

N.C. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH, ENVIRONMENTAL HEALTH SECTION  
**NOTICE OF IMMEDIATE PERMIT SUSPENSION OR REVOCATION**

NAME: BOJANGLES 855 ID: 3034012048

STREET: 3411 OLIVERS CROSSING DRIVE

CITY: WINSTON SALEM

DATE: 06/22/2022

STATE: NC ZIP CODE: 27127 COUNTY: 34 Forsyth

TIME: 11:10 AM



Dear Owner or Operator:

Your establishment has been inspected in accordance with the laws and rules governing:

<input checked="" type="checkbox"/> food and lodging establishments in North Carolina General Statutes 130A-247 through 130A-250 and related statutes and Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rule .2600 and related rules.	<input type="checkbox"/> public swimming pools in North Carolina General Statutes 130A-280 through 282 and related statutes and Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rule .2500 and related rules.	<input type="checkbox"/> tattooing in North Carolina General Statutes 130A-283 and related statutes and Title 15A, Subchapter 18A, of the North Carolina Administrative Code, Rule .3200 and related rules.
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As a result of an inspection, the Department has determined that the establishment is in violation of Title 15A, Subchapter 18A, of the North Carolina Administrative Code, due to the attached noncompliant items.

**VIOLATIONS NOTED - Please List**

In accordance with 15A NCAC 18A .2654 Equipment, Utensils, and Linens AND .2655 Water, Plumbing and Waste and NC Food Code 4-301.11 Cooling, Heating, and Holding Capacities AND 5-205.11 Using a Handwashing Sink.  
Food temperatures are not capable of being maintained as stated in chapter 3 of the NC food code due to make unit door being absent with ambient temperature of 79.3F, drawers under grill with ambient of 57.2F, and chicken sandwich unit with ambient of 77.5F. Food temperatures in make unit were up to 75F, and in drawers were up to 57F. Foods discarded by PIC. Handwashing sink is blocked from use by portable air conditioning unit and not accessible for employee use at all times as required in NC food code.  
Permit immediately suspended.

The Department has determined that the conditions found constitute an:

<input type="checkbox"/> <b>IMMINENT HAZARD</b> as defined in G.S. 130A-2(3) and that the imminent hazard requires emergency action in order to protect the public health.	<input type="checkbox"/> Failure of a public swimming pool to maintain minimum water quality or safety standards or design and construction standards pertaining to the abatement of suction hazards which result in an unsafe condition.
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This letter is to notify you that based upon the above findings, your permit or transitional permit is hereby

<input checked="" type="checkbox"/> <b>IMMEDIATELY SUSPENDED</b> in accordance with G.S. 130A-23(d). The permit suspension will not be lifted until the health department determines that all of the identified violations have been corrected. <b>YOU MUST CEASE OPERATIONS IMMEDIATELY AND CANNOT OPERATE YOUR ESTABLISHMENT WHILE YOUR PERMIT IS SUSPENDED.</b>	<input type="checkbox"/> <b>IMMEDIATELY REVOKED</b> in accordance with G.S. 130A-23(d) or G.S. 130A-248(b). Once your permit has been revoked, you must apply for a new permit and must meet all of the current requirements necessary to obtain a new permit. <b>YOU MUST CEASE OPERATIONS IMMEDIATELY AND CANNOT OPERATE YOUR ESTABLISHMENT UNLESS A NEW PERMIT IS OBTAINED.</b>
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Operation of your establishment without a permit or while the permit is suspended or revoked may lead to civil action to require you to cease operation, or criminal charges in accordance with G.S. 130A-25, or both.

You have a right to a formal appeal of this decision. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. To get a copy of a petition form, you may write the Office of Administrative Hearings or call the office at (919) 431-3000. The petition for a contested case hearing must be filed in accordance with the provisions of North Carolina General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B.

**PLEASE NOTE:** If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings **WITHIN 30 DAYS OF THE DATE OF THIS LETTER.** Meeting the 30-day deadline is critical to your right to a formal appeal. Do not wait for the outcome of any informal review or appeal if you wish to file a formal appeal. **FILING A FORMAL APPEAL DOES NOT AUTOMATICALLY STAY AN IMMEDIATE PERMIT SUSPENSION OR REVOCATION. UNLESS A STAY IS ISSUED, THE PERMIT**

<input checked="" type="checkbox"/> <b>REMAINS SUSPENDED UNTIL THE HEALTH DEPARTMENT DETERMINES THAT THE VIOLATIONS HAVE BEEN CORRECTED OR UNTIL THERE IS A FINAL DECISION IN THE CONTESTED CASE.</b>	<input type="checkbox"/> <b>IS REVOKED AND THE ESTABLISHMENT CANNOT BE OPERATED UNTIL A NEW PERMIT IS OBTAINED OR UNTIL THERE IS A FINAL DECISION IN THE CONTESTED CASE.</b>
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If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by Law (N.C. General Statute 150B-23) to serve a copy of your petition on the state agency that is a party to the action. The state agency party in this case is the North Carolina Department of Health and Human Services. Service must be made in accordance with Rule 4 of the North Carolina Rules of Civil Procedure and 26 NCAC 3.0102(a)(3). You must send the copy to: Office of General Counsel, N.C. Department of Health and Human Services, 2001 Mail Service Center, Raleigh, NC 27699-2001. Do NOT send the copy of your petition to your local health department. Sending a copy of your petition to the local health department will NOT satisfy the legal requirements in N.C. Gen. Stat. 150B-23 that you serve a copy on the state agency that is a party to this action.

You may also request an informal review of this decision in accordance with 15A NCAC 18A .2643. You may call or write the local health department if you need any additional information or assistance.

Signature of Environmental Health Specialist

Signature of Recipient

**Purpose:** General Statute 130A-23 gives the Secretary the power to suspend or revoke a permit issued pursuant to Chapter 130A, under certain conditions. This form is developed to be used for suspensions or revocations. **Preparation:** Local environmental health specialists shall complete form EHS 4009B whenever an "Immediate Suspension or Revocation" is issued. 1. Original to be left with responsible person 2. Copy for the local health department. 3. Copy for Environmental Health Section, Division of Public Health. Disposition: Please refer to Standard-8.B.6., Inspection Records, Records Retention and Disposition Schedule for County/District Health Departments which is published by the North Carolina Division of Archives and History. Additional forms may be ordered from: Div. of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1632 (Courier 52-01-00).

N.C. Department of Environment and Natural Resources

Division of Environmental Health

**NOTICE OF IMMEDIATE PERMIT SUSPENSION**

**COMMENT ADDENDUM**

Name: BOJANGLES 855

Time  
In 11:10 AM

ID: 3034012048

Time  
Out 12:25 PM

Street: 3411 OLIVERS CROSSING  
DRIVE

City: WINSTON SALEM

Total  
Time 1 hrs 15 min

In accordance with 15A NCAC 18A .2654 Equipment, Utensils, and Linens AND .2655 Water, Plumbing and Waste and NC Food Code 4-301.11 Cooling, Heating, and Holding Capacities AND 5-205.11 Using a Handwashing Sink.

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