



REGULATORY/MEDICAL HEALTH SERVICES  
ENVIRONMENTAL HEALTH

**RETAIL FOOD FACILITY INSPECTION REPORT**

FACILITY NAME <b>FRESH DONUTS</b>		FACILITY ADDRESS <b>940 S HARBOR BLVD, SANTA ANA, CA 92704</b>			
MAILING ADDRESS <b>940 S HARBOR BLVD SANTA ANA, CA 92704</b>			IDENTIFIER <b>None</b>		
C/O - OWNER <b>CARELY THU</b>			RESULT <b>CLOSED</b>		
FACILITY ID <b>FA0002901</b>	RELATED ID <b>PR0002901</b>	SERVICE: <b>A01 - ROUTINE INSPECTION</b>		INSPECTION DATE <b>2/19/2019</b>	
PROGRAM DESCRIPTION <b>0111 - RESTAURANT UNDER 31 PERSONS - NON-COMPLEX</b>		FOOD MANAGER CERTIFICATE / EXPIRATION DATE <b>K. Mop - 5/9/19</b>		REINSPECTION DATE: <b>N/A</b>	

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	DESCRIPTION	COS
●					<b>EMPLOYEE KNOWLEDGE</b> 1. Demonstration of knowledge	
		●			2. Food manager certification; food handler cards	
<b>EMPLOYEE HEALTH &amp; HYGIENIC PRACTICES</b>						
●					3. Communicable disease; reporting, restrictions & exclusions	
●					4. No discharge from eyes, nose, and mouth	
●					5. Proper eating, tasting, drinking or tobacco use	
<b>PREVENTING CONTAMINATION BY HANDS</b>						
●					6. Hands clean and properly washed; gloves used properly	
		●			7. Adequate handwashing facilities supplied & accessible	
<b>TIME AND TEMPERATURE RELATIONSHIPS</b>						
●					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	
					<b>PROTECTION FROM CONTAMINATION</b>	
●					13. Returned and reserve of food	
	●				14. Food in good condition, safe and unadulterated	●
	●				15. Food contact surfaces: clean and sanitized	●
<b>FOOD FROM APPROVED SOURCES</b>						
●					16. Food obtained from approved source	
				●	17. Compliance with shell stock tags, condition, display	
				●	18. Compliance with Gulf Oyster Regulations	
<b>ADDITIONAL CRITICAL RISK FACTORS</b>						
				●	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	DESCRIPTION	COS
	<b>SUPERVISION</b>	
	25. Person in charge present and performs duties	
	26. Personal cleanliness and hair restraints	
<b>GENERAL FOOD SAFETY REQUIREMENTS</b>		
	27. Approved thawing methods used, frozen food	
●	28. Food separated and protected	
	29. Washing fruits and vegetables	
	30. Toxic substances properly identified, stored, used	
<b>FOOD STORAGE/DISPLAY/SERVICE</b>		
●	31. Food storage; food storage containers identified	
	32. Consumer self-service	
	33. Food properly labeled & honestly presented	
	<b>EQUIPMENT/UTENSILS/LINENS</b>	
●	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	
<b>PHYSICAL FACILITIES</b>		
●	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	
	<b>PERMANENT FOOD FACILITIES</b>	
●	45. Floor, walls, ceilings: built, maintained, and clean	
	46. No unapproved private homes/living or sleeping quarters	
<b>SIGNS/REQUIREMENTS</b>		
	47. Signs posted; last inspection report available	
	48. Plan Review	
	49. Health Permit	
<b>COMPLIANCE AND ENFORCEMENT</b>		
●	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. This was a joint inspection with F. Hameed, EHS.

On this day, the food facility was closed due to rodent activity. See FM24, FM31, FM44, FM45, and FM50. Correct all below noted violations prior to calling this agency for re-inspection.

As of June 18, 2018, partially hydrogenated oils (PHOs) are no longer recognized as safe for human consumption by Order of the Food and Drug Administration (FDA). Any food product containing PHOs or trans fats used as a food ingredient must be discontinued and removed from the food facility. Refer to [ocfoodinfo.com](http://ocfoodinfo.com) for further information.

**2. FOOD MANAGER CERTIFICATION; FOOD HANDLER CARDS - MINOR**

Inspector Comments: 1. A valid Food Manager Certificate was not available for review at the time of the inspection. A 14 day off-site re-inspection is scheduled. Please email a copy of the food manager certificate by the 14 day recheck date (03-05-2019). If certificate is not received by this date, an on site re-inspection will be conducted.

2. Food handler cards were not available for any food handler at the food facility. Each food handler shall maintain a valid California Food Handler Card for the duration of his or her employment as a food handler. Cards shall be valid for three years from the date of issuance, regardless of whether the food handler changes employers during that period. (Certified Food Managers are exempted from this requirement.)

Violation Description: There shall be a Food Manager Certificate on the premises for the designated employee that has passed an approved and accredited exam. Food facilities that prepare, handle, or serve non-prepackaged food, shall ensure that all food handlers have an approved food handler card. (113947.1-113947.5, 113948)

**7. ADEQUATE HANDWASHING FACILITIES SUPPLIED & ACCESSIBLE - MINOR**

Inspector Comments:

Single-use paper towels and soap were not available at the front handwash sink. This violation was corrected when a food prep employee supplied paper towels and soap to the handwash sink.

Violation Description: Handwashing facilities must be provided. Handwashing soap and single-use towels or drying device shall be provided in dispensers; dispensers shall be maintained in good repair. Handwashing facilities shall be clean, unobstructed, and accessible. (113953, 113953.1, 113953.2, 114067)

**9. TIME AS A PUBLIC HEALTH CONTROL; PROCEDURES & RECORDS - MINOR**

Inspector Comments:

Observed the ham and cheese croissants at the front counter on a time as a public health control (TPHC) plan, but not marked or otherwise identified. The food was measured at 65 F. The person in charge stated the food had been out of temperature control for less than 1 hour. The discard time was labeled for the croissants to indicate 3 hours remained before discarding.

Violation Description: When time only, rather than time and temperature is used as a public health control, records and documentation must be maintained. (114000)

**Corrected on site**



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**14. FOOD IN GOOD CONDITION, SAFE AND UNADULTERATED - MAJOR**

Inspector Comments:

The ice in the ice maker was adulterated from the grime observed on the ice cooling plate. This violation was corrected when the ice was discarded (also see FM 15 and 53).

Violation Description: Any food is adulterated if it bears or contains an unapproved food or color additive or any poisonous or deleterious substance that may render it impure or injurious to health. No food containing artificial trans fat or partially-hydrogenated oils may be stored, distributed, served, or used in the preparation of any food within a food facility. Potentially hazardous foods in reduced oxygen packaging shall not exceed the "use by" date. (113967, 113976, 113980, 113982, 113988, 113990, 114035, 114041, 114094.5, 114254.3)

**Corrected on site**

**15. FOOD CONTACT SURFACES: CLEAN AND SANITIZED - MAJOR**

Inspector Comments:

1. The ice cooling plate in the interior of the ice maker was observed with grime. This violation was corrected when a food prep employee cleaned and sanitized the ice cooling plate.

2. The donut boxes stored underneath the donut display counter were observed with rodent droppings. This violation was corrected when the donut boxes were discarded (see FM53).

Violation Description: All food contact surfaces of utensils and equipment shall be clean and sanitized. (113984(d), 114097, 114099.1, 114099.4, 114099.6, 114101(b-d), 114105, 114109, 114111, 114113, 114115(a, b, d), 114117, 114125(b), 114141)

**Corrected on site**

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

Inspector Comments:

Rodent droppings were observed at the following locations:

- counter space beneath the front donut display counter
- storage shelf right of the icing station
- behind and underneath the icing station
- behind and underneath the donut preparation table

A thorough inspection for vermin activity was conducted. No further evidence was observed. Per the food prep employee, the food facility is on a monthly pest control.

Eliminate the infestation/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 (also see FM 34 and 45). 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)

**28. FOOD SEPARATED AND PROTECTED - OUT OF COMPLIANCE**

Inspector Comments:

The milk and orange containers were observed open and unprotected, identified in the cooler near the front counter. Provide sanitary, non-absorbent and approved coverings on all open food containers except when in use.

Violation Description: All food shall be separated and protected from contamination. (113980, 113984, 113986, 114060, 114067, 114077, 114073, 114143)



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

Inspector Comments:

1. The food storage containers under the donut preparation table were unidentified. Working containers holding food or food ingredients that are removed from their original packages for use in the food facility, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar, shall be identified with the common name of the food, except containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.

2. A unlabeled spray container of water was stored under the oven in the food prep area. Working containers holding food or food ingredients that are removed from their original packages for use in the food facility shall be identified with the common name of the food.

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])

**34. NONFOOD-CONTACT SURFACES CLEAN - OUT OF COMPLIANCE**

Inspector Comments:

1. Clean to remove the accumulation of food debris, grime, and residue observed at the following locations:

- counter-top beneath the microwave
- counter-top beneath the fruit cooler

2. Clean and sanitize the following areas observed with rodent droppings:

- counter space beneath the front donut display counter
- storage shelf to the right of the icing station

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

**38. ADEQUATE VENTILATION AND LIGHTING; DESIGNATED AREAS, USE - OUT OF COMPLIANCE**

Inspector Comments:

Replace the light shield for the light bulb above the donut preparation table.

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. 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, 114149.1, 114149.2, 114149.3, 114252, 114252.1)

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

Inspector Comments:

Although sanitizer buckets were set up, multi-use wiping cloths were observed stored outside of the bucket. Discontinue holding multi-use wiping cloths outside of the sanitizer solution between uses. Store wiping cloths in an approved sanitizer solution (e.g., 100 ppm chlorine, 200 ppm quaternary ammonium or 25 ppm iodine) between uses, or provide a clean cloth for each use.

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])



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**41. PLUMBING; PROPER BACKFLOW DEVICES - OUT OF COMPLIANCE**

Inspector Comments:

An air gap was not observed for the floor sink under the 2-compartment sink. Maintain an air gap of at least one inch or twice the diameter of the water supply inlet, between the drainage pipe and rim of the floor sink.

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:

1. Observed the trash dumpster receptacle to be uncovered. Maintain the trash dumpster closed at all times.
2. Observed an accumulation of trash and debris on the ground around the refuse area.

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. The front door was open for the duration of the inspection. Keep the front door closed at all times to prevent the entry of vermin.
2. Observed the air curtain at the rear door disconnected. Repair or reconnect the air curtain so that it automatically activates as necessary to prevent flying pests from entering the facility.
3. Personal employee belongings were identified at the following:
  - jacket in cabinet space to the right of the ice cream station
  - lunch/food in cooler next to water heater
 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.
4. Seal the holes observed at the following locations to prevent the entry and harborage of vermin:
  - on the wall behind and on the left side of the donut preparation table
  - surrounding the electrical socket to the right of the donut preparation table
  - multiple areas near the base coving in the electrical room
  - ceiling panel above water heater
  - ceiling panel above the 2-compartment sink
  - ceiling panel above donut display counter
  - ceiling panels above the consumer seating area near the entrance
  - in the floor in front of the ice cream station

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:

1. The following wall locations were observed with holes and/or in disrepair:

- behind and on the left side of the donut preparation table
- the electrical socket on the right side of the donut preparation table
- multiple areas near the base coving in the electrical room

2. Repair/seal the drop ceiling panels observed in disrepair at the following locations:

- above water heater
- above the 2-compartment sink
- above donut display counter
- consumer seating area near the entrance

3. Clean the floors to remove the accumulation of food debris, residue, dust, and rodent droppings observed at the following:

- underneath the cold top unit
- underneath the ice maker
- underneath the "Maximum" freezer in the food prep area
- underneath the coffee table
- underneath the icing station
- underneath the donut preparation table

4. Repair/seal the hole observed in the floor in front of the ice cream station.

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.

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: 1) Less than 1 pound of ice was discarded.

2) Approximately 10 empty donut boxes were discarded.

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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**NOTES**

On this day, the most current "Food for Thought" bulletin was provided.

**SIGNATURE(S) OF ACKNOWLEDGEMENT**

A copy of this report was left at the facility on this date. Additional information can be found at <http://www.ochealthinfo.com/eh/>.

NAME: H. TRAN  
TITLE: Helper

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

INSPECTOR:

M RAYMOND  
ENVIRONMENTAL HEALTH SPECIALIST  
(714) 955-1376  
MRAYMOND@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](http://ocfoodinfo.com) or [wastenotoc.org](http://wastenotoc.org).