



CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME TOM'S ORIGINAL		DATE 1/18/2019	REINSPECTION DATE Next Routine	PERMIT EXPIRATION 6/30/2019
LOCATION 9750 SIERRA AV, FONTANA, CA 92335			INSPECTOR Virginia McDonald	
MAILING ADDRESS 9750 SIERRA AV, FONTANA, CA 92335			IDENTIFIER: None	
TIME IN 1:42 PM	TIME OUT 4:00 PM	FACILITY ID FA0009695	RELATED ID PR0004153	PE 1621
			SERVICE: 001 - Inspection - Routine RESULT: 03 - Corrective Action / No Follow up Required ACTION: 01 - No Further Action Required	

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 76

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			⊘
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				⊘
6. Adequate handwashing facilities supplied & accessib				
TIME AND TEMPERATURE RELATIONSHIPS				
In	N/O	N/A	+	⊘
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	2
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	4	2
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	2
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	⊘
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
38. Adequate ventilation and lighting; designated area	1
39. Thermometers provided and accurate	⊘
40. Wiping cloths: properly used and stored	⊘
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	1
46. No unapproved private homes/living or sleeping qu	1
SIGNS REQUIREMENTS	
47. Signs posted; last inspection report available	⊘
48. Food handler cards	⊘
COMPLIANCE & ENFORCEMENT	
49. Permits Available	
50. Restrooms Required	
51. Plan Review	
52. VC&D	⊘
53. Impoundment	
54. Permit Suspension	



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5. HANDS CLEAN AND PROPERLY WASHED; GLOVES USED PROPERLY ⚠ MAJOR ⚠

POINTS 4	Compliance date not specified Not In Compliance Violation Reference -	Inspector Comments: Observed food worker wearing gloves working at the drive through window, going to the back office, taking food to a customer without changing gloves. Ensure gloves are discarded when damaged, soiled, when interruptions in the food handling occur or beginning a new task. Ensure hands are washed before donning a new pair of gloves.
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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>

7. PROPER HOT AND COLD HOLDING TEMPERATURES ⚠ MAJOR ⚠

POINTS 4	Compliance date not specified Complied on 1/18/2019 Violation Reference - HSC - 113996, 113998, 114037	Inspector Comments: 1. Observed sliced cheese at 50 F and raw beef patties at 49 F in the cold-holding drawers under the grill. Maintain all potentially hazardous foods in cold holding at 41F or below. Corrected on site: The cheese and raw beef patties were moved to the walk-in refrigerator for cooling to 41 F. 2. Observed raw shelled eggs in the cold-holding unit measuring 55 F. Please refer to VC&D, violation #52 Maintain all potentially hazardous foods in cold holding at 41F or below.
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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

1. DEMONSTRATION OF KNOWLEDGE; FOOD SAFETY CERTIFICATION

POINTS 2	Compliance date not specified Not In Compliance Violation Reference - HSC - 113947-113947.1	Inspector Comments: Dish washer did not give the correct order for washing dishes, did not know the minimum correct sanitizing time. Ensure that all employees have adequate food safety knowledge.
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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>

4. PROPER EATING, TASTING, DRINKING OR TOBACCO USE

POINTS 2	Compliance date not specified Not In Compliance Violation Reference -	Inspector Comments: Observed two personal drinks behind the front counter. Ensure employees are not eating, drinking or using tobacco in non-designated areas where contamination could occur. Provide a designated space for employees to eat.
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Violation Description: Employees shall not eat, drink, or use tobacco in non-designated areas where contamination may result. (113977) An employee shall not use a utensil to taste food more than once without being properly washed, rinsed and sanitized between uses. (113976)



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6. ADEQUATE HANDWASHING FACILITIES SUPPLIED & ACCESSIBLE

POINTS 2	Compliance date not specified Not In Compliance Violation Reference -	Inspector Comments: Observed first hand wash sink with no hot or cold water, a broken paper towel dispenser, and blocked with a broom and dustpan. Observed second hand wash sink with no cold water, a broken paper towel dispenser and broken empty soap dispenser.
		Ensure hand wash sink is properly supplied with paper towels, soap, hot and cold water, and is accessible at all times.

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)

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: Observed packaged raw meat sitting out on a prep table in the dry storage area. 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.
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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>

27. FOOD SEPARATED AND PROTECTED

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 113984 (a, b, c, d, f)	Inspector Comments: Observed raw meat above ready-to-eat food in the following locations: -- in the walk-in refrigerator -- in the reach-in refrigerator across from grill -- in stand-up freezer near back door Store all raw foods beneath all ready to eat foods to avoid possible cross contamination.
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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

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114047, 114049, 114051	Inspector Comments: 1. Observed plastic containers of various bulk spices with no labels or incorrect labels. Provide labels for containers of food or ingredients that have been removed from original packages and/or are not easily recognizable. 2. Observed bowls used as scoops in several bulk food containers in the dry storage room. Discontinue this practice. Use a scoop with a handle and store with the handle facing up, not in contact with the food product.
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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))



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33. NONFOOD-CONTACT SURFACES CLEAN

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114115 (c)	Inspector Comments: Observed the doors and handles to have heavy grease and grime build-up at the reach-in refrigerator across from the grill and at the stand-up freezer near the back door. Maintain all nonfood-contact surfaces in a clean and sanitary manner.
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Violation Description: All nonfood contact surfaces of utensils and equipment shall be clean. (114115 (c))

39. THERMOMETERS PROVIDED AND ACCURATE

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114157, 114159	Inspector Comments: Observed no thermometer for the Pepsi or Tropicana cold-holding units behind the front counter. Provide a working thermometer for each hot and cold holding unit of potentially hazardous foods.
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Violation Description: An accurate easily readable metal probe thermometer suitable for measuring temperature of food shall be available to the food handler. A thermometer +/- 2 F shall be provided for each hot and cold holding unit of potentially hazardous foods and high temperature warewashing machines. (114157, 114159)

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

40. WIPING CLOTHS: PROPERLY USED AND STORED

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114135, 114185.1	Inspector Comments: Observed wet wiping towels stored in chlorine sanitizer solution at 50 ppm. Maintain chlorine sanitizer solution at or above 100 ppm.
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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)

47. SIGNS POSTED; LAST INSPECTION REPORT AVAILABLE

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 113725.1, 113953.5	Inspector Comments: Observed last inspection report missing at time of inspection. Provide a copy of last inspection report at facility to be available upon request.
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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

48. FOOD HANDLER CERTIFICATION

POINTS 3	Compliance date not specified Not In Compliance Violation Reference - SBCC - 33.0409	Inspector Comments: Observed four (4) missing or expired San Bernardino County food handler cards. Provide valid San Bernardino County Food Handler Card(s) within 14 days to avoid a billable re-inspection with a minimum charge of \$122.50. A "Missing Food Handler Cards" form was provided at the time of inspection. Fax/Mail/Email this completed form to this department within 14 days.
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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 email an electronic copy (scans or photos are ok as long as they are readable) to sbfoodworker@gmail.com

More Information: http://www.sbcounty.gov/dph/dehs/Depts/EnvironmentalHealth/FIRST/food_worker_training.aspx



Public Health
Environmental Health Services

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52. VC & D

POINTS

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Compliance date not specified
Not In Compliance
Violation Reference - HSC -
113980

Inspector Comments: The following items were voluntarily condemned and discarded: Approximately three dozen raw shell eggs.

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.

Overall Inspection Comments

No summary comments have been made for this inspection.

Signature(s) of Acknowledgement

NAME: Susan Suk
TITLE: Owner