



Michael R. Pence
Governor

Jerome M. Adams, MD, MPH
State Health Commissioner

CERTIFIED MAIL #7009-2820-0003-8638-0017

September 20, 2016

Therese Maloney
Levy Restaurants at Indianapolis Motor Speedway
4790 W. 16th Street
Indianapolis, IN 46222

RE: Variance Request # 952016

On April 26, 2016, this office received a request from you representing Levy Restaurants at Indianapolis Motor Speedway to vary sections 332 and 375 of 410 IAC 7-24, "Retail Food Establishment Sanitation Requirements," relating to the use of water tanks and wastewater tanks by a food operation not considered to be mobile, temporary, and/or is not experiencing a temporary interruption of its permanent water supply. The submitted application was accompanied by a letter from Joseph E. Raper, AIA, CSO Architects Inc. and some architectural drawings for equipment to be used at the proposed new site(s).

After reviewing the application and submitted materials, there were some questions and additional information needed to fully understand and complete the review to make a final determination on the request. A letter was sent to you from this office on June 3, 2016. 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.



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essential public health services.

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
Marion County Health Department