

# Protocol for Resolving Non-Compliance

## Wisconsin Food Code, Food Safety Plan, and Payment of Inspections Fees

### Wisconsin Food Code – Priority Item Citation

Immediate attention is required when school agencies fail to take appropriate action to resolve Wisconsin Food Code priority item citations.

1. The Environmental Health Specialists (EHS), finding that no action was taken by the school agency will take measures to ensure the health and well-being of students, school personnel, and others is protected. Measures may be those followed when licensed facilities fail to make corrections, including ordering food to be discarded and/or shutting down operations.
2. To expedite corrective action, the EHS will report failures immediately to:

**Carrie Pohjola, MS, RS**

Environmental Health Technical Specialist  
Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and  
Consumer Protection  
(715) 579-9487  
Carrie.Pohjola@wisconsin.gov

**James Kaplanek**

Retail Food and Recreational Technical Section  
Chief  
Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and  
Consumer Protection  
(608) 224-4735  
James.Kaplanek@wisconsin.gov

**Karrie Isaacson, RDN, CD**

Assistant Director  
School Nutrition Team  
Wisconsin Department of Public Instruction  
(608) 266-2416  
Karrie.Isaacson@dpi.wi.gov

**Kirsten Voss, MS, RD, CD**

Food Safety Specialist  
Nutrition Program Consultant  
School Nutrition Team  
Wisconsin Department of Public Instruction  
(608) 267-9132  
Kirsten.Voss@dpi.wi.gov

3. The EHS will make contact by phone or email. Initial or follow-up contacts will include the name of the school agency, the specific school building and address, copies of the inspection reports and written observations.
4. The DPI Food Safety Specialist(s), SNT Assistant Director, and/or SNT Director will contact the Authorized Representative and the Food Service Director to discuss the citations and explain what action may be necessary if corrective measures are not taken by the agency.
5. The school agency will notify DPI in writing within 10 business days to describe the corrective action taken and specific date(s) action was taken.
6. DPI will contact the school agency if this deadline is not met and notification is not received. Follow-up action may include disallowing claims made for meals served during the time operations were shut down, suspension of participation in the program to protect students and others from hazards, and withholding of claims until non-compliance problems are resolved and written notice is submitted to DPI. The SNT Assistant Director or SNT Director must approve disallowance of claims or withholding. DPI will notify school agencies if meals are disallowed or withholding is deemed appropriate.
7. DPI will keep the EHS and the DATCP Division of Food and Recreational Safety informed of all developments.
8. DPI will retain copies of correspondence related to the reported critical area citation.

## Wisconsin Food Code – Priority Foundation Item Citation

DPI will ensure school agencies take appropriate action to resolve Wisconsin Food Code priority foundation item citations, including repeat citations.

1. The EHS will report failures to:

**Carrie Pohjola, MS, RS**

Environmental Health Technical Specialist  
Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and  
Consumer Protection  
(715) 579-9487  
Carrie.Pohjola@wisconsin.gov

**James Kaplanek**

Retail Food and Recreational Technical Section  
Chief  
Division of Food and Recreational Safety  
Wisconsin Department of Agriculture, Trade and  
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(608) 224-4735  
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**Karrie Isaacson RDN, CD**

Assistant Director  
School Nutrition Team  
Wisconsin Department of Public Instruction  
(608) 266-2416  
Karrie.Isaacson@dpi.wi.gov

**Kirsten Voss, MS, RD, CD**

Food Safety Specialist  
Nutrition Program Consultant  
School Nutrition Team  
Wisconsin Department of Public Instruction  
(608) 267-9132  
Kirsten.Voss@dpi.wi.gov

2. Copies of the food safety inspection reports and details about unresolved non-critical WI Food Code citations will be forwarded to the DPI Food Safety Specialist(s) to provide documentation and aid in resolution of citation(s).
3. The DPI Food Safety Specialist will contact the school agency's Authorized Representative and Food Service Director. The SNT Assistant Director or SNT Director will contact the school agency if the DPI Food Safety Specialist is unavailable for more than three business days.
4. DPI will notify the school agency that a written response is required, indicating how the citation(s) was/were resolved. The due date for corrective action and response will be specified in writing.
5. Failure to meet the deadlines may result in withholding of reimbursement. The SNT Assistant Director and/or SNT Director must approve withholding. DPI will notify school agencies affidavit of mailing if withholding is deemed appropriate.
6. DPI will retain copies of all correspondence related to the reported non-compliance findings.
7. DPI will keep the EHS and the DATCP Division of Food and Recreational Safety informed of all developments.

## U. S. Department of Agriculture Food Safety Plan Requirements

1. The EHS conducting the food safety inspection will refer the names of school agencies that fail to develop, implement, and/or update food safety plans that contains prescribed components, as specified by U.S. Department of Agriculture guidance, to the Nutrition Program Consultant below:

**Kirsten Voss, MS, RD, CD**

Nutrition Program Consultant  
School Nutrition Team  
Wisconsin Department of Public Instruction  
(608) 267-9132  
Kirsten.Voss@dpi.wi.gov

2. The Authorized Representative and Food Service Manager/Director will be contacted to discuss USDA regulations pertaining to food safety plan development and implementation. Information, clarification and resources will be provided to assist school personnel.
3. The school agency will be required to demonstrate that a plan was developed and implemented by forwarding copies of certain pages or the entire food safety plan with completed monitoring forms to DPI. DPI will negotiate the deadline for developing, implementing or updating the plan with school agency.
4. The DPI Food Safety Specialist will notify the school agency when a response is received and will inform the EHS and any others involved.
5. Failure to meet the deadlines may result in withholding of reimbursement. The SNT Assistant Director and/or SNT Director must approve withholding. DPI will notify school agencies via affidavit of mailing if withholding is deemed appropriate.

#### **Failure to Submit Payment for Inspection Fees**

1. The names of school agencies with outstanding food safety fees will be referred to the DPI Food Safety Specialist listed below:  
  
**Kirsten Voss, MS, RD, CD**  
Nutrition Program Consultant  
School Nutrition Team  
Wisconsin Department of Public Instruction  
(608) 267-9132  
Kirsten.Voss@dpi.wi.gov
2. The School Nutrition Team will contact the Authorized Representative to discuss the situation and determine if/why payment was not submitted on a timely basis.
3. The school agency will be required to document that payment was made and/or report when payment was made by phone or e-mail message. The DPI Food Safety Specialist will negotiate a deadline for submitting past due payment with the school agency.
4. Reports of bookkeeping errors will be addressed via direct contact with the inspection billing person or agency.
5. Failure to pay past due fees after repeated reminders may result in withholding of reimbursement. The SNT Assistant Director and/or SNT Director must approve withholding. DPI will notify school agencies via affidavit of mailing if withholding is deemed appropriate.