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RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 07/05/2016
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FILE NO OPA-PA: 16-006

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of

BASIL FOOD INDUSTRIAL SERVICES
CORPORATION,

Appellant.

Docket No. OPA-PA-16-006

COMMENTS TO AGENCY REPORT

I. Introduction

GSA's Agency Report manufactures a new rule, which is that after a vendor cures one contract default, it has no further opportunity to cure future defaults. This is not found anywhere in the Guam Procurement Law or Regulations, and should not be affirmed or condoned by the OPA. Moreover, the OPA should pay close attention to the practical effect of allowing the contract termination, as the Government has chosen to utilize an emergency procurement process that exponentially increases the rates for the daily meals served to the elderly. Finally, if the OPA is inclined to adopt the one-cure rule, Appellant Basil Food Industrial Services Corporation's prior default should be excused, as the record demonstrates that the Government unfairly targeted and singled out Basil, while offering breaks to

all other vendors including the current supplier of emergency elderly nutrition program ("ENP") services, SH Enterprises.

II. Guam Law Mandates a Cure Period

The primary issue before the OPA is a legal one: whether Guam's procurement regulations required GSA to reinstate Basil once it cured a default under the contracts. On this issue, here are the undisputed facts:

a. The contracts at issue are GSA Bid No. 10-14 and 11-14, which provide daily food services to the elderly, both for the senior citizens centers (also known as "Congregate Meals Component"), and for home delivery.

b. The contracts recognize that the performance of this procurement contract is governed by Guam's Procurement Regulations, including the provisions governing the termination of a contract. *See Agency Rep.*,¹ tab 8, at 30 ("This solicitation is issued subject to all the provisions of the Guam Procurement Act (5 GCA Chapter 5) and the Guam Procurement Regulations").

c. Basil, formerly known as Li Qun Corporation, was the lowest bidder and was awarded the contract in July 2014, and began providing service in September 2014. *Agency Rep.*, tab 12.

d. In the summer of 2015, after a sanitary inspection, Basil received a D rating and was shut down because it lacked a Hazard Analysis Critical Control Point (HACCP) Plan. GSA considered this a contract default, and allowed Basil ten days to cure, which it successfully did. *Agency Rep.*, tab 20 (July 28, 2015 Memorandum

¹ Basil references the Agency Reports filed under both GSA Bid No. 10-14 and 11-14.

(found at last page of tab)).

e. On May 31, 2016, Basil received a D rating after an inspection. Basil was informed that its contract was terminated. Agency Rep., tab 20 (June 1, 2016 Memorandum (second to last page of tab)).

f. Basil restored its rating to an A within two days, however, the Government did not allow Basil an opportunity to cure the default or to reinstate the contract. Agency Rep., tab 2.

Basil's primary argument concerns GSA's failure to abide by 2 GAR Div. 4 § 6101(8), which outlines the procedure the Government has adopted for contract terminations. Section 6101(8) states that a government contract may be terminated if a default has not been cured within ten days.

GSA's Agency Report offers no discussion on the applicability of that provision to its improper termination of Basil's contract. GSA also does not point to any other statute or regulation which allows GSA to skirt the regulatory procedure which allows a vendor to cure. GSA is in essence illegally ignoring Guam's Procurement Regulations.

GSA instead points to a provision in the contract (§ 12.9) which it alleges allows it to terminate without reference to any governing regulation. When interpreting a procurement contract, the OPA must determine the intent of the contracting parties and the express language of the contract controls. 18 GCA § 87105. When Basil entered into the contract it understood that the contract could be terminated if it was given a "C" rating from DPHSS. However, Basil also relied on the portion of the contract which incorporates Guam's Procurement Regulations,

including section 6101(8) offering an opportunity to cure. When the Government closed Basil's facility, Basil worked expeditiously to cure and accomplished that goal within two days. Once it timely cured the default, Basil had both a legal and a contractual right to be fully reinstated as the contract provider for the ENP services.

If GSA is allowed to terminate without offering an opportunity to cure, such action amounts to a unilateral modification of the contract. GSA cannot now modify the contract by ignoring section 6101(8)'s allowance of an opportunity to cure.

The OPA must enforce the regulations and the contract as written and as understood by the parties.

III. Rather that Reinstating a Competitively Bid Contract, the Government Is Paying More than It Needs To In An Emergency Procurement

The Government's choice to ignore section 6101(8) plunges the Government into paying more for emergency services. As GSA concedes, it issued an emergency procurement to replace the services that Basil had been providing under the ENP program. Agency Rep., tab 1. It is important for the OPA to know how much more the Government is paying the emergency procurement vendor. Under the contract with Basil, the Government paid \$5.07/meal for homebound meals and \$3.27/meal for congregate meals. See Agency Rep., tabs 9, 16. For meals provided by the emergency procurement vendor, the Government is paying almost double for homebound meals at \$9.95/meal, and more than double at \$8.95 for congregate meals. Ex. 1.

That means if there are 1200² congregate meals served per day, the

² The number of meals is stated in the Agency Rep., tab 16.

Government is paying \$10,740 per day to the emergency vendor, whereas it could have been paying Basil \$3,924 per day. On a monthly basis, this is a difference between \$86,328 under the Basil contract and \$236,280 under the emergency procurement. For the roughly 780 home delivered meals, the Government is paying \$7,761/day, rather than \$3,954/day. On a monthly basis, this is a difference between \$86,988 under the Basil contract and \$170,742 under the emergency procurement.³

With the Government's current deficit and fiscal crisis, it is paying exponentially more than what was lawfully procured and awarded to Basil. This is likely why the Government encourages opportunities to cure rather than instant terminations which only lead emergency procurements. In a properly conducted government solicitation, the government has sought out competitive bids, and awarded the bid to Basil, the lowest bidder. The Government should be working to retain the favorable pricing once any default activity has been cured, and not rush to pay two to three times more to a sole source vendor.⁴

IV. Basil's Prior Default Should Not Be Considered

As Guam's Procurement Regulations state, as long as Basil has cured its default, which Basil did within two days, the Government must restore the contract. The Regulations do not limit opportunities to cure to one time only, which is the position that GSA takes in its Agency Report. However, if the OPA intends to

³ The OPA should also be aware that GSA sought a quotation from only one vendor for these emergency ENP services, essentially making it a **sole source procurement**. This issue is also now before the OPA in OPA-PA-16-008.

⁴ Basil urges the OPA to examine whether there is actually funding to support the Government's emergency procurement.

consider the history leading up to the termination, and adopt GSA's position that Basil gets only one opportunity to cure, the chronology demonstrates that Basil has been unfairly targeted and treated by DPHSS, the agency conducting sanitary inspections, and that Basil's prior default should be excused.

The prior default concerned Basil's failure to submit a HACCP Plan by July 20, 2015. The paper trail demonstrates that DPHSS was singling out Basil. In 2013, the Legislature adopted a new Guam Food Code, which contained a new requirement that vendors submit a certified HACCP Plan if they serviced "highly susceptible populations," which includes the elderly, elementary school children and persons at hospitals.

In the late spring of 2015, DPHSS began contacting vendors who provide meal services to susceptible populations. DPHSS focused on Basil's compliance while extending other vendors' compliance with providing a HACCP Plan. In late May 2015, DPH employees discussed internally requiring Basil to complete its HACCP Plan. Ex. 2. As the correspondence reflects, Basil communicated to DPH that it was having difficulty finding a qualified person to prepare Basil's HACCP Plan. DPH was refusing to provide any names of persons who could prepare a HACCP Plan, so Basil had to seek off-island professionals. While DPHSS would not divulge persons qualified to assist Basil, on June 11, 2015, DPH released to GMH and the federal school provider, who also needed to submit a HACCP Plan, a list of HACCP certifiers available on island. Ex. 3. However, by June 11, 2015, DPH became aware that none of the persons on their list was available to certify HACCP Plans. Ex. 4. Nonetheless, they continued to insist that Basil submit a plan. DPHSS set a deadline

of June 3 for Basil to submit the plan, and was insistent on Basil's compliance.

Not knowing any on-island HACCP Plan certifiers, Basil was forced to secure an off-island HACCP professional. Basil had difficulty completing its plan while using an off-island provider. By late June 2015, DPH appeared prepared to revoke Basil's Sanitary Permit because of the lack of a HACCP Plan. Ex. 5. Working with its off-island certifier, Basil submitted a plan on June 24, 2015. Basil was notified that its plan was not complete, and even though Basil asked for more time to work on the issue, on July 8, 2015, Basil was given a D rating and forced to shut down. See Agency Rep., tab 20 (July 28, 2015 Memorandum (found at last page of tab)).

GSA issued an emergency procurement for the ENP services, and awarded to SH Enterprises. Ex. 16. **SH did not have a HACCP Plan and does not have one to date.** Exs. 15, 17. In essence, the Government penalized Basil for not having a HACCP Plan, and then turned around and issued an award to SH who also did not have a HACCP Plan. Even further, as discussed below, SH was inspected in July 2015 and received a "D" rating, but was still allowed to operate. In further demonstration of the Government's bad faith, SH had prior knowledge that Basil was going to be shut down, and started contacting its former employees at Basil.⁵ Ex. 12.

On July 20, 2015, DPHSS served Basil with a Notice of Violation with Intent to Revoke Basil's Sanitary Permit. Ex. 7. DPHSS cited Basil's failure to have a HACCP Plan as the reason to revoke the permit. Once Basil submitted a HACCP Plan that

⁵ This happened again when Basil was shut down in 2016. SH contacted its former employee, now employed with Basil, attempting to recruit her. See Ex. 6 (Decl. of B.De La Cruz). Before Basil's inspection was even completed, SH knew that Basil was going to be shut down, that an emergency procurement was going to be issued, and proceeded to order chicken and dinner rolls. Ex. 6.

DPHSS approved, it was reissued a sanitary permit, given an "A" rating, and its default was considered cured. DPHSS also clarified that the reason Basil's sanitary permit was suspended was "the repeated violation of not possessing a certified HACCP Plan. . . . According to Title 10 GCA Section 21109(b), the suspension of your permit will continue as long as the violation (lack of a certified HACCP Plan) goes uncorrected." Ex. 8.

The Government's treatment of Basil must be viewed in the context of how it treated all other vendors providing food to susceptible populations. In brief, just like SH, all other vendors continued to get breaks in submitting their HACCP Plans. By July 20, 2015, when DPHSS shut Basil down for the failure to have a HACCP Plan in place, the following did **not** have HACCP Plans and were allowed to continue operating: St. Paul School & I Learn Academy (submitted on February 9, 2016); GFS Group for Guam Regional Medical City (submitted on December 4, 2015); Mt. Carmel School (submitted on November 9, 2015); Harvest Christian Academy (submitted on October 30, 2015); Guam Memorial Hospital Authority (submitted on October 1, 2015); Santa Barbara School (submitted on August 10, 2015); Guam Department of Education (submitted on August 14, 2015); Dominican Catholic School (submitted on August 6, 2015); St. Anthony School (submitted on August 4, 2015); St. Michael Food Services for Bishop Baumgartner Catholic School (submitted on August 3, 2015); St. Francis Catholic School (submitted on August 19, 2015); and Mercy Heights Catholic Nursery & Kindergarten School (submitted on August 24, 2015). Ex. 9. In other words, the Government chose to selectively enforce the HACCP requirement on only one vendor: Basil.

The Government was also telling other vendors of highly susceptible populations, such as DOE, that inspections will be deferred until Plans were submitted. Ex. 10. DPHSS communicated this a month after it shut Basil down. DPHSS had inspected GFS Group which provided food services to GRMC. Despite the lack of a HACCP Plan, GFS Group received a B rating, not a "D" like Basil. Ex. 11.

The vendor that the Government has selected twice to supply services to the manâmkô' under the ENP Program has been told numerous times to submit a HACCP Plan, but never has. On July 13, 2015, DPH informed SH Enterprises of the need to have a HACCP Plan, meaning that the emergency procurement vendor for the ENP did not have a HACCP Plan and **was not shut down**. Ex. 13. In fact, SH was inspected on the next day, its lack of HACCP Plan was noted, but SH was not given any rating, which allowed SH to continue to provide food to the elderly per the emergency procurement. Ex. 14. **SH's true rating was a D**, as indicated on the report, but SH was allowed to continue to provide food to the island's elderly. DPHSS has put its clients' health at risk, for unknown reasons. As recently as June 3, 2016, SH continued to provide food to a highly susceptible population without the mandated HACCP Plan. Ex. 15.

Moving forward to the present issue, on May 31, 2016, DPH inspected Basil, issued it a "D" rating, and shut down Basil's operations out of its Anigua facility. Once again, DPH issued an emergency procurement and awarded to SH. After receiving a complaint about SH delivering meals on the back of open trucks containing trash, DPHSS inspected SH and just as it did previously, issued no rating. Ex. 15. Once again, the Government has shut down a vendor with a HACCP Plan and knowingly

issued an award to a vendor without one while turning a blind eye to health violations.

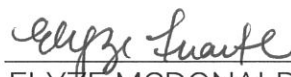
The important take-away from this history is that for some unknown reason, the Government has singled out Basil. No other vendor was closed down due to the lack of a HACCP Plan, but many more were allowed to continue operations—for many months after--without such a plan. There is no explanation for continuing to allow a vendor **without** a HACCP Plan to service the manâmkô', but the Government continues to do so. Basil should have never been closed down and purposefully made to default on its contract back in July 2015. If the OPA chooses to give any credence to the new "one-cure" rule, the events of July 2015, should not be counted against Basil.

V. Conclusion

Basil asks that the OPA enforce section 6101(8) as written and as incorporated into the ENP Program contract. Basil alternatively asks that the OPA disregard the prior default, which was unfairly applied to only Basil.

DATED: Hagåtña, GU, 5 July, 2016.

IRIARTE CAMACHO CALVO LAW
GROUP LLC



ELYSE MCDONALD IRIARTE

Attorneys for Appellant
BASIL FOOD INDUSTRIAL SERVICES
CORPORATION

Exhibit 1

All correspondences for this RFQ must reference the Requisition Number. Please send any correspondences to gsaprocurement@gsadod.gusm.gov

PLEASE RESPOND
 BACK WITH QUOTE OR
 NO QUOTE
 SI YU' US MA' ASE

REQUEST FOR QUOTATION

BUYER : Paulino, Joann AC - GSA
 TELEPHONE: 300-9195 FAX NO.: 475-1727

Please respond as soon possible| Requisition Number: Q161730066 | Date:
 but no later than: ~~6/29/2016~~ *5-31-16* RFQ #: RFQ16002366 | 5/31/2016

VENDOR: CALIFORNIA MART | PLEASE FURNISH PRICE QUOTE, DELIVERY TIME
 S0097959 S.H. ENTERPRISES, INC. | AND TERMS BASED ON P.O.B. DESTINATION FOR
 P.O. BOX 9730 | THE ITEMS LISTED BELOW. PLEASE RESPOND BY
 TAMUONG, GU 96931 | THE ABOVE DATE.
 Phone (671) 649-0521 Fax (671) 649-2957

Quoted by Print/Signature: | Quote Date: | Phone Number:
Hui Sook Min | *5-31-16* | *649-0521*

** Delivery Date Required: | The party making the foregoing bid is genuine and that
immediate | said bidder agrees, that they are fully aware and is in
 ** Delivery Date Offered: | compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802
immediately | Wage Determination, and that the attached is the most
 Terms: | recent issued by U.S. D.O.L. for the positions required
Net 30 | to implement the required service as per the following
 Prices good for: *90* Days | specification.
 Therefore, under penalty of perjury, I certify that the
 facts stated above are true.
 Signature *Hui Sook Min* Date: *5-31-16*

1. Offering Recycle Products () YES () NO
 2. Offering Biodegradable Products () YES () NO
 Please separate your offer of recyclable and/or biodegradable products from regular products.

THIS IS NOT AN ORDER

ITEM	DESCRIPTION - OR EQUAL	QTY	UOM	UNIT PRICE	TOTAL PRICE	AVAILABILITY
1	<i>CI - Congregate meals</i> PROVISION OF NUTRITION SERVICES FOR THE COMPREHENSIVE MANAGEMENT, OPERATIONS AND MAINTENANCE OF THE ELDERLY NUTRITION PROGRAM, HOME-DELIVERED MEALS COMPONENT FOR MEALS SERVICES PROVIDED MONDAY THROUGH FRIDAY. PROGRAM SPECIFICATIONS ARE ATTACHED.					
		<i>180</i>	<i>ca</i>	<i>8.22</i>	<i>1480</i>	<i>900</i>

30 days.

All correspondences for this RFQ must reference the Requisition Number. Please send any correspondences to gsaprocmnt@gsados.guam.gov

PLEASE RESPOND
 BACK WITH QUOTE OR
 NO QUOTE
 SIYU'US MA'ASE

REQUEST FOR QUOTATION

BUYER : Paulino, Joann AC - GSA
 TELEPHONE: 300-9195 FAX NO.: 475-1727

Please respond as soon possible | Requisition Number: Q161730066 | Date:
 but no later than: 6/09/2016 | RFQ #: RFQ16002366 | 5/31/2016

VENDOR: CALIFORNIA MART | PLEASE FURNISH PRICE QUOTE, DELIVERY TIME
 S0097959 S.H. ENTERPRISES, INC. | AND TERMS BASED ON F.O.B. DESTINATION FOR
 P.O. BOX 9730 | THE ITEMS LISTED BELOW. PLEASE RESPOND BY
 TAMPONING, GU 96931 | THE ABOVE DATE.
 Phone (671) 649-0521 Fax (671) 649-2957

Quoted by Print/Signature: | Quote Date: | Phone Number:
 Hu: *sook mjm* | 5-31-16 | 649-0521

** Delivery Date Required: | The party making the foregoing bid is genuine and that
 ** Delivery Date Offered: | said bidder agrees, that they are fully aware and is in
immediate | compliance with Title 5 G.C.A. Chapter 5 - 5301 and 5802
 Terms: | Wage Determination, and that the attached is the most
Not 30 | recent issued by U.S. D.O.L. for the positions required
 Prices good for: *90* Days | to implement the required service as per the following
 specification.
 Therefore, under penalty of perjury, I certify that the
 facts stated above are true.
 Signature *[Signature]* Date: *5-31-16*

1. Offering Recycle Products () YES () NO
 2. Offering Biodegradable Products () YES () NO
 Please separate your offer of recyclable and/or biodegradable products
 from regular products.

THIS IS NOT AN ORDER

ITEM	DESCRIPTION - OR EQUAL	QTY	UNIT	PRICE	TOTAL PRICE	AVAILABILITY
	<i>C2 - Home Delivered Meals</i>					
	*SERVICES WILL BE ACQUIRED THROUGH THE PROVISIONS OF 5GCA SUBSECTION 5150 (EMERGENCY PROCUREMENT).					
	PRICE TO REMAIN THE SAME FOR A PERIOD OF (90) DAYS					
	PERIOD TO COVER: JUNE 2016					
		<i>1180 ea</i>		<i>9.95</i>	<i>352270</i>	

30 days.

Exhibit 2

Jeanette Gomez

From: Jeanette Gomez
Sent: Friday, May 29, 2015 8:28 AM
To: Charlene D. San Nicolas; Arthur U. San Agustin
Subject: RE: Phone contact Wednesday, May 27, 2015 RE: ENP Status- DEH Rules and Regs.- CONFIDENTIAL

Charlene,

This morning I spoke with Program Manager Betty Dela Cruz regarding efforts to secure a HACCP certification. As per Betty, she was made contact yesterday (May 27th) with Maryann Morton of the SGS company. According to Betty, the person in charge of the HACCP and Training from SGS will call her sometime this morning (May 29th). Betty will call me as soon as she gets in contact with this person.

Regards,
Jeanette

From: Charlene D. San Nicolas
Sent: Thursday, May 28, 2015 10:27 AM
To: Arthur U. San Agustin
Cc: Jeanette Gomez
Subject: RE: Phone contact Wednesday, May 27, 2015 RE: ENP Status- DEH Rules and Regs.- CONFIDENTIAL
Importance: High

Art,

This morning Jette and I were in conference call with ENP President Michael Zhou who informed us that ENP Betty is working on the HACCP.

We then contacted Betty who informed us that she is working on submitting the HACCP by June 3rd. We had inquired which company they are working with and she told us she will be looking off-island as no one on Guam. We had asked if they wanted to meet with DSC and her response was "why meet ,they need to complete the HACCP Plan".

From: Charlene D. San Nicolas
Sent: Wednesday, May 27, 2015 11:39 AM
To: Arthur U. San Agustin
Cc: Jeanette Gomez
Subject: RE: Phone contact Wednesday, May 27, 2015 RE: ENP Status- DEH Rules and Regs.- CONFIDENTIAL

Art,

Jette and I were in conference call with ENP Basil Food President Michael Zhou and reminded him of the June 3 deadline for HACCP. President Zhou to check with PM Betty and we informed him that PM Betty did not have any update for us. We did inform Michael that we can meet with ENP today. Michael responded he will call us later today- there is no meeting time set at this time.

From: Charlene D. San Nicolas
Sent: Wednesday, May 27, 2015 10:41 AM
To: Arthur U. San Agustin
Cc: Jeanette Gomez

Subject: FW: Phone contact Wednesday, May 27, 2015 RE: ENP Status- DEH Rules and Regs.- CONFIDENTIAL
Importance: High

Art- Per communication with PC Gomez ENP Basil is aware of June3 HACCP Plan due and no plan as of this time.

From: Jeanette Gomez
Sent: Wednesday, May 27, 2015 10:07 AM
To: Charlene D. San Nicolas
Subject: Phone contact Wednesday, May 27, 2015 RE: ENP Status- DEH Rules and Regs.- CONFIDENTIAL
Importance: High

Charlene,

As requested, about 9:29 a.m. this morning, I spoke with Program Manager Betty Dela Cruz who replied that she has contacted local vendors but their response is that they do not provide HACCP Certification or know of anyone on island who can provide this. Betty mentioned that she has reached out to Guam Community College but was told that they do not provide HACCP certification.

As per PM Betty Dela Cruz, Basil Food management is aware of the DEH deadline for the HACCP Plan by June 3, 2015.

Regards,
Jeanette

From: Charlene D. San Nicolas
Sent: Wednesday, May 27, 2015 9:35 AM
To: Jeanette Gomez
Subject: RE: ENP Status- DEH Rules and Regs.- CONFIDENTIAL
Importance: High

Jette- Need an update on the information requested so that I can report to Art.

From: Charlene D. San Nicolas
Sent: Tuesday, May 26, 2015 5:39 PM
To: Jeanette Gomez
Subject: FW: ENP Status- DEH Rules and Regs.- CONFIDENTIAL
Importance: High

Jette,

We need to provide an update on the status of Basil compliance with DEH rules and regs- if you have not heard from Basil, may I suggest you follow-up first thing in the morning before our BPAD meeting.

Additionally, the projection for EP meal rate will be \$5.50 for C1 and \$7.25 for C2 as guidance received today from SCA; therefore the projection will be for June through September 30th.

From: Charlene D. San Nicolas
Sent: Tuesday, May 26, 2015 5:33 PM
To: Arthur U. San Agustin
Subject: RE: ENP Status

Art,

Jette has prepared the specifications for the emergency which I still need to review; the memo to GSA is ready as we included language suggested by Kono.

I have not received any communication from Basil on their compliance with the DEH rules and regs which I will bring up during the BPAD morning meeting and provide feedback to you on this status.

From: Arthur U. San Agustin
Sent: Tuesday, May 26, 2015 5:23 PM
To: Charlene D. San Nicolas
Subject: ENP Status

Charlene,

Are we prepared for emergency procurement should Basil's Sanitary Permit be pulled?

Also, has anyone from Basil contacted Jeanette or yourself regarding their status in ensuring they are in compliance with DEH rules and regulations?

Please advise.

Regards, Arthur

Exhibit 3

Katherine U. Delmundo

From: jesse.talavera@gmha.org
Sent: Friday, June 12, 2015 9:50 AM
To: Katherine U. Delmundo
Subject: RE: HACCP Certifiers

Sad face =-(

SGS Guam Hasn't heard of a Barry Mead and they do not do HACCP Plan or have anyone certified

Rachael Prime has yet to reply to any of my emails

Jesse Opena Talavera
Dietary Department
Guam Memorial Hospital Authority
850 Gov. Carlos G. Camacho Road
Tamuning, Guam 96913-3128
Web Site: www.gmha.org
Email: jesse.talavera@gmha.org
Ph: 671-647-2520/ 2253
Fax: 671-647-2614

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----- Original Message -----

From: Katherine U. Delmundo [<mailto:Katherine.Delmundo@dphss.guam.gov>]
To: catherine.sannicolas@gmha.org, jesse.talavera@gmha.org, rdleonguerrero@gdoe.net
Cc: Marilou.Scroggs@dphss.guam.gov
Sent: Thu, 11 Jun 2015 06:10:41 +0000
Subject:

Good Afternoon!

Here is the listing of the HACCP certifiers that the task forced discussed:

SGS
Barry Mead
Rachel Primrose (GCC)

If you know of others that fit the criteria, please have them contact me.

Just as a reminder, DPHSS is not endorsing or promoting these individuals. I am merely updating you folks about the discussion in today's meeting.

Thank you and have a wonderful day!

Katherine Del Mundo
Environmental Public Health Officer III
Division of Environmental Health
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304
Tel: (671) 735-7522
Fax: (671) 734-5556

Katherine U. Delmundo

From: Joe Sicad <jbsicad@gmail.com>
Sent: Saturday, June 13, 2015 2:41 PM
To: Katherine U. Delmundo
Cc: Paul J. Cruz (Food & Nutrition Services); Paul Cruz
Subject: Re: List of Qualified HAACP Reviewers

Thank you Katherine. That answers a lot of questions. Appreciate it.

On Sat, Jun 13, 2015 at 3:53 AM, Katherine U. Delmundo <Katherine.Delmundo@dphss.guam.gov> wrote:
Hi Joe!

I apologize for the delayed response. I spoke to Richard Leon Guerrero about this. He is a member of our Guam Food Safety Task Force, and it was brought to their attention as well. So far, the task force is aware of three:

SGS
Rachel Primrose (GCC)
Barry Mead

As a note, DPHSS is not endorsing or promoting any of the organization/individuals mentioned above.

The certifiers must have the following credentials:

1. Have the license to certify/audit HACCP plans, OR credentialed in intermediate/advance HACCP training; AND
2. Must specialize in food retail HACCP.

So if you know of an individual or organization that has the listed credentials, you can have your plans certified by them. If you are unsure, forward us a copy of their credentials, so that we may do our research.

I hope I've answered your question. I will be off island for a week. If you have any further questions, please feel free to contact my office.

Thanks and have a great day!

Katherine Del Mundo
Environmental Public Health Officer III
Division of Environmental Health
DPHSS

> On Jun 12, 2015, at 2:49 PM, Joe Sicad <jbsicad@gmail.com> wrote:

>

> HI Katherine,

>

> Eva Lum recommended I contact you regarding HAACP certifiers. Could you kindly provide a list of the

people/firms who are qualified to review and sign off on HAACP plans. I am currently assisting Mr. Paul Cruz who is with the Federal school food program and needs to have their HAACP plans certified.

>

> Thank you.

>

> Joe Sica

Exhibit 4

Katherine U. Delmundo

From: jesse.talavera@gmha.org
Sent: Tuesday, June 16, 2015 9:58 AM
To: Katherine U. Delmundo
Subject: RE: HACCP Certifiers

Hey there Kat,

Any feedback yet on people certified by chance? =-(

I've been thinking... Agency to agency, why don't the people who are certified in your office certify us? I mean we both work for the people of Guam, it just makes sense to me that we help each other out. Since this has been brought to light I've come across many issues some of which are -paying off island certified people to make me a HACCP plan because I'd hate to think that all my efforts thus far is just going to get denied by public health. -getting someone here on time to even look at everything I have will take a few weeks... Something I do not have. -the avenues that I've searched that aren't readily available are essential tools that I need to succeed without these tools, I will fail... And so will everyone else who is relying on these as well. Where am I to go? Who can I depend on? Will the hospital's letter get revoked for an issue I have no control over? Should I just shut down food operations now because we aren't compliant? I'm not mind you overwhelmed by any means, I'm concerned and tired.

sleepless in tamuning,

Chef Jesse

Jesse Opena Talavera
Dietary Department
Guam Memorial Hospital Authority
850 Gov. Carlos G. Camacho Road
Tamuning, Guam 96913-3128
Web Site: www.gmha.org
Email: jesse.talavera@gmha.org
Ph: 671-647-2520/ 2253
Fax: 671-647-2614

this communication may contain CONFIDENTIAL and PRIVILEGED information for the sole use of the intended recipient(s). If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by EMAIL or telephone (671) 647-2555 and delete all copies of this message. GMHA Policy 6100-29.

----- Original Message -----

From: Katherine U. Delmundo [<mailto:Katherine.Delmundo@dphss.guam.gov>]

To: jesse.talavera@gmha.org
Sent: Thu, 11 Jun 2015 23:46:19 +0000
Subject:

This is so frustrating!

I will let my Division know of this.

Thank you and have a wonderful day!

Katherine Del Mundo
Environmental Public Health Officer III
Division of Environmental Health
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304
Tel: (671) 735-7522
Fax: (671) 734-5556

-----Original Message-----

From: jesse.talavera@gmha.org [mailto:jesse.talavera@gmha.org]
Sent: Friday, June 12, 2015 9:50 AM
To: Katherine U. Delmundo
Subject: RE: HACCP Certifiers

Sad face =-(

SGS Guam Hasn't heard of a Barry Mead and they do not do HACCP Plan or have anyone certified

Rachael Prime has yet to reply to any of my emails

Jesse Opena Talavera
Dietary Department
Guam Memorial Hospital Authority
850 Gov. Carlos G. Camacho Road
Tamuning, Guam 96913-3128
Web Site: www.gmha.org
Email: jesse.talavera@gmha.org
Ph: 671-647-2520/ 2253
Fax: 671-647-2614

this communication may contain CONFIDENTIAL and PRIVILEGED information for the sole use of the intended recipient(s). If you are not the intended recipient (or authorized to receive for the recipient), please contact the sender by EMAIL or telephone (671) 647-2555 and delete all copies of this message. GMHA Policy 6100-29.

Katherine U. Delmundo

From: Althea Tapales <altheajemt@gmail.com>
Sent: Friday, June 19, 2015 11:33 AM
To: Katherine U. Delmundo
Subject: HACCP Completion

To: Ms. Katherine Uy Del Mundo (Environmental Public Health Affairs III)
From: Emelita R. de la Cruz (Dietary Consultant, St. Dominic's Senior Care Home)

Hi Katherine,

I want to make an appointment with you and show you what I have done in regards to the HACCP Program that Public Health wants our facility to implement.

I have contacted several restaurants, catering companies, however everybody has the same answer--they do not know of any HACCP specialists and in addition they are not doing any HACCP program in their business. Most don't even know what is HACCP.

Nothing is final in the work I have done since no one except you can give me assistance.

My email address is emelitadelacruz@yahoo.com

Hoping to hear from you soon.

Thank you.

-Emelita De La Cruz

Exhibit 5

Jeanette Gomez

From: Marilou O. Scroggs
Sent: Tuesday, June 30, 2015 2:57 PM
To: Jeanette Gomez
Cc: Arthur U. San Agustin; Charlene D. San Nicolas; Cindy Naval; Katherine U. Delmundo
Subject: RE: Vendor: Basil Food Industrial Services Corporation re Status of HACCP for Elderly Nutrition Program (Congregate and Home-Delivered)

Hi Jeannette;

I contacted Mason of Basil after our phone conversation this morning and he informed me that it will be submitted by today. A copy of Basil's HACCP plan and SOPs were dropped off on lunch time but it was the same copy that was submitted earlier. The HACCP plan was without a signature of the HACCP certifier. Katherine Del Mundo informed the female individual from Basil to submit a HACCP plan with the signature of the HACCP certifier but we have not received it yet.

We are now reviewing their standard operating procedures if it match with the HACCP plan. We will respond to Basil in writing noting the deficiencies with the final draft, and give them to turned in by Monday, July 6 the corrected and certified HACCP plan. We will also do the follow-up inspection on Monday, July 6.

Marilou O. Scroggs

Environmental Public Health Officer III
Division of Environmental Health
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, GU 96913-6304
Tel.: 671-735-7506
Fax: 671-734-5556

From: Jeanette Gomez
Sent: Tuesday, June 30, 2015 2:12 PM
To: Marilou O. Scroggs
Cc: Arthur U. San Agustin; Charlene D. San Nicolas
Subject: Vendor: Basil Food Industrial Services Corporation re Status of HACCP for Elderly Nutrition Program (Congregate and Home-Delivered)
Importance: High

Hi Malou,

Just following up with you regarding our phone call this morning and if you had any updates regarding this Vendor's status. Of concern, is whether Basil's Sanitary Permit will be revoked or is there additional time period DEH will allow the Vendor to respond.

Regards,
Jeanette

Exhibit 6

DECLARATION OF BETTY DE LA CRUZ

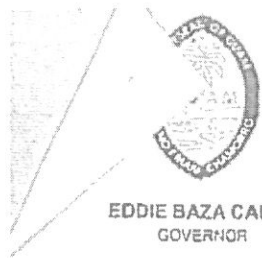
I, Betty De La Cruz, state the following under penalty of perjury:

1. I have personal knowledge of the statements made in this Declaration.
2. I am the Program Manager of Basil Food Industrial Service Corporation.
3. Prior to my employment with Basil, I worked for SH Enterprises in its capacity as service provider for the Elderly Nutrition Program (ENP) administered by the Department of Public Health and Social Services. When Basil was awarded the ENP contract in September 2014, my employment was transferred to Basil.
4. On the morning of May 31, 2016, Basil underwent an inspection by the Department of Public Health. The inspection lasted until around 12:30 p.m. As a result of that inspection, later that afternoon, Basil was shut down.
5. In my 16 years of experience in the food service industry, it is standard knowledge that a vendor does not have advanced warning of an inspection unless it's a scheduled follow-up to a prior inspection. Basil did not have any advance warning that it would be inspected on May 31, 2016, or be shut down.
6. However, I believe SH Enterprises received advanced warning. On May 31, 2016, on or before 5:00 p.m., I received a called from the owners of SH Enterprises, Ms. Min, offering me a job. Ms. Min informed me that GSA called her to offer her the contract. She also stated that by 10 a.m. that morning (May 31, 2016), she ordered the chicken and dinner rolls to be served on June 1, 2016.

Dated this 1st day of July, 2016.


BETTY DE LA CRUZ

Exhibit 7



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

JUL 20 2015

Li Qun Corporation
Owner, Basil Food Industrial Services Corporation
530 W. O'Brien Drive
Agana, Guam 96910

Re: Violation of Title 10 GCA, Chapter 21, Section 21107

Dear Li Qun Corporation:

Enclosed you will find a Notice of Violation with Intent to Revoke resulting from Basil Food Industrial Services Corporation's violation of Guam's Sanitation Law, Title 10 Guam Code Annotated, Chapter 21. The Department of Public Health and Social Services is intending to revoke your Sanitary Permit No. 150002470 issued to Basil Food Industrial Services Corporation in this case.

A hearing to contest the Intent to Revoke Basil Food Industrial Services Corporation's Sanitary Permit must be requested within fifteen (15) calendar days of receipt of this document.

Questions concerning this matter can be directed to Ms. Marilou O. Scroggs, Acting Environmental Public Health Officer Administrator, of the Division of Environmental Health at 735-7221.

Sincerely,

JAMES W. GILLAN
Director

Enclosures

IN THE MATTER OF)
))
Basil Food Industrial Services Corporation)
530 W. O'Brien Drive)
Agana, Guam 96910)
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CASE NO. DPHSS GFCSP-15-01

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?)
SERVE:

NOTICE OF VIOLATION WITH INTENT TO
REVOKE

Li Qun Corp.)
Owner, Basil Food Industrial Services)
Corporation)
530 W. O'Brien Drive)
Agana, Guam 96910)
))

ACCUSATION

Whereas, the Guam Department of Public Health and Social Services (Department) pursuant to its powers, duties, and responsibilities vested in the Department by Title 10 Guam Code Annotated (GCA) Chapter 21 (Sanitary Permit), has a reasonable ground to believe that Basil Food Industrial Services Corporation (aka Basil Food Service) violated Guam's sanitation law.

Whereas, §20105 of Chapter 20 and §21102 of Chapter 21 of Title 10 Guam Code Annotated authorizes the Director of the Department of Public Health and Social Services to promulgate rules and regulations necessary to carry out the provisions of the law governing the sanitary operations of health-regulated establishments.

Whereas, the Guam Food Code (the "Code") replaced the "Rules and Regulations Relative to Eating and Drinking Establishments" on November 4, 2013 and went into effect on November 5, 2014 for all eating and drinking establishments and certain food establishments as defined in Title 10 Guam Code Annotated, Chapters 23 and 24, respectively.

Whereas, Basil Food Industrial Services Corporation is an "eating and drinking establishment" as defined by Title 10 GCA, Chapter 23 and a "food establishment" as defined by the Code.

Whereas, Basil Food Industrial Services Corporation was inspected on 06/15/2015, by the Department of Public Health and Social Services, a copy of the Inspection Report dated 06/15/2015 is hereto attached.

Whereas, during the 06/15/2015 inspection of Basil Food Industrial Services Corporation, the Department discovered the repeat violation of failing to have a Hazard Analysis Critical Control Point (HACCP) plan in place as required by Section 8-201.13(A)(4) of the Code resulting in the downgrade of the Sanitary Permit from a "B" grade to a "C" grade.

Whereas, Basil Food Industrial Services Corporation was notified by four separate Department letters dated 03/11/2015, 03/26/2015, 04/28/2015, and 07/01/2015, as well as critical violation citations on the Department's Food Establishment Inspection Reports dated 04/27/2015, 06/04/2015, and 06/15/2015, of the requirement to have a HACCP plan in place.

Whereas, Basil Food Industrial Services Corporation failed to meet the initial deadline of 06/03/2015, and two extended deadlines of 06/14/2015 and 06/30/2015, of the Department to have the required HACCP plan in place.

Whereas, Basil Food Industrial Services Corporation submitted a draft HACCP plan on 06/29/2015 to this Department.

Whereas, the Division of Environmental Health staff determined that the draft HACCP plan's standard operating procedures (SOP) language was, almost word for word, an exact copy of an on-line SOP which can be accessed at the National Food Service Management Institute, The University of Mississippi's website, www.nfsmi.org.

Whereas, the Department informed Basil Food Industrial Services Corporation on 07/01/2015 that the draft HACCP plan was not a final, approved HACCP plan and that it either lacked information or had the following discrepancies: 1) A menu was not included; 2) Time as a public health control should not have been used; 3) Contradiction between the draft HACCP plan and the SOP with respect to cooling; 4) SOPs were unorganized and conflicted with the draft HACCP plan; 5) SOPs were reflective of model U.S. Food and Drug Administration's *2001 Food Code* and not the *Guam Food Code*; and 6) SOPs for receiving.

preparation, cooking, and serving did not appear to be representative of Basil Food Industrial Services Corporation's food preparation operations.

Whereas, Basil Food Industrial Services Corporation was given a fourth extension to submit a final, certified copy of the HACCP plan to this Department by 07/08/2015.

Whereas, on 07/08/2015, Basil Food Industrial Services Corporation submitted a final certified copy of their HACCP plan and SOPs to the Department.

Whereas, on 07/09/2015, the Department informed Basil Food Industrial Services Corporation that their final certified HACCP plan failed to have the following: 1) A plan/recipe menu was not included; 2) A flow diagram was not provided; 3) Time as a public health control should not have been used; 4) Contradiction between the draft HACCP plan and the SOP with respect to cooling; 5) The ingredient hazard analysis for biological, chemical, and/or physical contaminants were inconsistent; 6) Temperatures provided in the SOPs were not reflective of the *Guam Food Code*; 7) SOPs for receiving, preparation, cooking, and serving did not appear to be representative of Basil Food Industrial Services Corporation's food preparation operations and is still lacking critical information, such as a complete menu or details related to the process flowchart of their food products; 8) Clarification is needed on the type of employee training that will be provided; and 9) The SOPs fail to have any signatures, date of implementation, and the date of revision from the last SOPs that were submitted to this Department.

Whereas, on 07/09/2015, the Department conducted a follow-up inspection which resulted in the suspension of Basil Food Industrial Services Corporation's Sanitary Permit (#150002470) with 15 demerits and a "D" grade due to the repeat violation of failing to have an acceptable HACCP plan in place, including failing to have a certified food safety manager present who could properly demonstrate knowledge of the Code.

Whereas, Basil Food Industrial Services Corporation has a history of critical violations that are concerning to this Department based on the following inspections conducted by the Division of Environmental Health EPHOs: 11/05/2014 (eight critical violations); 01/20/2015 (four critical violations); 01/27/2015 (two critical violations); 02/04/2015 (nine critical violations); 04/27/2015 (one critical

violation): 06/04/2015 (two critical violations); 06/15/2015 (one critical violation); and 07/09/2015 (two critical violations).

Whereas, Basil Food Industrial Services Corporation provides meals to a highly susceptible population where there exists a potential threat to this population's health based on the repeated critical violations of the foodborne illness risk factors and public health interventions as cited on numerous inspections conducted by this Department of the establishment.

Whereas, Section 4507 of the "Rules and Regulations Relative to the Issuance of Sanitary Permits" states that the Director may revoke any Sanitary Permit under the provisions of Title 10 Guam Code Annotated, Chapter 21, §21107(2)(d) or upon any violation by a health-regulated establishment or by any of its employees for any environmental health violation under Title 10 of the Guam Code Annotated, Chapters 20 through 40, or any rules and regulations promulgated concerning Sanitary Permits.

Whereas, Title 10 GCA, Chapter 21, §21109 (d) states that revocation of a permit may occur following a hearing conducted in accordance with the provisions of the Administrative Adjudication Law.

INTENT TO REVOKE

Therefore, Basil Food Industrial Services Corporation is hereby informed that the Director of the Department of Public Health and Social Services intends to revoke Sanitary Permit No. 150002470 pursuant to the Department's Intent to Revoke authority as granted under the provisions of Title 10 Guam Code Annotated, Chapter 21, §21109 and §4507 of the "Rules and Regulations Governing the Issuance of Sanitary Permits" (Title 26 Guam Administrative Rules and Regulations, Chapter 4, Article 5) for the following reasons:

- I. Basil Food Industrial Services Corporation's repeated failure to have a HACCP plan in place despite being notified by four separate Department letters dated 03/11/2015, 03/26/2015, 04/28/2015, and 07/01/2015, including critical violation citations on the

- Department's Food Establishment Inspection Report dated 04/27/2015, 06/04/2015, 06/15/2015, and 07/09/2015 of the requirement to have a HACCP plan in place;
2. A HACCP plan is required pursuant to Section 8-201.13(A)(4) of the Guam Food Code due to Basil Food Industrial Services Corporation's catering operations to a highly susceptible population;
 3. On 04/28/2015, the Department issued a deadline of 06/03/2015 which factored in a two-month extension that was granted to Basil Food Industrial Services Corporation to come into compliance with the HACCP plan requirement as a result of the 03/11/2015 and 03/26/2015 letters from this Department;
 4. Basil Food Industrial Services Corporation failed to meet the 06/03/2015 HACCP plan deadline;
 5. Basil Food Industrial Services Corporation failed to meet the deadline extensions of 06/14/2015 and 06/30/2015 and failed to have a Department-approved HACCP plan in place by 07/08/2015; and
 6. Repeat history of non-compliance with critical foodborne illness risk factors and public health interventions that are the leading causes of foodborne illnesses which greatly concerns this Department based on the following inspections conducted by the Division of Environmental Health EPHOs: 11/05/2014 (eight critical violations); 01/20/2015 (four critical violations); 01/27/2015 (two critical violations); 02/04/2015 (nine critical violations); 04/27/2015 (one critical violation); 06/04/2015 (two critical violations); 06/15/2015 (one critical violation); and 07/09/2015 (two critical violations).

Pursuant to Title 10 Guam Code Annotated, Chapter 21, §21111, when a permit has been revoked, it no longer has any validity and may not be reinstated except upon order of a court. Also,

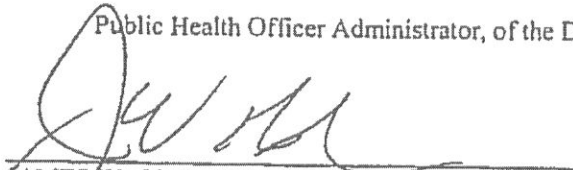
pursuant to Title 10 GCA, Chapter 21, §21112, no person whose permit has been revoked shall be eligible to obtain a new permit for a period of six (6) months.

PROCEDURES FOR REQUESTING A HEARING

- (1) You have a right to a hearing with the Director of the Department of Public Health and Social Services, or his authorized representative.
- (2) Depending upon the evidence presented at the hearing, the Department may affirm or modify its decision.
- (3) A hearing to contest the Intent to Revoke may be obtained by filing a Notice of Defense with the Director of the Department of Public Health and Social Services within fifteen (15) calendar days of receipt of this document at:

Department of Public Health and Social Services
#123 Chalan Kareta
Mangilao, Guam 96913-6304
ATTN: Director

- (4) The request for hearing must include a brief statement outlining the legal and factual basis for such appeal. Unless a request for hearing is filed in a timely manner, this Intent to Revoke shall be deemed final.
- (5) Failure to attend or participate in a hearing or other stage of the proceeding that you have requested will result in a default and loss of your right to a hearing.
- (6) Pursuant to Title 10 GCA, Chapter 21, §21109 (e), any person or health-regulated establishment may seek judicial review of the Director's decision before the Superior Court of Guam.
- (7) Questions concerning this matter should be directed to Ms. Rosanna Y. Rabago, Environmental Public Health Officer Administrator, of the Division of Environmental Health at 735-7221.



JAMES W. GILLAN
Director, Department of Public Health & Social Services

7.20.15
Date

BEFORE THE DEPARTMENT OF
PUBLIC HEALTH & SOCIAL SERVICES

IN THE MATTER OF

Basil Food Industrial Services Corporation
530 W. O'Brien Drive
Agana, Guam

To: Department of Public Health and Social Services
#123 Chalan Kareta
Mangilao, Guam 96913-6304
ATTN: Director

REQUEST FOR HEARING
Pursuant to 26 GARR, Chapter 4, Article 5 §4508

- / / I hereby request a hearing.
- / / I object to the Accusation for the Intent to Revoke and statement of charges on the grounds that it does not state acts or omissions upon which the Department may proceed.
- / / I object to the form of the Accusation for the Intent to Revoke and statement of charges on the grounds that it is so indefinite or uncertain that I cannot identify the transaction or prepare my defense.
- / / I admit the Accusation for the Intent to Revoke in whole, or partly as follows:

By the way of defense, I submit the following statements:

Dated: _____

Signed: _____

Print Name: _____

Exhibit 8



GOVERNMENT OF GUAM
 DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
 DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
 GOVERNOR

RAY TENORIO
 LIEUTENANT GOVERNOR

JAMES W. GILLAN
 DIRECTOR

LEO G. CASIL
 DEPUTY DIRECTOR

2015

Mr. Michael Zhou
 President
 Basil Food Industrial Services Corporation
 #530 West O'Brien Drive
 Hagatna, Guam 96932

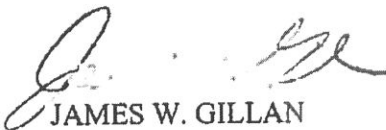
Dear Mr. Zhou,

This letter is to inform you of a correction which needs to be made on the inspection report dated 07/09/15. The statement written on the report, "sanitary permit revoked" will be changed to "sanitary permit suspended." Thus, your sanitary permit (no. 150002470) was suspended, not revoked, following the inspection.

Your Sanitary Permit No. 150002470 was suspended due to the repeated violation of not possessing a certified HACCP Plan specific to your operation, as required in the Guam Food Code section 8-201.14. According to Title 10 GCA Section 21109(b), the suspension of your permit will continue as long as the violation (lack of a certified HACCP Plan) goes uncorrected.

Should you have any questions, please contact Ms. Katherine Del Mundo, Environmental Public Health Officer III of the Division of Environmental Health, at 735-7221.

Sincerely,


 JAMES W. GILLAN
 Director

Cc : DIR Chrono/DEH Chrono/BIE/HRE File

Exhibit 9

**HACCP-Based Standard Operating
Procedures
For
ACI/Santa Barbara Catholic
School**



August 10, 2015

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

August 11, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

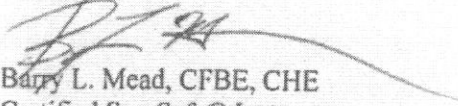
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for ACI (Santa Barbara Catholic School)

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for ACI (Santa Barbara Catholic School) and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: JEROME GARCIA, EPHD I
Date: 8/11/15

**HACCP-Based Standard
Operating Procedures
For
Nayon Express Restaurant
(St. Paul School & I Learn
Academy)**

February 9, 2016

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

February 9, 2016

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for Nayon Express Restaurant

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the Nayon Express Restaurant and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,



Barry L. Mead
HACCP Certifier, Guam
Certified ServSafe® Instructor
Registered ServSafe® Proctor

RECEIVED

02/11/16 *PN*

Guam Department of Education (“GDOE”)



Food Safety Plan HACCP-Based Standard Operating Procedures

Updated: August 2015

DPHSS

ARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
-m. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

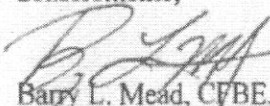
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for GDOE

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the GDOE and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

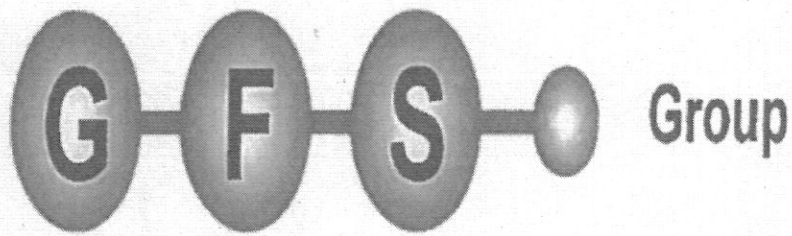
Senseremente,



Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

RECEIVED

08/14/15 Fon



Facilities Support Services

**Guam Regional Medical City
Hazard Analysis Critical
Control Point
(HACCP) PLAN**

Ms. Katherine Del Mundo
Environmental Public Health Officer III
Division of Environmental Health
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304
Tel: (671) 735-7522
Fax: (671) 734-5556

03 December 2015

RE: GFS Group LLC – GRMC Dietary HACCP Plan Certification

Dear Ms. Del Mundo,

This is to certify that GFS Group LLC- GRMC Dietary has submitted their HACCP Plan to the undersigned on 01 December 2015. Attached herewith is the copy of the plan submitted.

The following guidelines were used to review and assess the plan

1. Guam Food Code
2. National Advisory on Microbiological Criteria for Food (*Adopted by USFDA April 2014 and referenced to by the Guam Food Code on HACCP*)
3. Codex Recommended Code of Practice: Principles of Food Hygiene *CAC/RCP 1-1969 Rev 4 2003 (Referenced to by the National Advisory on Microbiological Criteria of Food)*


While the establishment already invested significant efforts in ensuring food safety, the following aspects of the HACCP Program needs further improvement:

- Assessment of significant hazards
- CCP Determination
- Setting of Critical limits for some CCPs

This certificate is issued upon the request of GFS Group LLC-GRMC Dietary to partially comply with the requirements of DEH-DPHSS Guam. This certificate is valid until 03 January 2016 while the organization further improves its HACCP Program. The same vigilance and diligence in ensuring food safety and quality is carried out by GFS Group LLC-GRMC Dietary during this period.

We trust that you find the above in order.

Signed:


Ms. Mariag D. Mojica
HACCP Plan Certifier

Division of Environmental Health

Received by: 

Date: 12/4/15

Harvest Christian Academy HACCP plan

in compliance with FDA and
Guam Food Code Guidance

School Food Safety Program:
Process Approach Based on the HACCP
Principles

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

October 30, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

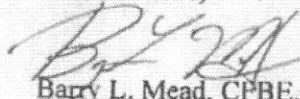
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for Harvest Christian Academy

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the Harvest Christian Academy and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Sensereamente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor
HACCP Plan Certifier

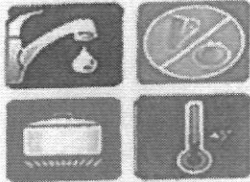
Division of Environmental Health

Received by: Monica Dewern

Date: 10/30/15

MANAGING FOOD SAFETY

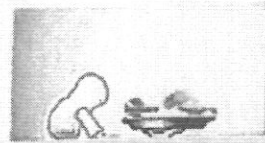
be food safe.



clean. separate.
cook. chill.

A manual for the

**Use of HACCP Principles at
Dominican Catholic School**



**Yigo, Guam
2015**

10.40
Kait -
Dropped off
8/7/15 -
653-3021
Sister Esperanza

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

August 6, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304


Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for Dominican Catholic School

Hafa Adai Mr. Nadeau.

By way of this letter I am certifying that I reviewed the HACCP plan for the Dominican Catholic School and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Sensereamente.



Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

**HACCP
BINDER**

**BCS-
SAINT
ANTHONY**

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

August 4, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304


Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for BCS Food Services


Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the BCS Food Services and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: 
Date: 08/04/15



St. Michael Food Services

HACCP

FOOD SAFETY PLAN

FOR

BISHOP BAUMGARTNER

MEMORIAL CATHOLIC

SCHOOL

2015

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

August 3, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for St. Michael's Food Services

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the St. Michael's Food Services and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,



Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: pan
Date: 08/04/15

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

July ³¹~~18~~, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

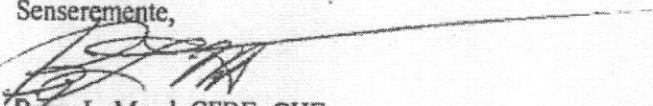
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for B&G Pacific LLC

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the B&G Pacific LLC and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Sensereamente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: pen

Date: 08/04/15

MANAGING FOOD SAFETY

USING

HACCP PRINCIPLES

AT

SAINT DOMINIC'S SENIOR CARE HOME

July 2015

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.

Santa Rita, Guam 96915-1601

Hm. / Fax (671) 565-2632 Cellular 727-2632

Email bigb@teleguam.net

July 23, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for St. Dominic's Senior Care Home

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the St. Dominic's Senior Care Home and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Sensereamente,



Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: TON

Date: 07/24/15

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

October 1, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Karëta
Mangilao, GU 96913-6304

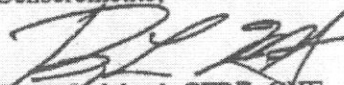
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for Guam Memorial Hospital Authority

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the Guam Memorial Hospital Authority and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor





**St. Francis School Hazard
Analysis Critical Control
Point
(HACCP)
Standard Operating**

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

August 19, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

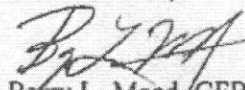
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for St. Francis Catholic School

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for St. Francis Catholic School and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: Jerry Mune

Date: 8-20-15

**HACCP-Based Standard Operating
Procedures
For
TLT Foodservice
(Mt. Carmel School**

November 9, 2015

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

November 9, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

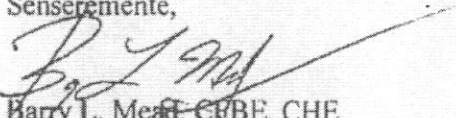
Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for Teresita C. Blas (Mount Carmel School)

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for the Teresita C. Blas (Mount Carmel School) and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Sensereamente,


Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Division of Environmental Health

Received by: *TWN*

Date: 11/09/15



**Mercy Heights Catholic Nursery & Kindergarten
School**

**Hazard Analysis Critical Control Point
(HACCP)**

Standard Operating Procedures

BARRY LANCE MEAD, CFBE, CHE

114 San Pedro St.
Santa Rita, Guam 96915-1601
Hm. / Fax (671) 565-2632 Cellular 727-2632
Email bigb@teleguam.net

August 24, 2015

Department of Public Health and Social Services
Office of Environmental Health
123 Chalan Kareta
Mangilao, GU 96913-6304

Attn: Mr. Thomas Nadeau

Subject: HACCP Certification for Mercy Heights Nursery & Kindergarten

Hafa Adai Mr. Nadeau,

By way of this letter I am certifying that I reviewed the HACCP plan for Mercy Heights Nursery & Kindergarten and found it to be in compliance with §8-201.13(A)(4) and §8-201.14 of the Guam Food Code.

Senseremente,



Barry L. Mead, CFBE, CHE
Certified ServSafe® Instructor
Registered ServSafe® Proctor

Exhibit 10

Katherine U. Delmundo

From: Katherine U. Delmundo
Sent: Thursday, August 13, 2015 10:28 AM
To: Paul J. Cruz (Food & Nutrition Services)
Cc: Marilou O. Scroggs; Taling M. Taitano
Subject: RE: DOE Contingency Plan

Hi Paul!

The best thing to do is to get the plan finalized. Inspections will be deferred, since we know you are working hard to get the plans finalized. Opening of schools will not be affected, thus, a contingency plan is not necessary.

Thank you and have a wonderful day!

Katherine Del Mundo

Environmental Public Health Officer III
Division of Environmental Health
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304
Tel: (671) 735-7522
Fax: (671) 734-5556

From: Paul J. Cruz (Food & Nutrition Services) [mailto:paul.j.cruz@gdoe.net]
Sent: Thursday, August 13, 2015 10:23 AM
To: Katherine U. Delmundo
Cc: Marilou O. Scroggs; Taling M. Taitano
Subject: Re: DOE Contingency Plan

Hi Katherine,

We are working hard to get this finalized on our end, hopefully today when we meet with Mr. Barry Mead. Should for any reason, we don't get the plan completed and submitted is there a contingency plan that we can put in effect to ensure that the school opening won't be effected.

On Thu, Aug 13, 2015 at 10:12 AM, Katherine U. Delmundo <Katherine.Delmundo@dphss.guam.gov> wrote:

Good morning Mr. Cruz!

Your email was forwarded to me by Marilou. I am glad to hear you are in the process of finalizing your HACCP plans. For now, we can defer the inspection of your facility, but please work on the finalized plans ASAP. We appreciate the updates you provide our office and ask that you continue to do so.

If there any questions or concerns, please do not hesitate to contact me.

Exhibit 11

Department of Public Health and Social Services
Division of Environmental Health
Food Establishment Inspection Report

Page 1 of 2

INSPECTION	RSN	TYPE	GRADE	INSPECTION DATE	ESTABLISHMENT NAME	
Regular			13	10/27/15	GFS Group	
Follow-up				TIME IN 1:30	PERMIT HOLDER Global Food Services, LLC	
Complaint			RATING	TIME OUT 2:04:15		
Investigation			B	SANITARY PERMIT NO. 1530003021	LOCATION (Address) Lut 5009-2-16 NEW #133 Rte. 5, GRMC	
Other:						
ESTABLISHMENT TYPE Cafeteria			AREA 2	TELEPHONE 646-6083	No. of Risk Factor/Intervention Violations 2 No. of Repeat Risk Factor/Intervention Violations 0	RISK CATEGORY 4

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance (IN, OUT, N/O, N/A) for each numbered item. Mark "X" in appropriate box for COS and/or R.

IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status			COS	R	PTS	Compliance Status			COS	R	PTS			
Supervision						Potentially Hazardous Food (TCS Food)								
1	OUT	Person in charge present, demonstrates knowledge, and performance duties			6	16	IN	OUT	N/A	N/O	Proper cooking time and temperatures			6
Employee Health						Consumer Advisory								
2	OUT	Management awareness; policy present			6	22	IN	OUT	N/A		Consumer Advisory provided for raw or undercooked foods			6
3	OUT	Proper use of reporting, restriction & exclusion			6	Highly Susceptible Populations								
Good Hygienic Practices						Chemical								
4	IN	OUT	N/A	N/O	6	24	IN	OUT	N/A		Food additives: approved and properly used			6
5	IN	OUT	N/A	N/O	6	25	IN	OUT			Toxic substances properly identified, stored, used			6
Preventing Contamination by Hands						Conformance with Approved Procedures								
6	IN	OUT	N/A	N/O	6	26	IN	OUT	N/A		Compliance with variance, specialized process, and HACCP plan			6
7	IN	OUT	N/A	N/O	6	Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health interventions are control measures to prevent foodborne illness or injury.								
8	IN	OUT			6									
Approved Source														
9	IN	OUT			6									
10	IN	OUT	N/A	N/O	6									
11	IN	OUT			6									
12	IN	OUT	N/A	N/O	6									
Protection from Contamination														
13	IN	OUT	N/A		6									
14	IN	OUT	N/A		6									
15	IN	OUT			6									

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.

Mark "X" in box: if numbered item is not in compliance and/or if COS and/or R. COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status			COS	R	PTS	Compliance Status			COS	R	PTS
Safe Food and Water						Proper Use of Utensils					
27		Pasteurized eggs used where required			1	40		In-use utensils; properly stored			1
28		Water and ice from approved source			2	41	X	Utensils, equipment and linens: properly stored, dried, handled	X		1
29		Variance obtained for specialized processing methods			1	42		Single-use/single-service articles: properly stored, used			1
Food Temperature Control						Utensils, Equipment and Vending					
30		Proper cooling methods used; adequate equipment for temperature control			1	44		Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used			1
31		Plant food properly cooked for hot holding			1	45		Warewashing facilities: installed, maintained, used; test strips			1
32		Approved thawing methods used			1	46		Nonfood-contact surfaces clean			1
33	X	Thermometer provided and accurate			1	Physical Facilities					
Food Identification						47		Hot & cold water available, adequate pressure			2
34		Food properly labeled; original container			1	48		Plumbing installed; proper backflow devices			2
Prevention of Food Contamination						49		Sewage and wastewater properly disposed			2
35		Insects, rodents, and animals not present			2	50		Toilet facilities: properly constructed, supplied, & cleaned			2
36		Contamination prevented during food preparation, storage & display			1	51		Garbage/refuse properly disposed; facilities maintained			2
37		Personal cleanliness			1	52		Physical facilities installed, maintained, and clean			1
38		Wiping cloths: properly used and stored			1	53		Adequate ventilation and lighting; designated areas use			1
39		Washing fruits and vegetables			1						

I have read and understand the above violation(s), and I am aware of the corrective measures that shall be taken.

Person in Charge (Print and Sign) Catherine C. San Nicolas	Date: 10/27/15
DEH Inspector (Print and Sign) R. DELMUNDO EPHO III	Follow-up (Circle one): YES NO
J. L. V. 2 EPHO I	Follow-up Date: 11/06/15

Department of Public Health and Social Services
Division of Environmental Health

Food Establishment Inspection Report

Page 2 of 2

ESTABLISHMENT NAME GFS Group		LOCATION (Address) Lot 5004-2-16NEW #133 Rt. 3, CRMC	
INSPECTION DATE 10 / 27 / 15	SANITARY PERMIT NO. 150003021	PERMIT HOLDER Global Food Service, LLC	

TEMPERATURE OBSERVATIONS

Item/Location	Temperature (°F)	Item/Location	Temperature (°F)
Soup (carrots) / hot holding	154°F	wash potatoes / hot holding	129°F
fish / hot holding	129°F	meat loaf / hot holding	155°F
chicken / hot holding	140°F	fish / hot holding	139°F
3oz. Steak / hot holding	115°F		
Rice / hot holding	109°F		
sliced melon / cold holding	40°F		
cut tomatoes / cold holding	37°F		
chicken tetrazzini / cold holding	41°F		

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
----------	-------------------------------------	-----------------

Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

	A Regular Inspection was done conducted; the following was observed:	
#19	Various items in hot holding found below 140°F. All PHF/TCS food shall be held above 140°F for hot holding to prevent pathogen growth.	11/6/15
#26	No certified HACCP Plan in place as required. For establishments serving to highly susceptible populations a certified HACCP Plan must be in place as required.	11/6/15
#33	Thermometer gauge in stand up warmer not accurate. Thermometers must be accurate to ensure proper temperatures are met.	11/26/15
#41	Knife stored in chiller. Clean equipment and utensils stored near handwash sink in warewashing area. "B" placard # 00247 was given. Briefed P.I.C. San Nicolas, Cathy on above.	CO3

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in further regulatory actions. If seeking to appeal the result of this inspection, a written request for hearing must be submitted to the Director before the indicated correction date.

Person in Charge (Print and Sign) Catherine C. San Nicolas <i>Cather</i>	Date: 10/27/15
DEH Inspector (Print and Sign) J. CRUZ (EPHO) <i>JR</i> K. DELMUNDO EPHO III <i>PH</i>	Date: 10/27/15

Exhibit 12

AFFIDAVIT OF JENNIFER REYES

I, Jennifer Reyes, being duly sworn, attest to the following under penalty of perjury:

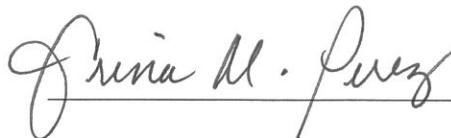
1. I have personal knowledge of the facts stated in this Affidavit.
2. I am currently employed as an Office Clerk at Basil Food Industrial Services Corporation, and have been so employed since September 2014, when Basil began providing services to the Government under the Elderly Nutrition Program (ENP).
3. I was formerly employed with SH Enterprises when SH was providing services to the Government for the Elderly Nutrition Program. SH has also employed many of the drivers whose positions were transferred to Basil when Basil was awarded the ENP contract.
4. On July 9, 2015, Basil was shut down after not having a HACCP Plan.
5. However, at least two weeks prior to being shut down, during the workday several drivers discussed in my presence that SH was taking back the ENP contract.
6. Those same drivers are now currently employed with SH under the emergency procurement for ENP services.
7. Also prior to July 9, 2015, Mrs. Min of SH contacted Basil looking for Betty De La Cruz, the Basil Program Manager who was also the former Program Manager when SH had the ENP contract.

Further Affiant sayeth naught.



JENNIFER REYES

Subscribed and sworn to before me on this 5th day of July , 2016.



TRINA M. PEREZ
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **March 02, 2017**
P.O. Box 5087 Hagatna, Guam 96932

Exhibit 13



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

JUL 18 2015

SH Enterprises, INC.
P.O. Box 9730
Tamuning, Guam 96931
Sanitary Permit No. 150002769

Dear Permit Holder,

The Guam Food Code, which was adopted in November 2013, requires all food establishments that serve to elementary school students and other highly susceptible population (HSP) to develop and submit to the Department of Public Health and Social Services a Hazard Analysis Critical Control Point (HACCP) Plan. Section 8-201.13(A)(4) of the Guam Food Code states:

(A) Before engaging in an activity that requires a HACCP PLAN, a PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY for review a properly prepared HACCP PLAN as specified under § 8-201.14 and the relevant provisions of this Code if:

(4) FOOD ESTABLISHMENT serves to elementary schools and HIGHLY SUSCEPTIBLE POPULATION, as determined by the REGULATORY AUTHORITY.

As required in §8-201.14 of the code, the contents of the HACCP Plan must include the following:

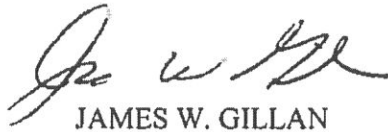
1. A categorization of the types of potentially hazardous foods (time/temperature control for safety foods) that are specified in the menu such as soups; sauces; salads; and bulk, solid foods such as meat roasts; or of other foods that are specified by the Department;
2. A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - a. Ingredients, materials, and equipment used in the preparation of that food; and
 - b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
3. Food employee and supervisory training plan that addresses the food safety issues of concern;
4. A statement of standard operating procedures for the plan under consideration clearly identifying:

1. Each critical control point,
 2. The critical limits for each critical control point,
 3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
 4. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,
 5. Action to be taken by the person in charge if the critical limits for each critical control point are not met, and
 6. Records to be maintained by the person in charge to demonstrate that the HACCP Plan is properly operated and managed; and
5. Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.

The HACCP Plan must be developed or certified by a person who has obtained training and credentialing on retail HACCP from a program that has been evaluated and listed by Department. HACCP Plans must be submitted *within 60 days* upon receipt of this letter.

Your understanding to this matter is greatly appreciated. Should you have any questions, please contact Ms. Katherine Del Mundo, Environmental Public Health Officer III of the Division of Environmental Health, at 735-7221.

Sincerely,



JAMES W. GILLAN
Director

cc. : Director Chrono
DEH Chrono
BIE
K. Del Mundo

Exhibit 14

40/D

Department of Public Health and Social Services
 Division of Environmental Health
Food Establishment Inspection Report

Page 1 of 4

INSPECTION RSN	TYPE	GRADE	INSPECTION DATE	ESTABLISHMENT NAME
Regular	<input checked="" type="checkbox"/>	N/A	07/14/12	SH ENTERPRISES, INC.
Follow-up			TIME IN	TIME OUT
Complaint		RATING	6:00 AM	9:45 AM
Investigation		N/A	SANITARY PERMIT NO.	LOCATION (Address)
Other	<input checked="" type="checkbox"/>		15000 2769	LOT 4 BLK. 2 TRACT 259 ET CALVO MEM. IND. PARK TAMUN
ESTABLISHMENT TYPE		AREA	TELEPHONE	No. of Risk Factor/Intervention Violations
CATERING		7	994716	5
				No. of Repeat Risk Factor/Intervention Violations
				0
RISK CATEGORY				

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance (IN, OUT, N/O, N/A) for each numbered item. Mark "X" in appropriate box for COS and/or R.
 IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable COS = Corrected on-site during inspection R = Repeat violation PTS = Dement points

Compliance Status		COS	R	PTS	Compliance Status		COS	R	PTS
Supervision									
1	(IN) OUT			6	Potentially Hazardous Food (TCS Food)				
Person in charge present, demonstrates knowledge, and performance duties					16	(IN) OUT	N/A		6
Employees Health					17	IN	OUT	(N/A) NO	6
2	(IN) OUT			6	Proper reheating procedures for hot holding				
Management awareness; policy present					18	IN	OUT	(N/A) NO	6
3	(IN) OUT			6	Proper cooling time and temperature				
Proper use of reporting, restriction & exclusion					19	IN	OUT	(N/A) NO	6
Good Hygienic Practices					Proper hot holding temperatures				
4	(IN) OUT	N/A	NO	6	20	(IN) OUT	N/A		6
Proper eating, tasting, drinking, betelnut, or tobacco use					Proper cold holding temperatures				
5	(IN) OUT	N/A	NO	6	21	IN	OUT	(N/A) NO	6
No discharge from eyes, nose, and mouth					Proper date marking and disposition				
Preventing Contamination by Hands					Consumer Advisory				
6	(IN) OUT	N/A	NO	6	22	IN	OUT	(N/A)	6
Hands clean and properly washed					Consumer Advisory provided for raw or undercooked foods				
7	(IN) OUT	N/A	NO	6	Highly Susceptible Populations				
No bare hand contact with ready-to-eat foods or approved alternate method properly followed					23	(IN) OUT	N/A		6
8	IN	OUT		6	Pasteurized Foods used; prohibited foods not offered				
Adequate handwashing facilities supplied & accessible					Chemical				
Approved Source					24	(IN) OUT	N/A		6
9	(IN) OUT			6	Food additives: approved and properly used				
Food obtained from approved source					25	(IN) OUT			6
10	IN	OUT	N/A	6	Toxic substances properly identified, stored, used				
Food received at proper temperature					Conformance with Approved Procedures				
11	(IN) OUT			6	26	IN	OUT	(N/A)	6
Food in good condition, safe, and unadulterated					Compliance with variance, specialized process, and HACCP plan				
12	IN	OUT	(N/A) NO	6	Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health interventions are control measures to prevent foodborne illness or injury.				
Required records available: shellstock tags, parasite destruction									
Protection from Contamination									
13	IN	OUT	N/A	6					
Food separated and protected									
14	IN	OUT	N/A	6					
Food contact surfaces: cleaned & sanitized									
15	(IN) OUT			6					
Proper disposition of returned, previously served, reconditioned, and unsafe food									

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.

Mark "X" in box if numbered item is not in compliance and/or if COS and/or R. COS = Corrected on-site during inspection R = Repeat violation PTS = Dement points

Compliance Status		COS	R	PTS	Compliance Status		COS	R	PTS
Safe Food and Water									
27				1	Proper Use of Utensils				
Pasteurized eggs used where required					40	(IN) OUT	N/A		1
28				2	In-use utensils: properly stored				
Water and ice from approved source					41	✓			1
29				1	Utensils, equipment and linens: properly stored, dried, handled				
Variance obtained for specialized processing methods					42				1
Food Temperature Control					Single-use/single-service articles: properly stored, used				
30				1	43				1
Proper cooling methods used; adequate equipment for temperature control					Gloves used properly				
31				1	Utensils, Equipment and Vending				
Plant food properly cooked for hot holding					44	✓			1
32	✓			1	Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used				
Approved thawing methods used					45	✓			1
33	✓			1	Warewashing facilities: installed, maintained, used; test strips				
Thermometer provided and accurate					46				1
Food Identification					Nonfood-contact surfaces clean				
34				1	Physical Facilities				
Food properly labeled; original container					47				2
Prevention of Food Contamination					Hot & cold water available, adequate pressure				
35				2	Plumbing installed; proper backflow devices				
Insects, rodents, and animals not present					48				2
36				1	Sewage and wastewater properly disposed				
Contamination prevented during food preparation, storage & display					49				2
37				1	Toilet facilities: properly constructed, supplied, & cleaned				
Personal cleanliness					50				2
38	✓			1	Garbage/refuse properly disposed; facilities maintained				
Wiping cloths: properly used and stored					51	✓			2
39				1	Physical facilities installed, maintained, and clean				
Washing fruits and vegetables					52	✓			1
					53	✓			1
					Adequate ventilation and lighting; designated areas use				

I have read and understand the above violation(s), and am aware of the corrective measures that shall be taken.

Person in Charge (Print and Sign): *[Signature]* Date: _____

DEH Inspector (Print and Sign): *[Signature]* Follow-up (Circle one): YES NO Follow-up Date: 01/24/15

Department of Public Health and Social Services
Division of Environmental Health
Food Establishment Inspection Report

Page 2 of 4

ESTABLISHMENT NAME SH ENTERPRISES, INC.		LOCATION (Address) LOT 4 BLK. 2 TRACT 259 ET CALWA MEM. INDUSTRIAL PARK TAMPUNING
INSPECTION DATE 7/14/2015	SANITARY PERMIT NO. 15000709	PERMIT HOLDER SH ENTERPRISES, INC.

TEMPERATURE OBSERVATIONS

Item/Location	Temperature (° F)	Item/Location	Temperature (° F)
COOKED CHICKEN (HOT HOLDING) -1	152.8°	WALK-IN CHILLER	60.9° F
COOKED CHICKEN (HOT HOLDING) -2	144.0°		
COOKED CARROTS (HOT HOLDING) -1	121.8°		
COOKED CARROTS (HOT HOLDING) -2	158.6°		
WALK-IN CHILLER (KITCHEN)	72.9°		
COOKED RICE (POT) -1	187.0°		
COOKED RICE (POT) -2	172.8°		
COOKED RICE (POT) -3	174.0°		
COOKED RICE (POT) -4	177.3°		
COOKED RICE (POT) -5	174.0°		

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

	AN ASSESSMENT WAS CONDUCTED, AND THE FOLLOWING VIOLATIONS WERE OBSERVED:	
8	NO SIGNAGE FOR HANDWASHING SINKS IN PACKING AREA; NO HOT WATER PROVIDED IN HANDWASHING SINKS IN KITCHEN AREA; HANDWASHING SINK NEXT TO STOVE AREA USED TO WASH DISHES (COS). HOT WATER, SIGNAGE, SOAP, AND PAPER TOWELS SHALL BE PROVIDED; HANDWASHING SINKS SHALL ONLY BE USED FOR HANDWASHING ONLY.	
13	EMPLOYEE DRINKS STORED WITH AND ON TOP OF FOOD PRODUCTS; RICE COOKER STORED RIGHT NEXT TO 3-COMPARTMENT SINK. FOOD SHALL BE PROTECTED TO PREVENT CONTAMINATION FROM OCCURRING.	
14	SANITIZING STEP NOT UTILIZED. FOOD CONTACT SURFACES SHALL BE CLEANED AND SANITIZED.	
19	COOKED CARROTS IN HOT HOLDING COOKED ABOUT 30 MINUTES AGO WITH A TEMPERATURE OF 121.8° F. HOT HOLDING TEMPERATURES SHALL BE 140° F AND ABOVE.	

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in further regulatory actions. If seeking to appeal the result of this inspection, a written request for hearing must be submitted to the Director before the indicated correction date.

Person in Charge (Print and Sign) 	Date: 7/14/15
DEH Inspector (Print and Sign) K. DEL MUNDO EPHO II	Date: 07/14/2015

Department of Public Health and Social Services
Division of Environmental Health
Food Establishment Inspection Report

ESTABLISHMENT NAME SH ENTERPRISES, INC		LOCATION (Address) LOT 4 BLK. 2 TRACT 259 ET CALVO MEM INDUSTRIAL PARK, TAMUNING
INSPECTION DATE 7, 14, 2015	SANITARY PERMIT NO. 150002769	PERMIT HOLDER SH ENTERPRISES, INC.

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

20	NO HACCP PLAN IN PLACE. ESTABLISHMENTS SERVING TO A HIGHLY SUSCEPTIBLE POPULATION SHALL HAVE A CERTIFIED HACCP PLAN IN PLACE. CHICKEN PA	
32	RAW THAWED AT ROOM TEMPERATURE. APPROVED THAWING METHODS SHALL BE USED.	
33	THERMOMETERS FOR BOTH WALK-IN CHILLERS NOT ACCURATE. THERMOMETERS SHALL BE ACCURATE TO ENSURE PROPER TEMPERATURES	
38	WIPING CLOTHS NOT STORED IN SANITIZING SOLUTION. WIPING CLOTHS SHALL BE STORED IN SANITIZING AFTER EACH USE.	
41	UTENSILS AND EQUIPMENT (NOT USED OFTEN) STORED DIRECTLY ON THE FLOOR. UTENSILS AND EQUIPMENT SHALL BE STORED AT LEAST SIX INCHES ABOVE THE GROUND.	
44	WALK-IN CHILLER IN KITCHEN WITH AN AMBIENT TEMPERATURE OF 72.9°F; WALK-IN CHILLER IN STORAGE AREA WITH AN AMBIENT TEMP OF 60.9°F; BOTH WALK-INS STORE PRE-PACKAGED PRODUCTS AND PRODUCE, SUCH AS ONIONS, POTATOES, AND CARROTS. EQUIPMENT SHALL BE PROPERLY CONSTRUCTED AND MAINTAINED; COLD HOLDING TEMPERATURES SHALL MEET TEMPERATURES OF 41°F AND BELOW.	
45	NO TEST KITS PROVIDED; 3 3-COMPARTMENT SINK MISSING A PLUG AND PREVENTS WATER FROM BEING COLLECTED TO PROPERLY SUBMERGE AND SANITIZE UTENSILS AND EQUIPMENT. TEST KITS SHALL BE PROVIDED; EQUIPMENT AND UTENSILS SHALL BE PROPERLY SANITIZED IN MAINTAINED WAREWASHING FACILITIES.	

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in further regulatory actions. If seeking to appeal the result of this inspection, a written request for hearing must be submitted to the Director before the indicated correction date.

Person in Charge (Print and Sign) _____ Date: _____

DEH Inspector (Print and Sign) **K. DEL MUNDO EPHO II** **D. DOMINEZ EPHO2** **JEROME GARCIA** **JEROME GARCIA** Date: **07/14/15**

Department of Public Health and Social Services
 Division of Environmental Health
Food Establishment Inspection Report

Page 4 of 4

ESTABLISHMENT NAME SH ENTERPRISES, INC.		LOCATION (Address) LOT 4 BLK. 2 TRACT 2501 ET CALVO MEM. INDUSTRIAL PARK, TAMUNING	
INSPECTION DATE 7, 14, 2015	SANITARY PERMIT NO. 150002709	PERMIT HOLDER SH ENTERPRISES, INC.	

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

51	OUTSIDE GARBAGE FACILITY NOT FULLY ENCLOSED (MISSING COVERS) ^a GARBAGE / REFUSE FACILITY SHALL BE ENCLOSED TO PREVENT THE ATTRACTANT OF PESTS.	
52	STORAGE ROOMS IN THE BACK FILLED WITH UNNECESSARY ARTICLES; MISSING CEILING TILES IN STORAGE ROOM. PHYSICAL FACILITIES SHALL BE PROPERLY MAINTAINED AND CLEANED AS OFTEN AS NECESSARY.	
53	NO LIGHTS PROVIDED IN BOTH WALK-IN CHILLER AND ONE OF STORAGE ROOMS; NO LIGHT SHIELD PROVIDED FOR ONE OF BACK STORAGE ROOM STORING EQUIPMENT AND UTENSILS. LIGHT SHALL BE PROVIDED FOR WALK-IN CHILLERS AND STORAGE (AT LEAST 10 FOOT CANDLES) AND LIGHT SHIELDS SHALL BE PROVIDED.	
	BRIEFED PIC, JOE USALLA, ON ABOVE.	
55	WRONG CATEGORY FOR HONG, SONJA HEALTH CERTIFICATE (FOOD ESTABLISHMENT).	
	PROVIDED HACCP LETTER.	

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in further regulatory actions. If seeking to appeal the result of this inspection, a written request for hearing must be submitted to the Director before the indicated correction date.

Person in Charge (Print and Sign) _____ Date: _____

DEH Inspector (Print and Sign) **R. DEL MUNDO** **D. DOMINGUEZ** **JEROME CARROLL** **JAMES COMI** Date: **07/14/15**

Exhibit 15

Department of Public Health and Social Services
Division of Environmental Health
Food Establishment Inspection Report

INSPECTION	RSN	TYPE	GRADE	INSPECTION DATE	ESTABLISHMENT NAME
Regular			N/A	6/3/16	SH ENTERPRISES, INC.
Follow-up				TIME IN	TIME OUT
Complaint	✓		RATING	7:20	9:15
Investigation				SANITARY PERMIT NO.	LOCATION (Address)
Other:		✓	N/A	150002769	ET CALVO MEM. IND. PARK
ESTABLISHMENT TYPE			AREA	TELEPHONE	No. of Risk Factor/Intervention Violations
CATZRUING			5	649-9716	1
					No. of Repeat Risk Factor/Intervention Violations
					4

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance (IN, OUT, N/O, N/A) for each numbered item. Mark "X" in appropriate box for COS and/or R.

IN = In compliance OUT = Not in compliance N/O = Not observed N/A = Not applicable COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status		COS	R	PTS	Compliance Status		COS	R	PTS
Supervision									
1	IN	OUT			Person in charge present, demonstrates knowledge, and performance duties				6
Employee Health									
2	IN	OUT			Management awareness; policy present				6
3	IN	OUT			Proper use of reporting, restriction & exclusion				6
Good Hygienic Practices									
4	IN	OUT	N/A	N/O	Proper eating, tasting, drinking, betelnut, or tobacco use				6
5	IN	OUT	N/A	N/O	No discharge from eyes, nose, and mouth				6
Preventing Contamination by Hands									
6	IN	OUT	N/A	N/O	Hands clean and properly washed				6
7	IN	OUT	N/A	N/O	No bare hand contact with ready-to-eat foods or approved alternate method properly followed				6
8	IN	OUT			Adequate handwashing facilities supplied & accessible				6
Approved Source									
9	IN	OUT			Food obtained from approved source				6
10	IN	OUT	N/A	N/O	Food received at proper temperature				6
11	IN	OUT			Food in good condition, safe, and unadulterated				6
12	IN	OUT	N/A	N/O	Required records available: shell stock tags, parasite destruction				6
Protection from Contamination									
13	IN	OUT	N/A		Food separated and protected				6
14	IN	OUT	N/A		Food contact surfaces: cleaned & sanitized				6
15	IN	OUT			Proper disposition of returned, previously served, reconditioned, and unsafe food				6
Potentially Hazardous Food (TCS Food)									
16	IN	OUT	N/A	N/O	Proper cooking time and temperatures				6
17	IN	OUT	N/A	N/O	Proper reheating procedures for hot holding				6
18	IN	OUT	N/A	N/O	Proper cooling time and temperature				6
19	IN	OUT	N/A	N/O	Proper hot holding temperatures				6
20	IN	OUT	N/A		Proper cold holding temperatures				6
21	IN	OUT	N/A	N/O	Proper date marking and disposition				6
Consumer Advisory									
22	IN	OUT	N/A		Consumer Advisory provided for raw or undercooked foods				6
Highly Susceptible Populations									
23	IN	OUT	N/A		Pasteurized Foods used, prohibited foods not offered				6
Chemical									
24	IN	OUT	N/A		Food additives: approved and properly used				6
25	IN	OUT			Toxic substances properly identified, stored, used				6
Conformance with Approved Procedures									
26	IN	OUT	N/A		Compliance with variance, specialized process, and HACCP plan				6

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health interventions are control measures to prevent foodborne illness or injury.

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.

Mark "X" in box if numbered item is not in compliance and/or if COS and/or R. COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status		COS	R	PTS	Compliance Status		COS	R	PTS
Safe Food and Water									
27	Pasteurized eggs used where required			1					
28	Water and ice from approved source			2					
29	Variance obtained for specialized processing methods			1					
Food Temperature Control									
30	Proper cooling methods used; adequate equipment for temperature control			1					
31	Plant food properly cooked for hot holding			1					
32	Approved thawing methods used			1					
33	Thermometer provided and accurate			1					
Food Identification									
34	Food properly labeled; original container			1					
Prevention of Food Contamination									
35	Insects, rodents, and animals not present			2					
36	Contamination prevented during food preparation, storage & display			1					
37	Personal cleanliness			1					
38	Wiping cloths: properly used and stored			1					
39	Washing fruits and vegetables			1					
Proper Use of Utensils									
40	In-use utensils: properly stored			1					
41	Utensils, equipment and linens: properly stored, dried, handled			1					
42	Single-use/single-service articles: properly stored, used			1					
43	Gloves used properly			1					
Utensils, Equipment and Vending									
44	Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used			1					
45	Warewashing facilities: installed, maintained, used, test strips			1					
46	Nonfood-contact surfaces clean			1					
Physical Facilities									
47	Hot & cold water available, adequate pressure			2					
48	Plumbing installed; proper backflow devices			2					
49	Sewage and wastewater properly disposed			2					
50	Toilet facilities: properly constructed, supplied, & cleaned			2					
51	Garbage/refuse properly disposed, facilities maintained			2					
52	Physical facilities installed, maintained, and clean			1					
53	Adequate ventilation and lighting; designated areas use			1					

I have read and understand the above violation(s), and I am aware of the corrective measures that shall be taken.

Person in Charge (Print and Sign)	Tae Hong Min	Date:	6/3/16
DEH Inspector (Print and Sign)	K. DEL MUNDO EPHO III	Follow-up (Circle one):	YES (NO)

Department of Public Health and Social Services
 Division of Environmental Health
Food Establishment Inspection Report

Page 2 of 3

ESTABLISHMENT NAME SIA ENTERPRISES, INC.		LOCATION (Address) ET CALLO MEM. IND. PARK
INSPECTION DATE 6, 3, 16	SANITARY PERMIT NO. 150002769	PERMIT HOLDER SIA ENTERPRISES, INC.

TEMPERATURE OBSERVATIONS

Item/Location	Temperature (° F)	Item/Location	Temperature (° F)
NONE FOLLOWS			

ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

	<p>A COMPLAINT ASSESSMENT WAS CONDUCTED TODAY IN RESPONSE TO COMPLAINT NO. 16-087, REGARDING DRIVERS DELIVERING MEALS WITHOUT A VALID HEALTH CERTIFICATES AND MEALS BEING DELIVERED WERE STORED AT THE BACK OF PICK UP TRUCKS WITH TRASH.</p> <p>ACCORDING TO MR. MIN, EMPLOYEES FROM SEAFOOD CHEF AND CALIFORNIA MART WERE ASKED TO ASSIST WITH DELIVERY. A LISTING OF DRIVERS AND COPIES OF THEIR HEALTH CERTIFICATES ARE PROVIDED. DEH STAFF DID NOT OBSERVE DRIVERS WITHOUT VALID HEALTH CERTIFICATES. STAFF REMINDED MR. MIN TO ENSURE ALL DRIVERS DELIVERING HAVE VALID HEALTH CERTIFICATES.</p> <p>DEH STAFF DID NOT OBSERVE MEALS BEING PLACED AT THE BACK OF PICK UP TRUCKS WITH TRASH. ACCORDING TO MR. MIN, CALIFORNIA MART DELIVERY VANS WERE UTILIZED DURING JUNE 1 AND 2. PICTURES OF VANS WERE TAKEN. ↓ (AMONG THE VEHICLES)</p> <p>DEH STAFF ALSO DELIVERED LETTER REGARDING HACCP REQUIREMENT.</p> <p>SIA ENTERPRISES IS ASKING FOR ASSISTANCE IN UNDERSTANDING</p>	
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Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in further regulatory actions. If seeking to appeal the result of this inspection, a written request for hearing must be submitted to the Director before the indicated correction date.

Person in Charge (Print and Sign) Tae Hong Min <i>Tae Hong Min</i>	Date: 6/3/16
DEH Inspector (Print and Sign) K. DELMUNDO EPHO III <i>K. Delmundo EPHO III</i>	Date: 06/03/16

Department of Public Health and Social Services
Division of Environmental Health

Food Establishment Inspection Report

Page 3 of

ESTABLISHMENT NAME SIA ENTERPRISES, INC.	LOCATION (Address) LET CALVO MEM. IND. PARK
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INSPECTION DATE 6.3.16	SANITARY PERMIT NO. 150002769	PERMIT HOLDER SIA ENTERPRISES, INC.
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ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	CORRECT BY DATE
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Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

THE GUAM FOOD CODE. DEH STAFF RECOMMENDED TO REQUEST FOR TRAINING, IN WRITING.

ABOVE INFORMATION WAS BRIEFED WITH TAE H. MIN, OWNER.

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in further regulatory actions. If seeking to appeal the result of this inspection, a written request for hearing must be submitted to the Director before the indicated correction date.

Person in Charge (Print and Sign) Tae Hong Min [Signature]	Date: 6/3/16
DEH Inspector (Print and Sign) R. DEL MUNDO EPHO II [Signature] J. CRUZ BPAU I [Signature]	Date: 06/03/16

Exhibit 16



PURCHASE ORDER
 GENERAL SERVICES AGENCY
 DEPARTMENT OF ADMINISTRATION
 GOVERNMENT OF GUAM

148 Route 1
 Marine Drive
 Piti, Guam 96925

TRAN CODE E0316
 THIS PURCHASE ORDER NUMBER
No. P156E00316
 MUST APPEAR ON ALL INVOICES:
 PACKING SLIPS, PACKAGES, B/L,
 CORRESPONDENCE ETC.

F.O.B.	* AIR FREIGHT TEL. CONTACT	SHIP VIA:	DATE	JOB ORDER NO.	OBJCL
			7/09/2015	173015004230	230
PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE.					

VENDOR	TO:	VENDOR	CONSIGNEE, DESTINATION & MARKING		
	CALIFORNIA MART S.H. ENTERPRISES, INC. P.O. BOX 9730 TAMUNING, GU 96931 Telephone: 671 649-0521 Fax: 671 649-2957 Email:	50097959	S H I P T O	DEPT OF PUBLIC HEALTH & SOCIAL SERVICES 123 CHALAM KARETA RTE. 10 MANGILAO, GU 96923-0000 TIT-IIIC2 HOME DEL MEAL OVRMCH	
AUTHORITY 3113	** INVITATION NO.	** CONTRACT NO.	TIME FOR DELIVERY IMMEDIATE	EXPIRING	DISCOUNT TERMS:

ITEM	ARTICLES OF SERVICES	QTY.	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER	FAC
1	EMERGENCY PROCUREMENT FOR THE NUTRITION SERVICES FOR THE COMPREHENSIVE MANAGEMENT OPERATIONS, AND MAINT. OF THE ELDERLY NUTRITION PROGRAM, HOME-DELIVERED MEALS COMPONENT BREAKDOWN: \$9.95 PER MEAL X 1180 EACH = \$11741.00 DAY X 21 DAYS = \$246,561.00 EXECUTIVE ORDER:CFD0715-2776 DATED: 7/9/15 PERIOD TO COVER: JULY 10, 2015 THRU JULY 30, 2015 POC: CHARLENE 735-7421 NOTE: THE GOVERNMENT OF GUAM WILL NOT BE RESPONSIBLE FOR 'UNAUTHORIZED' PURCHASES OR SERVICES. Note: Amounts due this Purchase Order may be off set for monies due the Government of Guam inclusive of but not limited to taxes, fees, and returned checks, plus for other damages, penalties, and Attorney's fees, after failure to pay accordingly. To be coordinated between the agency and vendor. ALL LATE DELIVERIES AND ACCEPTANCES ARE SUBJECT TO THE LIQUIDATED DAMAGES CLAUSE IN SECTION 6101(9)(a) OF THE GAR.	1	LQT	171100.000	171100.00	Q151730056	

SPECIAL INSTRUCTIONS TO VENDOR: B. SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 884, AGANA, GUAM 96910. C. PAYMENT IN THIRTY (30) DAYS UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION. D. THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE. E. * * THIS ORDER IS SUBJECT TO THE SPECIAL PROVISIONS, AND BID GENERAL TERMS AND CONDITIONS SPECIFIED ON THIS BID. F. * ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS IN GUAM.	171100.00	A. DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL. INSERT CHANGES AND RETURN THIS ORDER FOR AMENDMENT.
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CONTRACTOR: PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR SERVICES. ALL CORRESPONDENCE PERTAINING TO THIS ORDER INCLUDING INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE PURCHASE ORDER NUMBER SHOWN ABOVE. SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS.	ADVANCE PAYMENT AUTHORIZATION <input checked="" type="checkbox"/> PAYMENT ENCLOSED <input type="checkbox"/>	SIGNATURE Claudia S. Acfalle NAME	Chief Procurement Officer TITLE
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PURCHASE ORDER
 GENERAL SERVICES AGENCY
 DEPARTMENT OF ADMINISTRATION
 GOVERNMENT OF GUAM

148 Route 1
 Marine Drive
 Piti, Guam 96925

TRAN CODE **E0317**
 THIS PURCHASE ORDER NUMBER
No. P156E00317
 MUST APPEAR ON ALL INVOICES
 PACKING SLIPS, PACKAGES, B/L,
 CORRESPONDENCE ETC.

F.O.B.	* AIR FREIGHT TEL. CONTACT	SHIP VIA:	DATE	JOB ORDER NO.	OBJCL
			7/09/2015	173015010200	230
PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE.					

VENDOR	TO:	VENDOR	SHIP TO	CONSIGNEE, DESTINATION & MARKING
	CALIFORNIA MART S.H. ENTERPRISES, INC. P.O. BOX 9730 TAMUNING, GU 96931 Telephone: 671 649-0521 Fax: 671 649-2957 Email:	50097959		DEPT OF PUBLIC HEALTH & SOCIAL SERVICES 123 CHALAN KARETA RTE. 10 MANGILAO, GU 96923-0000 SAT ENP HOME DELIVERED LUNCH

AUTHORITY 3113	** INVITATION NO.	** CONTRACT NO.	TIME FOR DELIVERY IMMEDIATE	EXPIRING	DISCOUNT TERMS:
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ITEM	ARTICLES OF SERVICES	QTY.	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER	FAC
1	SUPPLEMENTAL PURCHASE ORDER FOR P156E00316 FOR NUTRITION SERVICES FOR THE COMPREHENSIVE MANAGEMENT, OPERATIONS AND MAINTENANCE OF THE ELDERLY NUTRITION PROGRAM, HOME-DELIVERED MEALS COMPONENT. POC: CHARLENE 735-7421	1	LOT	85550.000	85550.00	Q151730058	
<p>NOTE: THE GOVERNMENT OF GUAM WILL NOT BE RESPONSIBLE FOR 'UNAUTHORIZED' PURCHASES OR SERVICES. Note: Amounts due this Purchase Order may be off set for monies due the Government of Guam inclusive of but not limited to taxes, fees, and returned checks plus for other damages, penalties, and Attorney's fees, after failure to pay accordingly. To be coordinated between the agency and vendor. ALL LATE DELIVERIES AND ACCEPTANCES ARE SUBJECT TO THE LIQUIDATED DAMAGES CLAUSE IN SECTION 6101(9)(a) OF THE GAR.</p>							

SPECIAL INSTRUCTIONS TO VENDOR: B. SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION; GOVERNMENT OF GUAM, P.O. BOX 884, AGANA, GUAM 96910. C. PAYMENT IN THIRTY (30) DAYS UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION. D. THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE. E. * * THIS ORDER IS SUBJECT TO THE SPECIAL PROVISIONS, AND BID GENERAL TERMS AND CONDITIONS SPECIFIED ON THIS BID. F. * ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS IN GUAM.	85550.00	A. DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL. INSERT CHANGES AND RETURN THIS ORDER FOR AMENDMENT.
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CONTRACTOR: PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR SERVICES. ALL CORRESPONDENCE PERTAINING TO THIS ORDER INCLUDING INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE PURCHASE ORDER NUMBER SHOWN ABOVE. SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS.	ADVANCE PAYMENT AUTHORIZATION PAYMENT ENCLOSED <input type="checkbox"/>	SIGNATURE: <i>[Signature]</i> Claudia S. Acfalle NAME Chief Procurement Officer TITLE
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PURCHASE ORDER
 GENERAL SERVICES AGENCY
 DEPARTMENT OF ADMINISTRATION
 GOVERNMENT OF GUAM

148 Route 1
 Marine Drive
 Piti, Guam 96925

TRAN CODE **ED318**
 THIS PURCHASE ORDER NUMBER
No. P156E00318
 MUST APPEAR ON ALL INVOICES:
 PACKING SLIPS, PACKAGES, B/L,
 CORRESPONDENCE ETC.

F.O.B.	* AIR FREIGHT TEL. CONTACT	SHIP VIA:	DATE	JOB ORDER NO.	OBJCL
			7/09/2015	173015103200	230

PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE.

VENDOR	TO:	VENDOR	CONSIGNEE, DESTINATION & MARKING		
	CALIFORNIA MART S.H. ENTERPRISES, INC. P.O. BOX 9730 TANUNING, GU 96931 Telephone: 671 649-0521 Fax: 671 649-2957 Email:	90097959	S H I P T O	DEPT OF PUBLIC HEALTH & SOCIAL SERVICES 123 CHALAN KARETA RTE. 10 MANGILAO, GU 96923-0000 TITLE III-C-1 CONGREGATE MEALS	
AUTHORITY 3113	** INVITATION NO.	** CONTRACT NO.	TIME FOR DELIVERY IMMEDIATE	EXPIRING	DISCOUNT TERMS:

ITEM	ARTICLES OF SERVICES	QTY.	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER	FAC
1	EMERGENCY PROCUREMENT FOR NUTRITION SERVICES FOR THE COMPREHENSIVE MANAGEMENT, OPERATIONS AND MAINT. OF THE ELDERLY NUTRITION PROGRAM, CONGREGATE MEALS COMPONENT. BREAKDOWN: \$8.50 X 790 EACH = \$6630.00 PER DAY X 19 DAYS = \$125,970.00 EXECUTIVE ORDER: CFD0715-2775 DATED: 7/9/15 PERIOD TO COVER: JULY 10 2015 THRU AUGUST 5, 2015 POC: CHARLENE 735-7421 NOTE: THE GOVERNMENT OF GUAM WILL NOT BE RESPONSIBLE FOR 'UNAUTHORIZED' PURCHASES OR SERVICES. Note: Amounts due this Purchase Order may be off set for monies due the Government of Guam inclusive of but not limited to taxes, fees, and returned checks, plus for other damages, penalties, and Attorney's fees, after failure to pay accordingly. To be coordinated between the agency and vendor. ALL LATE DELIVERIES AND ACCEPTANCES ARE SUBJECT TO THE LIQUIDATED DAMAGES CLAUSE IN SECTION 6101(9)(a) OF THE GAR.	1	LOT	125970.000	125970.00	Q151730057	

SPECIAL INSTRUCTIONS TO VENDOR: B. SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION; GOVERNMENT OF GUAM, P.O. BOX 884, AGANA, GUAM 96910. C. PAYMENT IN THIRTY (30) DAYS UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION. D. THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE. E. ** THIS ORDER IS SUBJECT TO THE SPECIAL PROVISIONS, AND BID GENERAL TERMS AND CONDITIONS SPECIFIED ON THIS BID. F. * ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS IN GUAM.	125970.00	A. DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL. INSERT CHANGES AND RETURN THIS ORDER FOR AMENDMENT.
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CONTRACTOR: PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR SERVICES. ALL CORRESPONDENCE PERTAINING TO THIS ORDER INCLUDING INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE PURCHASE ORDER NUMBER SHOWN ABOVE. SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS. PAGE 1 OF 1	ADVANCE PAYMENT AUTHORIZATION <input type="checkbox"/> PAYMENT ENCLOSED <input type="checkbox"/>	SIGNATURE: <i>[Signature]</i> Claudia S. Acfalle NAME Chief Procurement Officer TITLE
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Exhibit 17



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

JUL 15 2015

Memorandum

To: Director, Department of Public Health and Social Services

From: Chief Environmental Public Health Officer, DEH

Subject: Response to Freedom of Information Act (FOIA) Request from Basil Industrial Food Services

This memorandum is in response to Item #3 in the FOIA request from Basil Industrial Food Services dated July 10, 2015, as follows:

3. All HPACC [sic] certifications for any vendor providing food or nutrition services for the elderly as administered by the Department of Public Health, and all correspondence relating to such HPACC certifications from January 1, 2014 to present.

No vendor providing food or nutrition services for the elderly as administered by the Department of Public Health and Social Services has a Hazard Analysis Critical Control Point ("HACCP") certifications. No correspondence relating to such HACCP certifications from January 1, 2014 to present exists for any such vendor besides Basil Industrial Food Services.

Should you have any questions related to this memorandum, please contact me via email at masatomo.nadeau@dphss.guam.gov, or by phone at 735-7221.


M. THOMAS NADEAU