



CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME LUCKY SHELL		DATE 3/12/2020	REINSPECTION DATE 3/16/2020	PERMIT EXPIRATION 9/30/2020
LOCATION 907 W MILL ST, SAN BERNARDINO, CA 92410			INSPECTOR Rebecca Koo	
MAILING ADDRESS 907 W MILL ST, SAN BERNARDINO CA 92410			IDENTIFIER: None	
			SERVICE: 001 - Inspection - Routine	
			RESULT: 05 - Corrective Action / Follow up Required	
			ACTION: 03 - Reinspection Required	
TIME IN 11:47 AM	TIME OUT 1:05 PM	FACILITY ID FA0006541	RELATED ID PR0002038	PE 1647

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 81

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			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			2
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	+	⊗	2
In	N/O N/A 14. Food contact surfaces: clean and sanitized			4 ⊗

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		4	2
LIQUID WASTE DISPOSAL				
○ In	22. Sewage and wastewater properly disposed		4	2
VERMIN				
In	23. No rodents, insects, birds, or animals		4	⊗

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	⊗
31. Consumer self-service	1
32. Food properly labeled & honestly presented	⊗

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	⊗
36. Equipment, utensils and linens: storage and use	1
38. Adequate ventilation and lighting; designated area	⊗
39. Thermometers provided and accurate	1
40. Wiping cloths: properly used and stored	1
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	1
46. No unapproved private homes/living or sleeping qu	1
SIGNS REQUIREMENTS	
47. Signs posted; last inspection report available	⊗
48. Food handler cards	3
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 **MAJOR**

POINTS 4	Compliance date not specified Complied on 3/12/2020	Inspector Comments: Observed a bulging package of "Mrs. Rigg's Homestyle Sandwich" brand Tuna Mac Salad measured at 60.2F in the cold holding display case in the front of the retail area.
	Violation Reference - HSC - 113996, 113998, 114037	Ensure all potentially hazardous food is held at or below 41F for cold holding. Corrected on site. Employee discarded the item immediately.

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/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/Food_Danger_Zone.pdf

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

POINTS 4	Compliance date not specified Complied on 3/12/2020	Inspector Comments: 1) Observed a package of "Citterio" brand Genoa Salami and Provolone Cheese with large green mold spores in the cold holding display case in the front retail area.
	Violation Reference - HSC - 113967, 113976,	2) Observed 4 packages of hot dogs visibly discolored and observed expired in February 2020 displayed for sale in the front retail area. 3) Observed 4 containers of flan offered for sale in the cold holding display case with broken seals, open, and leaking. 4) Observed a slice of flan cake offered for sale in the cold holding display case with a broken seal and visibly open. Ensure all food is manufactured, produced, 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.

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/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/TransFatFlyer22012.pdf>

14. FOOD CONTACT SURFACES: CLEAN AND SANITIZED

POINTS 2	Compliance date not specified Not In Compliance	Inspector Comments: Observed the soda nozzles of the fountain soda machine in the front retail area visibly dirty with syrup build up and mineral deposits along the spouts.
	Violation Reference - HSC - 113984(e), 114097, 114099	Ensure to clean and sanitize all food contact surfaces to prevent contamination of food.

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>



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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: 1) Observed a glue trap underneath a chips display unit in the front retail area with 4 dead German cockroaches.

2) Observed 6 dead German cockroaches underneath the mop sink, water heater, and fountain soda syrup lines and boxes in the rear employee area.

A thorough inspection was conducted throughout the facility and no active infestation was observed on this date.

Ensure to take appropriate pest control measures to eliminate all evidence of past vermin activity. Ensure to clean and sanitize the affected areas in an approved manner.

A reinspection will be conducted on Monday, 03/16/2020 to verify elimination of past vermin activity and to ensure no active infestation is present in this facility.

Note: Gnats were observed in the front retail area by the fountain soda beverage machine and in the rear employee area by the fryer. Ensure to take appropriate pest control measures to eliminate gnats from the facility.

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)

30. FOOD STORAGE; FOOD STORAGE CONTAINERS IDENTIFIED

POINTS
1

Compliance date not specified
Not In Compliance
Violation Reference - HSC -
114047, 114049, 114051

Inspector Comments: Observed boxes of candy stored directly on the floor in front of the cash register and Krispy Krunchy Chicken hot holding display case.

Ensure all food is stored at least 6 inches above the floor. Ensure food is protected from contamination by storing food in a clean, dry location, where it is not exposed to splash, dust, vermin, or other forms of contamination or adulteration.

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))

32. FOOD PROPERLY LABELED & HONESTLY PRESENTED

POINTS
1

Compliance date not specified
Not In Compliance
Violation Reference - HSC -
114087, 114089

Inspector Comments: Observed bags of ice packaged on site and displayed for sale with improper labeling. Observed only the net weight and food item name "Ice" on the packages.

Ensure all packaged food are properly labeled to comply with labeling requirements as prescribed by the Sherman Food, Drug, and Cosmetic Law.

Label information shall include the following:

- 1) Common name of the food or descriptive identity statement
- 2) If made with 2 or more ingredients, a list of ingredients in descending order of predominance by weight
- 3) An accurate declaration of the quantity of contents
- 4) The name and place of business of the manufacturer, packer, or distributor
- 5) The statement "Perishable, Keep Refrigerated" for PHF preserved by refrigeration
- 6) Nutritional labeling, unless exempted in the Federal Food, Drug, and Cosmetic Act

Violation Description: Any food is misbranded if its labeling is false or misleading, if it is offered for sale under the name of another food, or if it is an imitation of another food for which a definition and standard of identity has been established by regulation. (114087, 114089, 114089.1(a, b), 114090, 114093.1) Bulk food available for consumer self-service must have an information label, sign, and/or other method of notification that includes the label information. (114089) Prepackaged food must bear a label that complies with the labeling requirements as prescribed by the Sherman Food, Drug and Cosmetic Law. (114089 and 114089(a))

Restaurants must provide a brochure placed at the point of sale that includes at least calories, sodium, saturated fat, and carbohydrates information per menu item. For sit-down restaurants, the information must be provided at the table. Drive-thrus are required to have the brochures available upon request and have a notice of the availability at the point of sale. (114094)



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

POINTS <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 - 114130, 114130.1, 114130	Inspector Comments: 1) Observed a clear, plastic bin collecting water from the condenser line underneath the cold holding display case in the front retail area. Ensure to repair/replace this piece of equipment to properly ensure potentially hazardous food is held at or below 41F. 2) Observed 2 ice cream freezer display cases in the front retail area with heavy accumulation of ice and frost on interior walls. Ensure to defrost, clean, and sanitize the ice cream freezers regularly to prevent the contamination of food and to ensure proper working condition.
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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)

38. ADEQUATE VENTILATION AND LIGHTING; DESIGNATED AREA

POINTS <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 - 114149, 114149.1	Inspector Comments: Observed inadequate lighting in the rear ice machine, mop sink, and water heater room. Ensure to provide adequate lighting to facilitate cleaning and inspection.
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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)

41. PLUMBING; PROPER BACKFLOW DEVICES

POINTS <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 - 114171, 114189.1	Inspector Comments: 1) Observed missing air gaps from waste water pipes at the floor sink outside the walk in cooler. Ensure that an air gap that measures a minimum of 1 inch and twice the diameter of the pipe exists between the rim of the floor sink and the inlet of the waste water discharge pipe. 2) Observed floor drains throughout the facility dirty with food debris, dust, dirt, and mold. Ensure to clean and sanitize floor drains regularly to prevent the growth of mold and to ensure proper working condition of floor drains.
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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)



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

POINTS 1	Compliance date not specified Not In Compliance	Inspector Comments: Observed the air curtain at the front entrance and the air curtain above the rear exit door in the preparation area to be nonfunctional at time of inspection.
	Violation Reference - HSC - 114067 (j), 114123	Ensure air curtains are in good repair and fully functioning at all times to prevent the entrance of vermin.

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)

47. SIGNS POSTED; LAST INSPECTION REPORT AVAILABLE

POINTS 1	Compliance date not specified Not In Compliance	Inspector Comments: 1) Observed no copy of the most recent routine health inspection report available upon request.
	Violation Reference - HSC - 113725.1, 113953.5	Ensure to maintain a copy of the most recent official inspection report available on site at all times. 2) Observed the health permit posted in the front retail area to have expired on 09/31/2019. Ensure to properly post the valid health permit in a conspicuous location.

Violation Description: Handwashing signs shall be posted in each toilet room, directing attention to the need to thoroughly wash hands after using the restroom (113953.5) (b) No smoking signs shall be posted in food preparation, food storage, warewashing, and utensil storage areas (113978). (c) Consumers shall be notified that clean tableware is to be used when they return to self-service areas such as salad bars and buffets. (d) Any food facility constructed before January 1, 2004 without public toilet facilities, shall prominently post a sign within the food facility in a public area stating that toilet facilities are not provided (113725.1, 114381 (e)). A sign shall be posted stating that a copy of the most recent routine inspection report is available upon request. (113725.1) Permit shall be posted in conspicuous location. (114381(e)) Letter Grade Placecard shall be properly posted. SBCC 33.1406

52. VC & D

POINTS 0	Compliance date not specified Not In Compliance	Inspector Comments: Operator has voluntarily consented to the condemnation and destruction of the following food as said material being unfit for human consumption or otherwise in violation of California Health and Safety Code:
	Violation Reference - HSC - 113980	-1 "Mrs. Rigg's Homestyle Sandwich" brand Tuna Mac Salad -1 "Citterio" brand Genoa Salami and Provolone Cheese -4 packages of hot dogs -4 containers of flan -1 slice of flan cake

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."

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.



Public Health
Environmental Health Services

www.SBCounty.gov
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Food Establishment Donor Survey

Will you please take a few moments of your time to complete our [Food Establishment Donor Survey](#)? The purpose of this survey is to learn about current food recovery and food waste reduction efforts and struggles throughout San Bernardino County.

The feedback from the survey will help us identify barriers and opportunities, and connect you with nearby charitable feeding organizations so you can donate your surplus food. Once you complete the survey, you can view your entry and connect with other donor food establishments and charitable feeding organizations in the following [Live Web Map](#).

Overall Inspection Comments

Letter grade B posted on this date. DO NOT REMOVE, RELOCATE, OR ALTER LETTER GRADE PLACARD.

A reinspection will be conducted on Monday, 03/16/2020 to ensure proper elimination of dead cockroaches and to verify that no active infestation is present in the facility.

The following handouts were provided on this date:

- Top 5 CDC Risk Factors handout
- Food Safety Practices Overview handout
- Time as a Public Health Control Procedure Template
- Time Stamp Monitoring Log
- What Should I Do If My Employee Is Sick? handout
- L.E.A.R.N. class flyer
- H.E.L.P. brochure
- Wash Your Hands! decal

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: Rai Singh
TITLE: Manager