



Protecting, Maintaining and Improving the Health of All Minnesotans

July 26, 2022

Administrator
Due North Living LLC
823 State Highway 371 Northwest
Backus, MN 56435

RE: Project Number SL30674015

Dear Administrator:

On June 14, 2022, the Minnesota Department of Health completed a follow-up evaluation of your facility to determine if orders from the April 12, 2022, evaluation were corrected. This follow-up evaluation verified that the facility is in substantial compliance.

It is your responsibility to share the information contained in this letter and the results of this visit with the President of your facility's Governing Body. You are encouraged to retain this document for your records.

Please feel free to call me with any questions.

Sincerely,

A handwritten signature in black ink that reads 'Jessica Sellner'.

Jessica Sellner, RN, Supervisor
Office of Health Facility Complaints
85 East Seventh Place, Suite 220
P.O. Box 64970
St. Paul, MN 55164-0970
Email: jessica.sellner@state.mn.us
Phone: 320-223-7370
Fax: 651-215-6894

HHH



Protecting, Maintaining and Improving the Health of All Minnesotans

Electronically Delivered

May 2, 2022

Administrator
Due North Living LLC
823 State Highway 371 Nw
Backus, MN 56435

RE: Project Number(s) SL30674015

Dear Administrator:

The Minnesota Department of Health completed an evaluation on April 12, 2022, for the purpose of evaluating and assessing compliance with state licensing statutes. At the time of the evaluation, the Minnesota Department of Health noted violations of the laws pursuant to Minnesota Statute, Chapter 144G, Minnesota Food Code, Minnesota Rules Chapter 4626, Minnesota Statute 626.5572 and/or Minnesota Statute Chapter 260E.

The enclosed State Form documents the state licensing orders. The Department of Health documents state licensing correction orders using federal software. Tag numbers are assigned to Minnesota state statutes for Assisted Living Facilities. The assigned tag number appears in the far left column entitled "ID Prefix Tag." The state statute number and the corresponding text of the state statute out of compliance are listed in the "Summary Statement of Deficiencies" column. This column also includes the findings that are in violation of the state statute after the statement, "This MN Requirement is not met as evidenced by . . ."

IMPOSITION OF FINES

In accordance with Minn. Stat. § 144G.31, Subd. 4, fines and enforcement actions may be imposed based on the level and scope of the violations and imposed immediately with no opportunity to correct the violation first as follows:

Level 1: no fines or enforcement.

Level 2: a fine of \$500 per violation, in addition to any enforcement mechanism authorized in § 144G.20 for widespread violations;

Level 3: a fine of \$3,000 per violation per incident, in addition to any enforcement mechanism authorized in § 144G.20.

Level 4: a fine of \$5,000 per incident, in addition to any enforcement mechanism authorized in § 144G.20.

In accordance with Minn. Stat. § 144G.20, Subd. 4 (a)(5), the Department of Health imposes fine amounts of either \$1,000 or \$5,000 to licensees who are found to be responsible for maltreatment. The Department of Health imposes a fine of \$1,000 for each substantiated maltreatment violation

that consists of abuse, neglect, or financial exploitation according to Minn. Stat. § 626.5572, Subds. 2, 9, 17. The Department of Health also may impose a fine of \$5,000 for each substantiated maltreatment violation consisting of sexual assault, death, or abuse resulting in serious injury.

In accordance with Minn. Stat. § 144G.31, Subd. 4 (a)(5)(b), when a fine is assessed against a facility for substantiated maltreatment, the commissioner shall not also impose an immediate fine under this chapter for the same circumstance.

Therefore, in accordance with Minn. Stat. §§ 144G.01 to 144G.9999, no immediate fines are assessed.

DOCUMENTATION OF ACTION TO COMPLY

Per Minn. Stat. § 144G.30, Subd. 5(c), the licensee must document any action taken to comply with the correction order by the correction order date. A copy of the provider's records documenting those actions may be requested for follow-up evaluations. The licensee is not required to submit a plan of correction for approval.

The correction order documentation should include the following:

- Identify how the area(s) of noncompliance was corrected related to the resident(s)/employee(s) identified in the correction order.
- Identify how the area(s) of noncompliance was corrected for all of the provider's resident(s)/employees that may be affected by the noncompliance.
- Identify what changes to your systems and practices were made to ensure compliance with the specific statute(s).

CORRECTION ORDER RECONSIDERATION PROCESS

In accordance with Minn. Stat. § 144G.32, Subd. 2, you may challenge the correction order issued, including the level and scope, and any fine assessed through the correction order reconsideration process. The request for reconsideration must be in writing and received by the Department of Health within 15 calendar days of the correction order receipt date.

A state licensing order under Minn. Stat. § 144G.91, Subd. 8, Free from Maltreatment is associated with a maltreatment determination by the Office of Health Facility Complaints. If maltreatment is substantiated, you will receive a separate letter with the reconsideration process under Minn. Stat. § 626.557. Please email general reconsideration requests to: **Health.HRD.Appeals@state.mn.us**.

Please address your cover letter for general reconsideration requests to:

Reconsideration Unit
Health Regulation Division
Minnesota Department of Health
P.O. Box 64970
85 East Seventh Place
St. Paul, MN 55164-0970

Free from Maltreatment reconsideration requests should be addressed to:

Reconsideration Unit
Health Regulation Division
Minnesota Department of Health
P.O. Box 64970
85 East Seventh Place
St. Paul, MN 55164-0970

Due North Living LLC

May 2, 2022

Page 3

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Sincerely,

A handwritten signature in black ink that reads "Jessica Sellner". The signature is written in a cursive style with a large, stylized 'J' and a long, sweeping underline.

Jessica Sellner, RN, Supervisor
Office of Health Facility Complaints
85 East Seventh Place, Suite 220
P.O. Box 64970
St. Paul, MN 55164-0970
Email: jessica.sellner@state.mn.us
Phone: 320-223-7370
Fax: 651-215-6894

HHH

Minnesota Department of Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 30674	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED 04/12/2022
NAME OF PROVIDER OR SUPPLIER DUE NORTH LIVING LLC		STREET ADDRESS, CITY, STATE, ZIP CODE 823 STATE HIGHWAY 371 NW BACKUS, MN 56435		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
0 000	Initial Comments Initial comments *****ATTENTION***** ASSISTED LIVING PROVIDER LICENSING CORRECTION ORDER(S) In accordance with Minnesota Statutes, section 144G.08 to 144G.95, these correction orders are issued pursuant to a survey. Determination of whether violations are corrected requires compliance with all requirements provided at the Statute number indicated below. When Minnesota Statute contains several items, failure to comply with any of the items will be considered lack of compliance. INITIAL COMMENTS: SL#30674015 On April 11, 2022, through April 12, 2022, the Minnesota Department of Health conducted a survey at the above provider, and the following correction orders are issued. At the time of the survey, there were 10 residents receiving services under the provider's Assisted Living Facility license. The following correction orders are issued for SL#30674015, tag identification 0115, 0480, 0680, and 0820.	0 000		
0 115 SS=F	144G.10 Subd. 2 Licensure categories (a) The categories in this subdivision are established for assisted living facility licensure. (1) The assisted living facility category is for assisted living facilities that only provide assisted living services.	0 115		

Minnesota Department of Health

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Minnesota Department of Health

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0 115	Continued From page 1 (2) The assisted living facility with dementia care category is for assisted living facilities that provide assisted living services and dementia care services. An assisted living facility with dementia care may also provide dementia care services in a secured dementia care unit. (b) An assisted living facility that has a secured dementia care unit must be licensed as an assisted living facility with dementia care. This MN Requirement is not met as evidenced by: Based on interview, observation, and record review, the licensee failed to obtain an assisted living facility with dementia care license. The facility was secured and the residents were not able to leave the building without staff assistance. This had the potential to affect all residents. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has the potential to affect a large portion or all of the residents). The findings include: On April 11, 2022, at 9:30 a.m., survey staff entered a locked residence with coded entrances and exits. Every exit in the home was secured with a code. During interview on April 11, 2022, at 10:20 a.m., the housing manager (HM)-C, stated the facility is locked at all times and none of the residents had the codes to exit the facility. The HM-C stated	0 115		

Minnesota Department of Health

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0 115	Continued From page 2 the facility had about "90% dementia" residents. On April 12, 2022, at 12:30 p.m., review of unlicensed personnel (ULP)-E's orientation records indicated the ULP-F was trained on using the key and alarm codes for the secured facility. No further information was provided. TIME PERIOD FOR CORRECTION: Two (2) days.	0 115		
0 480 SS=F	144G.41 Subd 1 (13) (i) (B) Minimum requirements (13) offer to provide or make available at least the following services to residents: (i) at least three nutritious meals daily with snacks available seven days per week, according to the recommended dietary allowances in the United States Department of Agriculture (USDA) guidelines, including seasonal fresh fruit and fresh vegetables. The following apply: (B) food must be prepared and served according to the Minnesota Food Code, Minnesota Rules, chapter 4626; and This MN Requirement is not met as evidenced by: Based on observation, interview and record review, the licensee failed to ensure food was prepared according to the Minnesota Food Code. This had the potential to affect all nine residents.	0 480		

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0 480	Continued From page 3 This practice resulted in a level two violation (a violation that did not harm a client's health or safety but had the potential to have harmed a client's health or safety, but was not likely to cause serious injury, impairment, or death), and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has potential to affect a large portion or all of the clients). The findings include: Please refer to the additional documentation included in the Food and Beverage Establishment Inspection Reports, dated April 11, 2022. TIME PERIOD FOR CORRECTION: Twenty-one (21) days	0 480		
0 680 SS=F	144G.42 Subd. 10 Disaster planning and emergency preparedness (a) The facility must meet the following requirements: (1) have a written emergency disaster plan that contains a plan for evacuation, addresses elements of sheltering in place, identifies temporary relocation sites, and details staff assignments in the event of a disaster or an emergency; (2) post an emergency disaster plan prominently; (3) provide building emergency exit diagrams to all residents; (4) post emergency exit diagrams on each floor; and (5) have a written policy and procedure regarding missing tenant residents.	0 680		

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0 680	Continued From page 4 (b) The facility must provide emergency and disaster training to all staff during the initial staff orientation and annually thereafter and must make emergency and disaster training annually available to all residents. Staff who have not received emergency and disaster training are allowed to work only when trained staff are also working on site. (c) The facility must meet any additional requirements adopted in rule. This MN Requirement is not met as evidenced by: Based on interview and record review, the licensee failed to develop a written emergency disaster plan with all the required content. This had the potential to affect all residents, staff and visitors. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at a widespread scope (when problems are pervasive or represent a systemic failure that has affected or has the potential to affect a large portion or all of the residents). The findings include: On April 11, 2022, at 10:30 a.m., survey staff requested the facility's emergency preparedness plan. The Emergency and Preparedness Management Plan and related emergency preparedness policies were not completed per requirements. On April 11, 2022, at 12:00 p.m., during a self-guided facility tour the surveyor observed no information posted regarding an emergency	0 680		

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0 680	Continued From page 5 preparedness plan throughout common areas of the facility. There were evacuation maps in the common areas. During interview on April 12, 2022, at approximately 10:40 a.m., RN-D stated the facility was working on the Emergency and Preparedness Management Plan, and it is a work in progress. On April 12, 2022, at 11:30 a.m., the surveyor reviewed updated policies and Emergency Preparedness Management Plan. After the second review of the plan, the Emergency and Preparedness Management Plan and related emergency preparedness policies remained incomplete and did not meet requirements. The plan only included general evacuation, cardiac arrest, severe weather, behavioral crisis, and fire. No specific plan for evacuation was outlined. The licensee's Emergency Preparedness Plan titled Appendix Z Compliance policy dated April 12, 2022, indicated the licensee would have in place an effective and compliant Emergency Preparedness Plan. The intent was for the plan to align with the Centers for Medicare and Medicaid Services State Operation Manual Appendix Z: "State Operations Manual Appendix Z - Emergency Preparedness for All Provides and Certified Supplier Types: Interpretive Guidance." The plan would be in writing and reviewed annually. No further information was provided. TIME PERIOD FOR CORRECTION: Twenty-one (21) days.	0 680		

Minnesota Department of Health

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0 820	Continued From page 6	0 820		
0 820 SS=D	144G.45 Subd. 2 (g) Fire protection and physical environment (g) Existing construction or elements, including assisted living facilities that were registered as housing with services establishments under chapter 144D prior to August 1, 2021, shall be permitted to continue in use provided such use does not constitute a distinct hazard to life. Any existing elements that an authority having jurisdiction deems a distinct hazard to life must be corrected. The facility must document in the facility's records any actions taken to comply with a correction order, and must submit to the commissioner for review and approval prior to correction. This MN Requirement is not met as evidenced by: Based on observation and interview, the licensee failed to ensure all facility physical elements, including, the minimum size egress windows on the second-floor resident room, do not create a distinct hazard to residents and staff. This affected resident rooms, #4 on the second floor. This practice resulted in a level two violation (a violation that did not harm a resident's health or safety but had the potential to have harmed a resident's health or safety) and was issued at an isolated scope (when one or a limited number of residents are affected or one or a limited number of staff are involved, or the situation has occurred only occasionally). The findings include: On April 12, 2022, between the hours of 12:35 PM and 1:15 PM, survey staff toured the home with (N)-B. At approximately 12:45 PM, survey	0 820		

Minnesota Department of Health

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0 820	Continued From page 7 staff measured the windows in bedroom #4 on the second floor and explained to (O)-A that the window in the bedroom did not meet the minimum size egress window opening required for safe egress. At least one window must meet the minimum window opening size of at least 20 inches in height, and 20 inches in width with a total of at least 648 square inches (4.5 square feet) for egress window openings in bedrooms of assisted living facilities. The window opening dimensions measured in bedroom #4 were 35 inches in height and 13 3/4 inches in width, a total of 481 square inches. The (O)-A stated that the windows were there when she bought the home. (O)-A verbally confirmed survey staff observations during the facility tour. (O)-A stated the resident in bedroom #4 was moved to a different room until the window is replaced with the required size egress window. TIME PERIOD FOR CORRECTION: Two (2) days	0 820		

Type: Full
Date: 04/11/22
Time: 12:00:00
Report: 4842221052

Food and Beverage Establishment Inspection Report

Page 1

Due North Living, LLC
823 State Highway 371 NW
Cass County, 11

Establishment Info:

ID #: 0037954
Risk:
Announced Inspection: No

License Categories:

Expires on: / /

Operator:

Phone #: 2189474445
ID #:

The violations listed in this report include any previously issued orders and deficiencies identified during this inspection. Compliance dates are shown for each item.

The following orders were issued during this inspection.

2-300 Personal Cleanliness

2-301.14B-G

**** Priority 1 ****

MN Rule 4626.0075B-G Food employees must wash their hands after: using the toilet; coughing or sneezing; using a handkerchief or disposable tissue; using tobacco; eating or drinking; handling soiled equipment or utensils; caring for or handling service animals or fish in an aquarium, molluscan shellfish or crustacea in a display tank; as frequently as necessary during food preparation to remove soil, contamination, and to prevent cross-contamination when changing food preparation tasks; when switching between working with raw food and working with RTE food; before donning gloves for working with food; and touching bare human body parts other than clean hands and clean exposed portions of arms.

HANDS WERE NOT WASHED AFTER HANDLING DIRTY DISHES AND THEN MOVING ONTO OTHER JOBS.

Comply By: 04/11/22

7-200 Toxic Supplies and Applications

7-201.11A

**** Priority 1 ****

MN Rule 4626.1600A Separate poisonous or toxic materials from food, equipment, utensils, linens, and single-service and single-use articles by spacing or partitioning.

THERE WERE TOXICS STORED ABOVE SINGLE SERVICE ITEMS IN THE GARAGE STORAGE AREA.

Comply By: 04/11/22

Food and Equipment Temperatures

Process/Item: Cold Holding

Temperature: 39-40 Degrees Fahrenheit - Location: ITEMS IN AMANA REFRIDGERATOR

Violation Issued: No

Type: Full
Date: 04/11/22
Time: 12:00:00
Report: 4842221052
Dignity And Grace

Food and Beverage Establishment Inspection Report

Page 2

Process/Item: Cold Holding

Temperature: 41-42 Degrees Fahrenheit - Location: ITES IN STAFF REFRIDGERATOR

Violation Issued: No

Total Orders	In This Report	Priority 1	Priority 2	Priority 3
		2	0	0

NOTE: Plans and specifications must be submitted for review and approval prior to new construction, remodeling or alterations.

I acknowledge receipt of the Minnesota Department of Health inspection report number 4842221052 of 04/11/22.

Certified Food Protection Manager: _____

Certification Number: _____ Expires: ____ / ____ / ____

Inspection report reviewed with person in charge and emailed.

Signed: _____

Establishment Representative

Signed:  _____

651-201-4500

health.foodlodging@state.mn.us