

## RESTAURANT INSPECTIONS

### MARION AND POLK COUNTY

Semi-annual restaurant inspections from Sept. 13 to Oct. 3.

#### 22 Below

**Location:** 4155 Rickey St. SE, Suite 126, Salem  
**Date:** Sept. 30  
**Score:** 100  
**No priority violations**

#### Arctic Circle

**Location:** 315 N Pacific Hwy., Woodburn  
**Date:** Sept. 20 (reinspected Oct. 1)  
**Score:** 92  
**Priority violations**  
 ■ Potentially hazardous food is not maintained at proper hot or cold holding temperatures, specifically: Gyro meat 46°F, sliced tomatoes 47°F, sliced cheese 45°F, shredded lettuce 44-48°F, tzatziki sauce 45°F inside the burger prep refrigerator. **Point deduction: 5.**  
 ■ Food-contact surfaces are not clean, specifically: Old, thick layer of ice cream

splatter covering top surface above the shake mixing rod. **Point deduction: 3.**  
**Oct. 1: No priority violations**

#### Basil & Board

**Location:** 500 Liberty St. SE, Suite 150, Salem  
**Date:** Sept. 30  
**Score:** 95  
**Priority violations**  
 ■ Potentially hazardous food is not maintained at proper hot or cold holding temperatures, specifically: Air is not circulating correctly in the walk-in refrigerator. Some food items in the walk-in refrigerator are warmer than 41F. (Buttermilk 45F, provolone cheese 47F, dip 44F, hummus 44F, wrapped cheese 46F). **Point deduction: 5.**

#### Bierhaus

**Location:** 315 N Main St., Mt. Angel  
**Date:** Oct. 3  
**Score:** 100  
**No priority violations**

#### Brown's Towne Lounge

**Location:** 145 Liberty St. NE, Suite 101, Salem  
**Date:** Oct. 1  
**Score:** 100  
**No priority violations**

#### Burger King

**Location:** 3530 Commercial St. SE, Salem  
**Date:** Sept. 30  
**Score:** 100  
**No priority violations**

#### Capitol City Grill

**Location:** 3301 Market St. NE, Salem  
**Date:** Oct. 1  
**Score:** 97  
**Priority violations**  
 ■ Working containers of poisonous or toxic materials are not clearly labeled, specifically: Spray bottles of chemicals by the mop sink are not labeled. **Point deduction: 3.**

#### Cedars Restaurant & Lounge

**Location:** 200 Detroit Ave., Detroit  
**Date:** Sept. 24 (reinspected Oct. 1)  
**Score:** 95  
**Sept. 24: Priority violations**  
 ■ Potentially hazardous food is not maintained at proper hot or cold holding

temperatures, specifically: Walk in refrigerator had temperatures ranging from 44-54F. Inside thermometer was reading 44F. **Point deduction: 5.**  
**Oct. 1: No priority violations**

#### Chen's Family Dish

**Location:** 2138 Lancaster Drive NE, Salem  
**Date:** Sept. 27  
**Score:** 94  
**Priority violations**  
 ■ Soap is not provided at a handwashing sink, specifically: Kitchen hand sink soap dispenser empty. **Point deduction: 3.**  
 ■ Hand towels or a hand drying device is not provided at the handwashing sink, specifically: Paper towel dispenser empty at bar hand sink. **Point deduction: 3.**

#### Deanie's Wienies Hot Dog Co.

**Location:** 1001 N Arney Road, Woodburn (mobile unit)  
**Date:** Oct. 2  
**Score:** N/A  
**Priority violations**  
 ■ Ready-to-eat food is not properly date-marked, specifically: Open bag of polish dogs and container of diced toma-

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## NORPAC

Continued from Page 1A

contracted farmers, including those who own a share of the company, to continue to sell their products.

It would have allowed the company to continue to employ the over 2,000 workers – including over 1,000 full-time and around 1,000 seasonal – to continue on with the company they helped grow into one of the largest concerns of its kind.

And it would have wrapped the bankruptcy up in a short two-month window.

Then on Oct. 18 Tieg's informed NORPAC and the interested parties he was terminating the purchase agreement.

One of the reasons given for terminating the sale was environmental reports showing problems with two of the sites: level one contamination – which can include non-infectious bacteria – at the Stayton site and level two contamination including arsenic over legal limits in the well of the Quincy, Wash., property.

Despite Oregon Potato Company's Oct. 18 decision to terminate the sale, district court judge Michael Fletcher approved the sale of NORPAC's assets to the company Oct. 29.

Determining if the purchase termination was valid could be tied up in courts in the future.

"We have since responded and said that we believe the ground for their termination and their notice was given in bad faith," NORPAC attorney Albert Kennedy said in a court hearing. "The debtors are willing and able for closing this transaction."

#### Creditors at the gate

With NORPAC's future uncertain, anxious creditors have been circling the company and desperately trying to get back the money they are owed.

Court filings show NORPAC owes money to over 5,000 creditors. Secured creditors are owed approximately \$125 million, it has \$39 million in unsecured claims and the company received \$15 million in financing from CoBank to continue operations through Oct. 31, the proposed sale date.

According to filings, NORPAC has \$315 million in assets, including \$10 million in real property.

CoBank's original agreement in financing the restructuring provided it would be repaid by Oct. 31.

"That loan has now matured," Co-Bank attorney Teresa Pearson said at a

Nov. 1 hearing. "CoBank has no further obligation to fund at all or allow any use of cash collateral at this point."

As of Oct. 31, NORPAC used \$6 million of the \$15 million it received from Co-Bank to continue operations, according to court transcripts.

At the Nov. 1 hearing, Pearson said the bank was willing to put off calling in its loan for two weeks to give the company a chance to find another suitor.

"The bank wants to be prepared to take the next step. We are not planning to do anything precipitous at this very moment," Pearson said.

"Because of the status of this business depending on what that is we think it's important to be prepared to take that next step," Pearson said, "whatever that next step happens to be. We are asking for that breathing room."

NORPAC's Kennedy said in court there are other parties interested in purchasing some of the company's assets, but he did not name potential suitors.

Debtors such as AmeriCold have filed liens, arguing they should be paid off first, even before CoBank.

"We're not trying to cut anybody out," Pearson said. "Admittedly we're maximizing the recovery for the bank, but until the bank is paid, there are other people that are in line behind us."

#### Could fall into receivership

CoBank's proposed and the court accepting a "forbearance agreement" Nov. 6. That means NORPAC can continue to operate while it seeks to find a new owner or owners.

But it also means the company won't fall into receivership in the interim.

"I think the biggest concern to the growers is that we not jump to something here and lose control of the bankruptcy court in the process," said attorney Tom Stilley, who represents Dan McCarty of J&M Farming. "I think the growers would prefer some control in the bankruptcy court proceeding."

Were a receiver to take control of the company, the farmers would have little say in how the case goes forward.

But a judge could determine at a Nov. 12 hearing to grant one of CoBank's motions and allow the bank to foreclose. And that's something creditors fear.

Said attorney Marshall Turner, who represents Seminis Vegetable Seeds: "There's been zero showing that putting the assets into some sort of a state or federal receivership is in the best interest of creditors."

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