There will be a call for witnesses and allowance for cross examination. Parties are limited to 15 minutes to present their case and witnesses unless the Board extends the time limit. Cross examination will not count against the 15-minute limit. If an appeal of the Health Authority's determination is granted, the permit revocation or suspension will be held invalid and the Board will state its findings in writing, noticing the basis on which it has granted the appeal. The same applies for denial. There were no objections regarding the rules by either party. Ms. Locke made a motion to adopt the rules for the administrative hearing. Mr. Patterson seconded the motion. Upon a roll call vote, the motion passed unanimously.

Mr. Allison and CUPHD both stated that they were ready to proceed with the hearing.

Ms. Jennifer Locke, Board of Health Secretary, swore in Mr. Alven Allison of Sooi Bros. Mr. Allison did not have an opening statement.

Immediately following, Ms. Locke swore in Ms. Sarah Michaels of CUPHD. Ms. Michaels provided an opening statement. In Illinois, local health departments derive their authority for overseeing food programs from state laws and regulations. The Illinois Department of Public Health plays a central role in setting the food safety standards in supporting local health

departments in their enforcement efforts. Local health departments are responsible for conducting inspections, monitoring food establishments, and insuring compliance with food safety regulations. This collaborative framework helps protect public health and reduce the risk of foodborne illness.

Local health departments in Illinois enforce the food safety regulations based on Illinois Food Code, which aligns with the FDA Food Code. This ensures uniformity across the state. Additionally, local health departments follow administrative rules set by the Illinois Department of Public Health, which provide guidance on enforcement procedures. The CUPHD Retail Food Program Ordinance provides for the issuance, suspension, revocation of permits, inspections, review of plans, bans the sale of unsound or mislabeled food, employee restrictions and enforcement.

The CUPHD Retail Food Program Enforcement Policy provides a retail food safety program policy to promote fair and objective guidance for administrative enforcement.

Ms. Michaels stated the Mr. Allison read and agreed to the requirements set forth in our food service plan review application. An annual health permit is issued on the condition that this establishment provides a walk-in cooler based on his menu and standard operating procedures. It was discovered that the walk-in cooler was taken out of operation during a routine inspection conducted on February 27th. The health permit was suspended until corrective action was completed. The owner removed the red placard that was issued and continued to operate without a valid permit.

Mr. Allison was then given 15 minutes to provide any documentation or call witnesses. Mr. Allison stated that he did sign the agreement which states that he would use a walk-in cooler (documentation was present at the hearing and documented as Sooie Bros. Exhibit 1). Under item number 12 of his plan review, he stated that he would use rapid cooling. Mr. Allison stated that the plan says to use chilling equipment if available "such as", not specifically only or set to. It says "such as" an ice wand or walk-in cooler. He stated that a walk-in cooler is not mandatory in the State of Illinois. He also stated that Sooie Bros. is a level 1 restaurant, the same as his newest restaurant in another county. The food served at Sooie Bros. is on an as-needed basis which is cooked and served without needing to chill the product. Mr. Allison's equipment is a Delfield 6000 XL that he states is classified as a freezer/refrigerator that can go from 33 degrees to negative two depending on fanning and is not designed to rapid chill; however, it chills within the guidelines. He was instructed to close instead of receiving 5-7 days to correct the issue.

Sooie Bros. documentation (items 1 and 2) was accepted by the Board and there were no objections by CUPHD.

CUPHD did not have questions for cross-examination of Mr. Allison. The Board followed up with several additional questions clarifying temperature data and the study conducted. Mr. Allison confirmed he changed the equipment and did not notify CUPHD as he felt it met the standards, and the FDA Food Code does not require a walk-in cooler.

Mr. Allison did not have any other witnesses and rested his case.

Ms. Sarah Michaels had a follow-up question for Mr. Allison asking him for an explanation on how the fanning of the reach-in cooler assists with cooling of the food products inside and what his procedures were. He stated that when you fan the temperatures drop. The picture has the equipment classified as a refrigerator/freezer. An additional discussion was briefly held defining fanning and cooling parameters.

CUPHD's first witness was Ms. Stefanie Johnson, Direct of Environmental Health at the McDonough County Health Department. She was sworn in by Ms. Locke. Ms. Johnson stated that she recently worked with Mr. Allison on a plan review for her jurisdiction. That particular menu consisted of chicken wings and barbecue, tenders, chicken sandwich, fried wings, chicken mac, crinkle cut fries, cheese sticks, mini corn on cob, coleslaw and beverages. It was a cook and serve menu and items would be prepared per order. They were classified as a risk one facility because of the extensive handling of raw chicken and meat so he did not require any rapid chilling equipment such as a walk-in for his facility.

Mr. Allison had the opportunity to cross-examine Ms. Johnson. Mr. Allison stated that Dat Wing Spot was randomly inspected, and all the food temperatures were good upon inspection. Ms. Johnson concurred with his statement. Mr. Allison asked if all of the food was in compliance and Ms. Johnson stated the only priority issue was with some foods not being labeled with discard dates in the prep cooler. This was corrected on-site.

There were no follow-up questions for Ms. Johnson by the Board of Health.

Ms. Rami Wilson was the next witness on behalf of CUPHD and was sworn in. Ms. Michaels asked her to share what had prepared her for her position as an Environmental Health Specialist. Ms. Wilson has a bachelor's degree in biological sciences, a master's degree in biological sciences with an emphasis in microbiology, and is a Licensed Environmental Health Practitioner, in Illinois, and a Registered Environmental Health Specialist/Registered Sanitarian. In addition, she has a laboratory background.

Ms. Wilson acknowledged she conducted the routine inspection at Sooi Bros. on February 27, 2025. A summary of the violations included improper chemical storage, a disposition violation (food previously cooked and not labeled after being pulled from the freezer), a hand washing sink that was not reaching 100 degrees (hot water was not present), lack of equipment (walk-in cooler was not operating or in use), lack of an irreversible registering thermometer, and no high temperature dish machine test strips. The inspection had five priorities/priority foundation violations. Mr. Allison reported to Ms. Wilson that his walk-in cooler was not working, and he had taken it out of service.

Mr. Allison cross-examined Ms. Wilson. He asked Ms. Wilson to describe the dish washing machine. She stated that, based on her experience, there were not combination high and low temperature machines. Ms. Wilson stated during her inspection the chlorine sanitizer was not registering and that the water was too hot for the chlorine to work properly. Mr. Allison asked about her experience with spec sheets and how many refrigerators and freezers were in Sooi Bros. Ms. Wilson stated that the facility was not using their walk-in cooler, which is an essential piece of equipment in order to run the business.

The Board of Health was then allowed to ask follow-up questions. Ms. Locke inquired about the refrigeration and what the standard is for when an essential piece of equipment breaks down. Ms. Wilson stated other refrigeration was working; however, the walk-in cooler that had been approved was not operational. The standard process for similar situations would be to modify the menu, if possible, but in this case that could not occur, which left closure as the only option. They were not given any updated plans for review. Ms. Wilson stated this situation has occurred with other restaurants which has resulted in the facility making the necessary repairs and they then reopened. The situation is generally resolved in a couple of days.

Ms. Wilson was asked about the temperature during the inspection and stated products were frozen, 33-34 degrees. The issue was that the equipment changed, and it was an essential piece of equipment. Ms. Chynoweth asked for clarification regarding the FDA Food Code and temperature reduction time frame. Ms. Wilson stated that it is 135 degrees to 70 degrees within two hours. Then from 70 degrees to 41 degrees within an additional four hours for a total of six hours if you hit the first marker. Ms. Chynoweth encouraged the Board to stay focused on the temperature controls as other items during the inspection were resolved and corrected on-site.

For record purposes, she also read the definition of an imminent health hazard. It includes, but is not limited to, fire, flood, extended interruption of electrical or water service, sewage back up, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may engender public health. Ms. Wilson stated the imminent health hazard that led to closure was circumstances that may engender public health. She did not receive plans or new equipment specification sheets for review to make sure equipment is appropriate.

Ms. Wilson stated the process to close an establishment first starts with contacting her supervisors to ensure everyone is in agreement. Once that has occurred then the red placard can be issued. She noted that the cooling process itself is a concern due to C-perfringens clostridium, which is an aggressive bacterium. In addition, the food at Soobie Bros. is cooked and cooled, not cooked and served. The meat was from February 11 and February 20, 2025.

Ms. Penny Murphy was the last witness to be called for CUPHD and was sworn in. Ms. Michaels asked Ms. Murphy to explain what guidelines are used in the building and construction of restaurants. She stated they have a construction guide that they've developed, which goes more in-depth than the food code in specifics. The FDA guide only allows for blast chillers as rapid cooling equipment. CUPHD's construction guide allows for both the blast chiller or walk-in cooler; however, the walk-in cooler requires a much more specific process. Cooling methods and components of the plan review construction guide are referenced in the FDA Food Code, Annex 3.

Ms. Murphy said that Mr. Allison did submit a plan review application for Soobie Bros. in February of 2023. Part of the plan review application states that prior to making future additions or modifications to the approved menu and/or equipment, CUPHD must be contacted for review and approval. Mr. Allison did not submit any modifications to CUPHD for approval. Based on the initial plan review, 75% of Soobie Bros. menu was to be cooked and cooled which did not allow for modification.

Ms. Murphy obtained confirmation from Delfield refrigeration that the equipment Mr. Allison is using at Soobie Bros. was not designed for rapid cooling.

Mr. Allsion did not cross-examine.

The Board of Health followed up with additional questions. Ms. Locke asked to confirm that the FDA only allows for blast chillers for rapid cooling. Ms. Murphy confirmed and stated that they allow walk-in coolers as opposed to reach-in coolers. Ms. Chynoweth asked Ms. Murphy to explain the difference between the Macomb and Champaign site where Macomb did not require the walk-in cooler but Champaign did. She explained they are classified as a Category 1 but a walk-in cooler isn't required because of that. It is required because of the cooling. Other reasons restaurants are considered a Category 1 are due to handling of raw product or serving a high-risk population such as at a nursing home or preschool. Everything is based off of the menu which determines the needed equipment. The Macomb facility is a Category 1 but did not require a walk-in cooler since that food is cooked and served.

Ms. Chynoweth asked for any additional information or comment regarding the imminent health hazard for the lack of a walk-in cooler. Ms. Murphy stated that not finding a temperature issue does not mean that foods were cooled properly. Much of their job is to be proactive and address potential issues. They must consider the necessary equipment to run the menu as approved and given to them. The FDA Food Code does not have specifics such as a walk-in being required which is why they use the FDA plan review guide. There is also an ordinance allowing authority to require things above and beyond as they deem necessary based on scientific evidence and professional judgement.

Mr. Allison began his rebuttal stating the information about the dishwasher is incorrect and his equipment does function as both (high and low temperature) and does not go above 101 degrees which does not damage the chlorine. He also has a three bay sink available for washing dishes. Mr. Allison said that the temperature of the refrigerator was not checked and there is no essential equipment. He states his equipment cools the product in an hour versus the required six hours.

Ms. Michaels gave the CUPHD rebuttal next. She stated that their department received no documentation that his cooling procedures work and the parameters Ms. Allison submitted for review did not reach 41 degrees. CUPHD was not allowed to do a follow-up and enter onto his property. Ms. Michaels did a challenge study for cooling with a reach-in cooler located at another barbecue facility and it did not meet requirements either. The equipment was the same brand as Sooie Bros.

Mr. Allison then cross-examined Ms. Michael's testimony. He requested the make and model of the equipment she tested as well as any documentation. She did not have documentation at the time but can obtain it. Her documentation was the cooling parameters with a recording thermometer set up. She took a temperature every five minutes to compare it to what Mr. Allison used. She stated the unit was a Delfield reach-in cooler.

Ms. Chynoweth asked several follow-up questions for clarification. Ms. Michaels confirmed they did not do a follow-up inspection because it would be considered trespassing. For the restaurant to reopen, Sooie Bros. needs to repair or correct the deficiencies. Any other changes or modifications that have been made to the facility and the menu need to be reviewed and approved prior to reopening. Protocols were followed for a restaurant closure.

CUPHD entered a packet of information for consideration by the Board. This information was also sent certified mail to Sooie Bros. Mr. Allison had no objections. Also entered was FDA Food Code 2022 Annex 3, public health reasons, administrative guidelines referencing cooling equipment. Ms. Chynoweth read Section 3-501.15 for the record: Large food items such as roasts, turkeys and large containers of rice or refried beans take longer to cool because of the mass in volume from which heat must be removed. By reducing the volume of the food in an individual container, the rate of cooling is dramatically increased, and opportunity for pathogen growth is minimized. If the food container is tightly covered, the rate of heat transfer is reduced. I.e., the time required for cooling and the time the food is exposed to optimal temperatures for bacterial multiplication or toxin production are increased. Alternatives to conventional methods include avoiding the need to cool larger masses by preparing smaller batches closer to periods of service, or chilling while stirring hot food in containers with an ice water bath. Commercial refrigeration equipment is designed to hold cold food temperatures, not cool large masses of food. Rapid chilling equipment is designed to cool the food to acceptable temperatures quickly by using very low temperatures and high rates of air circulation.

Mr. Allison had no objection to the Food Code Annex 3 being entered for Board consideration; however, he noted that the material states large masses (of food).

Both parties were given one to three minutes for closing statements. Mr. Allison stated that he did say it would be trespassing; however, he emailed the specs and said staff could come check them. He will not follow the rules because he doesn't feel they are for everyone. Ms. Michael stated that rules are not made up for an individual facility. They follow their protocol and have consistent and uniform rules and regulations for everyone.

With testimony concluded, Ms. Jennifer Locke made a motion to go into closed session consistent with OMA Section 4 for deliberations of a quasi-adjudicative body. Mr. Kyle Patterson seconded the motion. Upon a roll call vote, the motion carried unanimously. The Board of Health went into closed session at 7:16 p.m.

Ms. Danielle Chynoweth called the meeting back into open session at 8:21 p.m. Upon a roll call, the following Board members were found to be present: Ms. Danielle Chynoweth, Chair, Ms. Jennifer Locke, Secretary, and Mr. Kyle Patterson.

The Board of Health deliberated in closed session on the appeal by Sooie Bros. Barbeque Joint. Ms. Locke read the following statement:

This cause coming to be heard on April 16th, 2025, on the appeal of Alven Allison, owner/manager of Sooie Bros. Barbecue Joint, hereinafter Sooie Bros., the appellant Alven Allison, present personally and with his witnesses, and respondent, Champaign-Urbana Public Health District, hereinafter referred to as Health Authority present through its employees including Sarah Michaels, the Board of Health of the Champaign-Urbana Public Health District finds as follows:

One, the Health Authority filed a complaint against Sooie Bros. for violation of the retail food program, specifically 4.301.11, food temperature control adequate equipment, numbers and capacity, stating that the walk-in cooler was not operating in use. It was unclear how long the unit had been down. But the walk-in cooler is essential to the operation of the establishment. Temporary COS: The establishment was required to close, and therefore on February 27th, 2025,

CUPHD Board of Health Monthly Meeting – April 16, 2025

Page 7

closing Sooie Bros. due to lack of essential refrigeration, noting that the walk-in cooler must be fixed before the facility can reopen. A red placard was posted.

Sooie Bros., through their agent, Alven Allison, having made a written request to the Health Authority for a hearing to contest the conditions of the suspension or revocation of its food license.

Three, on March 18th, 2025, the Champaign-Urbana Public Health District held an administrative hearing conducted by the Public Health Administrator of the Champaign-Urbana Public Health District, who after hearing sworn testimony, provided a written response on March 19th, 2025, affirmed the Champaign-Urbana Public Health District's decision and determination that CUPHD's division of environmental health decision to suspend your food service license was justified and consistent with CUPHD guidelines, Champaign-Urbana Public Health ordinances, and state law and affirmed the same.

Four, a written request to the Health Authority for a hearing to contest the conditions of the suspension or revocation was made shortly thereafter, and the hearing was held on April 16th, 2025, where evidence and arguments were presented by both sides.

Five, for the following reasons the Health Authority finds that the appeal by Alven Allison of Sooie Bros. should be denied for the following reasons: Sooie Bros. Barbecue violated the approved food service plan signed February 2nd, 2023, by altering the cooked meat cooling method without seeking approval from CUPHD despite confirming knowledge of the plan review construction guidelines for approved cooling methods.

Next, witness testimony presented by CUPHD has established that Sooie Bros. failed to use the cooling method approved for their application creating an imminent health hazard pursuant to 2024-10-1-CUPHD Retail Food Program Enforcement Policy 3-1.

Next, Sooie Bros. Barbecue could be open had they fixed the walk-in cooler or submitted and received approval for an amended plan to CUPHD that adheres to established guidelines.

Next, instead, Sooie Bros. Barbecue elected to remove its red health inspection placard in violation of the 2018-11-03 ordinance establishing inspection notice placards for the Retail Food Program, Section E, and notes Section K, which states removal, quote, "will result in suspension of the permit".

Next, Sooie Bros. Barbecue has shown they have been unwilling to take corrective action, and according to 2024-10-1, CUPHD Retail Food Program Enforcement Policy 3.2C, the suspension of the permit is required. At this point the appeal is denied. Sooie Bros. Barbecue should remain closed.

Signed: Daniel Chynoweth, Jennifer Locke and Kyle Patterson, CUPHD Board.

The Special Meeting for the Administrative Hearing was adjourned at 8:29 p.m.

Ms. Jennifer Locke made a motion to go into closed session to discuss pending litigation affecting CUPHD pursuant to Section 2(C)(11) of the Open Meetings Act, Chapter 5, ILCS

CUPHD Board of Health Monthly Meeting – April 16, 2025

Page 8

120/2(C)(11). Mr. Kyle Patterson seconded the motion. Upon a roll call vote, the motion unanimously carried. The Board went into closed session at 8:30 p.m.

Ms. Danielle Chynoweth called the meeting back into open session at 8:34 p.m. Ms. Locke made a motion to approve the settlement agreement for payment to Carle Foundation Hospital. Mr. Kyle Patterson seconded the motion. Upon a roll call vote, the motion carried unanimously.

With no further business to be discussed, the meeting was adjourned at 8:35 p.m.

Chair

Secretary