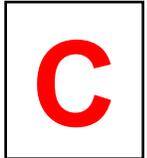




CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME BBQ FRESH BURGER		DATE 10/31/2016	REINSPECTION DATE 11/14/2016	PERMIT EXPIRATION 6/30/2016
LOCATION 692 4TH ST, SAN BERNARDINO, CA 92410			INSPECTOR Patrick Keith	
MAILING ADDRESS 692 W 4TH ST, SAN BERNARDINO CA 92410			IDENTIFIER: None	
			SERVICE: 001 - Inspection - Routine	
			RESULT: 05 - Corrective Action / Follow up Required	
			ACTION: 13 - Permit Suspended / Facility Closed	
TIME IN 1:35 PM	TIME OUT 4:55 PM	FACILITY ID FA0012360	RELATED ID PR0016150	PE 1621

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](#).



SCORE 71

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.

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	+		⊗
TIME AND TEMPERATURE RELATIONSHIPS					
In	N/O	N/A		4	⊗
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	+		⊗
○ In	N/O	N/A		4	2

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				4	⊗
LIQUID WASTE DISPOSAL					
In				4	⊗
VERMIN					
In			+		⊗
		23. No rodents, insects, birds, or animals			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	⊗
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	⊗

EQUIPMENT/UTENSILS/LINENS	OUT
33. Nonfood contact surfaces clean	⊗
34. Warewashing facilities: installed, maintained, used	1
35. Equipment/Utensils approved; installed; clean; good repa	⊗
36. Equipment, utensils and linens: storage and use	⊗
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	⊗
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	



CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME BBQ FRESH BURGER	DATE 10/31/2016
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13. FOOD IN GOOD CONDITION, SAFE AND UNADULTERATED ⚠ CRITICAL ⚠

POINTS 4	Compliance date not specified Complied on 10/31/2016 Violation Reference - HSC - 113967, 113976,	Inspector Comments: Observed bread crumbs with small chunks of raw chicken to be sitting out on counter. Employee stated the bread crumbs sit like that all day. Ensure bread crumbs that come in contact with raw chicken are immediately used or discarded. Bread crumbs were discarded.
		Observed raw shell eggs to be sitting on top of a brown bag of hashbrowns. Discontinue this practice. Store hashbrowns above raw shell eggs.

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>

23. NO RODENTS, INSECTS, BIRDS, OR ANIMALS ⚠ CRITICAL ⚠

POINTS 4	Compliance date not specified Complied on 10/31/2016 Violation Reference - HSC - 114259.1, 114259.4, 11425	Inspector Comments: Observed widespread infestation of German cockroaches at various life stages (nymphs, adults, and adult female with egg sac) throughout the facility. Observed invoice from Terminix for service on 9-9-16. Per owner, facility receives monthly treatments from Terminix. Repeat violation.
		Eliminate vermin from facility and maintain free of vermin. Highly recommend receiving treatments more frequently and eliminating food, water, and harborage for vermin. Facility is closed until the vermin infestation is abated. Observed Terminix technician on site to treat during inspection.

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)

6. ADEQUATE HANDWASHING FACILITIES SUPPLIED & ACCESSIBLE

POINTS 2	Compliance date not specified Complied on 10/31/2016 Violation Reference -	Inspector Comments: Observed items stored in handwash sink, as well as a large standing fan to be blocking the handwash sink. Discontinue storing items in the handwash sink and ensure the sink is not blocked.
		Observed no hand towels at the handwash sink. Provide hand towels at the handwash sink at all times of operation.

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)

7. PROPER HOT AND COLD HOLDING TEMPERATURES

POINTS 2	Compliance date not specified Not In Compliance Violation Reference - HSC - 113996, 113998, 114037	Inspector Comments: Observed the following items to be out of temperature: 1) Marinated chicken in walk-in cooler at 49 degrees F 2) Sliced tomatoes at the cook line at 60 degrees F 3) Shredded cheese at the cook line at 61 degrees F
		Corrected on site. Observed operator discard tomatoes and cheese. See #52 VC&D.

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



CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME BBQ FRESH BURGER	DATE 10/31/2016
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21. HOT AND COLD WATER AVAILABLE

POINTS 2	Compliance date not specified Not In Compliance	Inspector Comments: Observed water to be turned off for the handwash sink.
	Violation Reference - HSC - 113953(c), 114099.2(b)	Ensure the handwash sink has hot and cold water available at all times of operation.

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)

22. SEWAGE AND WASTEWATER PROPERLY DISPOSED

POINTS 2	Compliance date not specified Not In Compliance	Inspector Comments: Observed floor sink half-full with standing water underneath the front service counter.
	Violation Reference - HSC - 114197	Unclog drain. Clean and sanitize drain and maintain clean to prevent further clogging.

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

26. APPROVED THAWING METHODS USED, FROZEN FOOD

POINTS 1	Compliance date not specified Not In Compliance	Inspector Comments: Observed a package of ham to be thawing in the prep sink with no running water.
	Violation Reference - HSC - 114018, 114020, 114020.1	Ensure meats are thawed with a steady stream of water flowing over the product. Ham was discarded.

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/Proper_Defrosting_Eng_Spn_11_29_11.pdf

27. FOOD SEPARATED AND PROTECTED

POINTS 1	Compliance date not specified Not In Compliance	Inspector Comments: Observed the following to be stored in the walk-in cooler with no covers:
	Violation Reference - HSC - 113984 (a, b, c, d, f)	<ol style="list-style-type: none"> 1) A container of chili 2) A container of marinated chicken 3) A container of marinated beef 4) A pan of breaded chicken Provide a cover for food and drink products when being stored in the walk-in cooler.

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.

32. FOOD PROPERLY LABELED & HONESTLY PRESENTED

POINTS 1	Compliance date not specified Not In Compliance	Inspector Comments: Observed containers of sugar and breadcrumbs to be unlabeled.
	Violation Reference - HSC - 114087, 114089	Label containers of product.

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)



CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME BBQ FRESH BURGER	DATE 10/31/2016
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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 debris and buildup on the shelving and drawers underneath the grill and stove. Clean and sanitize shelving and drawers underneath the grill and stove.
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Violation Description: All nonfood contact surfaces of utensils and equipment shall be clean. (114115 (c))

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

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114130, 114130.1, 114130	Inspector Comments: Observed a metal container and a wooden block to be holding up shelving in the walk in cooler. Observed buildup on the shelving held up by these items. Repair/replace shelving. Discontinue using items to support shelving. Clean and sanitize shelving. Observed torn gaskets on the walk-in and the reach-in doors to freezer. Repair/replace torn gaskets. Observed excessive buildup on the grill and stove hood. Clean and sanitize hood.
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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)

36. EQUIPMENT, UTENSILS AND LINENS: STORAGE AND USE

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114074, 114081, 114119	Inspector Comments: Observed the handles of scoop spoons to be touching spices in their containers. Ensure scoop spoon handles are not touching any food or drink product when stored or when in use.
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Violation Description: All clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces. (114185.3 - 114185.4) Utensils and equipment shall be handled and stored so as to be protected from contamination. (114074 - 114075, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.5) Pressurized cylinders must be securely fastened to a rigid structure. (114172)

38. ADEQUATE VENTILATION AND LIGHTING; DESIGNATED AREA

POINTS 1	Compliance date not specified Not In Compliance Violation Reference - HSC - 114149, 114149.1	Inspector Comments: Observed the light bulb above the 3-compartment sink and a light bulb in the walk in cooler to be burned out. Repair/replace light bulbs. Observed a missing light cover on a light in the walk-in cooler. Replace missing light cover.
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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)



Public Health
Environmental Health Services

CAL CODE OFFICIAL INSPECTION REPORT

FACILITY NAME BBQ FRESH BURGER	DATE 10/31/2016
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41. PLUMBING; PROPER BACKFLOW DEVICES

POINTS

1

Compliance date not specified
Not In Compliance
Violation Reference - HSC -
114171, 114189.1

Inspector Comments: Observed leaking faucet at the 3-compartment sink.
Repair/replace faucet.

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)

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

POINTS

1

Compliance date not specified
Not In Compliance
Violation Reference - HSC -
114067 (j), 114123

Inspector Comments: Observed both entrance doors propped open with no air curtain or form of vermin proofing.
Discontinue popping entrance/exit doors open with no form of vermin proofing.
Observed personal drink and food items to be stored in the following locations:

- 1) Underneath the service counter in front
- 2) In multiple locations in the walk in cooler

Discontinue the practice of storing personal food and drink items among food and drink items intended for consumers. Recommend using a storage bin on the bottom shelf in the walk in cooler designated for employees.

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)

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

POINTS

1

Compliance date not specified
Not In Compliance
Violation Reference - HSC -
114143 (d), 114266

Inspector Comments: Observed the ceiling above the grill and stove to be in disrepair.
Repair/replace ceiling tiles in disrepair.

Observed broken base cove tiles near the restroom hallway door.
Repair/replace broken tiles.

Observed debris buildup on the floor of walk-in cooler.
Clean floor and maintain clean.

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))



Public Health
Environmental Health Services

CAL CODE OFFICIAL INSPECTION REPORT

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48. FOOD HANDLER CERTIFICATION

POINTS 3	Compliance date not specified	Inspector Comments: Observed one employee to be missing a food handler card. Obtain food handler card within 14 days.
	Not In Compliance Violation Reference - SBCC - 33.0409	

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

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 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
- More than three (3) critical violations (codes 1-23) noted during an inspection.

Overall Inspection Comments

Facility is closed due to vermin infestation. Closure notice posted.

"C" grade posted. Do not remove, relocate, or obscure from public view. Failure to comply may result in a reposting assessment at the rate of \$245.00 an hour.

Due to this facility scoring below an 80, this facility must submit a request for re-score within 30 calendar days and received by Environmental Health no later than 11/30/16. Failure to comply will result in closure of facility and/or further legal action.

Transfer of ownership form left with owner.

Re-score request left with owner.

Food handler form left with owner.

Obtain food manager certificate within 60 days.

Office hearing required prior to reopening. Hearing scheduled for 9 AM 11/1/16.

Signature(s) of Acknowledgement

NAME: Adan Balderas
TITLE: Owner