



Mitchell E. Daniels, Jr.  
Governor

Judith A. Monroe, M.D.  
State Health Commissioner

Indiana State  
Department of Health  
*An Equal Opportunity Employer*

CERTIFIED MAIL

April 4, 2007

Mr. Jimmy Kowitt  
General Manager  
Aramark @ Victory Field  
501 West Maryland St.  
Indianapolis, IN 46204

Re: Variance Request Dated January 16, 2007 and  
Supplements dated January 30, 2007,  
February 2, 8, and 9, 2007  
Sections 113 "Public Water and Sewer"  
and 413 "Outdoor Cooking" of 410 IAC 7-24

Dear Mr. Kowitt,

The variance application and supplementals that were submitted January 16 and February 2, 8, and 9, 2007 have been reviewed and evaluated. As part of the evaluation, we also looked at the units, but did not include the units while in use. **The application is approved with the following conditions:**

1. The Aramark food employees are responsible for the operation of the units at Victory Field.
2. The variance approval applies only to the food products and the five (5) units and their physical locations listed in the supplements dated January 30, February 2, 8, and 9, 2007. Two (2) hot dog/bratwurst/Italian sausage units located at sections 106 and 117; one (1) Philly Cheese steak unit located inside section 120; one (1) ultimate nacho unit located inside section 115; and one (1) popcorn unit located inside section 112.
3. Aramark shall follow all Standard Operating Procedures (SOP) as submitted in the January 16, 2007 variance request and the supplements dated January 30, February 2, 8, and 9, 2007.
4. Due to the nature and limited overhead coverage for the operation, Aramark agrees not to operate any or all units when the weather and /or other environmental conditions could hinder the protection of the food, food contact surfaces, etc., except for the popcorn unit which is fully protected.

**Epidemiology Resource Center**  
2525 N. Shadeland Ave. Suite E3, Indianapolis, IN 46219  
317.356.7190 ext. 253

**Laboratories**  
550 West 16th Street, Suite B, Indianapolis, IN 46202  
317.921.5500

**Weights & Measures**  
2525 N. Shadeland Ave. Suite D3, Indianapolis, IN 46219  
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5. Aramark shall reseal the concrete surface under and around the units making it a nonabsorbent, easily cleanable surface by April 19, 2007.
6. Aramark shall provide screening or other pest control measures required for the units if evidence of insect activity is observed.
7. Aramark shall consistently follow at all times the potable water and wastewater procedures as specified in the variance request.
8. Aramark shall enhance the hand sink accessibility located under the counter if deemed necessary by the regulatory authority upon inspection and evaluation of the usage of the hand sink by food handlers.
9. All other applicable sections of 410 IAC 7-24 must be complied with.
10. The variance approval must be available, upon request, for review by the local health department.
11. This office will notify the local health department of the variance approval.

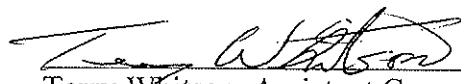
Be advised that failure to comply with any of the above conditions could result in the revocation of the variance approval and could hinder any future approvals.

**If you wish to request an administrative review or stay of effectiveness of this decision pursuant to Ind. Code §4-21.5-3-7(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 with the State Health Commissioner, 2 North Meridian Street, Indianapolis, Indiana 46204, on or before April 23, 2007. If no request for review or stay of effectiveness is filed by April 23, 2007, this decision shall become final.**

Dated at Indianapolis, Indiana, this April 3, 2007

  
Terry Whitson, Assistant Commissioner  
Health Care Regulatory Services

cc: Executive Board, ISDH  
Marion County Health Department  
Retail Staff