



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

**(800) 442-2283**

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

FACILITY NAME <b>MAGDALENO'S RESTAURANT</b>				DATE <b>11/19/2013</b>	SIGNATURE <i>Eurich Santiago</i>
LOCATION <b>220 N CENTRAL AV, UPLAND, CA 91786</b>				REINSPECTION DATE <b>12/03/2013</b>	PERMIT EXPIRATION <b>3/31/2014</b>
MAILING ADDRESS <b>220 N CENTRAL AV, UPLAND CA 91784</b>				<input type="checkbox"/> FACILITY <input type="checkbox"/> OWNER <input checked="" type="checkbox"/> ACCOUNT REHS <b>Eurich Santiago</b>	
FA # <b>FA0007540</b>	PR # <b>PR0003558</b>	SR #	CO #	PE <b>1622</b>	PROGRAM IDENTIFIER: None
TIME IN <b>3:26 PM</b>	TIME OUT <b>5:32 PM</b>	CONTACT <b>Not Captured</b>			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 82**

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		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				⊗
TIME AND TEMPERATURE RELATIONSHIPS						
In	N/O	N/A	7. Proper hot and cold holding temperatures	+		⊗ 2
In	N/O	N/A	8. Time as a public health control; procedures & record		4	2
In	N/O	N/A	9. Proper cooling methods		4	2
In	N/O	N/A	10. Proper cooking time & temperatures		4	
In	N/O	N/A	11. Proper reheating procedures for hot holding		4	
PROTECTION FROM CONTAMINATION						
In	N/O	N/A	12. Returned and reserve of food			2
In			13. Food in good condition, safe and unadulterated	+	4	⊗
In	N/O	N/A	14. Food contact surfaces: clean and sanitized		4	2

FOOD FROM APPROVED SOURCES				COS	MAJ	OUT
In			15. Food obtained from approved source		4	
In	N/O	N/A	16. Compliance with shell stock tags, condition, display			2
In	N/O	N/A	17. Compliance with Gulf Oyster Regulations			2
CONFORMANCE WITH APPROVED PROCEDURES						
In		N/A	18. Compliance with variance, specialized process, and HACCP Plan			2
CONSUMER ADVISORY						
In	N/O	N/A	19. Consumer advisory provided for raw or undercooked foods			2
HIGHLY SUSCEPTIBLE POPULATIONS						
In		N/A	20. Licensed health care facilities/public and private schools; prohibited foods not offered		4	
WATER/HOT WATER						
In			21. Hot and cold water available			⊗ 2
LIQUID WASTE DISPOSAL						
In			22. Sewage and wastewater properly disposed		4	2
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	⊗
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	1
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	1
PHYSICAL FACILITIES	
41. Plumbing: proper backflow devices	1
42. Garbage and refuse properly disposed; facilities m	1
43. Toilet facilities: properly constructed, supplied, clea	1
44. Premises; personal/cleaning items; vermin-proofin	1

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 worker cards	⊗
COMPLIANCE & ENFORCEMENT	
49. Permits Available	
50. Restrooms Required	
51. Plan Review	
52. VC&D	⊗
53. Impoundment	
54. Permit Suspension	



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**7. PROPER HOT AND COLD HOLDING TEMPERATURES** **⚠ CRITICAL ⚠**

<b>POINTS</b> <b>4</b>	Compliance date not specified	<b>Inspector Comments:</b> Measured container of butter at 60F and cheese at 48F inside cold holding table. Employee states items were placed inside cold holding table at 11 AM. All other items in cold holding table were at required temperature. Ensure all potentially hazardous foods are held at or below 41F for proper cold holding.  Corrected on site, employee voluntarily discarded butter and cheese. See #52 VC&D.  Measured pots of marinara sauce at 125F and marinara sauce with meatballs at 114F, being hot held on stove top without proper heat source. Employee states both items have been out on stove top for about 1.5 hours. Ensure all potentially hazardous foods are held at or above 135F for proper hot holding.  Corrected on site, employee re-heated items to 165F.
	Complied on 11/19/2013	

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

**More Information:** [http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/510012\\_how\\_to\\_keep\\_food\\_out\\_of\\_danger\\_zone.pdf](http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/510012_how_to_keep_food_out_of_danger_zone.pdf)

**21. HOT AND COLD WATER AVAILABLE** **⚠ CRITICAL ⚠**

<b>POINTS</b> <b>4</b>	Compliance date not specified	<b>Inspector Comments:</b> Measured temperature of hot water at women's restroom at 113F. Hand sink is equipped with automatic/non-adjustable faucet. Ensure temperature of hot water at automatic/non-adjustable faucets is no more than 108F for safety.
	Not In Compliance	

**Violation Description:** An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided at all times. (113953(c), 114099.2(b) 114101(a), 114189, 114192, 114192.1, 114195)

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

<b>POINTS</b> <b>2</b>	Compliance date not specified	<b>Inspector Comments:</b> When asked, cook was not aware of the minimum cooking temperatures for various meat items served at facility. Ensure cook is knowledgeable regarding cooking temperatures to prevent food borne illness.  Employee stated soda nozzles are cleaned only by soaking them over night in sanitizer solution. Ensure all food contact surfaces are cleaned thoroughly with soap, warm water and approved chlorine or Quat sanitizer.
	Not In Compliance	

**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>

**6. ADEQUATE HANDWASHING FACILITIES SUPPLIED & ACCESSIBLE**

<b>POINTS</b> <b>2</b>	Compliance date not specified	<b>Inspector Comments:</b> Observed hand sink blocked, with bowl of lettuce sitting on sink, at waiter/waitress station in kitchen. Ensure hand sink is used ONLY for hand washing. Ensure hand sink is readily accessible at all times for proper hand washing.
	Not In Compliance	

**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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**13. FOOD IN GOOD CONDITION, SAFE AND UNADULTERATED**

<b>POINTS</b> <b>2</b>	Compliance date not specified	<b>Inspector Comments:</b> Observed insect floating inside bottle of Chivas Regal at bar area. Ensure all food is safe and unadulterated. Employee voluntarily discarded 1/4 full bottle of Chivas Regal.  See #52 VC&D.
	Complied on 11/19/2013	

**Violation Description:** All food shall be manufactured, produces, prepared, compounded, packed, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage. Any food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health. (113967, 113976, 113980, 113988, 113990, 114035, 114254(c), 114254.3)

**More Information:** <http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/TransFatFlyer22012.pdf>

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

<b>POINTS</b> <b>1</b>	Compliance date not specified	<b>Inspector Comments:</b> Observed container of frog legs thawing in food prep sink at room temperature. Ensure all potentially hazardous foods are thawed using approved methods: part of the cooking process, in the microwave, under cold running water or in the refrigerator.
	Not In Compliance	

**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/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/Proper\\_Defrosting\\_Eng\\_Spn\\_11\\_29\\_11.pdf](http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FormsPublications/documents/Proper_Defrosting_Eng_Spn_11_29_11.pdf)

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

<b>POINTS</b> <b>1</b>	Compliance date not specified	<b>Inspector Comments:</b> Observed debris build up under cooking equipment at cook's line. Clean and maintain all flooring.
	Not In Compliance	

**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))

**48. FOOD WORKER CERTIFICATION**

<b>POINTS</b> <b>2</b>	Compliance date not specified	<b>Inspector Comments:</b> Observed 2 invalid and 1 expired food worker cards.  Obtain food handler cards through San Bernardino County website at <a href="http://www.sbcountyfoodworker.com">www.sbcountyfoodworker.com</a> and click on "Food Worker Training" link. Only food handler card obtained from San Bernardino County website is accepted.
	Not In Compliance	
NOTE: -Food handler cards must be faxed to Division of Environmental Health Services within 14 days. Non-compliance will result in a charged inspection and/or other legal action.		

**Violation Description:** This facility is currently in violation with the food worker certification requirement for San Bernardino County, which states all food workers must obtain a valid food worker certificate within fourteen (14) days of employment (33.0410, 33.044). Failure to provide proof of food worker 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 Worker" form provided by the inspector and fax to 909-387-4272.

**More Information:** [http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FIRST/food\\_worker\\_training.aspx](http://www.sbcounty.gov/dehs/Depts/EnvironmentalHealth/FIRST/food_worker_training.aspx)



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**52. VC & D**

<b>POINTS</b> <b>0</b>	Compliance date not specified	<b>Inspector Comments:</b> Employee voluntarily discarded 1/4 bottle full of Chivas Regal due to insect floating inside alcohol.  Employee voluntarily discarded container of butter and cheese due to improper cold holding.
	Not In Compliance	

**Violation 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**

"B" Grade card posted.

DO NOT REMOVE, RELOCATE, HIDE OR ALTER LETTER GRADE. Non-compliance may result in a charged re-inspection at \$245.00 per hour with a 30 minute minimum at \$122.50, just to re-post letter grade.

HELP Brochure and re-score form left at facility.