



**RETAIL FOOD PROTECTION - OFFICIAL INSPECTION REPORT**

FACILITY NAME <b>MIGUEL'S JR #15</b>				REINSPECTION DATE <b>Not Specified</b>	INSPECTOR <b>Jonathan Lara</b>	DATE <b>4/8/2021</b>
LOCATION <b>7490 CHERRY AV, FONTANA, CA 92336</b>				PERMIT EXPIRATION	IDENTIFIER: None	
TIME IN <b>3:20 PM</b>	TIME OUT <b>6:30 PM</b>	FACILITY ID <b>FA0016569</b>	RELATED ID <b>CO0077893</b>	PE <b>1621</b>	SERVICE: 004 - COMPLAINT - INITIAL RESULT: 01 - CORRECTIVE ACTION NOT REQUIRED ACTION: 01 - NO FURTHER ACTION REQUIRED	

**RETAIL FOOD PROTECTION - Public Eating PI (25-99 Seats)**

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.

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



Public Health  
Environmental Health Services

[www.SBCounty.gov](http://www.SBCounty.gov)  
[www.SBCounty.gov/dph/dehs](http://www.SBCounty.gov/dph/dehs)

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**16K997 Foodborne Illness Complaint Inspection**



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Compliance Date: Not Specified

Reference - HSC

**Inspector Comments:** PER COMPLAINANT:

Per complainant, they ordered carne asada, beans, rice, corn tortillas, horchata, and green sauce. The complainant started showing the following symptoms; sweating and vomiting.

- Number of sick persons: 2
- Symptoms: Sweating and vomiting
- Suspect meal consisted of: Carne asada, beans, rice, corn tortillas, horchata, and green sauce.
- Date of meal consumed: 4/7/21
- Date symptoms started: 4/8/21
- Time of meal consumed: 8:11pm
- Incubation time: Approximately 4 hours

PERSON IN CHARGE WAS INTERVIEWED AND STATED THAT FOLLOWING:

- Facility aware of this complaint: No
- Other food borne illness complaints received by this facility: None
- About half of the staff are new, within the last week to ten (10) days.
- No employees have recently reported sick and no employees were sick the day of this complaint.
- No employees have recently had a case of diarrhea or any other symptoms of gastrointestinal illness.
- One employee tested positive for COVID-19, but has not worked since their positive test results, over a week ago.
- The main food distribution company for this facility has not recently changed at this facility.
- There was no recent power outages or any recent loss of hot water in this facility.
- There were no refrigeration repair issues within the last month.
- There was no back-up of waste water in any kitchen floor drains.
- There was no recent issues with vermin or pest in the facility. The facility uses Swarm Pest Control and they are serviced 2 to 3 times a month, or as needed.
- The following items are cooked/ prepared on site; Carne asada, beans, rice, guacamole, horchata, and veggies.
- The following items are prepared at the commissary; Chile rellenos, shredded chicken, shredded pork, salsa verde (green sauce), salsa espanola, and enchilada sauce.
- All food on the cook line in the hot and cold holding units are replaced at the beginning of the shift around 6am and 2:30pm, or as needed.
- Cook line is cleaned/ sanitized every one to two hours and a deep clean is performed at the end of the day.

Health/Habits of Employee(s) Preparing Suspect Food:

- Employee(s) ill recently: No-According to the manager
- Employees ill this date: None-According to the manager
- \* If yes, employee(s) removed from food preparation activities:
- Employees with sores/boils/cuts or abrasions: Not observed this date
- Signs of employee's eating/drinking: Yes, observed employee drink stored on top of heated press unit used for cooking tortillas.
- Tobacco usage: Not observed this date
- Dirty outer garments: Not observed this date

Note: Manager stated that it is the policy of this Restaurant that any employee that is sick is not allowed to work at this facility while they are sick and are immediately sent home if they show outward signs of gastrointestinal illness.

NOTE: The Person-In-Charge shall notify this Agency when he or she is aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness (California Retail Food Code, Section 113949.5).

Hand washing:

- Hand washing sinks supplied: Hand soap and warm water were provided at the handwash sink on the cooks line. A roll of hand towels was observed to be stored on the cold table cutting board. Per operator they ran out of the correct hand towels that go in the handwash sink towel dispenser.
- Restroom hand washing sinks supplied: Yes
- Adequate hand washing practices observed: Yes

Water temperatures:

- Handwash sinks: 100 F
- Preparation sink: 120 F
- 3 Compartment sink: 120 F
- Men's restroom: 100 F
- Women's restroom: 100 F
- Mop sink: 120 F



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### Sanitizing Procedures & Chemical Storage:

- Warewash sanitizer level: 200 ppm for quaternary ammonia
  - Wiping towels sanitizer level: 200 ppm for quaternary ammonia
  - Chemicals stored separate from food and/or food contact surfaces: Yes
- Note: observed unlabeled spray bottles storing a purple solution at the cook line's handwash sink and at the 3 compartment sink adjacent to the prep area. Per operator, the purple solution is a degreaser used for cleaning.

### Food Storage & Utensils/Equipment:

- Food stored properly: No
- Note: Temperature violation observed in the cold holding unit/ cold table on the cook line, adjacent to the fryers.
- Note: Observed buckets storing food stored on the floor inside of the walk-in refrigerator.
- Approved equipment/utensils used: No
- Note: Observed knife stored between equipment and tongs stored on oven handles on the cook line.

### Suspect food(s):

Carne asada, beans, rice, corn tortillas, horchata, and green sauce.

### Preparation Details of Suspect Food(s):

#### Carne asada:

- Large sections of beef are removed from the walk-in refrigerator and sectioned/ cut on the preparation table, into smaller pieces of beef for carne asada. Per the operator, the processing time varies based on the employee, processing might take anywhere from 2-4 hours. Beef is then placed in metal bins and stored in the walk-in refrigerator and will be pulled as needed, and placed in the cook line cold holding unit. Beef is cooked to 155 F or above and then placed in the cook line hot holding unit, then cut to order.

#### Beans:

- Is cooked in large pots, once ready they are removed from the burner and allowed to cool for 30-45 minutes. Once the temperature is manageable for handling it is divided into smaller metal bins and placed into the standing reach-in hot holding units.

Note: Bins are marked with day of the week stickers marking the day it was prepared.

#### Rice:

- Is cooked in large pots, once ready they are removed from the burner and allowed to cool for 30-45 minutes. Once the temperature is manageable for handling it is divided into smaller metal bins and placed into the standing reach-in hot holding units.

Note: Bins are marked with day of the week stickers marking the day it was prepared.

#### Corn tortillas:

- Prepackaged tortillas are delivered to the facility and placed in the walk-in refrigerator. A couple tortilla packages are pulled and placed on the cook line cold holding units as needed. Corn tortillas are then cooked per order, using the tortilla press.

#### Horchata:

- Horchata is prepared onsite and placed in the drink dispensing unit.

#### Green sauce:

- Green sauce is prepared and packaged at the Miguel's Jr commissary kitchen. Upon delivery to the facility they are placed in the facility walk-in refrigerator.

### Holding temperature(s) of suspect food(s):

#### Carne asada:

- Raw beef measured 40 F in the cold holding unit, on the cook line.
- Measured 165 F in the hot holding unit adjacent to the grill, on the cook line.

#### Beans:

- Measured 168 F in the hot holding unit adjacent to the hand wash sink, on the cook line.
  - Measured 183 F in the hot holding unit adjacent to the grill, on the cook line.
  - Measured 165 F in the standing reach-in hot holding unit, adjacent to the handwash sink on the cook line.
- Beans were marked with Wednesday preparation sticker.
- Measured 165 F in the second standing reach-in hot holding unit, adjacent to the 3 compartment sink.

#### Rice:

- Measured 184 F in the hot holding unit adjacent to the grill, on the cook line.
- Measured 165 F in the second standing reach-in hot holding unit, adjacent to the 3 compartment sink.

#### Corn tortillas:



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- Measured 40 F in the cold holding unit, on the cook line.
- Measured 40 F in the walk-in refrigerator.

Horchata:

- Measured at or below 41 F in the drink dispensing unit.

Green sauce:

- Measured 165 F in the hot holding unit on the cook line.
- Measured 35 F in the walk-in refrigerator.

NOTE: According to the CALIFORNIA RETAIL FOOD CODE. The food facility has a responsibility as defined in state law. This retail food code states as follows- 113949.2. The owner who has a food safety certificate issued pursuant to Section 113947.1 or the employee who has this food safety certificate shall instruct all food employees regarding the relationship between personal hygiene and food safety, including the association of hand contact, personal habits and behaviors, and food employee health to foodborne illness. The owner or food safety certified employee shall require food employees to report the following to the person in charge:

(a) If an employee is diagnosed with an illness due to one of the following:

- (1) Salmonella typhi.
- (2) Salmonella spp.
- (3) Shigella spp.
- (4) Entamoeba histolytica.
- (5) Enterohemorrhagic or shiga toxin producing Escherichia coli.
- (6) Hepatitis A virus.
- (7) Norovirus.

(b) If a food employee has a wound that is one of the following:

- (1) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the wound and a single-use glove is worn over the impermeable cover.
- (2) On exposed portions of the arms, unless the wound is protected by an impermeable cover.
- (3) On other parts of the body, unless the wound is covered by a dry, durable, tight-fitting bandage. 113949.4. A food employee shall do both of the following:

(a) Report to the person in charge the information specified under Section 113949.2. (b) Comply with the exclusions or restrictions, or both, that are specified under Section 113950. 113949.5. (a) The person in charge shall notify the local enforcement agency when notified that the food employee has been diagnosed with an infectious agent specified under subdivision (b) of Section 113949.1. (b) A person in charge shall notify the local enforcement agency when he or she is aware that two or more food employees are concurrently experiencing symptoms associated with an acute gastrointestinal illness.

**Description:** A foodborne illness complaint report has been received by Environmental Health.

### 16C006 Adequate handwashing facilities supplied & accessible

**Compliance Date:** Not Specified

**Not In Compliance**

**Violation Reference -**

**Inspector Comments:** Observed handwash sink on the cook line to have a roll of hand towels stored on the cold preparation refrigerator cutting board. Per operator they ran out of the correct hand towels.

Hand towels must be provided in a hands free dispenser at all times.

**Correction:**

Hand towel roll was relocated behind the handwash sink in a manner that would allow staff to pull the hand towels without the need to handle the whole roll.

**Violation Description:** Handwashing soap and towels or drying device shall be provided in dispensers; dispensers shall be maintained in good repair. (113953.2) Adequate facilities shall be provided for hand washing. (113953, 113953.1, 114067(f)). Handwashing sink is not separated from a warewashing sink by a 6 inch high metal splashguard or 24 inch separation. (113953) Handwashing sinks shall not be obstructed, inaccessible, used improperly or kept unclean. (113953.1)



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### 16C007 Proper hot and cold holding temperatures

**Compliance Date:** Not Specified  
**Not In Compliance**  
**Violation Reference** - HSC - 113996, 113998, 114037

**Inspector Comments:** 1. Observed the following cold holding violations in the cold preparation refrigeration unit, adjacent to the handwash sink:  
- One (1) small metal bin of cut tomatoes, internal temperature measuring 46 F to 48 F.  
- One (1) small metal bin of cheddar cheese, internal temperature measuring 53 F.  
- Two (2) small metal bins of sour cream, internal temperature measuring 53 F. One tray was located on top of the cold preparation refrigeration unit.  
- One (1) small metal bin of guacamole, internal temperature measuring 45 F.

Per operator, the above mentioned food items were placed in the cold preparation refrigerator proximately three (3) hours prior. During the inspection the food items reached the four (4) hour mark.

**Correction:**  
Operator voluntarily discarded and replaced the above mentioned items.  
**Note:** See VC&D for list of items discarded.

2. Observed the following cold holding violations in the cold preparation refrigerator, adjacent to the fryers:  
- Approximately five ounces (5 oz) of white cheese, internal temperature measuring 47 F.  
- Approximately forty four ounces (44 oz) of cut tomatoes, internal temperature measuring 50 F.  
- One (1) medium metal bin of sour cream, internal temperature measuring 50 F.  
- One (1) large metal bin of cheddar cheese, internal temperature measuring 47 F.

Per operator, the above mentioned food items were placed in the cold preparation refrigerator approximately two (2) hours prior.

**Correction:**  
Food items were removed from the cold preparation unit and cooled in the walk-in, and replaced with new items.

Maintain all potentially hazardous foods in cold holding unit at 41 F or below.

**Violation Description:** Potentially hazardous foods shall be held at or below 41F or at or above 135F. (113996, 113998, 114037, 114343(a))

### 16C029 Toxic substances properly identified, stored, used

**Compliance Date:** Not Specified  
**Not In Compliance**  
**Violation Reference** - HSC - 114254, 114254.1

**Inspector Comments:** Observed non-labeled spray bottles storing a purple liquid at the handwash sink and hanging from the 3 compartment sink drain board. Per the operator, the purple liquid is a degreaser.

All chemical products not in their original container must be labeled, ensuring easy identification of the product.

**Violation Description:** All poisonous substances, detergents, bleaches, and cleaning compounds shall be stored separate from food, utensils, packing material and food-contact surfaces. (114254, 114254.1, 114254.2) An insecticide, rodenticide, or other pesticide must be used in accordance with the manufacturer's instructions.

### 16C030 Food storage; food storage containers identified

**Compliance Date:** Not Specified  
**Not In Compliance**  
**Violation Reference** - HSC - 114047, 114049, 114051

**Inspector Comments:** 1. Observed non-labeled opaque white plastic bottle, storing a clear liquid to be stored on the tortilla press. Per operator, clear liquid is a cooking oil.

All food products not stored in their original container must be labeled, ensuring easy identification of the product.

2. Observed several buckets, approximately eleven (11) to be stored directly on the floor in the walk-in refrigerator. Per operator, buckets contained meat products.

Ensure all food items are stored a minimum of six (6) inches above the floor.

**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))



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### 16C035 Equipment/Utensils - approved; installed; clean; good repair, capacity

**Compliance Date:** Not Specified **Inspector Comments:** Observed food debris on cooking equipment under the exhaust hood on the cook line.

**Not In Compliance**

**Violation Reference** - HSC - 114130, 114130.1, 114130

Clean and maintain all equipment.

**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)

### 16C036 Equipment, utensils and linens: storage and use

**Compliance Date:** Not Specified

**Inspector Comments:** 1. Observed approximately four (4) tongs stored on the oven handles on the cook line.

**Not In Compliance**

2. Observed two (2) knives with food residue to be stored between equipment.

**Violation Reference** - HSC - 114074, 114081, 114119

Store utensils in clean and sanitary manner, preventing possible cross contamination.

**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)

### 16C044 Premises; personal/cleaning items; vermin-proofing

**Compliance Date:** Not Specified

**Inspector Comments:** Observed employee drink stored on top of the tortilla press adjacent to the cook line handwash sink.

**Not In Compliance**

**Violation Reference** - HSC - 114067 (j), 114123

Provided designated space for employee personal items away from food and food contact surfaces.

**Correction:**

Manager discarded cup.

**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)

### 16C048 Food Handler Certification

**Compliance Date:** Not Specified

**Inspector Comments:** Observed one (1) food service workers at this facility without a current/ valid San Bernardino County food handler/ worker card.

**Not In Compliance**

**Violation Reference** - SBCC - 33.0409

Provide a valid San Bernardino County Food Handler card for each of these workers within 14 days.

A missing food handler card information and verification sheet was provided to fill out and fax form and cards and return to San Bernardino County Environmental Health Services department. Fax form and cards to (909)387-4323 or send to sbcfoodworker@gmail.com

Failure to do so will result in a charged re-inspection to verify compliance.

**Violation Description:** This facility is currently in violation with the food handler certification requirement for San Bernardino County, which states all food handlers must obtain a valid food handler certificate within fourteen (14) days of employment (33.0410, 33.044). Failure to provide proof of food handler certification within fourteen (14) days will result in unannounced billable (at our current hourly rate) re-inspections to verify compliance.

This facility operator must complete the "Missing Food Handler" form provided by the inspector and fax to 909-387-4272.



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### 16K052 VC & D

**Compliance Date:** Not Specified

**Not In Compliance**

**Reference - HSC - 113980**

**Inspector Comments:** Employees voluntarily agreed to the condemnation and destruction of the following food items. Employees discarded and replaced the following food items:

- One (1) small metal bin of cut tomatoes, internal temperature measuring 46 F to 48 F.
- One (1) small metal bin of cheddar cheese, internal temperature measuring 53 F.
- Two (2) small metal bins of sour cream, internal temperature measuring 53 F. One tray was located on top of the cold preparation refrigeration unit.
- One (1) small metal bin of guacamole, internal temperature measuring 45 F.

**Description:** Operator has voluntarily consented to the condemnation and destruction of food as said material being unfit for human consumption or otherwise in violation of California Health and Safety Code, Division 104, Part 5, Chapter 1 through 8, the disposition of which is provided for by Chapter 8, Article 3, Section 111895.

"I (We) hereby voluntarily agree to the condemnation and destruction of the following material(s) listed in violation number 52. By signing this Official Inspection Report (OIR), I (We) hereby release the County of San Bernardino and its agent from any and all liability."

### Overall Inspection Comments

Foodborne illness complaint inspection conducted on this date, routine conducted in conjunction with this inspection.

Preliminary report, reference serial #DAKFDOLWJ

Routine inspection report, reference serial #DABCAEIH2

### FREE Classes to L.E.A.R.N!

Liaison Education And Risk Network (L.E.A.R.N.) is a FREE class based on the fundamentals of Active Managerial Control and the Centers for Disease Control and Prevention's five risk factors that lead to foodborne illnesses. Find out when the next L.E.A.R.N. class is by checking our [calendar](#).

### Signature(s) of Acknowledgement

NAME: Joseph Lombera  
TITLE: Manager

**Total # of Images:** 0