



Michael R. Pence
Governor

Jerome M. Adams, MD, MPH
State Health Commissioner

CERTIFIED MAIL #7009-2820-0003-8638-0024

September 20, 2016

Matthew Leeper
Sodexo at Indiana State University
550 Chestnut Street, HMSU Room 217
Terre Haute, IN 47809

RE: Variance Request # 912015

On December 4, 2015, this office received a request from you representing Sodexo at Indiana State University to vary section 195 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the use of reduced oxygen packaging (ROP). The original application could not be read and the application was re-submitted on February 18, 2016. A letter requesting additional information was sent from this office on February 24, 2016 with an email response received on March 25, 2016. There continued to be information needed to fully understand the scope of the variance request and a letter was sent on July 11, 2016 offering an opportunity for you to provide this information before a final decision could be made. As of this date, no response to the letter has been received; therefore, it is necessary for this variance request to be denied.

If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Indiana Code §40-21.5-3-7(a), you must petition for such review in writing. The petition must state facts demonstrating that:

- a. you are a person to whom the decision is specifically directed;
- b. you are aggrieved or adversely affected by the decision; or,
- c. you are entitled to review under any law.

Your request for review or stay of effectiveness must be filed in writing and addressed to:

**Indiana State Department of Health
Attn: Court Administrator
Office of Legal Affairs
2 North Meridian Street, Section 3H
Indianapolis, Indiana 46204**

on or before October 20, 2016. If no request for review or stay of effectiveness is filed by October 20, 2016, this decision shall become final.

DATED AT INDIANAPOLIS, INDIANA THIS 20th DAY OF SEPTEMBER 2016.

PURSUANT TO IC 16-19-3-4.3 AND IC 16-42-5-5.2, I HEREBY DENY A VARIANCE OF FOOD PROTECTION RULES AS STATED ABOVE.

JEROME M. ADAMS, MD, MPH
STATE HEALTH COMMISSIONER

By:  _____

Judith Lovchik, PhD, D(ABMM)
Assistant Commissioner
Public Health Protection and Laboratory Services Commission

cc: ISDH Executive Board
ISDH Food Protection Staff
ISDH Office of Legal Affairs