



**CAL CODE OFFICIAL INSPECTION REPORT**

FACILITY NAME <b>LOS MAGUEYES MEXICAN RESTAURANT</b>		DATE 11/26/2018	REINSPECTION DATE 12/10/2018	PERMIT EXPIRATION 11/30/2018
LOCATION 21290 BEAR VALLEY RD 105, APPLE VALLEY, CA 92308			INSPECTOR Alexandra Calderon	
MAILING ADDRESS 11453 WINTER PL, ADELANTO CA 92301			IDENTIFIER: None	
			SERVICE: 001 - Inspection - Routine	
			RESULT: 05 - Corrective Action / Follow up Required	
			ACTION: 03 - Reinspection Required	
TIME IN 1:38 PM	TIME OUT 3:52 PM	FACILITY ID FA0005352	RELATED ID PR0002255	PE 1621

Based on an inspection this day, the items marked below identify the violation(s) in operation or facilities which must be corrected. Failure to correct listed violation(s) prior to the designated compliance date may necessitate an additional inspection to be billed at the hourly rate as provided in the San Bernardino County Code [Schedule of Fees](#).

Administrative Order to Show Cause (OSC): The Permittee has the right to a hearing if requested in writing within 15 calendar days of receipt of this notice, to show cause why the permit to operate should not be suspended or revoked; otherwise the right to a hearing shall be deemed waived.



**SCORE 75**

Reduce food loss, and feed those in need by donating your surplus food. [Learn more about donating surplus food.](#)

See the following pages for the code sections and general requirements that correspond to each violation listed below.

- In = In compliance
- N/O = Not observed
- N/A = Not applicable
- + COS = Corrected on-site
- ⊗ MAJ = Major violation
- ⊗ OUT = Out of compliance

DEMONSTRATION OF KNOWLEDGE		COS	MAJ	OUT
In	N/O			⊗
1. Demonstration of knowledge; food safety certification				
EMPLOYEE HEALTH & HYGIENIC PRACTICES				
In			4	
2. Communicable disease; reporting, restrictions & excl				
In	N/O			2
3. No discharge from eyes, nose, and mouth				
In	N/O			2
4. Proper eating, tasting, drinking or tobacco use				
PREVENTING CONTAMINATION BY HANDS				
In	N/O	+	⊗	2
5. Hands clean and properly washed; gloves used prop				
In				2
6. Adequate handwashing facilities supplied & accessib				
TIME AND TEMPERATURE RELATIONSHIPS				
In	N/O	N/A	4	2
7. Proper hot and cold holding temperatures				
In	N/O	N/A	4	2
8. Time as a public health control; procedures & record				
In	N/O	N/A	4	⊗
9. Proper cooling methods				
In	N/O	N/A	4	
10. Proper cooking time & temperatures				
In	N/O	N/A	4	
11. Proper reheating procedures for hot holding				
PROTECTION FROM CONTAMINATION				
In	N/O	N/A		2
12. Returned and reserve of food				
In			4	2
13. Food in good condition, safe and unadulterated				
In	N/O	N/A	+	⊗
14. Food contact surfaces: clean and sanitized				

FOOD FROM APPROVED SOURCES		COS	MAJ	OUT
In			4	
15. Food obtained from approved source				
In	N/O	N/A		2
16. Compliance with shell stock tags, condition, display				
In	N/O	N/A		2
17. Compliance with Gulf Oyster Regulations				
CONFORMANCE WITH APPROVED PROCEDURES				
In		N/A		2
18. Compliance with variance, specialized process, and HACCP Plan				
CONSUMER ADVISORY				
In	N/O	N/A		2
19. Consumer advisory provided for raw or undercooked foods				
HIGHLY SUSCEPTIBLE POPULATIONS				
In		N/A	4	
20. Licensed health care facilities/public and private schools; prohibited foods not offered				
WATER/HOT WATER				
In			4	2
21. Hot and cold water available				
LIQUID WASTE DISPOSAL				
In			4	2
22. Sewage and wastewater properly disposed				
VERMIN				
In			4	⊗
23. No rodents, insects, birds, or animals				

SUPERVISION	OUT
24. Person in charge present and performs duties	1
PERSONAL CLEANLINESS	
25. Personal cleanliness and hair restraints	1
GENERAL FOOD SAFETY REQUIREMENTS	
26. Approved thawing methods used, frozen food	⊗
27. Food separated and protected	⊗
28. Washing fruits and vegetables	1
29. Toxic substances properly identified, stored, use	1
FOOD STORAGE/DISPLAY/SERVICE	
30. Food storage; food storage containers identified	⊗
31. Consumer self-service	1
32. Food properly labeled & honestly presented	1

EQUIPMENT/UTENSILS/LINENS	OUT
33. Nonfood contact surfaces clean	1
34. Warewashing facilities: installed, maintained, used	⊗
35. Equipment/Utensils approved; installed; clean; good repa	⊗
36. Equipment, utensils and linens: storage and use	⊗
38. Adequate ventilation and lighting; designated area	⊗
39. Thermometers provided and accurate	1
40. Wiping cloths: properly used and stored	⊗
PHYSICAL FACILITIES	
41. Plumbing: proper backflow devices	⊗
42. Garbage and refuse properly disposed; facilities m	1
43. Toilet facilities: properly constructed, supplied, clea	1
44. Premises; personal/cleaning items; vermin-proofin	⊗

PERMANENT FOOD FACILITIES	OUT
45. Floor, walls, ceilings: built, maintained, and clean	⊗
46. No unapproved private homes/living or sleeping qu	1
SIGNS REQUIREMENTS	
47. Signs posted; last inspection report available	1
48. Food handler cards	3
COMPLIANCE & ENFORCEMENT	
49. Permits Available	
50. Restrooms Required	
51. Plan Review	
52. VC&D	
53. Impoundment	
54. Permit Suspension	



Public Health  
Environmental Health Services

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#### 5. HANDS CLEAN AND PROPERLY WASHED; GLOVES USED PROPERLY



POINTS

4

Compliance date not specified  
Complied on 11/26/2018  
Violation Reference -

**Inspector Comments:** An employee was observed wiping his hands on a soiled towel and apron and returning to food preparation without first washing his hands.

Employees are required to wash hands immediately before engaging in food preparation and/or after engaging in other activities that contaminate the hands prior to food handling.

Corrected on site: Employee was instructed to wash his hands prior to continuing with food preparation.

**Violation Description:** Employees are required to wash their hands: before beginning work; before handling food / equipment / utensils; as often as necessary, during food preparation, to remove soil and contamination; when switching from working with raw to ready to eat foods, after touching body parts; after using toilet room; or any time when contamination may occur. Gloves shall be worn if an employee has cuts, wounds, fake nails, nail polish, and/or rashes. Gloves are to be used for no more than one task. Employees are not to wrap or package leftover food using bare hands or unclean utensils. Hand sanitizers may be used after proper hand washing. Employees handling food must have fingernails that are trimmed, cleanable, and smooth. (113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f))

**More Information:** <http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/EHSDocuments/HandwashingDoneRight.pdf>

#### 14. FOOD CONTACT SURFACES: CLEAN AND SANITIZED



POINTS

4

Compliance date not specified  
Complied on 11/26/2018  
Violation Reference - HSC -  
113984(e), 114097, 114099

**Inspector Comments:** At the time of inspection an employee was observed actively ware washing. The sanitizer compartment of the sink was observed with dishes fully submerged and several dishes and utensils piled on top so that they were not fully submerged in the sanitizer solution.

Ensure that all food contact surfaces are properly washed, rinsed, sanitized, and allowed to air dry. Submerge all food contact surfaces in quaternary ammonium sanitizer for at least 1 minute before allowing to air dry.

Corrected on site: Employee was instructed to properly wash, rinse, and sanitize the items noted above.

**Violation Description:** All food contact surfaces of utensils and equipment shall be clean and sanitized. (113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101 (b-d), 114105, 114109, 114111, 114113, 114115 (a, b, d), 114117, 114125(b), 114135, 114141)

**More Information:** <http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/TowelSanitizingSolution.pdf>

#### 1. DEMONSTRATION OF KNOWLEDGE; FOOD SAFETY CERTIFICATION

POINTS

2

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
113947-113947.1

**Inspector Comments:** A Food Manager Certificate was not observed at the facility.

Provide a valid Food Manager Certificate from one of the below accredited organization that has been certified by the American National Standards Institute (ANSI):

- 360training.com, Inc.- Learn2Serve® Food Protection Manager Certification Program
- National Registry of Food Safety Professionals- Food Protection Manager Certification Program
- National Restaurant Association-ServSafe® Food Protection Manager Certification Program
- Prometric Inc.- Food Protection Manager Certification Program

Provide a valid Food Manager Certificate within 60 days to avoid a billable re-inspection with a minimum charge of \$122.50. Original certificate must be provided.

**Violation Description:** All food employees shall have adequate knowledge of and be trained in food safety as it relates to their assigned duties. (113947) Food facilities that prepare, handle or serve non-prepackaged potentially hazardous food, shall have an employee who has passed an approved food safety certification examination. (113947-113947.1)

**More Information:** <http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/FoodSafetyPracticesOverview.pdf>



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#### 9. PROPER COOLING METHODS

POINTS

2

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114000

**Inspector Comments:** The employee stated that when cooling hot foods that foods are placed in deep plastic bins and left on the counter top for 3-4 hours to cool at room temperature. The employee stated that sometimes an ice bath is utilized during the cooling process. At the time of inspection no foods were actively cooling and all foods that had been cooled were observed under refrigeration at 41F or below.

Ensure potentially hazardous foods are cooled rapidly from 135°F to 70°F within two hours and then cooled from 70°F to 41°F or below for a total of six hours using approved cooling methods.

Approved cooling methods include;

1. Placing the food in shallow, heat-conductive pans.
2. Separating the food into smaller or thinner portions.
3. Using rapid cooling equipment such as chill blasters.
4. Adding ice as an ingredient.
5. Using ice paddles.
6. Placing containers in an ice bath, stirring food frequently.
7. In accordance to an approved HACCP Plan

When placing food in the refrigerator to cool, containers should be loosely covered or uncovered if protected from overhead contamination, to facilitate heat transfer from the surface of the food.

**Violation Description:** All potentially hazardous food shall be RAPIDLY cooled from 135F to 70F, within 2 hours, and then from 70F to 41 F, within 4 hours. Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath; stirring frequently; using rapid cooling equipment; or, using containers that facilitate heat transfer. PHF is to be cooled within 4 hours to 41F if prepared from ingredients at ambient temperature. Deliveries of PHF is to be cooled to below 41F within 4 hours if received between 41F to 45F.

**More Information:** [http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/cooling\\_hot\\_food\\_safely.pdf](http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/cooling_hot_food_safely.pdf)

#### 23. NO RODENTS, INSECTS, BIRDS, OR ANIMALS

POINTS

2

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114259.1, 114259.4, 11425

**Inspector Comments:** Several dried rodent droppings were observed in the dry storage room containing paper goods that is located adjacent to the women's restroom. Damaged or adulterated foods were not observed in the facility.

Eliminate vermin from the facility. Remove all droppings and ensure areas where they were found are cleaned and sanitized.

A reinspection will be conducted within one (1) week to determine compliance.

**Violation Description:** Food facility shall be kept free of vermin: rodents (rats, mice), cockroaches, flies. (114259.1, 114259.4, 114259.5) Live animals are not allowed in a food facility unless, food employees with service animals may handle or care for their service animal if they wash their hands as required or persons who are licensed pursuant to Chapter 11.5 of Division 3 of the Business and Professions Code. (114259.4, 114259.5)

#### 26. APPROVED THAWING METHODS USED, FROZEN FOOD

POINTS

1

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114018, 114020, 114020.1

**Inspector Comments:** Frozen shrimp was observed thawing at room temperature in a container on the preparation table at the time of inspection.

Discontinue this practice. Ensure foods are thawed via the following methods: under refrigeration, completely submerged in cold (no higher than 70F), running water for less than 2 hours, in microwave, or during the cooking process.

**Violation Description:** Food shall be thawed under refrigeration; completely submerged under cold running water (less than 70F) of sufficient velocity to flush loose particles for less than 2 hours; in microwave oven; or during the cooking process. (114018, 114020, 114020.1)

**More Information:** <http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/TheImportanceProperDefrosting.pdf>



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**27. FOOD SEPARATED AND PROTECTED**

<b>POINTS</b> <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 113984 (a, b, c, d, f)	<b>Inspector Comments:</b> Several uncovered food containers were observed in the following locations: - Right side of the 3-door freezer - Walk-in refrigerator  Ensure food is stored, prepared, displayed or held so that it is protected from cross contamination. Provide approved lids or coverings for food containers.
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**Violation Description:** All food shall be separated and protected from contamination. (113984 (a, b, c, d, f), 113986, 114060, 114067(a, d, e, j), 114069(a, b), 114077, 114089.1 (c), 114143 (c)) All food shall be stored, prepared, displayed or held so that it is protected from contamination.

**30. FOOD STORAGE; FOOD STORAGE CONTAINERS IDENTIFIED**

<b>POINTS</b> <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114047, 114049, 114051	<b>Inspector Comments:</b> Several unlabeled food bags and containers were observed in the 3-door freezer adjacent to the cook line.  Ensure that food storage containers are properly labeled as to their contents.
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**Violation Description:** Food shall be stored in approved containers and labeled as to contents. Food shall be stored at least 6" above the floor on approved shelving in an approved location to prevent possible contamination. (114047, 114049, 114051, 114053, 114055, 114067(h), 14069 (b))

**34. WAREWASHING FACILITIES: INSTALLED, MAINTAINED, USED; TEST STRIPS**

<b>POINTS</b> <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114067(f,g), 114099	<b>Inspector Comments:</b> Sanitizer test strips were not observed at the facility. The facility currently utilizes quaternary ammonium sanitizer.  Provide approved sanitizer test strips.
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**Violation Description:** Food facilities that prepare food shall be equipped with warewashing facilities. Testing equipment and materials shall be provided to measure the applicable sanitization method. (114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125) A thermometer must be readily available to monitor the temperature of the water at the warewashing sink. A warewashing sink used to wash wiping cloths, wash produce, or thaw food must be cleaned and sanitized before and after each use.

**More Information:** <http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/ThreeCompartmentSink.pdf>

**35. EQUIPMENT/UTENSILS - APPROVED; INSTALLED; CLEAN; GOOD REPAIR, CAPACITY**

<b>POINTS</b> <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114130, 114130.1, 114130	<b>Inspector Comments:</b> Plastic grocery bags were observed being used to store rice and some frozen fish products.  Discontinue this practice. Ensure that only approved food storage containers are utilized to store food products.
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**Violation Description:** All utensils and equipment shall be fully operative and in good repair. (114175). All utensils and equipment shall be approved, installed properly, and meet applicable standards. (114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114177, 114180, 114182)

**36. EQUIPMENT, UTENSILS AND LINENS: STORAGE AND USE**

<b>POINTS</b> <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114074, 114081, 114119	<b>Inspector Comments:</b> Tongs were observed being stored on the oven handles on the cook line in direct contact with the oven doors.  Discontinue this practice. Ensure that clean utensils are stored in a manner to protect them from potential contamination.
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**Violation Description:** All clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces. (114185.3 - 114185.4) Utensils and equipment shall be handled and stored so as to be protected from contamination. (114074 - 114075, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.5) Pressurized cylinders must be securely fastened to a rigid structure. (114172)



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**38. ADEQUATE VENTILATION AND LIGHTING; DESIGNATED AREA**

**POINTS**  
**1**

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114149, 114149.1

**Inspector Comments:** Lights without shatterproof light covers were observed in the following locations:

- In the dry storage area adjacent to the 3-compartment sink.
- In the server area where chips and utensils are stored.

Provide approved shatterproof light covers in areas where food contact surfaces are stored and where food is stored, prepared, and cooked.

**Violation Description:** Exhaust hoods shall be provided to remove toxic gases, heat, grease, vapors and smoke and be approved by the local building department. Canopy-type hoods shall extend 6" beyond all cooking equipment. All areas shall have sufficient ventilation to facilitate proper food storage. Toilet rooms shall be vented to the outside air by a screened openable window, an air shaft, or a light-switch activated exhaust fan, consistent with local building codes. (114149, 114149.1) Adequate lighting shall be provided in all areas to facilitate cleaning and inspection. Light fixtures in areas where open food is stored, served, prepared, and where utensils are washed shall be of shatterproof construction or protected with light shields. (114149.2, 114149.3, 114252, 114252.1)

**40. WIPING CLOTHS: PROPERLY USED AND STORED**

**POINTS**  
**1**

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114135, 114185.1

**Inspector Comments:** Several wet wiping towels were observed stored directly on counter tops throughout the facility when not in use.

Ensure that wet wiping cloths are stored in a container of clean water with sanitizer when not in use. (100ppm chlorine/200ppm quaternary ammonium).

**Violation Description:** Wiping cloths used to wipe service counters, scales or other surfaces that may come into contact with food shall be used only once unless kept in clean water with sanitizer. (114135, 114185.1, 114185.3 (d-e)) Sponges shall not be used in contact with cleaned and sanitized or in-use food contact surfaces. (114135)

**41. PLUMBING; PROPER BACKFLOW DEVICES**

**POINTS**  
**1**

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114171, 114189.1

**Inspector Comments:** An insufficient air gap was observed at the hand wash sink in the server area.

Provide an approved air gap that is twice the diameter of the pipe and a minimum of one (1) inch.

**Violation Description:** The potable water supply shall be protected with a backflow or back siphonage protection device, as required by applicable plumbing codes. (114192) All plumbing and plumbing fixtures shall be installed in compliance with local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair. Any hose used for conveying potable water shall be of approved materials, labeled, properly stored, and used for no other purpose. (114171, 114189.1, 114190, 114193, 114193.1, 114199, 114201, 114269)

**44. PREMISES; PERSONAL/CLEANING ITEMS; VERMIN-PROOFING**

**POINTS**  
**1**

Compliance date not specified  
Not In Compliance  
Violation Reference - HSC -  
114067 (j), 114123

**Inspector Comments:** Personal items were observed stored on a shelf directly above the cold preparation table adjacent to the 2-door freezer.

Discontinue this practice. Ensure that personal items are stored in a designated area away from food contact surfaces and food storage, preparation, or cooking areas.

**Violation Description:** The premises of each food facility shall be kept clean and free of litter and rubbish; all clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces; the facility shall be kept vermin proof. (114067 (j), 114123, 114143 (a) & (b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282) Food preparation sinks, handwashing sinks and warewashing equipment shall not be used for the cleaning of maintenance tools, the holding of maintenance materials, or the disposal of liquid wastes. (114123) Open-air barbecue and/or outdoor wood burning oven must operate on the same premises, in conjunction with a permanent food facility and not in an area that may pose as a fire hazard. (114143(a) (b)) Janitorial sink or approved curbed cleaning facility (exemption for restricted food service facilities Section 114279 (b)) shall be provided. (114279(a)) First aid supplies must have a legible manufacturer's label and stored in a kit or container that is located to prevent contamination. (114256.4) Insect electrocution devices are not allowed in food or utensil handling areas. (114259.3)



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**45. FLOORS, WALLS AND CEILINGS: BUILT, MAINTAINED, AND CLEAN**

<b>POINTS</b>  <div style="border: 1px solid black; padding: 5px; display: inline-block; font-size: 24pt; font-weight: bold;">1</div>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114143 (d), 114266	<b>Inspector Comments:</b> 1. Heavy dust accumulation was observed on the ceiling tiles in the center of the cooking area.  Clean and maintain ceiling.  2. A damaged/missing ceiling tile was observed in the dry storage room containing paper goods that is located adjacent to the women's restroom.  Repair or replace damaged ceiling tile.  3. The sealed concrete floors were observed to be rough with the sealant missing in several areas throughout the kitchen.  Repair or replace damaged floors in an approved manner. Contact Plan Check at this department if changing flooring type. (800)442-2283.
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**Violation Description:** The walls / ceilings shall have durable, smooth, nonabsorbent, and washable surfaces. All floor surfaces, other than the customer service areas, shall be approved, smooth, durable and made of nonabsorbent material that is easily cleanable. Approved base coving shall be provided in all areas, except customer service areas and where food is stored in original unopened containers. Food facilities shall be fully enclosed. All food facilities shall be kept clean and in good repair. (114143 (d), 114257, 114266, 114268, 114268.1, 114271, 114272) Cleaning must be an approved dustless method. (114268.1) Mats and duckboards, if used, must be removable and easily cleanable. (114272) Open-air barbecues or wood-burning ovens floor surfaces must extend a minimum of five feet and be impervious or easily cleanable. (114143(d))

**IMPORTANT: Risk Based Inspection Frequency**

Food facilities that pose a higher risk level for causing foodborne illness will be subject to an additional inspection, to be billed at the hourly rate as provided in the San Bernardino County Code [Schedule of Fees](#). Facilities that received one or more of the following will be elevated to a high risk tier:

- A score letter of "C" or lower on one of the last two graded inspections,
- A score letter of "B" on two of the last three graded inspections,
- Repeated "four (4) point violation Risk Factor" (critical violation codes 1-23) on the last two inspections, or
- Four (4) or more critical violations (codes 1-23) noted during an inspection, or
- A permit suspension (closure) on your last graded inspection.

**Overall Inspection Comments**

"C" grade card posted.  
  
 DO NOT REMOVE, RELOCATE OR MOVE GRADE CARD.  
 Non-compliance will result in a charged follow-up inspection at an hourly rate of \$245 with a minimum charge of \$122.50.

This routine inspection was conducted in conjunction with a complaint inspection.

**Signature(s) of Acknowledgement**

NAME: Arnulfo Hernandez Vargas  
TITLE: Owner