



Iowa Department of
INSPECTIONS & APPEALS

KIM REYNOLDS, GOVERNOR
DIRECTOR
ADAM GREGG, LT. GOVERNOR

LARRY JOHNSON, JR.,

January 3, 2024

Rick Shannon
Shannon's Sports Bar
521 E 22nd St.
Dubuque, IA 52001

Re: Waiver Request

Dear Mr. Shannon,

I am responding to the December 28th 2023 request for a waiver from FDA Food Code Section 5-203.13 *Service Sink (A) At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. (B) Toilets and urinals may not be used as a service sink for the disposal of mop water and similar liquid waste.*

Description of waiver request. Request to not install a mop sink due to age of building, difficulty of installing and that there is no kitchen.

Iowa Code Chapter 17A.9A requires the following be found to grant a waiver.

- The application of the rule would pose an undue hardship on the person for whom the waiver is requested.
- The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.
- The provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of law.
- Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

Your request has been reviewed in accordance with Iowa Code chapter 17A.9A. After careful consideration, your waiver request is **Denied** for the following reasons:

1. The petition failed to provide clear and convincing evidence that the application of the rule poses an undue hardship. In the application you state *that suggested locations would be a possible danger to employees*. All food establishments must be designed and constructed to meet FDA Food Code requirements.
2. The petition failed to demonstrate an alternative means to protecting the public health,

safety and welfare. In your petition, you state that the facility has *no kitchen and that the only thing we use our mop bucket for is our floor, no grease only pine sol and water*. This statement failed to provide clear and convincing evidence that equal protection to public health will be provided if you are allowed to operate without a service sink. Your request must state specifically how you will keep the floors clean without a service sink.

You may resubmit a new waiver application and provide additional information for the Department to consider. Under the Department's Administrative Rule 481 IAC 6.16, you also have the right to appeal this decision. To request a formal appeal, you must do so in writing within thirty (30) days of the date of this letter.

If you have any questions, feel free to contact Brian Church Contract Administrator for Food and Consumer Safety at 515-281-5796 or brian.church@dia.iowa.gov.

Sincerely,

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

Larry Johnson, Jr.
Director