[Appendix U (Exhibit “No.9”): See, Grievance Form KCF-1412-1376-09z]

APPENDIX “U”
STEP III GRIEVANCE APPEAL DECISION

TO: Boone, Ronnie - #501976

CURRENT FACILITY: KCF

GRIEVANCE ID#: KCF-14-12-1376-96a-28e

STEP II RESPONSE
DATE: 2/17/16

DATE STEP III APPEAL RECEIVED: 8/28/15

BUSINESS DAYS BETWEEN: 136

The above grievance was not filed to this Office within 10 business days of receiving the Step II response or within 10 business days of when it should have been received as required by PD 03.02.130, "Prisoner/Parolee Grievances".

Therefore, this Step III appeal is rejected as being untimely submitted to Step III.

The grievance category code has been modified to reflect the untimely submission. All future reference to this grievance should use the modified code.

This decision may not be appealed further within the Department. In addition, because this grievance is properly rejected, you have failed to exhaust the administrative remedies provided to you by this Department.

This issue is considered closed.

Date Mailed: SEP 21 2015

Richard D. Russell
Grievance Section Manager
Office of Legal Affairs

Copy to:

Warden: KCF

EXHIBIT No. 9
KCF-1412 1376 09z; Step III - Reason for Appeal

1. As stated in Step II response: The first step response is appropriate and is supported by the Warden's Office.

2. I Grievant was denied the right or opportunity to explain the grievance more completely at the interview to enable the Step I Respondent to identify and gather additional information needed to respond to the grievance when Mr. McMullen (APSO), refused to interview me. Eating the meat that day I grievant had watery bowel movements, a mild diarrhea.

3. As stated under P.D. 03.02.130(2), the respondent shall interview the grievant, and the grievant shall have the opportunity to explain the grievance.

4. Mr. McMullen (APSO) put "NO SHOW" on the grievance response, and never interviewed me/grievant. This was stated in Step I but never addressed. By not addressing this issue makes the hole grievance process involved.

5. All (MDOC) day shift Officers stated Aramark Food Service never called them to send me/grievant over to the kitchen to be interview, (see, Affidavit Of Fact From The Officers; (EXHIBIT "G").

EXHIBIT NO. 9
Step III. Reason for Appeal
ECF 1412-1376-09z
Date 08/18/15

These Grievance’s are being filed late do to the fact prisoner’s Freeman 402493, and Boone 501976, was unable to obtain the information or affidavits of facts in a timely matter, needed for evidence until 07/06/15. Even if these grievance are rejected a tracking system shall include information on the subject matter of each grievance received, and for rejected grievance, the basis for the rejection, (P.D. 03.02.130(FF)).

Aramark Correction Services (ACS), is no longer working for the Michigan Department of Correction (MDOC), and the food services now is Trinity Service Group (TSG). The same employee’s that work for (ACS), are working for (TSG). Even if (ACS) is no longer with (MDOC), they are still responsible for there action. Mr. Shawn McMullen Aramark Food Service Director (APSD) is now working for (TSG).
MICHIGAN DEPARTMENT OF CORRECTIONS

PRISONER/PAROLEE GRIEVANCE APPEAL FORM

4835-4248 5/09
CSJ-2475

Date Received by Grievance Coordinator at Step II: 1/09/18

Grievance Identifier: KLF18121374097

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.
The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) MUST be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: KLF

Warden APP'D by 1/17/18. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

<table>
<thead>
<tr>
<th>Name (Print first, last)</th>
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<th>Lock Number</th>
<th>Date of Incident</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Boone</td>
<td>501976</td>
<td>KLF</td>
<td>A363</td>
<td></td>
<td></td>
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</table>

STEP II — Reason for Appeal
I grievant does not have to date go because seriously ill to challenge the safety and nutritional adequacy of the meals. I grievant consumed the actual food because ill, and experienced severe stomach pain, nausea, vomiting, fever, headaches, and had diarrhea that might of otherwise experienced a condition insurable for action. Thus, I grievant was malnutrition for severe headaches, pain, nausea, and had diarrhea; the generally unpalatable food came out of my body. So I did not have to go on medical care for treatments. The food served had been prepared and served in, unacceptable conditions that presented a serious risk of physical harm, and provided inadequate nutrition. I GRIEVANT WAS NOT INTERVIEWED IN STEP I, AND FOR GIVEN REASON BY RESPONDENT SHAWN MCMULLEN (AFSD) "NO SHOW," I GRIEVANT WAS TOLD BY MDOC OFFICER'S (AFS) NEVER CALLED THEM TO SEND ME/GRIEVANT OVER TO FOOD SERVICE; AND NO INMATE PASS WAS NEVER WRITTEN. THIS IS A VIOLATION OF P.D. 03.07.130 (Y).

STEP II — Response

[Signature]

Date Received by Step II Respondent: 1/09/18

Date Returned to Grievant: 2/17/18

Respondent's Name (Print) [Signature] Date

STEP III — Reason for Appeal

SEE ATTACHED STEP III REASON FOR APPEAL

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.
PRISONER'S NAME: Boone #501976, A-3-63

DATE RECEIVED: 01/29/15 KCF 1412 1967 09z

STEP II RESPONSE: Your second step grievance regarding Food Service was received and reviewed by the Warden’s Office. The first step response is appropriate and is supported by the Warden’s Office.

At Step I the grievant states that on 12-14-14 while going through the serving line the kitchen served taco meat that made him sick. He found out from an Aramark worker that the meat was from leftover Salisbury steak served four days prior to this meal. Aramark acted with “deliberate indifference” when serving spoiled excess food. Step II the issue remains the same.

At Step I respondent indicates that all food is prepared according to proper food service protocol and Serve Safe procedures which include procedures for food storage and reuse. Over 1400 servings of taco meat were served during the meal in question and Boone was the only inmate reporting these symptoms. No inmates were seen in health care with issues related to food borne illness. Grievance denied.

At Step II it is noted that the Step I response is supported. KCF Food Service serves all meals in compliance with PD-04.07.102 Q. and OP-KCF-04.07.102.

Grievance denied.

\[2-12-15\]
Date Returned

\[\text{Signature}\]
Duncan Mackuen, Warden

DM:mm

EXHIBIT NO. 9
MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

Date Received at Step I: 12/9/14  Grievance Identifier: K4A141420137G907Z

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<tbody>
<tr>
<td>Ronnie Boone</td>
<td>501974</td>
<td>KCF</td>
<td>A-3-63</td>
<td>12/14/14</td>
<td>12/17/14</td>
</tr>
</tbody>
</table>

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 
If none, explain why.

Talked with Aramark Food Service Steward (Lewis) about the (taco meat), and was told it was ground up leftover (Salisbury Steak Meat).

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.
Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On 12/14/14, for dinner Aramark served (MDOC) Statewide Standard Menu Meal (Taco). Grievant ate the (taco meat), got sick, experienced severe stomach pain, nausea, vomiting, fever, headaches, and had diarrhea that night or otherwise experienced a condition intolerable for prison confinement. The next day on 12/15/14, while in the kitchen grievant talked with Aramark Food Service Steward (Lewis) about the (taco meat), and was told it was ground up leftover food items (Salisbury Steak) that was served four days ago for lunch on 12/10/14. The meat served by Aramark was ground up into mush, and nutritionally inadequate, spoiled, undercooked, watered down, that made grievant violently ill. Aramark preparation of prison food was grossly inadequate to maintain grievant normal health, and did not handle food properly and served food so unsanitary as to present a health risk. Grievant faced a sufficiently serious risk to (his) health or safety and they Aramark official acted with "deliberate indifference" to (his) health and safety, "when serving spoiled excess food.

Ronnie Boone
Grievant’s Signature

RESPONSE (Grievant Interviewed? □ Yes ☑ No  If No, give explanation. If resolved, explain resolution.)

EXHIBIT No. 9

Respondent’s Signature: [Signature]
Respondent’s Name (Print): [Name]
Date: 1-2-15
Working Title: [Title]

Reviewer’s Signature: [Signature]
Reviewer’s Name (Print): [Name]
Date: 1-18-15
Working Title: [Title]

Date Returned to Grievant: 1/20/15
If resolved at Step I, Grievant sign here. Resolution must be described above.
Grievant’s Signature: [Signature]
Date: [Date]
Step I Grievance Response

<table>
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<tbody>
<tr>
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<td>BOONE</td>
</tr>
<tr>
<td>Prisoner Number:</td>
<td>501976</td>
</tr>
</tbody>
</table>

Prisoner □ was ☒ was NOT interviewed. GIVE REASON: 

SUMMARY OF COMPLAINT:
Alleged food related illness

INVESTIGATION INFORMATION
Health care services, food cool-down temperature logs

APPLICABLE POLICY, PROCEDURE, ETC.

SUMMARY
All food is prepared according proper food service protocol and Serve Safe procedures. These protocols include procedures for food storage and reuse. Over 1400 servings of taco meat were served during the meal in question and Boone was the only inmate reporting these symptoms. Furthermore, no inmates were seen in health care service with issues related to food borne illness.

<table>
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<tr>
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<th>Shawn McMullen</th>
</tr>
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<tr>
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<td>[Signature]</td>
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<tr>
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<td>Bronze</td>
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EXHIBIT NO. 9
[Appendix V (Exhibit “No.12”): See, Grievance Form KCF-1412-1396-09z]

APPENDIX “V”
STEP III GRIEVANCE APPEAL DECISION

TO: Freeman, Antonio - #402493

CURRENT FACILITY: KCF

GRIEVANCE ID#: KCF-14-12-1396-00-2Be

STEP II RESPONSE
DATE: 2/17/15

DATE STEP III APPEAL RECEIVED: 8/28/15

BUSINESS DAYS BETWEEN: 131

The above grievance was not filed to this Office within 10 business days of receiving the Step II response or within 10 business days of when it should have been received as required by PD 03.02.130, "Prisoner/Parolee Grievances".

Therefore, this Step III appeal is rejected as being untimely submitted to Step III.

The grievance category code has been modified to reflect the untimely submission. All future reference to this grievance should use the modified code.

This decision may not be appealed further within the Department. In addition, because this grievance is properly rejected, you have failed to exhaust the administrative remedies provided to you by this Department.

This issue is considered closed.

Richard D. Russell
Grievance Section Manager
Office of Legal Affairs

Copy to:
Warden: KCF

EXHIBIT NO. 1
INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CS-1-247A (or the copy from which you have not been provided with a Step I response in a timely manner) MUST be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to:

Warden’s Office

If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director’s Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last) FREEMAN

Number 402493

Institution KEF

Lock Number A-263

Date of Incident

Today’s Date

STEP II — Reason for Appeal

SEE ATTACHED STEP II REASON FOR APPEAL.

STEP II — Response

Date Received by Step II Respondent: 1/27/15

(Handwritten Signature)

Respondent’s Name (Print)

Respondent’s Signature 2/12/15

Date Returned to Grievant: 2/17/15

STEP III — Reason for Appeal

SEE ATTACHED STEP III REASON FOR APPEAL.

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director’s Response is attached as a separate sheet.

DISTRIBUTION: White - Proces EXHIBIT No. 1 2

Goldenrod ~ Grievant
KCF-1412 1396 09z; Step III - Reason for Appeal

As stated in Step II Reason for Appeal: grievant was not interviewed on the grievance, and for given reason by Respondent, Shawn McMullen (APSD), he put "NO SHOW" on Step I Grievance Response. Stated in the Reason for Appeal, no. 3, I grievant talked with all MDCC day shit Officer's, and they all stated (APSF) never called them to send me/grievant over to food services, and no inmate pass was never written, (see, Affidavit of Fact; (EXHIBIT "H").

Mr. McMullen (APSF), perpetrated fraud/perjury on the grievance forms by putting "NO SHOW" trying to cover up what happened, not just once, but on several difference grievance forms, (see, Grievance Forms; KCF14121396-09z; (EXHIBIT "J"); KCF-14121401-09z, (EXHIBIT "K"); KCF-1412136709z, (EXHIBIT "L"); KCF-14121310-09z, (EXHIBIT "M"); and KCF-15010096-28j, (EXHIBIT "N").

I grievant was not giving the opportunity to explain the grievance more completely at a interview, nor show the evidence, as stated in P.D. 03.02.130(Y), and as shown in (KCF-14121310-09z, (EXHIBIT "M").

Also see, (Copies of Cookie with Plastic Found Inside; (EXHIBIT "J"); Pages 1-4).

EXHIBIT No. 12
STEP II - Reason for Appeal

ECF-14120-1396-09z

In Step I Grievance Response it stated I grievant was not interviewed because of given reason "NO SHOW," called 3 times, in the Summary: all meals are prepared in accordance with proper Serve Safe procedures and policy directive 04.07.100 "offender meals," even if he had observed this breach of protocol, grievant still had the option of choosing an alternate fresh fruit choice in order to receive his proper nutritional for that meal.

(1) If all meals were prepared in accordance with proper Serve Safe procedures "why" did grievant find a piece of plastic cooked inside of his cookie (evidence holding)?

(2) I grievant received my food tray, and then went at a table to eat my food. The last thing I grievant ate on the tray was my cookie. While I grievant was eating my cookie I found a piece of plastic inside the cookie. So I grievant did not have the option of choosing an alternate fresh fruit because it was too late after eating some of the cookie. I grievant could not take the cookie back to the serving line and say I want the fresh fruit because its plastic inside the cookie, (if a sign was posted and states that plastic is inside of the cookies I grievant would have eaten the fresh fruit instead of the cookie, to meet the proper nutritional allowance for that meal).

(3) I grievant was not interviewed on the grievance, and for given reason by respondent Shawn McMullen (APSD) "NO SHOW." I grievant talked with all MDOC day shift Officer's, and they all stated Acmeak Food Service never called them to send me/grievant over to food service, and no inmate pass was never written.

I grievant contends respondent Shawn McMullen (APSD), violated my rights when he acted willfully and under color of law to commit (fraud, making a false report, and the Policy Directive by not giving me the opportunity to explain the grievance more completely at the interview, and show the evidence.

(1) Mr. McMullen (APSD) knew or should have been aware of facts from which they could infer that a substantial risk existed that "foreign object" are finding its way into the food product, much less that such an object would create such a serious threat to a prisoners/grievant health or otherwise experienced a condition intolerable for prison confinement.

(2) Mr. McMullen (APSD) acted with "deliberate indifference" to grievant health and safety.

(a) Under 18 U.S.C.S. sec. 242, it is a criminal offense to act willfully and under color of law to deprive a person of rights protected by the constitution or laws of the United States, (false report, fraud, falsifying a record).

(b) Under 503.02.120(Y), the respondent shall interview the grievant, and the respondent shall have the opportunity to explain the grievance more completely at the interview to enable the Step I respondent to identify and gather any additional information needed to respond to the grievance.
PRISONER'S NAME: Freeman #402493, A-2-63

DATE RECEIVED: 01/27/15 KCF 1412 1396 09z

STEP II RESPONSE: Your second step grievance regarding Food Service was received and reviewed by the Warden's Office. The first step response is appropriate and is supported by the Warden's Office.

At Step I the grievant states that on 12-22-14 he found a piece of plastic in his cookie. This is unsanitary and presents a health risk. At Step II the issue remains the same.

At Step I respondent indicates that the grievant was not interviewed after three attempts. All meals are prepared in accordance with proper Serve Safe procedures and PD-04.07.100, "Offender Meals." Even if this occurred the prisoner still had the option to request fresh fruit to meet nutritional allowances for the meal. Grievance denied.

At Step II it is noted that the Step I response is valid. KCF Food Service serves all meals in compliance with PD-04.07.100 and PD-04.07.101. The grievant should have reported the incident to staff immediately and is encouraged to do so if any other foreign object is found in his food. As too much time has passed there is no way to verify that this actually occurred.

Grievance denied.

2-12-15
Date Returned

Duncan MacLaren, Warden

DM:mm

EXHIBIT NO. 12
Case 2:16-cv-00271-JTN-TPG   ECF No. 1-3 filed 12/08/16   PageID.151   Page 15 of 34

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

Date Received at Step I 12/29/14    Grievance Identifier: KCF/14/12/21/3961 Q9Z

Name (print first, last)       Number       Institution     Locker Number     Date of Incident     Today's Date
Antonio Greene              402493          KCF           A-2-63            12/22/14        12/22/14

What attempt did you make to resolve this issue prior to writing this grievance? On what date? ________________
If none, explain why.
No attempt was made of resolving this issue (evidence holding).

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.
Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted
to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On 12/22/14, I grievant went to eat lunch and Aramark was serving (ultamate dessert: sugar cookies). While I grievant
was eating my cookie I observed a place of plastic cooked inside the cookie (evidence holding). This is the second
incident I grievant has observed plastic glove found cooked inside the prison food within a two month period (Nov.
and Dec.) of 2014. Aramark staff are acting with "deliberate indifference" to grievant's health and safety," when
keep serving contaminated, unsanitary, sufficiently gross, and unclean food. The preparation of prison food was
grossly inadequate to maintain grievant's normal health. The contaminated food did not meet the nutritional needs
because it was unfit to eat as to present a health risk from foodborne illness or not a wholesome and nutritionally
adequate meal or otherwise experienced a condition intolerable for prison confinement. This is a violation of P.D.
04.07.102 (G), and M.C.L.A. 289.1107 sec. (c) & (1).

EXHIBIT No. 1

Grievant's Signature

RESPONSE (Grievant Interviewed?    □ Yes    □ No    If No, give explanation. If resolved, explain resolution.)
No show.

See attached

Signatures

Respondent's Signature:    Date: 1/5/15
Respondent's Name (Print):    KSD

Reviewer's Signature:    Date: 11/8/15
Reviewer's Name (Print):    BCM

Date Returned to Grievant:    1/12/15
Resolution must be described above.

Grievant's Signature
### Step I Grievance Response

**Grievance Number:** KCF-14-12-1396-9Z  
**Prisoner Name:** Freeman  
**Prisoner Number:** 402493

- Prisoner ☐ was ☒ was NOT interviewed. GIVE REASON: **No Show. Called 3 times**

### SUMMARY OF COMPLAINT:

Alleged Food contamination

### INVESTIGATION INFORMATION

Interviewed Aramark staff

### APPLICABLE POLICY, PROCEDURE, ETC.

Food safety and proper service procedures

### SUMMARY

All meals are prepared in accordance with proper Serve Safe procedures and policy directive 04.07.100 "offender meals". Even if he had observed this breach of protocol, Grievant still had the option of choosing an alternate fresh fruit choice in order to receive his proper nutritional allowance for that meal.

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<tr>
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<th>Shawn McMullen</th>
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<th>FSD</th>
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EXHIBIT No. 1 2
[Appendix W (Exhibit "No.10")]: See, Grievance Form KCF-1412-1401-09z

APPENDIX "W"
STEP III GRIEVANCE APPEAL DECISION

TO: Boons, Ronnie - #501976

CURRENT FACILITY: KCF

GRIEVANCE ID#: KCF-14-12-1401-00x-28e

STEP II RESPONSE
DATE: 1/30/15

STEP III APPEAL
DATE RECEIVED: 8/28/15
BUSINESS DAYS BETWEEN: 147

The above grievance was not filed to this Office within 10 business days of receiving the Step II response or within 10 business days of when it should have been received as required by FD 03.02.130, "Prisoner/Parolee Grievances".

Therefore, this Step III appeal is rejected as being untimely submitted to Step III.

The grievance category code has been modified to reflect the untimely submission. All future reference to this grievance should use the modified code.

This decision may not be appealed further within the Department. In addition, because this grievance is properly rejected, you have failed to exhaust the administrative remedies provided to you by this Department.

This issue is considered closed.

Richard D. Russell
Grievance Section Manager
Office of Legal Affairs

Copy to:
Warden: KCF

EXHIBIT No. 10
MICHIGAN DEPARTMENT OF CORRECTIONS

PRISONER/PAROLEE GRIEVANCE APPEAL FORM

Date Received by Grievance Coordinator at Step II: 1/27/16

Grievance Identifier: KF1A12IAG01098

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE. The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) MUST be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to the Office of Corrections Affairs by 1/27/16. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director’s Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last) Number Institution Lock Number Date of Incident Today’s Date

BOONE 501976 KF 4363

STEP II — Reason for Appeal

SEE ATTACHED STEP II REASON FOR APPEAL

STEP II — Response

See attached.

Kathy Olson

Respondent’s Name (Print) Respondent’s Signature

Date Received by Step II Respondent: 1/27/16

Date Returned to Grievant: 1/30/16

STEP III — Reason for Appeal

SEE ATTACHED STEP III REASON FOR APPEAL

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director’s Response is attached as a separate sheet.

DISTRIBUTION: White — Proces EYHIBIT NO. 10 Goldenrod — Grievant
KCF-1412 1401 09z: Step III – Reason for Appeal

1. As stated in Step II response: there is no evidence presented by grievant to substantiate his claim.

2. Grievant was denied the right or opportunity to explain the grievance more completely at the interview to enable the Step I Respondent to identify and gather additional information needed to respond to the grievance when Mr. McMullen (APSD), refused to interview him. The evidence was going to be shown during the interview, but no interview was conducted, (see, Picture Of Cook With Plastic Inside; (EXHIBITS "J")).

3. As stated under P.D. 03.02.130(Y), the respondent shall interview the grievant, and the grievant shall have the opportunity to explain the grievance.

4. Mr. McMullen (APSD) put "NO SHOW" on the grievance response, and never interviewed grievant.

5. All (MDOC) day shift Officers stated Aramark Food Service never called them to send me/grievant over to the kitchen to be interview, (see, Affidavit Of Fact From The Officers; (EXHIBIT "G")).

EXHIBIT No. 10
STEP II - Reason for Appeal
KCF-14-12-1401-9z

In Step I Grievance Response it stated I grievant was not interviewed because of given reason "NO SHOW," and in the Summary: This grievance has already been answered and handle with the offender who allegedly found debris in food and is a duplicate. All meals are prepared in accordance with proper Serve Safe procedures and policy directive 04.07.100 "offender meals." Even if he had observed this breach of protocol, Grievant still had the option of choosing an alternate fresh fruit choice in order to receive his proper nutritional allowance for that meal.

(1) Grievant grievance has a difference grievance number on it, and it does not pertain to the other offender who found debris in their food, and is not a duplicate because its dealing with the "Food Quality Assurance," and "Public Health Requirement. This is the second incident within a two (2) month period I grievant has observed plastic found cooked inside the prison food.

(2) If all meals are prepared in accordance with proper Serve Safe procedures, we prisoners would not be finding "foreign object" in the prison food.

(3) Once we receive our food tray, and go to the table, we do not have the option of choosing something else when we find "foreign object" in the food.

I grievant contends that respondent Shawn McMullen (APSD), violated my rights under 18 U.S.C.S. sec. 242, and under the P.D. 03.02.130(Y), when he acted willfully and under color of law to commit (fraud, making a false report), and the Policy Directive by not giving me the opportunity to explain the grievance more completely at the interview, and show the evidence.

(1) On two (2) difference incident I grievant have witness, and evidence of this breach of protocol.

(2) Mr. McMullen (APSD) knew or should have been aware of facts from which he could infer that a substantial risk existed that "foreign object" are finding its way into the food product, much less that such an object would create such a serious threat to a prisoners/grievants' health or otherwise experienced a condition intolerable for prison confinement.

(3) Mr. McMullen acted with "deliberate indifference" to grievant health and safety," when he refused to interview grievant, and put "NO SHOW" on the grievance/response. All (DOC) day shift Officers was asked if Aramark Food Service called them to send me/grievant over the kitchen to be interview, and all of the Officer's stated "NO," and "NO" inmate pass was never written.

EXHIBIT No. 10
STEP II GRIEVANCE RESPONSE FOR PRISONER: Boone 501976 A-363 (KCF)

Grievance KCF 1412 1401 09Z, has been reviewed.

Grievant alleges that he observed a food service worker remove a piece of plastic glove from the dessert meal of sugar cookies on 12/22/14. Grievant indicates that Armark employees are aware of this risk to inmate health however the acts show deliberate indifference and reckless disregard. The Step I respondent, S McMullen indicates that the issue was investigated and staff present at the time of the alleged incident deny this occurrence. S. McMullen also notes that all meals are prepared with proper serve safe procedures and Grievant had other meal choices.

This Step II respondent finds the Step I response appropriate. There is no evidence presented by Grievant to substantiate his claim. Grievant makes an allegation of inappropriate conduct and meal preparation but produces no sources to verify this claim. No violation of Serve Safe procedures or PD 04.07.100 Offender Meals is established.

Based on the above finding(s), this grievance appeal is denied.

[Signature]
Duncan MacLean, Warden

Date: 1/30/15

DM/dpm

EXHIBIT NO. 10
MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

Date Received at Step I 12/22/14  Grievance Identifier: KCF141461A011 078

Name (print first, last)  RONNIE BOONE
Number  501976  Institution  KCF  Lock Number  A-3-63  Date of Incident  12/22/14  Today's Date  12/26/14

What attempt did you make to resolve this issue prior to writing this grievance? On what date? ______________________
If none, explain why.

I informed Aramark staff verbally, and by grievance about the plastic being found in the prison food.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

On 12/22/14, I was eating lunch and Aramark was serving (ultimate dessert: sugar cookies). While I was eating, I observed prisoner Freeman (402493) pulling a piece of plastic out of his cookie. This is the second incident within a two-month period (Nov., and Dec. of 2014), grievant has observed plastic glove found cooked in the prison food. In "Food Quality Assurance": P.D. 04, 07, 102 (G), preparation of food shall be closely monitored by qualified staff to ensure that meals are produced in accordance with public health requirements. In the "Public Health Requirements": MIA 289.1107 (1) "food safety and sanitation assessment" means judging or assessing specific food handling activities, services, conditions, or management systems in an effort to determine their potential effectiveness in controlling risks for foodborne illness and required compliance with this act, accompanied by a report of findings. The preparation of the prison food are not being closely monitored by Aramark staff, and meals are not being produced according with public health requirements. Aramark staff are "deliberate indifference" or "reckless disregard" for safety by failing to "act reasonably" in response to danger or risks for foodborne illness by keep serving contaminated, unsanitary, insufficiently, gross, or unclean food. Aramark staff "knew of the plastic being found in the food and disregarded an excessive risk to inmate health or safety. Aramark staff are aware of facts (KCF-Grievance-14-11-1304-9) from which the inference could be drawn that a substantial risk of serious harm could exists from contaminated food or health risk from foodborne illness. This is in violation of MIA 289.1107 sec. (c) & (1), "Public Health Requirements," and PD 04, 07, 102 (G), "Food Quality Assurance." The contaminated food did not meet the nutritional needs because it was unfit to eat as to present a health risk from foodborne illness or not a wholesome and nutritionally adequate meal or otherwise experienced a condition intolerable for prison confinement.

Grievant's Signature  RONNIE BOONE

RESPONSE (Grievant Interviewed?)  ☑ Yes  ☐ No  If No, give explanation. If resolved, explain resolution.

On 12/22/

See a Healed

S  S
Respondent's Signature  Date  1/5/15
S  S
Respondent's Name (Print)  Working Title

K  K
Reviewer's Signature  Date  1/8/15

K  K
Reviewer's Name (Print)  Working Title

EXHIBIT No 11

Date
Step I Grievance Response

Grievance Number: KCF-14-12-1401-9Z
Prisoner Name: Boone
Prisoner Number: 501976

Prisoner ☐ was ☒ was NOT interviewed. GIVE REASON: No show!

SUMMARY OF COMPLAINT:
Alleged Food contamination

INVESTIGATION INFORMATION
Interviewed Aramark staff

APPLICABLE POLICY, PROCEDURE, ETC.
Food safety and proper service procedures

SUMMARY
This grievance has already been answered and handled with the offender who allegedly found debris in food and is a duplicate. All meals are prepared in accordance with proper Serve Safe procedures and policy directive 04.07.100 "offender meals". Even if he had observed this breach of protocol, Grievant still had the option of choosing an alternate fresh fruit choice in order to receive his proper nutritional allowance for that meal.

RESPONDENT NAME: Shawn McMullen
RESPONDENT SIGNATURE: [Signature]
DATE: 1-5-15

EXHIBIT NO. 10
[Appendix X (Exhibit "J")]: See, P.D. 04.07.102(G)

APPENDIX "X"
I. POLICY STATEMENT:

Standards shall be followed to ensure that quality food is provided to inmates and staff.

II. POLICY:

DEFINITIONS


FOOD SUPPLY

B. All food items purchased or produced by the Department shall be received, examined and stored in accordance with public health requirements and regulations of the Department of Management and Budget. Meals produced at the institution shall be examined for wholesomeness and approved for use by the Department of Agriculture. Department farm products shall be delivered to food service white fresh and in optimum condition and in accordance with public health regulations.

C. Staff shall not purchase food past the sell by date or purchase or use food after the manufacturer’s expiration date.

D. The quantity of food purchased shall be determined by the number of meals to be served, amounts listed on the standardized recipes, past usage and any changes in the prison population.

E. Satellite units with production equipment shall maintain a two-day emergency supply of food. The food shall be secured and used for emergencies only or when the stock is rotated (every three months for frozen foods and dry goods and every six months for canned goods).

FOOD PRODUCTION

F. Standardized recipes adjusted to yield appropriate number of servings for the size of the facility shall be used in the production of all menu items. The Department’s Recipe Book, Armed Forces Recipes or other tested quantity recipes shall be the basis for the recipe file.

EXHIBIT JJ
M. If a prisoner has a concern with a food item once service of a meal has started and seeks to bring this to the attention of a food service employee, that employee shall immediately address the concern if necessary and, if the prisoner's concern is valid, immediately bring that concern to the attention of the ranking food service employee. The ranking food service employee shall make the determination if the item needs to be pulled from the line and an immediate substitution made.

**MEAL DISTRIBUTION**

N. Transportation and service of meals shall be consistent with public health requirements regarding thermal and bacterial protection.

O. All meals shall be served under the direct supervision of staff to ensure that contamination, careless serving and waste are avoided.

P. Food items shall be preplated, portioned or served according to instruction listed on the recipe card or production sheet.

Q. Appropriate serving ware shall be provided based on the security level.

**EXCESS FOOD**

Conventional Kitchen With Attached Dining Room

R. Food items not served at the meal shall be used within 48 hours. Leftover food items not scheduled for use within 48 hours shall be frozen and scheduled for service within 30 days. Foods shall be refrigerated or frozen in accordance with public health requirements.

Conventional Kitchen With Satellite Dining Room

S. Food items not served at the meal shall be discarded if equipment is not available to maintain thermal and bacterial protection consistent with public health requirements. If appropriate hot and cold food holding equipment is available, excess food shall be scheduled for use within 48 hours, frozen immediately and scheduled for service within 30 days or discarded.

Cook/Chill Satellite Unit

T. Food items that have been heated and not served at a given meal shall be discarded.

Cook/Chill Production Kitchen

U. Food items not shipped to a satellite unit in time for use within 5 days of production date shall be discarded.

**LABELING**

V. Food items not served at the meal shall be labeled with the production date, last date to use by and supervisor's signature. The Food Service Director or designee shall inspect the food service areas to ensure that food is used by the due date or appropriately discarded.

**OPERATING PROCEDURE**

W. Wardens shall ensure that within 60 days of its effective date, procedures implementing this policy directive are developed and forwarded to the appropriate Regional Prison Administrators for approval.

**III. AUDIT ELEMENTS**

X. A Primary Audit Elements List has been developed to ensure compliance with this policy by providing staff with a tool for self-auditing. The List shall be used by wardens for auditing purposes on an annual basis unless more frequently required by the Director or Deputy Director and the appropriate documentation shall be retained on-site and made available to the Internal Auditor when requested.

**APPROVED:**

[Signature]

Kenneth L. McGinnis, Director

Date
[Appendix Y (Exhibit "No.KK")]: See, MCLA 289.1107(1)

APPENDIX "Y"
Sec. 1107. As used in this act:

(a) "Department" means the Michigan department of agriculture.

(b) "Director" means the director of the Michigan department of agriculture or his or her designee.

(c) "Evaluation" means a food safety audit, inspection, or food safety and sanitation assessment, whether announced or unannounced, that identifies violations or verifies compliance with this act and determines the degree of active control by food establishment operators over foodborne illness risk factors.

(d) "Extended retail food establishment" means a retail grocery that does both of the following:

(i) Serves or provides an unpackaged food for immediate consumption.

(ii) Provides customer seating in the food service area.

(e) "Fair concession" means a food concession, storage, preparation, or dispensing operation at a state or county fair.

(f) "Federal act" means the federal food, drug, and cosmetic act, 21 USC 301 to 397.

(g) "Food" means articles used for food or drink for human or other animals, chewing gum, and articles used for components of any such article.

(h) "Food additive" means any substance, the intended use of which, directly or indirectly, results in any or may be reasonably expected to result in its becoming a component of or otherwise affecting the characteristics or any food if that substance is not generally recognized as having been adequately shown through scientific procedures to be safe under the conditions of its intended use. Food additive includes any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food and includes any source of radiation intended for any use. Food additive does not include any of the following:

(i) A pesticide chemical in or on a raw agricultural commodity.

(ii) A pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity.

(iii) A color additive.

(iv) Any substance used in accordance with a sanction or approval granted before the enactment of the food additives amendment of 1968, Public Law 85-929, pursuant to the federal act, the poultry products inspection act, 21 USC 451 to 471, or the meat inspection act of March 4, 1907, chapter 2907, 34 Stat. 1228, and

(j) "Food establishment" means an operation where food is
processed, packed, canned, preserved, frozen, fabricated, stored, prepared, served, sold, or offered for sale. Food establishment includes a food processing plant, a food service establishment, and a retail grocery. Food establishment does not include any of the following:

(i) A charitable, religious, fraternal, or other nonprofit organization operating a home-prepared baked goods sale or serving only home-prepared food in connection with its meetings or as part of a fund-raising event.

(ii) An inpatient food operation located in a health facility or agency subject to licensure under article 17 of the public health code, MCL 333.20101 to 333.22260.

(iii) A food operation located in a prison, jail, state mental health institute, boarding house, fraternity or sorority house, convent, or other facility where the facility is the primary residence for the occupants and the food operation is limited to serving meals to the occupants as part of their living arrangement.

(k) "Food processing plant" means a food establishment that processes, manufactures, packages, labels, or stores food and does not provide food directly to a consumer. Food processing plant does not include a maple syrup producer.

(l) "Food safety and sanitation assessment" means judging or assessing specific food handling activities, events, conditions, or management systems in an effort to determine their potential effectiveness in controlling risks for foodborne illness and required compliance with this act, accompanied by a report of findings.

(m) "Food safety audit" means the methodical examination and review of records, food sources, food handling procedures, and facility cleaning and sanitation practices for this act, accompanied by a report of findings. Food safety audit includes checking or testing, or both, of observable practices and procedures to determine compliance with standards contained in or adopted by this act, accompanied by a report of findings.

(n) "Food service establishment" means a fixed or mobile restaurant, food service, cafeteria, short order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, cafeteria, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public. Food service establishment does not include any of the following:

(i) A motel that serves continental breakfasts only.

(ii) A bed and breakfast that has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.

(iii) A bed and breakfast that has at least 11 but fewer than

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EXHIBITK

103
Sec. 1109. As used in this act:
(a) "Eminent or substantial hazard" means a condition at a food establishment that the director determines requires immediate action to prevent endangering the health of people.
(b) "Inspection" means the checking or testing of observable practices against standards established in or adopted by this act, accompanied by a report of findings.
(c) "Juice" means the aqueous liquid expressed or extracted from 1 or more fruits or vegetables, purees of the edible portions of 1 or more fruits or vegetables, or any concentrates of such liquid or puree.
(d) "Label" means a display of written, printed, or graphic matter upon the immediate container of any article and includes a requirement imposed under this act that any word, statement, or other information appearing on the display also appear on the outside container or wrapper of the retail package of the article or be easily legible through the outside container or wrapper.
(e) "Labeling" means all labels and other written, printed, or graphic matter upon an article, any of its containers or wrappers, or accompanying the article.
(f) "Licensee" means an action by which the director imposes restrictions or conditions, or both, on a license of a food establishment.
(g) "Licensee holder" means the entity that is legally responsible for the operation of the food establishment including the owner, the owner's agent, or other person operating under apparent authority of the owner possessing a valid license to operate a food establishment.
(h) "Limited wholesale food processor" means a wholesale food processor that has $25,000.00 or less in annual gross wholesale sales made or business done in wholesale sales in the preceding licensing year, or $25,000.00 or less of the food is reasonably anticipated to be sold for the current licensing year. Only the food sales from the wholesale food processor operation are used in computing the annual gross sales under this subdivision.
(i) "Local health department" means that term as defined in section 1105 of the public health code, MCL 333.1105, and having those powers and duties as described in part 24 of the public health code, MCL 333.2401 to 333.2498.
prescribed by this act or rules and its quality falls below such standard unless its label bears, in such manner and form as such rules specify, a statement that it falls below such standard.

(B) A food for which a standard or standards of fill of container have been prescribed by this act or rules and it falls below the standard of fill of container applicable, unless its label bears, in such manner and form as the rules specify, a statement that it falls below the standard.

(ix) It does not bear labeling clearly giving the common or usual name of the food, if one exists, or, if fabricated from 2 or more ingredients, the common or usual name of each ingredient except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings, without naming each and under other circumstances as established by rules regarding exemptions based upon practicality, potential deception, or unfair competition.

(x) It bears or contains any artificial flavoring, artificial coloring, or chemical preservative unless the labeling states that fact and under other circumstances as established by rules regarding exemptions based upon practicality.

(xi) If a food intended for human consumption and offered for sale, its label and labeling do not bear the nutrition information required under section 403(q) of the federal act, 21 USC 343.

(xii) It is a product intended as an ingredient of another food and, when used according to the directions of the purveyor, will result in the final food product being adulterated or misbranded.

(xiii) It is a color additive whose packaging and labeling are not in conformity with packaging and labeling requirements applicable to such color additive prescribed under the provisions of the federal act.

(l) "Mobile food establishment" means a food establishment operating from a vehicle or watercraft that returns to a licensed commissary for servicing and maintenance at least once every 24 hours.

(m) "Mobile food establishment commissary" means an operation that is capable of servicing a mobile food establishment.

(n) "Person" means an individual, sole proprietorship, partnership, corporation, association, or other legal entity.

(o) "Pesticide chemical" means any substance that, alone, in chemical combination, or in formulation with 1 or more other substances, is a pesticide within the meaning of the federal insecticide, fungicide, and rodenticide act, 7 USCS 136 to 136y, and is used in the production, storage, or transportation of raw agricultural commodities.

(p) "Principal display panel" means that part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

(q) "Public health code" means 1975 PA 368, MCL 333.1101 to 333.2521.

$ 289.1111 Pure Foods

History:

Editor's notes:
Pub Act 2000, No. 92, § 1117, imd eff May 8, 2000, by § 1117(1) eff November 8, 2000, provides:
"Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.
(2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12909, 12910, 12911, 12912, 12913, 12914, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12909, 333.12910, 333.12911, 333.12912, 333.12913, 333.12914, and 333.12921, is considered compliance with this act.
(3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."
Pub Act 2007, No. 113, enacting § 3, imd eff October 16, 2007, provides:
"Enacting section 3. This amendatory act does not take effect unless Senate Bill No. 596 of the 54th Legislature (Pub Acts 2007, No. 114) is enacted into law."

Effect of amendment notes:
The 2002 amendment added paragraph (g); redesignated former paragraphs (g)-(m) as (h)-(n); and in subsection (j) deleted "catering" before "food establishment."

The 2007 amendment added paragraphs (b), (c), and (j); redesignated former paragraphs (h)-(n) as (d)-(i) and (k)-(q); in paragraph (k), subpara-
graph (x), following "21" substituted "USC" for "U.S.C.", and revised paragraph (o) from text which read: "Pesticide chemical" means any sub-
cstance that, alone, in chemical combination, or in formulation with 1 or more other substances, is a pesticide within the meaning of the federal insecticide, fungicide, and rodenticide act, chapter 125, 86 Stat. 973, 7 U.S.C. 136 to 136i, 136j to 136r, and 136s to 136y, and is used in the production, storage, or transportation of raw agricultural commodities."

LexisNexis® and Other Annotations

Federal aspects:

LexisNexis® Michigan analytical references:

Research references:

R to W. (MSA § 12.933(1111))

Sec. 1111. As used in this act:
(a) "Raw agricultural commodity" means any food in its raw or natural state including fruits that are washed, colored, or otherwise treated in their unpicked natural form before marketing.
(b) "Regulatory authority" means the department, the local
health department, or the authorized representative having jurisdiction over the establishment.

(c) "Retail food establishment" means an operation that sells or offers to sell food directly to a consumer. Retail food establishment includes both a retail grocery and a food service establishment, but does not include a food processing plant.

(d) "Retail grocery" means an operation that sells or offers to sell food to the consumers for off-premises consumption. Off-premises consumption does not include take-out food intended for immediate consumption.

(e) "Rules" means administrative rules promulgated under this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(f) "Smoked fish rules" means regulation no. 285.569 of the Michigan administrative code, promulgated under former 1968 PA 39.

(g) "Special transitory food unit" means a temporary food establishment that is licensed to operate throughout the state without the 14-day limits or a mobile food establishment that is not required to return to a commissary.

(h) "Sulfiting agents" means any of the following:

(i) Sulfur dioxide.

(ii) Sodium sulfite.

(iii) Sodium bisulfite.

(iv) Potassium bisulfite.

(v) Sodium metabisulfite.

(vi) Potassium metabisulfite.

(i) "Temporary food establishment" means a food establishment which operates at a fixed location for a temporary period not to exceed 14 consecutive days.

(j) "Temporary license" means a written authorization issued by the director to operate for a specified limited time period.

(k) "Transient tenant" means a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.

(l) "Vending machine" means a self-service device offered for public use that, upon activation by a coin, token, card, key, or paper currency, dispenses unit servings of food or beverages without the necessity of replenishing the device between each vending operation. Vending machine does not include any of the following:

(i) A device that dispenses only bottled or canned soft drinks; other packaged nonperishable foods or beverages; or bulk ball gum, nuts, and praline candies.

(ii) A water-dispensing machine that is registered under chapter IV.

(m) "Vending machine location" means the room, enclosure, space, or area in which 1 or more vending machines are installed and operated.

(n) "Wholesale" means selling to retailers or jobbers rather than directly to consumers.

(o) "Wholesale food processor" means an operation that processes, manufactures, packages, or labels food for wholesaling.

(p) "Wild game" means animals from their natural state and not cultivated, domesticated, or tamed.

History:

Editor's notes:
- Pub Acts 2000, No. 92, § 1117, in effect May 8, 2000, by § 1117(1) eff November 8, 2000, provides:
  - "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.
  - (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12914, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12909, 333.12910, 333.12911, 333.12912, 333.12913, 333.12914, and 333.12921, is considered compliance with this act.
  - (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act.

Statutory references:
- Chapter IV, above referred to, is §288.4101 et seq.

LexisNexis® and Other Annotations

Federal aspects:

LexisNexis® Michigan analytical references:

Research references:

§ 288.1113. Terms defined in act; meanings. [MSA § 12.933(1113)]

Sec. 1113. A term defined in the food code has the same meaning when used in this act, except as specifically defined in this act.

History:

Editor's notes:
- Pub Acts 2000, No. 92, § 1117, in effect May 8, 2000, by § 1117(1) eff November 8, 2000, provides:
  - "Sec. 1117. (1) Subject to subsections (2) and (3), this act takes effect 6 months after the date of enactment.
  - (2) Until 6 months after the effective date of this act, compliance with the standards of the design, construction, and equipment of a food service establishment approved under former sections 12901, 12902, 12903, 12904, 12905a, 12906, 12907, 12908, 12910, 12911, 12912, 12913, 12914, and 12921 of the public health code, MCL 333.12901, 333.12902, 333.12903, 333.12904, 333.12905a, 333.12906, 333.12907, 333.12908, 333.12909, 333.12910, 333.12911, 333.12912, 333.12913, 333.12914, and 333.12921, is considered compliance with this act.
  - (3) Beginning 6 months after the effective date of this act, a food service establishment shall comply with the standards of design, construction, and equipment established under this act."

EXHIBIT KK
[Appendix Z (Exhibit “J-1”): See, Exhibit “J-1”, pgs. 1-4; (2) As stated in P.D. 03.02.130(Y)]

APPENDIX “Z”