



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, FLOOR 10, TUCSON, AZ 85701-1317
(520) 724-8661 FAX (520) 724-8171

C.H. HUCKELBERRY
County Administrator

October 9, 2020

Sent Via Email:
andrea@vivacoffeehouse.com
and by USPS Certified Mail

Andrea Walker
Viva Coffee House, LLC
10173 E. Desert Mesa Drive
Tucson, Arizona 85747

Re: Viva Coffee House, LLC

Dear Ms. Walker:

Thank you for providing the updated information regarding your establishment and your willingness to comply with the *Pima County Temporary COVID-19 Minimum Health Standards for Business- Proclamation* and the *Pima County Board of Supervisors Resolution 2020-49*. You have indicated that, effective immediately, all employees will wear face coverings to include masks to mitigate the potential spread of COVID-19, (Attachment 1).

We note that in the special circumstance that an individual employee is unable to wear a mask due to an underlying medical condition, the use of a face shield is acceptable.

Before the Department formally lifts the suspension, we ask that you confirm to our staff via email (loni.anderson@pima.gov) that you have all the supplies, materials and measures in place to allow you to resume operations in compliance with the Proclamation and Resolution. After you are in operation, we will conduct an unannounced follow-up inspection to document your compliance.

It is also important to correct the record regarding the representation you make of our visit on September 9, 2020. On that day our inspector Mr. Tabor was asked to leave by the on-site manager, Mr. Kelly Walker. We have included his report and pictures that were taken that day, (Attachment 2). I have also attached a copy of the report from October 5 and a photo taken during our recent inspection that supports our findings, (Attachment 3). Finally, I am also including screen shots from [YouTube](#) videos shot at your store with Mr. Walker as recently as October 2 that provided evidence of disregard for the masking and physical

Ms. Walker
Re: Viva Coffee House, LLC
October 9, 2020
Page 2

distancing requirements of the Board as well as and the Governor's Executive Order, (Attachment 4).

We look forward to your cooperation and adherence to these critical public health measures. Should we reinstate your operating permit and subsequent inspection documentation demonstrates non-compliance, we will take legal steps to permanently revoke your operating permit.

Sincerely,



C.H. Huckelberry
County Administrator

Enclosures

c: The Honorable Chairman and Members, Pima County Board of Supervisors
Jan Leshar, Chief Deputy County Administrator
Francisco Garcia, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department

ATTACHMENT 1

Dana Morales

Subject: FW: In the matter of Viva Coffee House

From: Andrea Walker [<mailto:andrea@vivacoffeehouse.com>]

Sent: Wednesday, October 7, 2020 2:55 PM

To: Theresa Cullen <Theresa.Cullen@pima.gov>

Cc: Loni Anderson <Loni.Anderson@pima.gov>

Subject: In the matter of Viva Coffee House

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

I have also delivered hard copies of the attached information. Please confirm receipt.

Thank you.

Andrea Walker

October 7, 2020

Dr. Theresa Cullen

Director

Pima County Department of Health

[3950 South Country Club Road](#)

[Suite 100](#)

[Tucson, Arizona](#)

In the Matter of Viva Coffeehouse, LLC

Notice of Abatement of Nuisance and Notice of Permit Suspension

Dear Director Cullen:

I am a member and General Manager of Viva Coffeehouse, LLC. Yesterday, I was served with the above Notices.

Upon receipt of the Notices, I suspended operations of the business, and undertook to review our past actions related to the Covid-19 pandemic and past inspections by your Department.

I have ordered that all employees shall wear masks at all times, except those with medical conditions allowing exemption. Those who have an exemption will be asked to wear a face shield. I have also complied with the directive to post the notice concerning non-entry if the person has symptoms. As you will see from previous inspections, that notice was posted at all inspections save the one on September 9, 2020.

If you will review the earlier inspections, particularly the one of July 21, 2020, you will find that when we were notified of needs for changes in our business to comply with Department rules, we took those immediately. On July 28, 2020, for example, we received a letter from inspector Rocio Alvarez who had conducted the inspection, that we were fully compliant.

Since July 28, we have also been using a thermometer to check employee temperatures to make sure nobody has a fever while at work.

I have taken immediate steps, as you can see from the attached photographs, which should satisfy any inspector that we are compliant.

The concern about the inspector being asked to leave on September 9, 2020 is no issue at all, as I made clear in my email to Danny Nikitas Sunday evening, the 4th, when I invited any inspection at any time. Less than a day later, inspector Danny Nikitas visited without any incident.

Therefore, as each day we are shut down hurts not only the owners, but our employees, and our business goodwill, I ask that whatever inspection or review needs to be done to confirm our compliance be done immediately.

I am copying Loni Anderson, Division Manager, on this letter so that we can receive authority to reopen at the earliest convenience.

I can be reached at andrea@vivacoffeehouse.com, and at this number. I would assume, given the immediate response to my text of Sunday evening, that whatever needs be done can be accomplished within 24 hours.

2:24

LTE



Search Amazon



Deliver to Kelly - Vail 85641

Purchased on October 6, 2020.

Adult Size

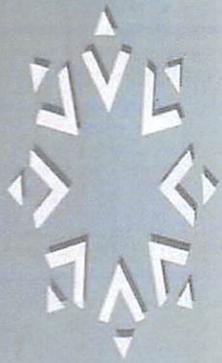
[View order details](#)

Brand: Maxboost

★★★★★ 1,587

Maxboost Protective Face Shield - 3 Pack (Adult Size),
DuraSlim Series Reusable Full PET Transparent Material
with Strap for Face Protection from Droplets and Saliva





COFFEE HOUSE

HOURS:

MONDAY - FRIDAY

6 AM - 6 PM

SATURDAY - SUNDAY

7 AM - 6 PM

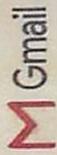
PROUDLY SERVING



MASK REQUIRED
TO ENTER

STOP THE SPREAD
OF CORONAVIRUS

STOP!
If you have symptoms of COVID-19, such as a fever, cough, or difficulty breathing, stay home and contact your healthcare provider for advice. Do not go to work, school, or public places. If you are sick, wear a mask to help prevent the spread of illness.



Andrea Walker <andrea@vivacoffeehouse.com>

Post-inspection verification of covid compliance

Rocio Alvarez <Rocio.Alvarez@pima.gov>
Tue, Jul 28, 4:09 PM
To: Kelly Walker <kellyjohnwalker.com>
Cc: Ashley Cazee <cazee.ashley44@gmail.com>, Andrea Walker <andrea@vivacoffeehouse.com>, rcdunker <rdunker7@msn.com>

Good afternoon Kelly,

Congratulations, you have passed the Pima County Proclamation.

Thank you for making all the necessary changes to prevent the propagation of COVID-19.

Thank you,

Rocio Alvarez, RS
Environmental Health Specialist I
Pima County Health Department
Consumer Health and Food Safety
3950 S. Country Club Rd. Ste. 2301
Tucson, AZ 85714

Cell: (520) 419-6833
Rocio.alvarez@pima.gov
Pima County COVID 19 Information and Resources
COVID 19 Printable Materials
COVID 19 Minimum Health Standards for Businesses

On Wed, Oct 7, 2020 at 12:43 PM Theresa Cullen <Theresa.Cullen@pima.gov> wrote:

Ms. Walker, Danny forwarded this email. You can use the same physical address for Loni and I.

See our email addresses below.

Thanks.

Theresa.Cullen@pima.gov

Loni.anderson@pima.gov

Theresa Cullen, MD, MS

Pima County Health Department

Public Health Director

3950 S. Country Club Road, Suite 100

Tucson, Arizona 85714

(520) 724-7765

(520) 561-7441 (m)

Join us to [Paint Pima Purple this October](#) for Domestic Violence Awareness Month by painting your signature purple!

----- Original message -----

From: Andrea Walker <andrea@vivacoffeehouse.com>

Date: 10/7/20 11:06 AM (GMT-07:00)

To: Danny Nikitas <Danny.Nikitas@pima.gov>

Subject: Re: Email confirmation

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Please send me the email and physical address for Lonnie Anderson and Theresa Cullen.

Thank you.

Andrea

On Tue, Oct 6, 2020 at 9:26 AM Danny Nikitas <Danny.Nikitas@pima.gov> wrote:

Andrea

Thank you for your emails. I will forward them to my supervisor. I'll use this email going forward.

Danny

Sent from my Verizon, Samsung Galaxy smartphone

--

Andrea Walker

GM + Events

Viva Coffee House

520.345.0907

--

Andrea Walker

GM + Events

Viva Coffee House

520.345.0907

ATTACHMENT 2



Pima County Proclamation

As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Purpose of Inspection Pima County Proclamation - Complaint	Est. Type and Risk Category Class 2 Retail/Limited Prepared Food Less than 2500sqft (2000C)	Date 09/09/2020 Time in 11:25 AM Time out 11:36 AM
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747	Permit Number 3180768	Assessment Complaint Open	
		Permit Holder ANDREA WALKER		

N = No IN = In compliance OUT = Out of compliance Y = Yes N/A = Not applicable N/O = Not observed

A. Minimum employee, vendor, delivery service and patron health and wellness measures:

1. Wellness/symptom checks, including temperature checks for all restaurant personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of a restaurant. N/A
2. Cloth masks and gloves and/or frequent handwashing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code. OUT
Observations: Employee behind the cash register (PIC) and employee in the back room were not wearing face mask or face shield. Person in charge claimed medical exemption. Person in back room by her self and greater than 40 feet from others put on face mask after inspector's arrival.
Corrective Action: Discussed the complaint and the mask issue with PIC and recommended that even medically exempt employees wear a face mask or shield during the brief time that they are in close contact with others, such as during payment transactions.
3. Pima County Health Notice - Posting of the "STOP Please do not enter if you have COVID-19 symptoms" at the entrance of the facility IN
Observations: Also there was not a notice posted at the entrance "Stop please do not enter if you have COVID-19 symptoms."
Corrective Action: Discussed posting the do not enter notice and provided one for the front and only entrance as requested by the PIC who said she would have it posted.

B. Minimum restaurant operation measures:

4. Physical and/or electronic signage posting at the restaurant entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises and requiring all persons entering to wear masks unless exempt under Pima County Resolution 2020-49 N/A
5. Indoor occupancy limited to less than 50 percent. N/A
6. Physical distancing of 6 feet minimum between tables. Bar top or counter seating is not allowed, unless each party is spaced at least 6 feet apart unless separated by glass or plexiglass. N/A
7. Clearly marked 6-foot spacing marks and/or signage along entrances, hallways, restrooms and any other location within a restaurant where queues may form or patrons may congregate and indoor standing areas shall be eliminated. N/A
8. Parties no larger than 10 allowed per table. N/A
9. Menus must be in a format that does not promote potential virus transmission e.g. menu boards, single use menus. N/A
10. Elimination of self-service food bars, including salad bars, buffets, and cafeteria style service. N/A
11. Expansion of outdoor service areas to increase physical distancing standards. N/A
12. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations. N/A



Pima County Proclamation

Complaint

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As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Permit Number 3180768	Date 09/09/2020
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747		

13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders. N/A

C. Additional measures restaurants and other dine-in establishments should also consider:

14. Implement touchless payment methods IF POSSIBLE. (Not a requirement for compliance) N/A
15. Restaurant personnel to have a national certification in food safety and handling, as well as specific training in the prevention of COVID-19. (Not a requirement for compliance) N/A

D. The measures in this Section also apply to event spaces and catered functions

16. Does the facility host events or catered functions? N

E. Compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

17. Is facility in compliance with items 1 - 13 and eligible to receive a Pima County Ready to Serve Emblem? N
Observations: Employee behind the cash register (PIC) and employee in the back room were not wearing face mask or face shield. Owner told inspector to leave before closing comments were entered.
Corrective Action: A follow up inspection will occur in 11 days. This report of violation will go Correct by:09/21/2020 to the County attorney for the follow up. Follow up inspection may occur prior to 10 days at owners request.

Action(s) Taken

COVID-19 Guidance and Info handouts provided, including information regarding Pima County Proclamation and Resolution, Photos Taken for File, 2nd Proclamation violation. This facility has received two violations of the same or similar nature out of compliance with the Pima County Proclamation - Temporary COVID-19 Minimum Health Standards for Business. Future violations of a same or similar nature will result in enforcement action, which may include closure of the establishment or revocation of the establishment's operating permit.

Closing Comments:

Complaint issue number COVID-19 FFC PROC-20-010248

Complaint stated: "I visited the coffee house and not a single employee had a face mask. I noticed it was not a single time issue judging by their reviews." reported 9/8/2020

During inspection, upon entry to the facility by inspector the employee behind the cash register (PIC) and the other employee in the back room were not wearing face mask or face shield. Person in charge claimed medical exemption for herself. The complaint was validated.

After completing resolution and proclamation inspections the inspector sat down at table with PIC and discussed the complaint about not wearing of masks (or face shields), ways to reduce risk of virus transmission and concerns by customers, and re-educate PIC about posting a notice at the entrance that people with COVID-19 symptoms should not enter. Right after going over each completed item on the inspection form with the PIC and before inspector started entering the closing comments the owner entered the facility and slammed the attached owner's document on the table one foot away from inspector and his computer while the inspector was talking to the PIC. In the presence of the PIC and approximately 5 customers the owner told the inspector in a very loud voice to leave the facility immediately, that the health department's posting his business's name on their web site was ruining his business, that he was not going to tolerate it, and that he and other food facilities were starting a class action law suit. Inspector immediately left the facility to call his supervisor and was not able to review the draft report with PIC.

PIC Cheryl Dunker reviewed the inspection findings but not this report that was completed after leaving the facility.



Pima County Proclamation

Complaint

As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Permit Number 3180768	Date 09/09/2020
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747		

A follow-up inspection will occur Monday 9/21/2020.

Complaint open

I have read and understood this report:

COVID-19

Joseph Tabor



A Sip of Summer

OCEAN BREEZE LOTUS BLUE RASPBERRY • CHERRY PEACH	MONSTERA LOTUS PEACH TEA
PIÑA COLADA LOTUS COCONUT • PINEAPPLE TOPPED W/ COCONUT MILK	HAWAIIAN POG LOTUS PINEAPPLE • BANANA MANGO • COCONUT
DOLE WHIP LOTUS PINEAPPLE • MANGO TOPPED W/ COCONUT MILK	PEACH RING LOTUS PEACH • COCONUT MILK W/ A PEARL BEAN DRINK
SUN KISSED LOTUS ORANGE • TANGERINE W/ COCONUT MILK	ROCHATA LATTE ROSEMARY ROCHATA W/ ESPRESSO
COCONUT CREAM COLD BREW THE ULTIMATE COOL DRINK	SNICKERS FRAPPE ORANGE • PEANUT BUTTER CHOCOLATE • VANILLA DRINK W/ COCONUT MILK • PEARL BEAN DRINK

**THE SUGAR FREE AVAILABLE
TRY ANY LOTUS BLENDED**

MAYA TEAS
TUCSON, ARIZONA

VIVA

MAKING SENSE OF LIFE

CHANGING GAMES

DAILY DRIP

COLOMBIA
El Capiro Catuzza
WASHED

Summer Special

Buy any drink in the morning
take a drink for your afternoon
pick-me-up!

CHOOSE ONE:

Large Iced Tea \$2.99

Large Latte \$3.49

VIVA

MAKING SENSE OF LIFE

CHANGING GAMES

VANILLA

BLACK CHOCOLATE

CHERRY CHOCOLATE

PEACH

ORANGE

LEMON

LIME

COCONUT

PEANUT BUTTER

CHOCOLATE

PEACH

ORANGE

LEMON

LIME

COCONUT

PEANUT BUTTER

CHOCOLATE





Please do not
pour liquids into
trash!

Now Sold Here!
Try our famous, Award Winning, South
Salsa!
How do you like your salsa?
Back to back GET SOME!
MOUTH
SOUTH

VIVA
SOUTH
SALSA

VIVA
LOVE
VIVA
BOBCATS
VIVA
AMARADO
VIVA
RAVENS

Neighborhood
Favorite
Nextdoor

Apple Pay

WORLD'S BEST
CUP OF COFFEE
VIVA

THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS

Piano

SATURDAY
8PM

MONDAY - FRIDAY
8AM - 8PM

HOURS:

VIVA
COFFEE HOUSE



PLEASE BE SEATED
BY 10:00 AM
ON WEEKENDS
AND HOLIDAYS
TO ENSURE
A PROMPT
SERVICE

PLEASE BE SEATED
BY 10:00 AM
ON WEEKENDS
AND HOLIDAYS
TO ENSURE
A PROMPT
SERVICE

ATTACHMENT 3



Pima County Proclamation

As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Purpose of Inspection Pima County Proclamation - Complaint	Est. Type and Risk Category Class 2 Retail/Limited Prepared Food Less than 2500sqft (2000C)	Date 10/05/2020 Time in 02:36 PM Time out 03:04 PM
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747	Permit Number 3180768	Assessment Fail	
		Permit Holder ANDREA WALKER		

N = No N/A = Not applicable N/O = Not observed IN = In compliance OUT = Out of compliance Y = Yes

A. Minimum employee, vendor, delivery service and patron health and wellness measures:

- 1. Wellness/symptom checks, including temperature checks for all restaurant personnel, and when possible for vendors, contractors, third party delivery service workers, etc. as they arrive on premises and before opening of a restaurant. **IN**
Observations: Employee provided thermometer used to take employee temperatures
- 2. Cloth masks and gloves and/or frequent handwashing is required for all servers and restaurant personnel. Develop or follow handwashing policy for servers as it exists in the Pima County Food Code. **OUT**
Observations: One employee present during the inspection and employee is not wearing a mask
- 3. Pima County Health Notice - Posting of the "STOP Please do not enter if you have COVID-19 symptoms" at the entrance of the facility **OUT**
Observations: Inspector provided county handouts

B. Minimum restaurant operation measures:

- 4. Physical and/or electronic signage posting at the restaurant entrance of public health advisories prohibiting individuals who are symptomatic from entering the premises and requiring all persons entering to wear masks unless exempt under Pima County Resolution 2020-49 **OUT**
Observations: Inspector provided county handouts
- 5. Indoor occupancy limited to less than 50 percent. **IN**
- 6. Physical distancing of 6 feet minimum between tables. Bar top or counter seating is not allowed, unless each party is spaced at least 6 feet apart unless separated by glass or plexiglass. **IN**
- 7. Clearly marked 6-foot spacing marks and/or signage along entrances, hallways, restrooms and any other location within a restaurant where queues may form or patrons may congregate and indoor standing areas shall be eliminated. **OUT**
Observations: No signage encouraging social distancing and no floor markers
- 8. Parties no larger than 10 allowed per table. **IN**
- 9. Menus must be in a format that does not promote potential virus transmission e.g. menu boards, single use menus. **IN**
- 10. Elimination of self-service food bars, including salad bars, buffets, and cafeteria style service. **IN**
- 11. Expansion of outdoor service areas to increase physical distancing standards. **IN**
- 12. Hand sanitizers available at or adjacent to entrances to the facility, restrooms and in employee work areas, or soap and running water readily accessible to staff and customers and marked locations. **IN**
- 13. Sanitize customer areas after each sitting with EPA-registered disinfectant, including but not limited to: tables, tablecloths, chairs/booth seats, table-top condiments and condiment holders. **IN**
Observations: Peroxide multi surface cleaner



Pima County Proclamation

As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Permit Number 3180768	Date 10/05/2020
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747		

C. Additional measures restaurants and other dine-in establishments should also consider:

- 14. Implement touchless payment methods IF POSSIBLE. (Not a requirement for compliance) **IN**
- 15. Restaurant personnel to have a national certification in food safety and handling, as well as specific training in the prevention of COVID-19. (Not a requirement for compliance) **OUT**

D. The measures in this Section also apply to event spaces and catered functions

- 16. Does the facility host events or catered functions? **N**

E. Compliance with the measures in this Section is to be validated during regular operator inspections. All establishments that document adherence to the minimum best practice standards in this Section will earn a Pima County Best Practice Pledge badge that can be displayed electronically or physically to provide a visible symbol of the commitment to the community's health and well-being.

- 17. Is facility in compliance with items 1 - 13 and eligible to receive a Pima County Ready to Serve Emblem? **N**
Observations: The facility is out of compliance on employees wearing face masks, signage posted at the entrance and social distancing markers or signage.
Corrective Action: These items must be corrected within 48 hours **Correct by:10/07/2020**

Action(s) Taken

COVID-19 Guidance and Info handouts provided, including information regarding Pima County Proclamation and Resolution, Photos Taken for File, 2nd Proclamation violation. This facility has received two violations of the same or similar nature out of compliance with the Pima County Proclamation - Temporary COVID-19 Minimum Health Standards for Business. Future violations of a same or similar nature will result in enforcement action, which may include closure of the establishment or revocation of the establishment's operating permit.

Closing Comments:

COVID-19 FFC RES-20-010877 All I can say is Wow...I stopped in to Viva Coffee House on Valencia early this afternoon (Sep 30, 2020) and the server behind the counter was not wearing a face covering, there was a group of 8 "high school" students sitting close together at a table with no face coverings and 2 other patrons sitting close together again no face coverings. I realize that enforcement can be challenging however, this business' action appears to be a blatant display of defiance and lack of caring for the health and well-being of the Tucson community. I believe the rules apply to them too. Correct? Thank you
 COVID-19 FFC PROC-20-010377 This was my second time coming to Viva coffee house and none of the Baristas/workers were wearing mask or cleaning tables after usage. Today 9/11/2020 I went for my second time. I overheard a female worker talk to one of the Customers saying, "Yeah I don't wear a mask either. I just don't believe in that kind of stuff".
 Follow up for COVID-19 FFC PROC-20-010282 I visited this establishment on 9/9/2020 and none of the staff were wearing masks and maintaining a 6 ft distance from customers and other staff.

Proclamation - 2nd warning: This facility has received two separately documented instances of the same measure or measures of the Temporary COVID-19 Minimum Health Standards for Business Proclamation out of compliance. Third and subsequent violations of the same or a similar nature will result in enforcement action, which may include closure of the establishment or revocation of the establishment's operating permit.

Continued non-compliance will result in legal action.

I have read and understood this report:



Pima County Proclamation

Complaint

As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Permit Number 3180768	Date 10/05/2020
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747		

NA

COVID 19

Danny Nikitas



Pima County Resolution

2nd or subsequent onsite visit - complaint

As Governed by Pima County Code 8.08 3950 S. Country Club Rd, Ste 2301 Tucson AZ 85714 Phone 520-724-7908, Fax 520-724-9597		Purpose of Inspection Pima County Resolution - 2nd or subsequent onsite visit - complaint	Est. Type and Risk Category Class 2 Retail/Limited Prepared Food Less than 2500sqft (2000C)	Date 10/05/2020 Time in 03:05 PM Time out 03:12 PM
Establishment VIVA COFFEE HOUSE	Address 9136 E VALENCIA RD TUCSON AZ 85747	Permit Number 3180768	Assessment Fail	
		Permit Holder ANDREA WALKER		

NO = NO N/A = NOT APPLICABLE IN = IN COMPLIANCE YES = YES OUT = OUT OF COMPLIANCE

Pima County Resolution

1. Face coverings worn by employees **OUT**
Observations: The only employee present during inspection was not wearing a mask. Inspector asked employee if management provides face coverings, employee stated no.
2. Are measures in place to promote face masks and social distancing? (not a requirement for compliance) **NO**
Observations: Inspector is providing signage
3. Are the majority of consumers/public wearing masks when social distancing cannot be accomplished? (not a requirement for compliance) **YES**
Observations: Every customer that enter the facility during the inspection was wearing a mask
4. Is facility in compliance with Resolution 2020-49? **OUT**

Action(s) Taken

COVID-19 Guidance and Info handouts provided, including information regarding Pima County Proclamation and Resolution, Photos Taken for File

Closing Comments:

COVID-19 FFC RES-20-010877 All I can say is Wow...I stopped in to Viva Coffee House on Valencia early this afternoon (Sep 30, 2020) and the server behind the counter was not wearing a face covering, there was a group of 8 "high school" students sitting close together at a table with no face coverings and 2 other patrons sitting close together again no face coverings. I realize that enforcement can be challenging however, this business' action appears to be a blatant display of defiance and lack of caring for the health and well-being of the Tucson community. I believe the rules apply to them too. Correct? Thank you
 COVID-19 FFC PROC-20-010377 This was my second time coming to Viva coffee house and none of the Baristas/workers were wearing mask or cleaning tables after usage. Today 9/11/2020 I went for my second time. I overheard a female worker talk to one of the Customers saying, "Yeah I don't wear a mask either. I just don't believe in that kind of stuff".
 Follow up for COVID-19 FFC PROC-20-010282 I visited this establishment on 9/9/2020 and none of the staff were wearing masks and maintaining a 6 ft distance from customers and other staff.

Resolution: The Pima County Health Department has received a 2nd complaint regarding the requirement of face coverings in all public places at your establishment per Resolution 2020-49. Complaints from the public that are substantiated by a representative of PCHD will result in the posting of your facility name on a public website of noncompliance with the Resolution.

I have read and understood this report:



NOTIFICATION OF INSPECTION RIGHTS

REGULATED PERSON INFORMATION

Regulated Person/Facility _____ Permit#(s) _____

Site Location _____

Site Contact _____ Phone _____

Email Address _____

DEPARTMENT INFORMATION

Inspector Name _____ Inspection Date _____ Time _____

Notice of Inspection Rights Under A.R.S. § 11-1603

Upon entering the premises, the Pima County Health Department inspectors met with the regulated person or the regulated person's on-site representative, presented photo identification showing that they are Pima County employees and explained:

- The purpose of the inspection is to determine compliance with Pima County Code, Title 8, Health and Safety and for Public School Physical Plants, also A.A.C. Title 9, Chapter 8, Article 7. The legal authority for the inspection is: Food Establishments: P.C.C. 8.04.110(G)(1); Public and Semi-Public Aquatic Facilities: P.C.C. 8.04.110(G)(3); Motels, Hotels, Resorts, and Tourist Courts: P.C.C. 8.04.110(G)(4); Mobile Home and Travel Trailer Parks: 8.04.110(G)(5); Public School Physical Plants: 8.04.110(G)(7); Camp Grounds and Children's Camps: 8.04.110(G)(8); Ice Manufacturing and Beverage Plants: 8.04.110(G)(2)
- The fee for this inspection is: \$ _____.
- With the exception of inspections of food establishments or swimming pools and spas, the regulated person or representative may accompany the Department inspectors on the premises, except during confidential interviews.
- The regulated person has the right to: copies of any original documents taken by the Department during the inspection; a split or duplicate of any samples taken during the inspection if the split or duplicate would not prohibit an analysis from being conducted or render an analysis inconclusive; copies of any performed on samples taken during the inspection.
- Each person whose conversation is tape-recorded will be informed that the conversation is being tape-recorded.
- Each person interviewed during the inspection will be informed that statements made by the person may be included in the inspection report.
- Right of Appeal: A person who has been adversely affected by an action of the health officer may appeal that action by filing with the Pima County Health Director a written request for appeal within ten days of the time the person notified of the action. See P.C.C. 8.04.130(A). Written requests must be sent to the Pima County Health Director at 3950 S. Country Club Rd. Ste. 100, Tucson, AZ 85714.
- The following person may be contacted about the final decision based on the results of the inspection: **Loni Anderson, Division Manager, (520) 724-7908.** I have read this notification and discussed any questions or concerns with the Department inspectors.

X _____ *NA* _____ Date: _____

Declined to sign the notification

No authorized on-site representative is present at the facility

Copies of the inspection report and this notification are available at Pima County Health Department, 3950 S. Country Club Rd. Tucson AZ 85714

Note: Department inspectors may still proceed with the inspection even if the regulated party declines to sign this form



AVISO DE DERECHOS DE INSPECCIÓN

INFORMACIÓN SOBRE LA PERSONA ENCARGADA

Nombre de la persona/ Instalación _____ Número de permiso(s) _____

Ubicación de la instalación _____

Persona de contacto en la instalación _____ Número de teléfono _____

Dirección de envío _____

INFORMACIÓN DEL DEPARTAMENTO

Nombre de inspector _____ Fecha de inspección _____ Hora _____

Aviso de Derechos de Inspección Bajo A.R.S. § 11-1603

Al entrar a la instalación, los inspectores del Departamento de Salud del Condado Pima se comunicaron con la persona encargada o un representante de la persona encargada, presentaron identificación con foto que muestra que son empleados del Condado Pima y explicaron:

- El propósito de esta inspección es verificar si el establecimiento cumple con el Código del Condado Pima, Título 8, La Salubridad y Seguridad y para Instalaciones Físicas de Escuelas Públicas, también A.A.C. Título 9, Capítulo 8, Artículo 7. La autoridad legal para esta inspección es: Establecimientos de Alimentos P.C.C. 8.04.110(G)(1); Instalaciones Acuáticas Públicas y Semipúblicas: P.C.C. 8.04.110(G)(3); Moteles, Hoteles, y Sitios Turísticos: P.C.C. 8.04.110(G)(4); Casas Móviles y Lugares para Casas con Remolque: 8.04.110(G)(5); Instalaciones Físicas de Escuelas Públicas: 8.04.110(G)(7); Sitios de Campaña y Campamentos para Niños: 8.04.110(G)(8); Plantas de Bebidas y Fábricas de Hielo: 8.04.110(G)(2)
- La tarifa para esta inspección es: \$ _____.
- Con la excepción de las inspecciones de establecimientos de alimentos o acuáticas, la persona encargada o su representante puede acompañar al inspector del departamento durante la inspección, excepto durante entrevistas confidenciales.
- La persona encargada tiene derecho de recibir: copias de los documentos originales producidos por el departamento durante la inspección; parte de o un duplicado de cualquier muestra obtenida durante la inspección mientras la porción o el duplicado no prohibirá que se haga un análisis o que un análisis resulte inconcluso; copias de cualquier análisis realizado con las muestras de la inspección.
- Cada persona cuya conversación es grabada será informada de que la conversación está siendo grabada.
- Cada persona entrevistada durante la inspección será informada que sus declaraciones pueden ser incluidas en el reporte de inspección.
- Derecho de apelación: Una persona que ha sido afectada negativamente por una acción del oficial de salud puede apelar esa acción mediante una solicitud de apelación enviada por escrito al director del departamento dentro de los diez días de la fecha en que la persona fue notificada de la acción. Vea P.C.C. 8.04.130 (A). Enviado por escrito a 3950 S. Country Club Rd. Ste. 100, Tucson, AZ 85714
- Puede comunicarse con la siguiente persona acerca de la decisión final que se tomó a base de los resultados de la inspección: **Loni Anderson, Gerente de División, (520) 724-7908.**

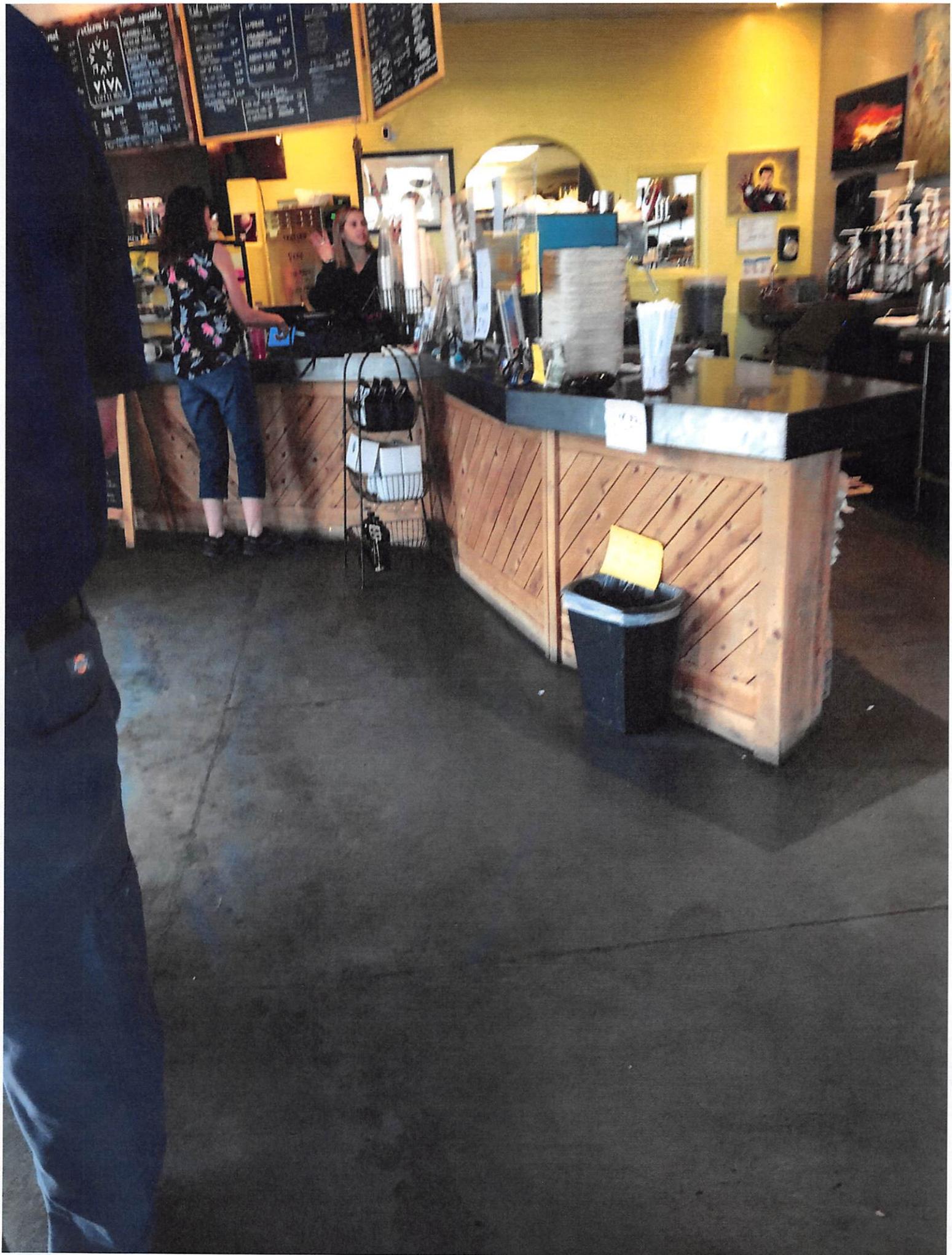
He leído este aviso y discutido cualquier pregunta o duda con los inspectores del Departamento.

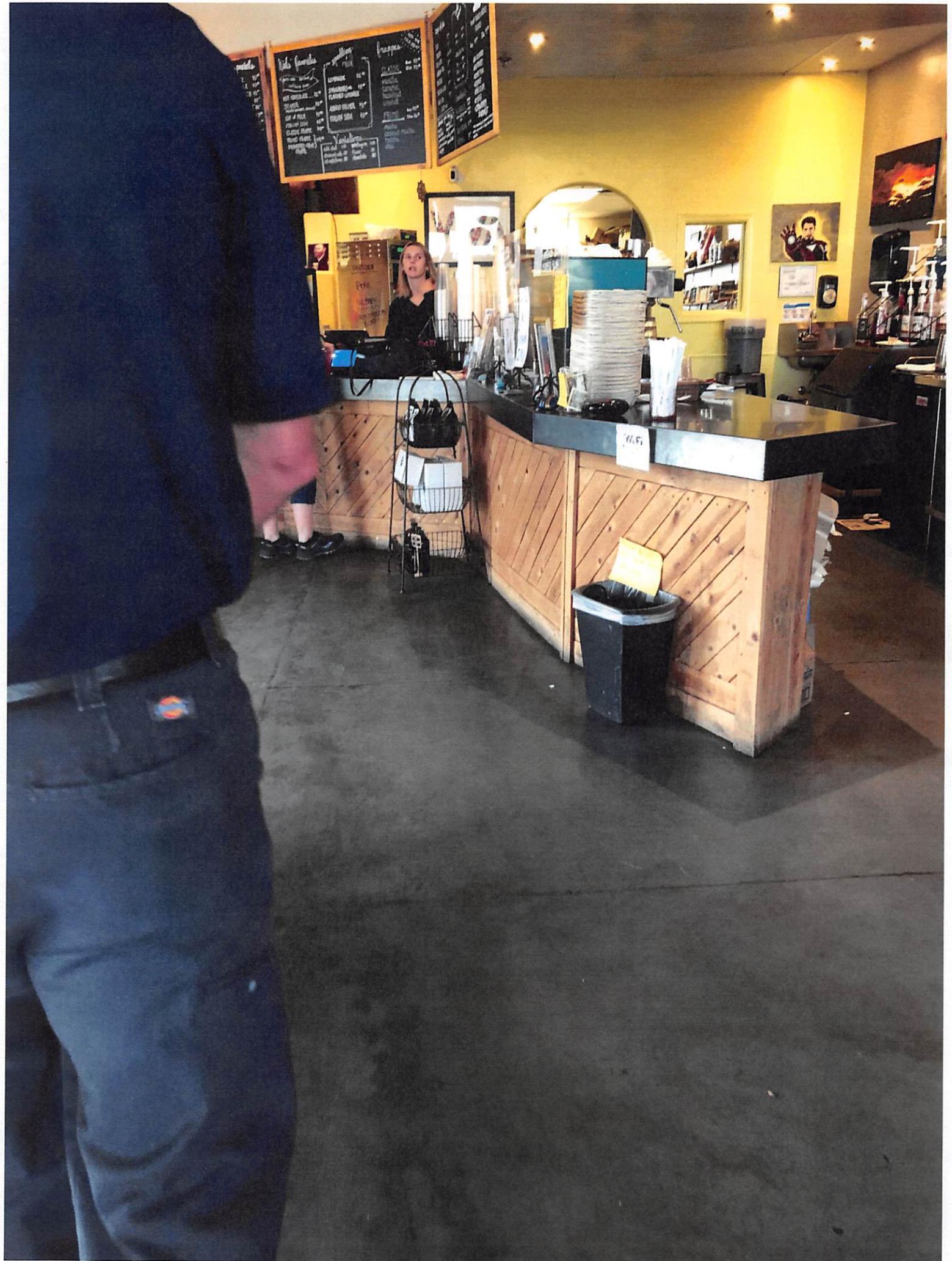
X _____ Fecha: _____

Se negó a firmar el aviso

No había un representante autorizado presente en el establecimiento

Copias del reporte de inspección y este aviso están disponibles en el departamento de Salud del Condado Pima, 3950 S. Country Club Rd. Tucson AZ 85714





ATTACHMENT 4



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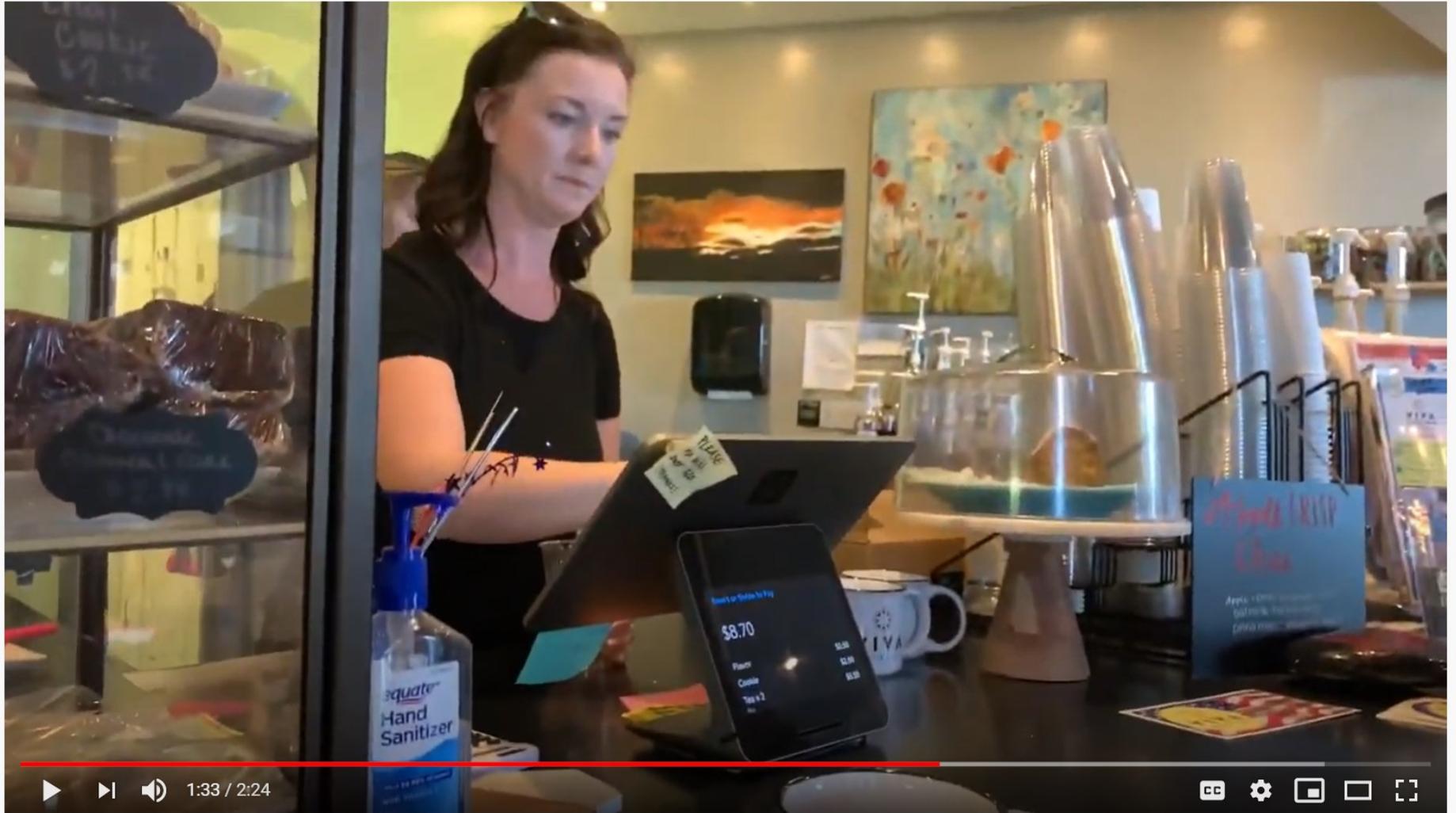
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