



Virginia Administrative Code
Title 12. Health
Agency 5. Department of Health
Chapter 421. Food Regulations

12VAC5-421-3770. Summary Suspension of a Permit.

The director may summarily suspend a permit to operate a restaurant if the director finds the continued operation constitutes a substantial and imminent threat to the public health, except the director may summarily suspend the permit of a temporary restaurant as addressed under [12VAC5-421-3870](#). Upon receipt of such notice that a permit is suspended, the permit holder shall cease food operations immediately and begin corrective action.

Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing by certified mail or by hand delivery. Upon service of notice that the permit is immediately suspended, the former permit holder shall be given an opportunity for an informal fact-finding conference in accordance with § [2.2-4019](#) of the Code of Virginia. The request for an informal fact-finding conference shall be in writing. The written request shall be filed with the local department by the former holder of the permit. If written request for an informal fact-finding conference is not filed within 10 working days, the suspension is sustained. Each holder of a suspended permit shall be afforded an opportunity for an informal fact-finding conference, within three working days of receipt of a request for the informal fact-finding conference. The director may end the suspension at any time if the reasons for the suspension no longer exist.

Statutory Authority

§§ [35.1-11](#) and [35.1-14](#) of the Code of Virginia.

Historical Notes

Derived from [Volume 18, Issue 10](#), eff. March 1, 2002; amended, Virginia Register [Volume 32, Issue 22](#), eff. July 12, 2016.

Website addresses provided in the Virginia Administrative Code to documents incorporated by reference are for the reader's convenience only, may not necessarily be active or current, and should not be relied upon. To ensure the information incorporated by reference is accurate, the reader is encouraged to use the source document described in the regulation.

As a service to the public, the Virginia Administrative Code is provided online by the Virginia General Assembly. We are unable to answer legal questions or respond to requests for legal advice, including application of law to specific fact. To understand and protect your legal rights, you should consult an attorney.

10/21/2020