



**Public Health**  
**Environmental Health Services**  
**CAL CODE OFFICIAL INSPECTION REPORT**

FACILITY NAME LOTUS GARDEN RESTAURANT		DATE 7/9/2015	REINSPECTION DATE 7/23/2015	PERMIT EXPIRATION 9/30/2015
LOCATION 111 E HOSPITALITY LN, SAN BERNARDINO, CA 92408			INSPECTOR Veronica Vazquez	
MAILING ADDRESS 111 E HOSPITALITY LN, SAN BERNARDINO, CA 92408			IDENTIFIER: None	
TIME IN 3:31 PM	TIME OUT 5:09 PM	FACILITY ID FA0005879	RELATED ID PR0007140	PE 1622
			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 \$4.08 per 1 minute with a minimum time of 30 minutes, and a minimum charge of \$122.50.



**SCORE 90**

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

- In = In compliance  
+ COS = Corrected on-site
- N/O = Not observed  
⊗ MAJ = Major violation
- N/A = Not applicable  
⊗ 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/C	4. Proper eating, tasting, drinking or tobacco use				2
PREVENTING CONTAMINATION BY HANDS						
In	N/C	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		4	⊗
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	⊗
In	N/O	N/A	10. Proper cooking time & temperatures		4	
In	N/C	N/A	11. Proper reheating procedures for hot holding		4	
PROTECTION FROM CONTAMINATION						
In	N/C	N/A	12. Returned and reservice of food			2
In			13. Food in good condition, safe and unadulterated		4	2
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/C	N/A	16. Compliance with shell stock tags, condition, display			2
In	N/C	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	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	⊗
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	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	⊗
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	⊗

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	1
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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**7. PROPER HOT AND COLD HOLDING TEMPERATURES**

<b>POINTS</b> <span style="font-size: 2em; color: red;">2</span>	Compliance date not specified Not In Compliance Violation Reference - HSC - 113996, 113998, 114037	<b>Inspector Comments:</b> Maintain potentially hazardous food at 41F or below.  Observed fried vegetarian chicken with internal temperature of 49F in the cold preparation table behind fryers.  Observed raw chicken at 49F, and diced raw chicken at 58F, and raw beef at 48F in top cold table. Observed raw egg mix at 50F in bottom of cold table.  See VC&D.  Operator discarded vegetarian chicken and raw chicken/beef.
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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/510012\\_how\\_to\\_keep\\_food\\_out\\_of\\_danger\\_zone.pdf](http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/510012_how_to_keep_food_out_of_danger_zone.pdf)

**9. PROPER COOLING METHODS**

<b>POINTS</b> <span style="font-size: 2em; color: red;">2</span>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114000	<b>Inspector Comments:</b> Rapidly cool food items from 135F to 70F within two hours and from 70F-41F within four hours.  Observed pot of chicken broth with internal temperature of 90F covered with seram wrap and stored in walk in cooler.  Employee state broth was made same day.  Instructed employee to put ice paddle in pot of chicken broth.
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**Violation Description:** All potentially hazardous food shall be RAPIDLY cooled from 135F to 70F, within 2 hours, and then from 70F to 41 F, within 4 hours. Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath; stirring frequently; using rapid cooling equipment; or, using containers that facilitate heat transfer. PHF is to be cooled within 4 hours to 41F if prepared from ingredients at ambient temperature. Deliveries of PHF is to be cooled to below 41F within 4 hours if received between 41F to 45F.

**More Information:** [http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/cooling\\_hot\\_food\\_safely.pdf](http://www.sbcounty.gov/uploads/dph/dehs/Depts/EnvironmentalHealth/FormsPublications/cooling_hot_food_safely.pdf)

**29. TOXIC SUBSTANCES PROPERLY IDENTIFIED, STORED, USED**

<b>POINTS</b> <span style="font-size: 2em; color: red;">1</span>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114254, 114254.1	<b>Inspector Comments:</b> Store Ajax cleaner away from food area.  Observed open bottle of Ajax in oven and two containers of Ajax below prep table in back kitchen area.  Operator removed chemical bottles to dishwasher area.
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**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.

**30. FOOD STORAGE; FOOD STORAGE CONTAINERS IDENTIFIED**

<b>POINTS</b> <span style="font-size: 2em; color: red;">1</span>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114047, 114049, 114051	<b>Inspector Comments:</b> Store rice, sugar, and starch in covered container. Observed bins of rice, sugar, and starch in uncovered dry storage area.
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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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[www.SBCounty.gov](http://www.SBCounty.gov)

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#### 40. WIPING CLOTHS: PROPERLY USED AND STORED

POINTS <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114135, 114185.1	Inspector Comments: Store wet towels in sanitizer solution.  Observed wet towels on preparation table of cookline.  Corrected. Operator placed wet towel in sanitizer solution.
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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)

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

POINTS <b>1</b>	Compliance date not specified Not In Compliance Violation Reference - HSC - 114067 (j), 114123	Inspector Comments: Discontinue using mop sink for food containers. Observed rice cooker soaking in mop sink.  Operator states sink is not used to dump mop water. Operator states mop water is dumped in employee restroom.
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**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)

#### 48. FOOD HANDLER CERTIFICATION

POINTS <b>2</b>	Compliance date not specified Not In Compliance Violation Reference - SBCC - 33.0409	Inspector Comments: Obtain San Bernardino county food worker card within 14 days and fax information to (909) 387-4272. Observed three employees without San Bernardino food worker card. A charged inspection will be conducted if information is not received by San Bernardino county Environmental Health Services 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 fax to 909-387-4272.

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

#### 49. PERMITS AVAILABLE

POINTS <b>0</b>	Comply by 7/10/2015 Not In Compliance Violation Reference - HSC - 114067 (b, c), 114381 (a)	Inspector Comments: Ensure to obtain transfer of ownership and valid health permit 72 hours after facility is under new ownership.  Operator states facility is in process of changing ownership within one week.
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**Violation Description:** A food facility shall not be open for business without a valid permit. (114067(b) & (c), 114381 (a), 114381.2, 114387)



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**52. VC & D**

POINTS <b>0</b>	Compliance date not specified	<b>Inspector Comments:</b> Four pounds fried vegetarian chicken, two pounds raw chicken and beef, and three ounces raw egg mix.
	Not In Compliance Violation Reference - HSC - 113980	

**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**

- Posted "A" card.
- Provided food handler card information and handout.
- Call Veronica Vazquez at (800) 442-2283 with questions.

**Signature(s) of Acknowledgement**

NAME:  
TITLE: