



RETAIL FOOD FACILITY INSPECTION REPORT

FACILITY NAME BLACK MARKET BAKERY			FACILITY ADDRESS 211 N BROADWAY, SANTA ANA, CA 92701		
MAILING ADDRESS 211 N BROADWAY SANTA ANA, CA 92701			IDENTIFIER None		
C/O - OWNER BLACK MARKET BAKERY			RESULT CLOSED		
FACILITY ID FA0067311	RELATED ID PR0098307	SERVICE: A01 - ROUTINE INSPECTION		INSPECTION DATE 2/5/2019	
PROGRAM DESCRIPTION 0131 - RESTAURANT UNDER 31 PERSONS - COMPLEX			FOOD MANAGER CERTIFICATE / EXPIRATION DATE M. Mcguire EXP. 3/16/2020		REINSPECTION DATE: N/A

Based on an inspection this day, the compliance status (IN, MAJ, MIN, N/A, N/O, OUT, COS) has been identified below. Violations noted as MAJ, MIN or OUT must be corrected. Failure to correct the listed violation(s) prior to the designated compliance date may necessitate a reinspection at an additional fee. See the following page(s) for the California Health and Safety code sections and other applicable codes for the general requirements that correspond to the violation(s) noted below.

IN = In Compliance MAJ = Major MIN = Minor N/A = Not Applicable N/O = Not Observed OUT = Out of Compliance COS = Corrected on Site

CRITICAL RISK FACTORS

IN	MAJ	MIN	N/A	N/O	EMPLOYEE KNOWLEDGE	COS
●					1. Demonstration of knowledge	
●					2. Food manager certification; food handler cards	
EMPLOYEE HEALTH & HYGIENIC PRACTICES						
●					3. Communicable disease; reporting, restrictions & exclusions	
●					4. No discharge from eyes, nose, and mouth	
●					5. Proper eating, tasting, drinking or tobacco use	
PREVENTING CONTAMINATION BY HANDS						
●					6. Hands clean and properly washed; gloves used properly	
●					7. Adequate handwashing facilities supplied & accessible	
TIME AND TEMPERATURE RELATIONSHIPS						
	●				8. Proper hot and cold holding temperatures	●
			●		9. Time as a public health control; procedures & records	
				●	10. Proper cooling methods	
				●	11. Proper cooking time & temperatures	
●					12. Proper reheating procedures for hot holding	

IN	MAJ	MIN	N/A	N/O	PROTECTION FROM CONTAMINATION	COS
●					13. Returned and reserve of food	
●					14. Food in good condition, safe and unadulterated	
●					15. Food contact surfaces: clean and sanitized	
FOOD FROM APPROVED SOURCES						
●					16. Food obtained from approved source	
			●		17. Compliance with shell stock tags, condition, display	
			●		18. Compliance with Gulf Oyster Regulations	
ADDITIONAL CRITICAL RISK FACTORS						
			●		19. Compliance with variance, specialized process, & HACCP Plan	
			●		20. Consumer advisory provided for raw or undercooked foods	
			●		21. Licensed health care facilities/public & private schools: prohibited foods not offered	
				●	22. Hot and cold water available	
●					23. Sewage and wastewater properly disposed	
	●				24. No rodents, insects, birds, or animals	

GOOD RETAIL PRACTICES

OUT	SUPERVISION	COS
	25. Person in charge present and performs duties	
	26. Personal cleanliness and hair restraints	
GENERAL FOOD SAFETY REQUIREMENTS		
	27. Approved thawing methods used, frozen food	
	28. Food separated and protected	
	29. Washing fruits and vegetables	
●	30. Toxic substances properly identified, stored, used	
FOOD STORAGE/DISPLAY/SERVICE		
●	31. Food storage; food storage containers identified	
	32. Consumer self-service	
●	33. Food properly labeled & honestly presented	

OUT	EQUIPMENT/UTENSILS/LINENS	COS
	34. Nonfood contact surfaces clean	
	35. Warewashing facilities: installed, maintained, used; test strips	
	36. Equipment/Utensils approved; installed; good repair, capacity	
●	37. Equipment, utensils and linens: storage and use	
	38. Adequate ventilation and lighting; designated areas, use	
	39. Thermometers provided and accurate	
●	40. Wiping cloths: properly used and stored	
PHYSICAL FACILITIES		
●	41. Plumbing: proper backflow devices	
●	42. Garbage and refuse properly disposed; facilities maintained	
	43. Toilet facilities: properly constructed, supplied, cleaned	
●	44. Premises: personal/cleaning items; vermin-proofing	

OUT	PERMANENT FOOD FACILITIES	COS
●	45. Floor, walls, ceilings: built, maintained, and clean	
	46. No unapproved private homes/living or sleeping quarters	
SIGNS/REQUIREMENTS		
	47. Signs posted; last inspection report available	
	48. Plan Review	
	49. Health Permit	
COMPLIANCE AND ENFORCEMENT		
●	50. Permit Suspension - Imminent Health Hazard	
	51. Notice of Violation - Hearing	
	52. Permit Suspension	
●	53. Voluntary Condemnation & Destruction (VC&D)	
	54. Impoundment	
	55. Sample Collected	



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OPENING COMMENTS

The purpose of this visit was to conduct a routine inspection. A joint inspection was conducted on this date with T. Krone, EHS

The Health Permit was suspended this date due to rodent activity in critical areas.

8. PROPER HOT AND COLD HOLDING TEMPERATURES - MAJOR

Inspector Comments: The following foods were measured at following temperatures:

- 1) A ham croissant on a hot plate next to the dessert display case measured at 115F. The person-in-charge stated that the crossiant had been on the hot plate for more than 4 hours.
- 2) A buttercream cake in the tall dessert display case measured at 49F. The person-in-charge stated the cake had been in the case for more than 4 hours.

Theses violations were corrected by the person-in-charge discarding the food items. See FM53.

Violation Description: Potentially hazardous foods shall be held at or below 41°F or at or above 135°F. (113996, 113998, 114037, 114343(a), 114004)

Corrected on site

22. HOT AND COLD WATER AVAILABLE - MINOR

Inspector Comments: The hot water at the handwashing sink across from the beer cooler measured at 80F.

Violation Description: An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided at all times. (113941, 113953c, 114099.2b, 114163, 114189, 114192, 114192.1, 114195)

24. NO RODENTS, INSECTS, BIRDS, OR ANIMALS - MAJOR

Inspector Comments: Observed multiple rodent droppings in the following areas:

- 1) On the floor below the employee lockers
- 2) In the water heater tray at the base of the water heater.
- 3) On the platform at the base of the water heater.
- 4) On the floor behind the grease trap.
- 5) On the floor in the corner behind the bulk storage containers below the hardwood prep table.
- 6) On the floor next to the wheel of the large mixer.
- 7) On the base cove tile below the beer cooler.
- 8) On the base cove tile next to the pressurized cylinders.
- 9) In the cabinet behind the water filtration unit.

Observed one dead cockroach a glue trap on the floor under the ice machine.

Eliminate the activity of rodents from the food facility by using only approved methods. Remove all evidence of the infestation and thoroughly clean and sanitize all affected surfaces. Construct, equip, maintain and operate the food facility so as to prevent the entrance and harborage of animals, birds and vermin including, but not limited to, rodents and insects.

Violation Description: Each food facility shall be kept free of insects, birds, animals, or vermin: rodents (rats, mice), cockroaches, flies. (114259, 114259.1, 114259.4, 114259.5)



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30. TOXIC SUBSTANCES PROPERLY IDENTIFIED, STORED, USED - OUT OF COMPLIANCE

Inspector Comments: Observed multiple toxic substance containers stored on the drain board at the 3-compartment sink.

Store and use all chemical substances, detergents, bleach, cleaning compounds, and all other injurious or poisonous materials in a manner that is not likely to cause contamination or adulteration of food.

Violation Description: All poisonous substances, detergents, bleaches, and cleaning compounds shall be stored separate from food, utensils, packaging materials, and food-contact surfaces, and shall be used in an approved manner. (114254, 114254.1, 114254.2)

31. FOOD STORAGE; FOOD STORAGE CONTAINERS IDENTIFIED - OUT OF COMPLIANCE

Inspector Comments: Observed an open bag of flour stored on the storage rack next to the upright cooler. Store bulk foods in approved containers.

Violation Description: Food shall be stored in approved containers and labeled as to its contents. Food shall be stored at least 6" above the floor on approved shelving and in an approved area. (114047, 114049, 114051, 114053, 114055, 114067(h), 114069 [b])

33. FOOD PROPERLY LABELED & HONESTLY PRESENTED - OUT OF COMPLIANCE

Inspector Comments: Observed heart-shaped cookies for customer self-service without any labeling.

Provide labels for all customer self-serve prepackaged foods. The labels are in English and must contain the following:

- a) The common name of the product.
- b) A declaration of the ingredients used, in descending order of predominance of weight.
- c) The name and place of business of the manufacturer, packer or distributor.
- d) The net weight of the 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. Consumer notification shall be provided for unpackaged confectionary food containing alcohol in excess of one-half of 1 percent by weight. Infant formula or baby food must not be offered for sale after the "use by" date. (114087, 114089, 114089.1(a, b), 114090, 114093.1, 114094, 114094.5, 114365.2; Sherman Food, Drug and Cosmetic Law)

34. NONFOOD-CONTACT SURFACES CLEAN

Inspector Comments: Observed rodent droppings in the cabinet behind the water filtration unit.

Violation Description: All nonfood-contact surfaces of utensils and equipment shall be clean. (114115 [c])

37. EQUIPMENT, UTENSILS AND LINENS: STORAGE AND USE - OUT OF COMPLIANCE

Inspector Comments: Observed a bag of "to go" container stored directly on the floor in the loft area next to the storage rack. Store equipment 6 inches off the floor on approved shelving.

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. Utensils and equipment shall be handled and stored so as to be protected from contamination. (114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5)



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40. WIPING CLOTHS: PROPERLY USED AND STORED - OUT OF COMPLIANCE

Inspector Comments: Observed a wiping cloth stored on a on the prep cooler next to the hardwood prep table. No sanitizing solution buckets were observed within reasonable proximity. Discontinue this practice. Each day prior to preparation, set up a sanitizer bucket with either 100 ppm chlorine, 200 ppm quaternary ammonium or 25 ppm iodine to hold the wiping cloths. Store the cloths inside the sanitizer solution when not in immediate use. When a towel is needed, wring it out, use it, and then immediately return it to the solution between uses.

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; separate sanitizing containers shall be provided for wiping cloths used with raw animal foods. (114135, 114185.1 114185.3 [d-e])

41. PLUMBING; PROPER BACKFLOW DEVICES - OUT OF COMPLIANCE

Inspector Comments: Observed the handwashing sink next to hardwood food prep tables to be clogged and slow draining. Repair the clog and maintain the sink functional.

Violation Description: The potable water supply shall be protected with a backflow protection device, as required by applicable plumbing codes. All plumbing, plumbing fixtures, and grease interceptors 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. (14171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269)

42. GARBAGE AND REFUSE PROPERLY DISPOSED; FACILITIES MAINTAINED - OUT OF COMPLIANCE

Inspector Comments: Observed the dumpster lid to be open. Maintain dumpster lid closed.

Violation Description: 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)

44. PREMISES: PERSONAL/CLEANING ITEMS; VERMIN-PROOFING - OUT OF COMPLIANCE

- Inspector Comments: 1) Observed gaps/holes/crevices greater than 1/4 inch in the following locations:
- Under the weather strip of the front entry door. Repair or replace the weather strip to eliminate all gaps.
 - In the floor below the dessert display case around the blue conduit.
 - In the ceiling between the wall and the exhaust hood above the large mixer.
 - In the base coving behind the AC unit in the loft/upstairs area
 - In the ceiling above the air ducting in the loft/upstaris area.

Properly rodent proof the interior/exterior of the premises. Seal all gaps that are greater than a 1/4 inch.

2) Observed the front door propped open. Maintain the food facility fully enclosed to prevent the entrance and harborage of animals and insects at all times except during immediate passage.

3) Observed an employee backpack on a food prep surface next to the upright cooler. Maintain employee clothing and personal effects in a room, enclosure, lockers, or other designated area or designated area separated from toilets, food storage, food preparation areas and utensil washing areas.

Violation Description: The premises of each food facility shall be kept clean and free of litter and rubbish; non-food items shall be stored and displayed separate from food and food-contact surfaces; the facility shall be kept vermin proof; open-air barbecues shall be operated in an approved manner. (114067(j), 114123, 114143(a)&(b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282)



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45. FLOORS, WALLS AND CEILING: BUILT, MAINTAINED, AND CLEAN - OUT OF COMPLIANCE

Inspector Comments: Observed rodent dropping and/or accumulation of food debris in the following areas:

- 1) On the floor below the employee lockers
- 2) In the water heater tray at the base of the water heater.
- 3) On the platform at the base of the water heater.
- 4) On the floor behind the grease trap.
- 5) The floor underneath the prep cooler next to the hardwood prep tables.
- 6) The floor in the corner behind the bulk storage containers below the hardwood prep table.
- 7) The floor next to the wheel of the large mixer.
- 8) The base cove tile below the beer cooler.
- 9) The base cove tile next to the pressurized cylinders.

Violation Description: 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)



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50. PERMIT SUSPENSION - IMMINENT HEALTH HAZARD

Inspector Comments: IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE

The permit to operate the above named food facility is hereby temporarily suspended, and the facility is ordered immediately closed under the authority of Sections 114405 and 114409 of Division 104, Part 7, Chapter 13, Article 3 of the California Health and Safety Code. The attached Inspection Report specifies the conditions that warrant this closure and the Sections of the law that are being violated.

Any food facility for which the permit has been temporarily suspended shall cease all food handling, close and remain closed until all conditions warranting the closure are corrected and your permit has been reinstated by a representative of Environmental Health.

You are hereby notified that you have the right to request a hearing, within 15 calendar days after service of this Notice to show cause why the permit suspension is not warranted. Your failure to request a hearing within 15 calendar days shall be deemed a waiver of your right to a hearing.

An owner, manager or operator who fails to comply with this Closure Notice may be found guilty of a misdemeanor, with a possible fine of \$1,000.00 and/or imprisonment for not more than six months for each offense.

This Health Permit Suspension and Closure Notice is issued to you under the authority of the California Health and Safety Code, Division 104, Part 7, Chapter 13, Article 3. Copies of the Code Sections referred to herein may be reviewed at most public libraries, the Internet, or at Environmental Health.

Contact this office at the number noted above, during normal days of business to request a re-inspection, or if you have any questions.

If you are calling after 5:00 pm or on weekends, leave a message at (714) 433-6418 and an inspector/on call staff will call you back at their earliest convenience. Please make after hour request calls before 8:00 pm. The afterhours overtime rate through June 30, 2019 is \$45.75 per quarter hour, or fraction thereof; time charged includes all travel time.

The CLOSED notification seal was issued this date.

REASON FOR CLOSURE: Rodent activity in critical areas

Prior to scheduling a re-inspection ensure to complete the following:

- 1) Eliminate all evidence of rodent activity.
- 2) Clean and sanitize all multi-use utensils, food preparation areas, food contact surfaces, and all non-food contact surfaces.
- 3) Seal all cracks/holes/crevices greater than 1/4 inch (refer to violation FM44).

Contact this agency once all of the above have been completed.

Violation Description: If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409)

53. VOLUNTARY CONDEMNATION & DESTRUCTION (VC&D)

Inspector Comments: The following food items were voluntarily condemned and destroyed:

- 1) Ham crossiant - 1 lb
- 2) Buttercream cake - 3 lbs

Violation Description: Food, equipment, or utensils that are found to be unsanitary or in disrepair may be Voluntarily Condemned and Destroyed by the person in charge. (111890, 111895)



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SIGNATURE(S) OF ACKNOWLEDGEMENT

It was agreed that a copy of this report will be sent to the e-mail address provided. The person in charge was directed to call this office if the report is not received within 2 business days. Additional information can be found at <http://www.ochealthinfo.com/eh/>.

NAME: A. Leung
TITLE: Person in charge

Signing for the receipt of the above report is not an admission of the facts of the violations set forth herein.

INSPECTOR:

L NIEVES, REHS
ENVIRONMENTAL HEALTH SPEC III
(714) 824-9891
lnieves@ochca.com

Did you know that effective January 1, 2018, the California Health and Safety Code was amended to make it easier for food facilities to donate food? Please consider donating your excess food/product to a local food bank, pantry, or soup kitchen. As a good faith food donor, you are protected from civil and criminal liability if the food product later causes harm to its recipient, unless the injury is a direct result of your gross negligence or intentional misconduct in the preparation or handling of the donated food. See Section 1714.25 of the Civil Code and Sections 114432 to 114434, inclusive, of the Health and Safety Code. For more information, please visit ocfoodinfo.com or wastenotoc.org.