



Memorandum  
State of Wisconsin  
Department of Agriculture, Trade and Consumer  
Protection  
Division of Food and Recreational Safety

**DATE:** Feb. 23, 2018 (replaces memo of Nov. 7, 2016)

**TO:** All DATCP Staff and Agents

**FROM:** Peter Haase, Director, Bureau of Food and Recreational Businesses

**SUBJECT:** Rule Interpretation and Compliance Process for Certified Food Manager (CFM)

The Department expects that retail food facilities engaged in meal service shall have at least one Certified Food Manager on staff at the facility location.  
The following describes the Department's compliance process for this issue.

New License Issuance to a facility:

We recommend that a CFM be on staff at the time of licensing.

If no CFM is on staff at time of licensing, the license will have conditions placed on it for a period of 90 calendar days. The facility must submit proof to the department or its agent that a CFM certificate has been obtained by at least one member of their staff within the 90 calendar day period. **A copy of the individual's certificate or a copy of the passing test score issued will suffice as proof.** The certificate is to be posted in the facility. If no proof of a CFM is submitted to the department or its agent within the 90 calendar day period, the license will be voided.

Currently licensed facility:

A. Routine inspection observes no CFM on staff.

- 1) Conditions will be placed on the license for a 90 calendar day period from the date of inspection. Facility must provide proof to the department or its agent that a CFM certificate has been obtained by a staff member (manager, person in charge (PIC), owner) within the 90 calendar day period. If proof is received, no further action is necessary and conditions on the facility license will be removed.
- 2) If no proof is submitted to the department or its agent within the 90 calendar day period of the conditional license, a fee will be charged for operating without a CFM fee (\$150 or other fee as determined by the agent program) and a chargeable reinspection will be scheduled for 30 calendar days from the last date of the initial 90 day period (120 calendar days from the original inspection). An extension of the conditional license will occur as well for the 30 day period. IF proof of obtaining a CFM certificate occurs within that 30 day period, the reinspection will be cancelled and no further action will be taken and the conditions will be removed from the facility license.
- 3) If no proof is submitted to the department or its agent within the additional 30 calendar day period of the conditional license, a chargeable reinspection will occur within 7 calendar days, and if no CFM is on staff, progressive compliance will begin with an Administrative Conference (or an Agent enforcement process that is similar in nature to an administrative conference). After the Administrative Conference, the conditions on the license will be

amended to state that the facility has a second extension of 30 calendar days from the date of the administrative conference to obtain a CFM on staff.

- 4) After the 30 day period, a 2<sup>nd</sup> chargeable reinspection will be conducted within 7 calendar days at the facility for proof of a CFM on staff. If there is no CFM on staff, the facility license will be voided.

B. Routine inspection shows CFM certification has expired.

- 1) If the current certification is expired but is within 6-months of the expiration date, note it as a violation to be corrected within the remaining time, not to exceed 6-months past the expiration date, and schedule a reinspection for that date.
- 2) If no CFM is obtained a fee will be charged for operating without a CFM (\$150 or other fee as determined by the agent program) and a chargeable reinspection will be scheduled for 30 calendar days. The license will be placed in a conditional status. IF proof of obtaining a CFM certificate occurs within that 30 day period, the reinspection will be cancelled and no further action will be taken and the conditions will be removed from the facility license.
- 3) If no proof is submitted to the department or its agent within the additional 30 calendar day period of the conditional license, a chargeable reinspection will occur within 7 calendar days, and if no CFM is on staff, progressive compliance will begin with an Administrative Conference (or an Agent enforcement process that is similar in nature to an administrative conference). After the Administrative Conference, the conditions on the license will be amended to state that the facility has a second extension of 30 calendar days from the date of the administrative conference to obtain a CFM on staff.

C. Routine inspection shows CFM certification has expired in excess of 6-months. If the current CFM certification has been expired for more than 6-months, follow the steps outlined in (A).