

RESTAURANT INSPECTIONS – WHAT’S COOKING?

INTRODUCTION

Each year about 48 million people (1 in 6 Americans) get sick from food-borne diseases, according to the latest estimates from the Centers for Disease Control and Prevention. Restaurants are responsible for many of these illnesses. Of those sickened, 128,000 are hospitalized and 3,000 die.*

The most recent Grand Jury report concerning San Luis Obispo County restaurant inspections was written in 2005. The number of retail food facilities in the county has grown considerably since that time, from 1,450 to 1,802. This number includes 880 restaurants, as well as temporary events, food booths, swap meets, grocery stores, bars, and farmers’ markets.

The 2010/2011 Grand Jury’s intention was to determine whether the County’s restaurant inspection processes effectively protect the public. The Grand Jury also investigated whether current restaurant inspection reporting adequately presents the results to the public.

ORIGIN

This report was initiated by the Grand Jury, not by citizen complaint.

METHOD

Members of the Grand Jury:

1. Reviewed San Luis Obispo County Public Health Department Policies and Procedures for Environmental Health Services (EHS) restaurant Inspectors and the state-mandated California Retail Food Code – (CALCODE)

* Centers for Disease Control and Prevention (www.cdc.gov: accessed 02/11)

2. Examined several program reports pertaining to the Inspectors' work load and job specifications/descriptions
3. Reviewed detailed reports regarding food program violations, compliance, corrected violations, and chargeable inspections
4. Researched and compared other counties' scoring systems and enforcement programs
5. Observed three restaurant inspections
6. Interviewed four restaurant Inspectors, an EHS Supervisor, the EHS Director, and a restaurant owner
7. Reviewed software capabilities for generating management reports
8. Reviewed Food and Drug Administration (FDA) Voluntary Retail Food Regulatory Program Standards

NARRATIVE

EHS Responsibilities

EHS has responsibility to investigate and abate complaints regarding poor sanitation, maintenance, food handling and food-borne illness relating to retail food facilities. This Grand Jury investigation concentrated only on restaurant facilities.

EHS currently employs nine full time inspectors and one half time inspector.¹ Their professional assignments include not only inspections of restaurants and all other retail food facilities, but also inspections of swimming pools, water systems, liquid waste systems, vector control (disease carrying organisms), land use, tires, ocean water samples, and wells. During the past fiscal year, Inspectors spent approximately 11% of their time on restaurant inspections and reinspections (see Attachment 1).

EHS Authority

Inspection standards for restaurants are defined by the state. However, EHS has considerable autonomy on several issues, including the rating system (the points assigned for violations). The

¹ EHS titles them as a Generalist.

EHS Retail Food Safety Program strives to protect consumers with competent Inspectors who conduct thorough inspections, whether in response to complaints or for regular inspections.

EHS Policies and Objectives

The stated goals as set forth in the San Luis Obispo County Retail Food Safety Program are to:

- Ensure that food served at retail food facilities is pure, safe and unadulterated
- Assure that Inspectors are well-trained, apply regulations consistently and competently carry out the mandated food safety protection programs
- Educate food handlers

It is EHS policy to conduct, on average, one inspection of each County restaurant every nine months. EHS staff meetings are held regularly to ensure that laws and regulations are consistently applied by Inspectors. EHS utilizes education and informal compliance efforts (listed below) as the first step toward obtaining compliance by restaurant owners with inspection standards, regulations and/or requirements (see Attachment 2). EHS utilizes formal enforcement methods only if other means prove unsuccessful.

Compliance efforts may include:

1. Verbal and written directions
2. Compliance letters
3. Consultations
4. Post-inspection meetings
5. Reinspections
6. Notice of Violation letters

Formal enforcement may include:

1. Notice of Violation hearings
2. Notice of Permit suspension
3. Notice of Permit revocation
4. Immediate closure
5. Impoundment

The annual restaurant inspection program fee of \$370 to \$595 (based on restaurant seating capacity) includes a first inspection and first reinspection without additional charge. According to EHS Policy and Procedures, second reinspections are supposed to incur a charge, but such charges are rarely imposed. During the past fiscal year there were 1,131 inspections, including 97 reinspections at no charge, one charged reinspection and 108 complaint inspections that were not charged (see Attachment 1). Currently, annual fees cover approximately 75% of EHS costs. Board of Supervisors' policy is to move towards full cost recovery.

According to EHS Policy and Procedures, a restaurant which receives an inspection report containing violations has no more than 30 days from the date of report notice to correct major violations. Additional time for compliance is allowed if the Inspectors consider the violation no immediate threat to human health, safety or the environment. If additional time is allowed for compliance, a second reinspection will be scheduled and an hourly fee will be charged until compliance is reached. EHS Policy and Procedures also require tracking and comparison of violation rates over successive years to determine whether improvements in the level of compliance were achieved.

Grand Jurors learned that EHS has recently enrolled in the FDA Voluntary Retail Food Regulatory Program to help ensure the safety and security of the food supply at the retail level. Approximately one half of California counties have enrolled in this program. Some major changes, such as setting investigation frequency based on risk factors, will be needed for EHS to fully comply with the program requirements. Implementation of this FDA program will probably result in more frequent inspections of restaurants that are considered at higher risk of violating EHS regulations. EHS management believes that implementing a risk-based inspection system will result in more effective coverage without increasing staff.

Restaurant Inspections

Grand Jury members accompanied Inspectors through three restaurant inspections. One Inspector acted as a guide each time, explaining the inspection procedures to the Grand Jury members. Each Inspector has a designated number of inspections to complete each month within his/her assigned geographic area. These areas are rotated periodically to preclude too much

familiarity between Inspector and restaurant owner. Routine inspections are usually unannounced and conducted during regular business hours. The Inspectors' restaurant evaluations are based on established standards, as noted on the restaurant inspection form (see Attachment 2). Each inspection takes approximately one and one-half hours and covers 51 checkpoints. Major and minor violations relate to the five risk factors that typically contribute to food-borne disease outbreaks:

1. Improper holding temperatures of potentially hazardous foods
2. Inadequate cooking, cooling or heating
3. Poor personal hygiene of food handlers
4. Contaminated equipment
5. Food from unsafe sources

A "critical" violation is defined as either major or minor, depending on the severity of the food safety risk it poses at the time of inspection. Major violations are assessed a deduction of 4, 5 or 10 points; minor violations are assessed a deduction of one or three points. The maximum possible deduction for violations is 240 points.

Each restaurant in the County is required to employ at least one person who has successfully completed an accredited food safety certification program within the past three years. Failure to comply is a critical violation. State law requires that the certified safety employee ensure that all employees who prepare or serve food have sufficient food safety knowledge. This requirement will soon change as the result of a new state law, which mandates that **all** restaurant kitchen employees obtain the food safety program certification.

The violation checklist is the major component of the inspection report. It encompasses many items with a special focus on food storage areas and equipment, cooking and storage temperature of food, cross-contamination of food, vermin control, plumbing equipment, and general cleanliness of the facility and food handlers. When food is found to be at risk, such as food not kept at the correct temperature, the Inspector requires its disposal. During two inspections, Grand Jury members observed required disposal of potentially contaminated food. They also

observed that signs provided by EHS for kitchen staff are printed only in English, even though a high percentage of kitchen staff is Latino, many of whom might prefer instructions in Spanish.

Some violations are corrected on-site when they are considered minor, while others require reinspection at a later date. Any action is ultimately at the discretion of the Inspectors, depending on their evaluation of the risk factors involved. They have flexibility as to when reinspections take place.

At completion of the inspection, Inspectors enter the data directly on to their computer tablet for download into the EHS computer system. However, the Inspectors do not have access to previous inspection reports unless they have downloaded the information prior to the inspection. Pre-inspection downloading of previous inspection reports does not appear to be the usual practice, however. Each restaurant owner/manager receives a copy of the inspection report documenting the findings, which are reviewed with the Inspector. Reports are comprised of a list of items inspected, problems found, a final percentage score, comments, and an estimated reinspection date or follow-up visit, if appropriate. Inspectors advised Grand Jury members that once or twice a year, on average, a County restaurant will be ordered to close until a major food or environmental hazard has been corrected.

What the Grand Jury Learned from the Interviews

Minimum Qualifications for Inspectors

The minimum qualifications for an EHS entry-level Inspector are a four-year college degree in the biological or physical sciences and passing the REHS (Registered Environmental Health Specialist) state exam within two years of employment. Advancement to a higher level grade requires additional knowledge of basic principles of physical, biological and social sciences used in environmental quality control, including hazardous materials and their effects on human health and the environment. Job specifications also include knowledge of safety laws, local agency regulations, communicable diseases, and emergency response procedures.

Inspectors' Dissatisfaction with the Current Scoring System

At the completion of the four Inspector interviews, it was very clear that Inspectors are dissatisfied with the current restaurant inspection scoring system. The Inspectors perceive that it inadequately reflects the condition of the restaurant at the time of inspection. It was the consensus of the Inspectors that the scoring system generates a higher percentage score than the restaurant conditions warrant. It is difficult for a restaurant to receive a more appropriate lower score for the following reasons:

- The scoring system does not allow for an additional point deduction in cases where a previous inspection report cited a violation of the same standard
- The system does not reflect multiple violations on the same type of equipment, such as two refrigerators with unsafe temperatures
- A restaurant can achieve a high percentage score even though a number of violations may have been found. For example, five 1-point violations result in a score of 98% (235/240) and four 5-point violations result in a score of 92% (220/240), which is misleading

Inspectors emphasized the insufficient point deduction and resultant high percentage scores. There is no low score or 'cut-off' point at which a restaurant comes under additional scrutiny. Such scrutiny is entirely up to the discretion of the Inspector. The EHS Director acknowledged the deficiencies in the point deduction system and indicated a wish to improve it. An EHS Supervisor stated that the Department was already in the process of re-evaluating the point system, reassigning points to deduct more for the worst violations.

Some interviewees suggested a scoring system beginning with a baseline of 100 and deducting an amount for each violation. They stressed the importance of deducting sufficient points so that a score of 90-100, which to the majority of the public would represent an 'A' grade, could not be achieved when serious violations are found. (A discussion of other counties' rating systems is found on pages 11 and 12 of this report.)

Number and Types of Restaurant Inspections

All four Inspectors were consistent in their opinion that the number of restaurant inspections included in their monthly assignments is difficult to achieve. They expressed concern that time

spent on reinspections delays performance of their regular ‘to do’ list and possibly affects their performance evaluations. Moreover, because reinspections are not included in their monthly inspection quota, they are, in effect, discouraged from performing them. In fact, they are not given official credit for reinspections. In general, the Inspectors were concerned about the low number of reinspections, given their importance.

All the Inspectors advised the Grand Jurors that the ‘chain’ restaurants typically obtained higher scores during inspections than ‘non-chain’ restaurants. They stated that, apart from County inspections, chains generally have their own ‘in-house’ inspections, which may contribute to their generally higher scores. They also observed that restaurants in older buildings, especially those near a creek, are more susceptible to infestations and, therefore, lower scores.

Public Information

All Inspectors agreed that publication of more inspection and violation details would help the public evaluate restaurants. Inspectors write individual narratives on each violation and a description of how to rectify them, but this information is not available on the County website . The EHS Director considered these additions a good idea.

Software Issues

The current software used by EHS supervisory staff has various shortcomings. The EHS Director and Supervisor confirmed that *ad hoc* management data base queries and report requests are either too complex or impossible to retrieve at all without programmer assistance from the vendor, which causes additional expense. Grand Jurors requested several statistical and tracking reports on inspections and employee time distribution. EHS staff was very cooperative in trying to get the information requested, but much of it was difficult to obtain.

Another software shortcoming relates to restaurant inspection scoring. The computer system cannot adjust scores or change point values. It has no ability to register anything but a major or minor score because this is the current system ‘default.’

One additional software issue is the lack of integration between the main software component, which includes the report generator, and the add-on component, which captures the inspection information. For example, the inspection score calculated by the add-on component is not available for inclusion in the reports produced by the main component. Therefore, there is no automated way to rank restaurant inspection scores when developing management reports.

The EHS Director indicated that requested software modifications have been extremely costly. In addition, EHS software vendor maintenance fees are approximately \$70,000 per year. The EHS Director stated that a group of California counties using the computer system has formed a software user group to deal with common issues and that he is an active member.

Fines

The majority of Inspectors considers charging for all reinspections and imposing authorized fines for violations, together with persuasive communication by Inspectors, good motivation for compliance. However, the EHS Director prefers to *urge* compliance rather than *enforce* compliance. He prefers to use education, rather than fines and suspensions, to achieve compliance. The EHS Director believes that it would be a heavy burden for restaurants if EHS were to impose more fees or fines.

CALCODE provides for two types of fines, but EHS Policy and Procedures do not include fines. If a Retail Food Safety certificate is not maintained or restaurant staff is not trained by the certificate holder, a fine of up to \$100/day can be assessed. If any other violation of the CALCODE food safety regulations is found, the person violating the regulation is guilty of a misdemeanor and may be fined up to \$1,000 and/or imprisoned for up to six months, if convicted. While applying misdemeanor fines can be costly and time-consuming, their inclusion in EHS Policies and Procedures could deter violations.

Local Restaurant Owner Experience

The Grand Jury interviewed a long-time local restaurant owner who has twenty years of experience with EHS inspections. Many of his observations were similar to those of the Inspectors Grand Jurors interviewed. He was impressed with the professionalism of the

Inspectors, but presumed that the Department is understaffed because his restaurant is not currently inspected as frequently as in the past. He noted that all food workers should hold a Retail Food Safety Certificate. The restaurant owner favored surcharges and fees for violations, because he believes this would improve restaurant compliance practices. He also favored charging for all reinspections and stated the amount should be sufficient “to hurt.” He further considered it a good idea to make the full inspection report available on the EHS website, as long as the information is immediately updated when compliance is achieved. Additionally, he supported having a grade or score clearly visible to customers before they enter the restaurant.

Information Available to the Public

Restaurant display cards are provided by EHS (see Attachment 3). CALCODE requires them to be posted; however, they are often posted where they are not readily visible to the public. The card states: “This facility is inspected by the local Environmental Health Agency. A copy of the most recent inspection report is available here for review upon request.” No score, rating or contact telephone number for complaints is displayed, but this card content does meet minimum CALCODE requirements. Complete restaurant reports are also available to the public by request to EHS.

Access to the restaurant inspection reports and related information is available to the public on the San Luis Obispo County website www.slocounty.ca.gov (click on “Restaurant Inspections”). The Grand Jury found that this website has numerous deficiencies and is not user-friendly. Deficiencies include:

- Searching a multi-page list of restaurants using a standard scroll-bar operates differently on different PCs. In some cases the scroll-bar is displayed. If not visible, the mouse scroll-wheel or touch-pad must be used. Another alternative to force display of the scroll-bar is to click on a “printer-version” option. No help text is available to explain these inconsistencies.
- A facility exists for reviewing top-scoring restaurants, but the same scrolling inconsistencies exist
- The option to view top-scoring restaurants cannot be searched by specific county areas
- Reviewing an inspection report has the same scrolling problem as multi-page reports

- Inspection reports show only Inspectors' summary comments, none for each violation
- A complaint form is available for download, but it is difficult to locate because it is not part of the restaurant inspection web pages. The form is now generic for all EHS complaints, not only restaurant complaints.

Restaurant Ratings in Other Counties

A review of the food safety inspection rating process in some other jurisdictions yielded interesting findings. Counties, including Los Angeles, San Bernardino, Riverside, Kern, Monterey, and San Diego, require a letter grade (A, B or C) to be posted by the Inspector in an eating establishment (A = 90-100%, B = 80-89%, C = 70-79%). In general, restaurants with scores below 70% are subject to closure; reinspections, whether required or requested, are chargeable. These counties appear to be satisfied with the ABC grading system.

LA County defines violations as major, minor or lack of good practices and includes a number of categories under each type of violation. The major categories have the greatest point deduction. Kern County has similar groupings, although 26 points are deducted for critical violations that pose an imminent health hazard. This means that one critical violation will cause a score of 100 minus 26, or 74%, before any other violation is factored in. Scores below 75% in Kern County force closure of the facility. In Kern County, the grade is printed boldly in the center of the certificate, which the Inspector posts in a window or other approved location.

Santa Barbara County is in the process of updating its enforcement policy and reviewing the possibility of not issuing grade cards for display. Other counties and states that use the ABC grading system are returning to a numerical or percentage system. This change seems to be due to the increased inspector work load caused by many restaurant owner requests for reinspections, in order to improve their grade.

Monterey County awards its Gold Inspection Seal to restaurants that consistently demonstrate substantial compliance with the California Retail Food Code (CALCODE). LA County awards a similar 'Certificate of Excellence' to restaurants with three consecutive inspections resulting in an 'A' rating.

FINDINGS WITH RECOMMENDATIONS

FINDING 1: EHS policy is to inspect restaurants every nine months, without regard to prior violation history, age or location of building where the restaurant is housed.

RECOMMENDATION 1:

- a. Develop a risk-based inspection policy that tracks high and low-risk offenders and adjusts their inspection cycle accordingly.
- b. Initiate an ‘excellence award’ program and consider combining it with a less frequent inspection cycle.

FINDING 2: The EHS scoring system used by restaurant Inspectors results in artificially high scores for restaurants.

RECOMMENDATION 2:

- a. Deduct additional points for a repeat violation of the same standard in a previous report.
- b. Deduct additional points for multiple violations found on the same type of equipment, such as two refrigerators with unsafe temperatures.
- c. Revise the point deductions so that the resulting percentage score more accurately reflects the restaurant conditions found.

FINDING 3: The first inspection and the first reinspection are included in the annual restaurant inspection fees. EHS can charge for subsequent inspections but rarely does.

RECOMMENDATION 3:

- a. Charge for first reinspection and ensure that restaurant owners are aware of the additional costs, in order to motivate compliance and to help support cost recovery.
- b. Move towards full cost recovery for all types of inspections by increasing fees to cover inspection staff hours.

FINDING 4: EHS enforcement policy is minimal and violation deterrents are insufficient.

RECOMMENDATION 4:

- a. Incorporate all fines allowed by CALCODE into EHS Policies and Procedures.
- b. Apply the CALCODE authorized fines for violating the Food Safety Certification requirement.
- c. Charge for all reinspections.

FINDING 5: Performance evaluations for Inspectors include a quota for inspections but no credit for reinspections. Reinspections are performed at the discretion of individual Inspectors.

RECOMMENDATION 5:

- a. Include reinspections in Inspectors' performance evaluations.
- b. Establish a policy that states when reinspections are to be performed instead of allowing inspections to be performed at the Inspector's discretion.

FINDING 6: The EHS computer system is not effectively used for statistical reports or for producing useful management documentation due to the complexity of the system and/or the insufficient training of staff. EHS spends \$70,000 per year for software vendor maintenance.

RECOMMENDATION 6:

- a. Provide additional staff training on the EHS computer system.
- b. Require management to work more actively with the already established 'user group' and vendor to achieve more effective operations and functions.
- c. Provide additional training on the report writer feature to the staff member assigned responsibility for report development. A backup staff member should also be trained in this function.
- d. Request that a senior County IT employee be assigned to review the capabilities of the system in order for management to be able to determine the value of the system. A determination should be made as to what major changes are needed and what the additional vendor costs will be.

FINDING 7: EHS website information concerning restaurant inspections is incomplete. It does not include the full inspection report and is not ‘user-friendly.’ Multi-page inspection report searches are conducted differently, depending on the type of PC used. No user guide or notes are displayed.

RECOMMENDATION 7:

To improve website access and information:

- a. Provide easier access to restaurant inspection reports and searches and implement a more “user friendly” website with a consistent search method.
- b. Include inspector comments on each violation for viewing in the inspection report.
- c. Include notes of uncorrected violations from previous inspections.
- d. Make the restaurant complaint form easily accessible and tailor it to food facility complaints.

FINDING 8: The public notice stating that a restaurant has been inspected by the EHS is not easily visible in most restaurants and does not include sufficient information.

RECOMMENDATION 8:

- a. Post notices in an easily seen location, preferably in a front window or at the payment or hostess station.
- b. Include the score or grade in the notices when a new scoring or rating system is implemented.
- c. Include an EHS “hotline” telephone number for registering complaints.

FINDING 9: Food safety instructions observed in the kitchens were in English, although many Latinos work in restaurant kitchens.

RECOMMENDATION 9:

- a. Post food safety instruction signs in kitchens in both English and Spanish.

COMMENDATIONS

1. EHS Restaurant Inspectors are efficient, competent and conscientious.
2. The EHS Director, Supervisor and Inspectors were very patient, helpful and accommodating to the many requests of the Grand Jury.

REQUIRED RESPONSES

The Environmental Health Services of San Luis Obispo County is required to respond to Findings 1 - 9 and Recommendations 1 -9. The responses shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **July 18, 2011**. Please provide a paper copy and an electronic version of all responses to the Grand Jury, as well.

The Board of Supervisors of San Luis Obispo County is required to respond to Findings 1 - 9 and Recommendations 1 - 9. The responses shall be submitted to the Presiding Judge of the San Luis Obispo Superior Court by **August 17, 2011**. Please provide a paper copy and an electronic version of all responses to the Grand Jury, as well.

The mailing addresses for delivery are:

Presiding Judge	Grand Jury
Presiding Judge Charles S. Crandall Superior Court of California 1050 Monterey Street San Luis Obispo, CA 93408	San Luis Obispo County Grand Jury P.O. Box 4910 San Luis Obispo, CA 93402

The email address for the Grand Jury is: GrandJury@co.slo.ca.us

ATTACHMENTS

Attachment 1: Inspector Time Allocation FY 2009-June 2010

Attachment 2: Blank EHS Restaurant Inspection Form

Attachment 3: Required display card for restaurants

Empl	Regular Inspection			Re-Inspection			Complaint Inspection		Other	Other Food	Non Food	Leave	Total Hrs
	No Charge	Charge	Tot Hrs.	No Charge	Charge	Tot Hrs.	No charge	Hours	Rest.Hrs	Facility Hrs.	Hours	Hours	
1	113		140.0	8		5.5	15	10.5	22.0	147.9	1523.6	228.5	2078.0
2	37		75.5	0		0.0	7	8.5	54.0	367.5	1287.0	299.5	2092.0
3	79		104.0	1		1.0	1	2.0	7.0	499.5	756.0	256.5	1626.0
4	131		214.0	17		21.5	12	15.5	67.6	479.9	946.4	347.5	2092.4
5	158		289.0	11		15.5	26	21.0	40.5	469.1	1041.2	168.0	2044.3
6	64		68.9	6		6.3	6	4.0	39.3	60.5	343.3	8.0	530.3
7	118	1	252.0	11		22.5	1	0.5	25.5	538.5	927.3	336.5	2102.8
8	143		258.5	11		10.0	20	16.8	62.0	529.1	953.3	267.5	2097.2
9	146	3	219.5	19		24.5	5	5.0	46.0	608.5	813.5	398.5	2115.5
10	5		12.0	0		0.0	1	0.5	2.0	43.5	99.0	35.0	192.0
11	137		229.7	13	1	22.2	14	16.6	23.5	533.5	1068.2	201.0	2094.7
TOTAL:	1131	4	1863.1	97	1	129.0	108	100.9	389.4	4277.5	9758.8	2546.5	19065.2
TOT.RESTAUR.INSPECTION HRS.								2093.0					
PERCENT OF TOTAL HRS.								11.0%					
TOT.RESTAURAN. HRS									2482.4				
PERCENT OF TOTAL HRS.									13.0%				
TOT.FOOD FACILITY HRS.										6759.9			
TOTAL FTE'S			0.9				0.1	0.0	0.2	2.1	4.7	1.2	9.2
PERCENT OF TOTAL HRS.			9.8%				0.7%	0.5%	2.0%	22.4%	51.2%	13.4%	100.0%
AVG.HRS.PER INSPECTION			1.6				1.3	0.9					

NOTE- FTE=Full Time Equivalent based on 2080 hours per year



San Luis Obispo County
Environmental Health Services
2156 Sierra Way - P.O. Box 1489
San Luis Obispo, CA 93406-1489
(805) 781-5544 F (805) 781-4211

County of San Luis Obispo Environmental
Health Services
Food Inspection Report

PR	Date
PE	Reinspect
Time In	Time Out

Page 1 of

Facility Name	Service Code	Action Code	Inspection Plan
Address	001 Regular Inspection	31 Closed Until Abated	1 Retail Food Facility
	003 Re-inspection	32 To be Re-inspected	2 Temporary Food Facility
Person in Charge	004 Complaint Inspection	33 No Violation	3 Mobile Food Facility
	005 Complaint Re-inspection	34 Violations Abated	4 Certified Farmers Market
Health Permit Valid Not Valid	006 Consultation	35 Impound	
	029 Construction	36 Citation Issued	
	271 Chargeable Re-inspection	37 Next Regular	

See reverse side 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 = Items not in compliance
COS = Corrected On-Site MAJ = Major Violation

DEMONSTRATION OF KNOWLEDGE				COS	MAJ	OUT	SUPERVISION		OUT
In	N/O	1. Demonstration of knowledge; food manager certification				<input type="checkbox"/>	24. Person in charge present and performs duties		
Food Safety Cert Name: _____ Test Date: _____							PERSONAL CLEANLINESS		
EMPLOYEE HEALTH & HYGIENIC PRACTICES							25. Personal cleanliness and hair restraints		
In		2. Communicable disease; reporting, restrictions and exclusions		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	GENERAL FOOD SAFETY REQUIREMENTS		
In	N/O	3. No discharge from eyes, nose, and mouth		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	26. Approved thawing methods used, frozen food		
In	N/O	4. Proper eating, drinking or tobacco use		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	27. Food separated and protected		
PREVENTING CONTAMINATION BY HANDS							28. Washing fruits and vegetables		
In	N/O	5. Hands clean & washed; gloves properly used		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	29. Toxic substances properly identified, stored, used		
In	N/A	6. Adequate handwash sinks, supplied, accessible		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	FOOD STORAGE / DISPLAY / SERVICE		
TIME AND TEMPERATURE RELATIONSHIPS							30. Food storage; food storage containers identified		
In	N/O	7. Proper hot and cold holding temperatures		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	31. Consumer self-service		
N/A		Cold temp: _____ Hot temp: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	32. Food properly labeled & honestly presented		
In	N/O	8. Time as a public health control; procedure & record		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	EQUIPMENT / UTENSILS / LINENS		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	33. Nonfood contact surfaces clean		
In	N/O	9. Proper cooling methods		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	34. Warewashing facilities: installed, maintained, used; test strips		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	35. Equipment / utensils approved; installed; clean; good repair, capacity		
In	N/O	10. Proper cooking time & temperatures		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	36. Equipment, utensils and linens: storage and use		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	37. Vending machines		
In	N/O	11. Proper reheating procedures for hot holding		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	38. Adequate ventilation and lighting; designated areas, use		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	39. Thermometers provided and accurate		
PROTECTION FROM CONTAMINATION							40. Wiping cloths: properly used and stored		
In	N/O	12. Returned and reservice of food		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PHYSICAL FACILITIES		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	41. Plumbing: proper backflow devices		
In		13. Food in good condition, safe & unadulterated		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	42. Garbage and refuse properly disposed; facilities maintained		
PROTECTION FROM CONTAMINATION							43. Toilet facilities: properly constructed, supplied, cleaned		
In	N/O	14. Food contact surfaces; clean & sanitized		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	44. Premises; personal/cleaning items; vermin-proofing		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PERMANENT FOOD FACILITIES		
Sanitizer Type: <input type="checkbox"/> Chlorine <input type="checkbox"/> Quat <input type="checkbox"/> Iodine <input type="checkbox"/> Hot water <input type="checkbox"/> Other							45. Floor, walls and ceilings: built, maintained, and clean		
Sanitizer Concentration (ppm): _____							46. No unapproved private homes/ living or sleeping quarters		
FOOD FROM APPROVED SOURCES							SIGNS / REQUIREMENTS		
In		15. Food obtained from approved source		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	47. Signs posted; last inspection report available		
In	N/O	16. Comply with shell stock tags, condition, display		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	COMPLIANCE & ENFORCEMENT		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	48. Plan Review		
In	N/O	17. Compliance with Gulf Oyster Regulations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	49. Permits Available		
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	50. Impoundment		
CONFORMANCE WITH APPROVED PROCEDURES							51. Permit Suspension		
In	N/A	18. Compliance with variance, specialized process, reduced oxygen packaging, & HACCP Plan		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Notes:		
CONSUMER ADVISORY									
In	N/O	19. Consumer advisory provided for raw or undercooked foods		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
N/A				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
HIGHLY SUSCEPTIBLE POPULATIONS									
In	N/A	20. Licensed health care facilities/public & private schools; prohibited foods not offered		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
WATER / HOT WATER									
In	N/A	21. Hot & cold water available Temp: _____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Received by:		
LIQUID WASTE DISPOSAL									
In	N/A	22. Sewage and wastewater properly disposed		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title:		
VERMIN									
In		23. No rodents, insects, birds or animals		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Health Specialist:		

**SUMMARY OF THE CORRESPONDING LAWS AND REGULATIONS FOR THE VIOLATIONS LISTED IN THIS REPORT, INCLUDING
GENERAL REQUIREMENTS. THE DEPARTMENT MAY CITE ADDITIONAL SECTIONS AS APPLICABLE.**

1. 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)
2. Employees with a communicable disease shall be excluded from the food facility / preparation of food. Gloves shall be worn if an employee has cuts, wounds, and rashes. No employee shall commit any act that may contaminate or adulterate food, food contact surface, or utensils. (113949.5) The permit holder shall require food employees to report incidents of illness or injury and comply with all applicable restrictions. (113949.2, 113950, 113950.5, 113973(a))
3. Employees experiencing sneezing, coughing, or runny nose shall not work with exposed food, clean equipment, utensils or linens. (113974)
4. No employees shall eat, drink, or smoke in any work area. (113977)
5. 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. (113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f))
6. 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, food preparation and the washing of utensils and equipment. (113953, 113953.1, 114067(f))
7. Potentially hazardous foods shall be held at or below 41/ 45°F or at or above 135°F. (113996, 113998, 114037, 114343(a))
8. When time only, rather than time and temperature is used as a public health control, records and documentation must be maintained (114000)
9. All potentially hazardous food shall be RAPIDLY cooled from 135°F to 70°F, within 2 hours, and then from 70°F 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. (114002, 114002.1)
10. Comminuted meat, raw eggs, or any food containing comminuted meat or raw eggs, shall be heated to 155°F for 15 sec. Single pieces of meat, and eggs for immediate service, shall be heated to 145°F for 15 sec. Poultry, comminuted poultry, stuffed fish / meat / poultry shall be heated to 165°F. Other temperature requirements may apply. (114004, 114008, 114010)
11. Any potentially hazardous foods cooked, cooled and subsequently reheated for hot holding or serving shall be brought to a temperature of 165°F. (114014, 114016)
12. No unpackaged food that has been served shall be re-served or used for human consumption. (114079)
13. 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.)
14. All food contact surfaces of utensils and equipment shall be clean and sanitized. (113984(a), 114097, 114099.1, 114099.4, 114099.6, 114101 (b-d), 114105, 114109, 114111, 114113, 114115 (a, b, d), 114117, 114125(b), 114135, 114141)
15. All food shall be obtained from an approved source. (113980, 113982, 114021-114031, 114035, 114041)
16. Shell stock shall have complete certification tags and shall be properly stored and displayed. (114039 - 114039.5)
17. Comply with Gulf Oyster warning seasonal requirements. (Title 17 CA Code of Regulations §13675, Cal Code Section 113707)
18. HACCP Plan is a written document that delineates the formal procedures developed for safe food handling approved by the National Advisory Committee on Microbiological Criteria for Foods. (114419) A written document approving a deviation from standard health code requirements shall be maintained at the food facility. (114057, 114057.1)
19. Ready-to-eat food containing undercooked food or raw egg and unpackaged confectionery food containing more than 3% alcohol may be served if the facility notifies the consumer. (114012, 114093)
20. Prohibited foods may not be offered in licensed health care facilities/public and private schools. (114091)
21. 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. All liquid waste must drain to an approved fully functioning sewage disposal system. (114197)
23. Each food facility shall be kept free of vermin: rodents (rats, mice), cockroaches, flies. (114259.1, 114259.4, 114259.5)
24. A person in charge shall be present at the food facility during all hours of operation. (113945-113945.1, 113984.1, 114075)
25. All employees preparing, serving or handling food or utensils shall wear clean, washable outer garments or uniforms and shall wear a hairnet, cap, or other suitable covering to confine hair. (113969, 113971)
26. Food shall be thawed under refrigeration; completely submerged under cold running water of sufficient velocity to flush loose particles; in microwave oven; during the cooking process. (114018, 114020, 114020.1)
27. 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))
28. Raw, whole produce shall be washed prior to preparation. (113992)
29. 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)n
30. 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. (114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b))
31. Unpackaged food shall be displayed and dispensed in a manner that protects the food from contamination. (114063, 114065)
32. 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)
33. All nonfood contact surfaces of utensils and equipment shall be clean. (114115 (c))
34. Food facilities that prepare food shall be equipped with warewashing facilities. Testing equipment and materials shall be provided to measure the applicable sanitization method. (114067(f) & (g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125)
35. 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, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114177, 114180, 114182)
36. 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, 114178, 114179, 114083, 114185, 114185.2, 114185.5)
37. Each vending machine shall have posted in a prominent place, a sign indicating the owner's name, address, and telephone number. A record of cleaning and sanitizing shall be maintained by the operator in each machine and shall be current for at least 30 days. (114145)
38. 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)
39. 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)
40. 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))
41. 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)
42. All food waste and rubbish shall be kept in leak proof and rodent proof containers. Containers shall be covered at all times. All waste must be removed and disposed of as frequently as necessary to prevent a nuisance. The exterior premises of each food facility shall be kept clean and free of litter and rubbish. (114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8)
43. Toilet facilities shall be maintained clean, sanitary and in good repair. Toilet rooms shall be separated by a well-fitting self-closing door. Toilet tissue shall be provided in a permanently installed dispenser at each toilet. The number of toilet facilities shall be in accordance with local building and plumbing ordinances. Toilet facilities shall be provided for patrons; in establishments with more than 20,000 sq ft; establishments offering on-site liquor consumption. (114250, 114250.1, 114276)
44. 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)
45. The walls / ceilings shall have durable, smooth, nonabsorbent, light-colored, 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), 114266, 114268, 114268.1, 114271, 114272)
46. No sleeping accommodations shall be in any room where food is prepared, stored or sold. (114285, 114286)
47. 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)).
48. A person proposing to build or remodel a food facility shall submit plans for approval before starting any new construction or remodeling of any facility for use as a retail food facility. (114380)
49. A food facility shall not be open for business without a valid permit. (114067(b) & (c), 114381 (a), 114381.2, 114387)
50. An enforcement officer may impound food, equipment or utensils that are found to be unsanitary or in disrepair. (114393)
51. If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409, 114405)

SAN LUIS OBISPO COUNTY PUBLIC HEALTH DEPARTMENT

Environmental Health Services

NOTICE

THIS FACILITY IS INSPECTED BY THE LOCAL ENVIRONMENTAL HEALTH AGENCY. A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE HERE FOR REVIEW UPON REQUEST.