

**Minnesota Department of Agriculture
Food and Feed Safety Division**

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Title: Conducting an Administrative Meeting SOP	

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1. PURPOSE

The purpose of this procedure is to describe the process to schedule, prepare, conduct, and summarize an ADMINISTRATIVE MEETING to ensure meetings are consistently implemented and performed by Compliance Unit Staff.

2. SCOPE

This procedure applies to ADMINISTRATIVE MEETINGS held under Minnesota Statute 34A.06 and 21 United States Code 335 authorities conducted by the Minnesota Department of Agriculture's (MDA) Food and Feed Safety Division (FFSD) Retail and Manufactured Food Inspection Programs. This procedure does not apply to ADMINISTRATIVE MEETINGS held by the Feed Inspection Program.

3. BACKGROUND

This procedure replaces Directive 14.0 Administrative Meeting, Directive 14.1 Scheduling an Administrative Meeting, Directive 14.2 Conducting an Administrative Meeting and Directive 14.3 Follow-up for Administrative Meeting for FFSD Compliance Unit staff use.

ADMINISTRATIVE MEETINGS are an administrative action described in MS 34A.06. A hearing held pursuant to 21 United States Code 335 is also considered an ADMINISTRATIVE MEETING. These meetings must be fairly and consistently implemented. The purpose of the ADMINISTRATIVE MEETING is to inform the regulated entities of the alleged violations, provide an opportunity for the regulated parties to demonstrate compliance, and gather additional investigational information when needed. The ADMINISTRATIVE MEETING is used to assist in identifying an appropriate progressive enforcement action after reviewing the evidence and information presented.

The Minnesota Department of Agriculture uses ADMINISTRATIVE MEETINGS in a variety of situations to provide a platform for evidence collection and to allow firms an opportunity in which they can present evidence. ADMINISTRATIVE MEETINGS are part of the Progressive Enforcement Continuum and provide an opportunity to gather more information and evidence in a controlled setting in order to determine potential enforcement actions such as administrative, civil, and criminal penalties.

4. RESPONSIBILITY

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Food Program Manager – The Food Program Manager will provide information as requested by the Compliance Officer and participate in the Pre-Meeting and Administrative Meeting as requested.

Compliance Supervisor – The Compliance Supervisor will assist the Compliance Officer in identifying meeting participants and participate in meetings as requested.

Compliance Officer – The Compliance Officer will schedule and coordinate the preparation of meeting; facilitate the meeting discussions; address failure to respond by the firm; and maintain documentation as needed.

Food Inspector - The Food Inspector will provide information and feedback as requested by the Compliance Officer as requested and participate in the meetings. The Food Inspector will lead or assist in the review of information submitted by the firm/individual for compliance with orders issued.

Food Inspection Supervisor - The Food Inspection Supervisor will provide information and feedback as requested by the Compliance Officer and participate in the meetings.

5. DEFINITIONS

Administrative Meeting: An Administrative Meeting is a meeting initiated by the Department to inform the regulated entities of the alleged violations, provide an opportunity for the regulated parties to submit their own evidence and any defenses, and gather additional information when needed.

Tennessee Warning: A Tennessee Warning, as required by Minnesota Statute Section 13.04 Subd. 2, is a notice given to an individual who is asked to supply private or confidential data concerning the individual which informs of: (a) the purpose and intended use of the requested data within the collecting government entity; (b) whether the individual may refuse or is legally required to supply the requested data; (c) any known consequence arising from supplying or refusing to supply private or confidential data; and (d) the identity of other persons or entities authorized by state or federal law to receive the data.

6. PROCEDURES

6.1 Schedule Administrative Meeting – Compliance Officer

- 6.1.1 After receiving approval to conduct an ADMINISTRATIVE MEETING, select a meeting date, location and identify necessary staff for attendance.
 - a. Take into account scheduling conflicts, room usage, and evidence load when determining how far in advance to schedule.
 - b. Select a date that provides the firm a minimum of 10 business days' notice for the meeting (unless otherwise directed by management).
 - c. Invite the following necessary staff: Inspector and Inspection Supervisor. Confer with the Compliance Supervisor regarding the addition of the Case Administrator, Program Managers, additional Inspectors or Compliance Officers, and Compliance Supervisor.
- 6.1.2 Arrange for an interpreter and/or security if needed and available.
- 6.1.3 Complete an Outlook calendar appointment with the subject "Administrative Meeting" and "private" setting. Include the following details:

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- a. Link to Enforcement Case Summary
 - b. Roles and Responsibilities of MDA attendees
 - c. Attendees expected from the firm (when available).
- 6.1.4 Update the Outlook appointment as need if additional people will be attending, time or location changes, etc.

6.2 Notify the Firm of the Administrative Meeting – Compliance Officer

- 6.2.1 Write a *Notice of Administrative Meeting letter* to notify the firm of the MDA's intent to hold an ADMINISTRATIVE MEETING. Use the *Notice of Administrative Meeting Letter Template* (Appendix 14.1A) as a basis.
- 6.2.2 At least fifteen (15) business days before the meeting, send the letter via certified mail to the firm regarding the meeting date and location. An email or fax can be sent in addition to the certified letter. Other staff can assist in this task when available.
- 6.2.3 Address scheduling conflicts when identified by the firm.
- a. Evaluate all requests to reschedule the ADMINISTRATIVE MEETING from the firm for reasonableness and staff availability.
 - b. When rescheduling is appropriate, send written confirmation by certified mail to the firm confirming the new meeting time. An email or fax can be sent in addition to the certified letter.
 - c. Update the Outlook calendar appointment as necessary.

6.3 Prepare for the Administrative Meeting – Compliance Officer

- 6.3.1 Organize the evidence and facts collected to support possible statute or rule violations. Sources may include USAFS, OneNote files, paper files, and SharePoint files.
- 6.3.2 Consult and discuss with inspectors and supervisors regarding any clarifications needed or additional documentation.
- 6.3.3 Based on violations and case details, identify what information is missing or unclear and formulate questions for the firm to address these issues.
- 6.3.4 Set an agenda for the ADMINISTRATIVE MEETING using the *Administrative Meeting Agenda Template* (Appendix 14.2A). Add the agenda to the Outlook Calendar appointment and the Case File on SharePoint.
- 6.3.5 Print copies of the agenda and relevant regulations, inspection reports and documentation to support the discussion for all meeting participants.

6.4 Conduct a Pre-Meeting

Compliance Officer

- 6.4.1 Using Outlook calendars, schedule a pre-meeting with MDA staff associated with the case.
- a. Hold the pre-meetings at least two (2) business days in advance of the ADMINISTRATIVE MEETING.

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- b. Pre-meetings can be held by WebEx rather than in person when necessary.
- 6.4.2 Lead and facilitate the Pre-Meeting discussion by reviewing the firm's history and the current alleged violations as supported by the submitted evidence.
- 6.4.3 Allow time for the Inspector(s) and Inspection Supervisor to provide any additional information and input to support the ADMINISTRATIVE MEETING.
- 6.4.4 Finalize the planned agenda for the ADMINISTRATIVE MEETING to include the specific role and participation points of all participants.

Inspection Staff

- 6.4.5 The Food Inspector will provide information as requested by the Compliance Officer and participate in the Pre-Meeting to ensure all factual information and existing evidence is accurate and concerns are addressed.
- 6.4.6 The Food Inspection Supervisor will provide information as requested by the Compliance Officer and participate in the Pre-Meeting.

6.5 Conduct the Administrative Meeting

Compliance Officer

- 6.5.1 Lead and facilitate the ADMINISTRATIVE MEETING discussion.
- 6.5.2 Provide each of the meeting participants with the Administrative Meeting Agenda and copies of the relevant regulations, inspection reports or other applicable documentation.
- 6.5.3 Open the meeting by leading introductions of all staff participating in the meeting.
- 6.5.4 Inform the firm/individual they are free to leave at any time.
- 6.5.5 Read the TENNESSEN WARNING to the entity or individual(s) at the meeting and request their signature on a written copy (Appendix 14.2D). If the entity or individual refuses to sign, note that on the copy of the TENNESSEN WARNING.
- 6.5.6 Inform the participants that MDA is not recording the meeting and ask if any person(s) are recording the meeting.
 - a. If someone is recording the meeting, arrange for an MDA recording to occur using phone, computer or other available devices.
 - b. Handle the recording following the applicable Digital Media work instruction.
 - c. Record the occurrence in the meeting notes.
- 6.5.7 Present the case as prepared during the Pre-Meeting and identified in the Administrative Meeting Agenda – include Food Inspection Staff as planned.
- 6.5.8 Allow the firm/individual an opportunity to respond to the evidence and alleged violations presented.
- 6.5.9 Allow each MDA staff member participating to ask questions of the firm/individual(s) for the purpose of providing clarification on statements made.

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- 6.5.10 Answer questions that the firm/individual has regarding the case, violations or methods to achieve compliance to the extent possible (without sharing private data) or direct the question to the inspector and inspection supervisor as appropriate.
- 6.5.11 Conclude by informing the entity or individual that formal communication regarding next actions will occur within ten (10) business days.
- 6.5.12 Escort the firm/individual from the building or assign it to an MDA staff member.

Inspection Staff

- 6.5.13 Provide information as requested by the Compliance Officer and participate in the ADMINISTRATIVE MEETING to ensure all factual information is accurate.
- 6.5.14 Ask questions of the firm/individual(s) for the purpose of providing clarification on statements made.
- 6.5.15 Review documents or other submitted information from the firm/individual when provided to establish compliance with orders issued. If additional time beyond the meeting is needed for complete assessment of materials, identify the timeframe necessary for review and method that will be used to provide comment.

6.6 Address failure to respond or attend by the firm – Compliance Officer

- 6.6.1 If the entity or individual(s) does not attend a scheduled administrative meeting, write a letter using *Administrative Meeting Failure to Appear* (Appendix 14.1B) that:
 - a. Outlines the facts surrounding the missed Administrative Meeting;
 - b. Documents the attempts to reach the firm or individual;
 - c. Instructs the firm or individual to send a response in writing identifying a deadline of no less than ten (10) business days for doing so; and
 - d. States that MDA will proceed with the regulatory enforcement process if no response is received.
- 6.6.2 Send the letter by certified mail within two (2) business days of the scheduled ADMINISTRATIVE MEETING date. Other staff may assist with this task when available.

6.7 Conduct a Post-Meeting

Compliance Officer

- 6.7.1 Hold the post-meetings with MDA Staff associated with the case no later than three (3) business days after the ADMINISTRATIVE MEETING. Post-meetings can be held by WebEx rather than in person when necessary.
- 6.7.2 Lead and facilitate the Post-Meeting discussion by reviewing the information provided by the firm as it relates the current alleged violations and any potential additional violations.
- 6.7.3 Allow time for the Food Inspector(s) and Food Inspection Supervisor to provide any additional information from the review of submitted documents or concerns with the statements from the firm/individual.

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- 6.7.4 Assess, in consultation with inspection staff, if a reinspection and related fee are necessary as authorized in Minn. Statute 28A.085 subd. 1 (2) or if other inspection based follow-up actions are needed.

Inspection Staff

- 6.7.5 Review any materials submitted by the firm/individual during the ADMINISTRATIVE MEETING to assess compliance with orders issued.
- 6.7.6 Provide assessment of materials to Compliance Officer.
- 6.7.7 Identify any logistical plans needed for completion of reinspections or other inspection based follow-up actions that are needed.

6.8 Enforcement Case Update – Compliance Officer

- 6.8.1 Update the Case Summary with pertinent details from the ADMINISTRATIVE MEETING.
- 6.8.2 Using the findings of the ADMINISTRATIVE MEETING, (new evidence or information, evidence of compliance or ongoing non-compliance) continue with further case review as described in *FOOD.60.02 - Enforcement Case Review and Monitoring SOP* for assessment of evidence and recommendation of enforcement actions.

6.9 Maintain Documentation – Compliance Officer

- 6.9.1 Maintain all documentation for the ADMINISTRATIVE MEETING in the electronic files per program procedure.

7. RELATED DOCUMENTS (includes References, Attachments)

- 14.1A Notice of Administrative Meeting Letter Template
- 14.2A Administrative Meeting Agenda Template
- 14.2D Tennesen Warning
- 14.1B Administrative Meeting Failure to Appear
- 14.2C Summary Letter Template
- FOOD.60.02 - Enforcement Case Review and Monitoring SOP

8. EQUIPMENT/MATERIALS NEEDED

N/A

9. SAFETY

If you have any reason to believe that a threat may exist prior to an Administrative Meeting, discuss the situation with your supervisor to determine the appropriate course of action (security or police presence, etc). If a physical or verbal assault (threat) occurs, discontinue the Administrative Meeting and leave the location immediately. Receive medical attention if necessary then call your supervisor as soon as possible and report the incident.

10. CIRCULATION

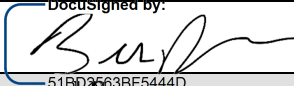
This policy will be circulated to the following groups: Compliance Officers, Compliance Case Manager, Compliance Unit Supervisor, Food Inspectors, Food Inspection Supervisors, Food

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Program Management, and the Division Director. The current version will be stored electronically on the FFSD document control site.

11. APPROVAL/DOCUMENT HISTORY

Document History		
Version #	Status (I, R)	Change History
1	I	Initial Policy Drafting.
1.1	R	Updated responsibilities to be procedure specific; technical correction to line 6.1.3 to include private settings on Outlook appointment, minor language corrections to 6.4.5, 6.5.13, 6.7.1.
DocuSigned by: 		12/28/2016
Approved By:		Date
Approved By:		Date

I = Initial document; R = Revised document