



**County of San Bernardino • Department of Public Health
Division of Environmental Health Services
COMMUNITY ENVIRONMENTAL HEALTH
CAL CODE OFFICIAL INSPECTION REPORT**

www.sbcounty.gov/dehs

(800) 442-2283

FACILITY NAME BURGER KING 9927				DATE 11/2/2012	SIGNATURE
LOCATION 9760 SHEEP CREEK RD, PHELAN, CA 92371				REINSPECTION DATE 11/16/2012	PERMIT EXPIRATION 12/31/2012
MAILING ADDRESS 177 S BRENT CR, WALNUT CA 91789				<input type="checkbox"/> FACILITY <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> ACCOUNT REHS Evelyn Downer	
FA # FA0001153	PR # PR0013231	SR #	CO #	PE 1621	PROGRAM IDENTIFIER: None
TIME IN 3:37 PM	TIME OUT 5:45 PM	CONTACT Not Captured			SERVICE: 001 - Inspection - Routine
					RESULT: 05 - Corrective Action / Follow up Required
					ACTION: 03 - Reinspection Required

Based on an inspection this day, the items marked below identify the violation(s) in operation or facilities which must be corrected. 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.

Failure to correct listed violation(s) prior to the designated compliance date may necessitate an additional reinspection at a charge of \$61.25 per 15 minutes with a minimum time of 30 minutes, and a minimum charge of \$122.50.

SCORE
89

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 Food Safety Cert Name: Elias Otzoy 07/20/13			2
EMPLOYEE HEALTH & HYGIENIC PRACTICES					
○ In		2. Communicable disease; reporting, restrictions & excl		4	
○ In	N/O	3. No discharge from eyes, nose, and mouth			2
In	○ N/O	4. Proper eating, tasting, drinking or tobacco use			2
PREVENTING CONTAMINATION BY HANDS					
○ In	N/O	5. Hands clean and properly washed; gloves used prop		4	2
In		6. Adequate handwashing facilities supplied & accessib	+ COS		⊗ OUT
TIME AND TEMPERATURE RELATIONSHIPS					
○ In	N/O	N/A		4	2
In	N/O	○ N/A		4	2
In	○ N/O	N/A		4	2
○ In	N/O	N/A		4	
In	○ N/O	N/A		4	
PROTECTION FROM CONTAMINATION					
In	N/O	○ N/A			2
○ In		13. Food in good condition, safe and unadulterated		4	2
○ In	N/O	N/A		4	2
Sanitizer Type: Chlorine Quaternary Ammonia Hot Water Other Sanitizer Concentration					

FOOD FROM APPROVED SOURCES			COS	MAJ	OUT
○ In		15. Food obtained from approved source		4	
In	N/O	○ N/A			2
In	N/O	○ N/A			2
CONFORMANCE WITH APPROVED PROCEDURES					
In		○ N/A			2
CONSUMER ADVISORY					
In	N/O	○ N/A			2
HIGHLY SUSCEPTIBLE POPULATIONS					
In		○ N/A		4	
WATER/HOT WATER					
○ In		21. Hot and cold water available _____Temp		4	2
LIQUID WASTE DISPOSAL					
In		22. Sewage and wastewater properly disposed	+ COS		⊗ OUT
VERMIN					
○ In		23. No rodents, insects, birds, or animals		4	2

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	1
27. Food separated and protected	1
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	1
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	⊗ OUT
35. Equipment/Utensils approved; installed; clean; good repa	1
36. Equipment, utensils and linens: storage and use	1
37. Vending machines	1
38. Adequate ventilation and lighting; designated area	1
39. Thermometers provided and accurate	1
40. Wiping cloths: properly used and stored	⊗ OUT
PHYSICAL FACILITIES	
41. Plumbing: proper backflow devices	⊗ OUT
42. Garbage and refuse properly disposed; facilities m	1
43. Toilet facilities: properly constructed, supplied, clea	⊗ OUT
44. Premises; personal/cleaning items; vermin-proofin	1

PERMANENT FOOD FACILITIES	OUT
45. Floor, walls, ceilings: built, maintained, and clean	⊗ OUT
46. No unapproved private homes/living or sleeping qu	1
SIGNS REQUIREMENTS	
47. Signs posted; last inspection report available	1
48. Food worker cards	2
COMPLIANCE & ENFORCEMENT	
49. Permits Available	
50. Restrooms Required	
51. Plan Review	
52. VC&D	
53. Impoundment	
54. Permit Suspension	⊗ OUT



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Health Permit to Operate has been *SUSPENDED*

54: Permit Suspension

POINTS
0
Compliance date not specified
Complied on 11/2/2012

Violation Description: If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409, 114405)

Inspector Comments: Facility is hereby CLOSED and PERMIT has been SUSPENDED due to waste water backing up into the facility through ALL floor drains and ALL floor sinks. Facility is not to reopen until all violation in regards to the septic system, sewer lines, plumbing lines etc. have been corrected. Keep all invoices, receipts etc. to show what repairs have been made and provide legible copies to the health department. Inspector provided a emergency center comm. line phone number for the facility to call. Emergency phone number is (909) 356-3805. Emergency contact person is Jim Nichol. Only call after ALL corrections have been made to the septic system, sewer lines, plumbing lines etc.
 Observed every floor sink full of brown sewer water. Observed the floor drains one in the kitchen and one in each rest room are flooding sewer waste water back into the facility. Observed bucket under the 3 compartment sink trying to catch the waste water leak from the waste line of the 3 compartment sink. Observed employee almost falling due to sewage water making the floor slippery and due to the waste water flooding the floor around the kitchen floor drains. Observed floor sink bin back of facility by the soda syrup is full of sewer water (picture taken). Observed the floor sink under the soda dispenser at the drive thru full of brown waste water (picture taken). Observed the floor sink under the ice machine full with grease and sewer water (picture taken). Observed the floor sink next to the 3 compartment sink full of brown waste water (picture taken). Observed the 3 compartment sink with bucket full of brown waste water (picture taken).
 Observed flooding of floor with waste water bubbling out of the floor drain (picture taken). Observed both rest rooms with floor drains and waste water pooling on floor around the rest room floor drains (picture taken).
 Facility cannot use any sinks, nor toilets, cannot wash dishes, because the entire sewer system within the facility is clogged.

Critical Violations

22: Sewage and wastewater properly disposed

POINTS
4
Compliance date not specified
Complied on 11/2/2012

Violation Description: All liquid waste must drain to an approved fully functioning sewage disposal system. (114197) Toilet facilities must be operable.

Inspector Comments: Facility is hereby CLOSED and permit has been suspended due to waste water backing up into the facility through ALL floor drains and ALL floor sinks. Facility is not to reopen until all violation in regards to the septic system, sewer lines, plumbing lines etc. have been corrected. Keep all invoices, receipts etc. to show what repairs have been made and provide legible copies to the health department. Inspector provided a emergency center comm. line phone number for the facility to call. Emergency phone number is (909) 356-3805. Emergency contact person is Jim Nichol. Only call after ALL corrections have been made to the septic system, sewer lines, plumbing lines etc.
 Observed every floor sink full of brown sewer water. Observed the floor drains one in the kitchen and one in each rest room are flooding sewer waste water back into the facility. Observed bucket under the 3 compartment sink trying to catch the waste water leak from the waste line of the 3 compartment sink. Observed employee almost falling due to sewage water making the floor slippery and due to the waste water flooding the floor around the kitchen floor drains. Observed floor sink bin back of facility by the soda syrup is full of sewer water (picture taken). Observed the floor sink under the soda dispenser at the drive thru full of brown waste water (picture taken). Observed the floor sink under the ice machine full with grease and sewer water (picture taken). Observed the floor sink next to the 3 compartment sink full of brown waste water (picture taken). Observed the 3 compartment sink with bucket full of brown waste water (picture taken).
 Observed flooding of floor with waste water bubbling out of the floor drain (picture taken). Observed both rest rooms with floor drains and waste water pooling on floor around the rest room floor drains (picture taken).
 Facility cannot use any sinks, nor toilets, cannot wash dishes, because the entire sewer system within the facility is clogged.

Non-critical Violations

6: Adequate handwashing facilities supplied & access

POINTS
2
Compliance date not specified
Complied on 11/2/2012



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Non-critical Violations

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)

Inspector Comments: Provide paper towels for the paper towel dispenser for the kitchen hand sink. Observed no paper towels within the paper towel dispenser mounted on the wall for the kitchen hand sink. Inspector washed hands at the kitchen hand sink and observed paper towel dispenser does not dispense any paper towels. Employee went to get inspector some paper towels. Corrected on site. Manager provided paper towels and stocked the kitchen hand sink paper towel dispenser mounted on the wall.

34: Warewashing facilities: installed, maintained, use

POINTS	Compliance date not specified
1	Not In Compliance

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.

Inspector Comments: Repair, replace the waste line to the 3 compartment sink as needed. Observed waste bucket attached to the 3 compartment sink to catch the waste water from the waste plumbing line from the 3 compartment sink. After the septic system, waste lines, etc have been properly repaired and replaced, Sanitize all sink compartments.

40: Wiping cloths: properly used and stored

POINTS	Compliance date not specified
1	Complied on 11/2/2012

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)

Inspector Comments: Provide a minimum of 100 ppm chlorine sanitizer concentration for all sanitizer buckets. Observed 50 ppm chlorine sanitizer concentration for all sanitizer buckets. Corrected on site.

41: Plumbing: proper backflow devices

POINTS	Compliance date not specified
1	Not In Compliance

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)

Inspector Comments: Repair, replace the 3 compartment sink faucet fixture without the pre rinse to it. Observed a constant water leak at the hot water knob for the faucet fixture without the pre rinse unit attached to it.

43: Toilet facilities: properly constructed, supplied.

POINTS	Compliance date not specified
1	Not In Compliance

Violation Description: Toilet facilities shall be maintained clean, sanitary and in good repair. Toilet rooms shall be separated by a well-fitting self-closing door. Toilet tissue shall be provided in a permanently installed dispenser at each toilet. The number of toilet facilities shall be in accordance with local building and plumbing ordinances. Toilet facilities shall be provided for patrons: in establishments with more than 20,000 sq ft.; establishments offering on-site liquor consumption. (114250, 114250.1, 114276)

Inspector Comments: Sanitize the floor, base coving etc in the rest room after the septic system, sewer lines, etc. have been cleared, repaired, replaced etc. and are functioning properly. Observed waste water bubbling up from the drain lines in the floor in the public and private rest rooms.



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Non-critical Violations

45: Floors, walls and ceilings: built, maintained, and

POINTS 1	Compliance date not specified	<i>Violation Description:</i> 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))
	Not In Compliance	
<i>Inspector Comments:</i> Properly sanitize all floors, base cove, equipment, and after everything else sanitize the cleaning equipment used to clean the waste water (brooms, mops etc.). Observed used brooms, mops to clean waste water and debris.		

Overall Inspection Comments

Facility is closed and the health permit has been suspended.

To reopen the facility and reinstate your health permit. Make all corrections necessary to the septic system, waste lines, floor sinks, floor drains etc. as needed. Keep all receipts from plumber and provide legible copies to EHS.

Then call Jim Nichol Supervisor and emergency contact person at (909) 356-3805.

Also, reinspection will be made by inspector on Monday morning.

A more frequent inspection of facility will be conducted since this is not the first time the septic system, waste water lines have had this re-occurring violation. Office hearing may also be scheduled.