



REGULATORY/MEDICAL HEALTH SERVICES  
ENVIRONMENTAL HEALTH

FACILITY NAME <b>La Aguila Market</b>		FACILITY ADDRESS <b>821 E. COMMONWEALTH AVE , FULLERTON, CA 92831</b>	
MAILING ADDRESS		IDENTIFIER <b>None</b>	
C/O - OWNER		RESULT <b>CLOSED</b>	
FACILITY ID <b>Not Specified</b>	RELATED ID <b>SRMPQAIII</b>	SERVICE: <b>A01 - ROUTINE INSPECTION</b>	INSPECTION DATE <b>11/18/2019</b>
PROGRAM DESCRIPTION <b>0307 - FOOD MARKET W/ 2+ PREP AREAS 6000-29999 SQ FT</b>		FOOD MANAGER CERTIFICATE / EXPIRATION DATE <b>60 day grace period - see opening</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	EMPLOYEE KNOWLEDGE	COS
		●			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	

IN	MAJ	MIN	N/A	N/O	PROTECTION FROM CONTAMINATION	COS
●					13. Returned and reservice 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	SUPERVISION	COS
	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	

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	
<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	

OUT	PERMANENT FOOD FACILITIES	COS
●	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**

1. The health permit was suspended this date for evidence of rodent activity. See FM24 and FM50. Correct all violations noted on this report and pay permit fees prior to contacting this agency to schedule a reinspection.

2. The purpose of this visit is to conduct a routine inspection due to a change of ownership.

First Date of Operation: 11-8-19  
Previous DBA: Viva Villa  
Previous Owner: CCYS Fresh Market Inc

You have been conditionally approved to operate pending submission of a completed Application for Health Permit, supporting ownership documents. The conditional permit was suspended this date for evidence of rodent activity and full payment in the amount of \$1776.00 prior to requesting a reinspection for permit reinstatement.

3. A 60-day grace period for providing a food safety certificate applies due to change of ownership. Provide a food manager certificate within 60 days of opening business. Email a copy of the certificate to sdunvan@ochca.com by 1-8-20.

If no documentation is received, on-site reinspections will be conducted until compliance is verified.

**1. DEMONSTRATION OF KNOWLEDGE - MINOR**

Inspector Comments: Employees were not knowledgeable about cooling procedures, holding/reheating temperatures or thermometer use. See ocfodinfo.com for copies of Sanitation Manuals in English & train employees.

Violation Description: All food employees, including the person in charge, shall have adequate knowledge of and be trained in food safety as it relates to their assigned duties. (113947)

**10. PROPER COOLING METHODS - MAJOR**

Inspector Comments: 1. Two deep containers of cooked beans were stored in the walk-in cooler and beans at the center of the containers were measured at 48F.

2. One covered container of cooked rice was stored in the front prep area glass door reach-in cooler and rice was measured at 47-49F.

Per person-in-charge (PIC) both foods were cooked the previous day (> 6 hours prior). No rapid cooling methods or temperature monitoring was taking place.

Rapidly cool food to 41F within allowable time limits as noted below. Train all employees.

Violation Description: All potentially hazardous foods shall be RAPIDLY cooled from 135°F to 41°F within 6 hours. During this time, the food shall decrease from 135°F to 70°F within 2 hours. Cooling shall be accomplished by using one or more of the following methods: placing in shallow pans, separating into smaller portions, using rapid cooling equipment, using ice, or other approved methods. (114002, 114002.1)

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

Inspector Comments: Observed an old, dried food residue accumulation on blade of the table mounted can opener in the small prep room behind the taqueria. Remove food residues and wash/rinse/sanitize food contact surfaces after use or at least every 4 hours, if used continuously.

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)



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

Inspector Comments: Rodent droppings were observed in the following locations  
- on the floor under storage room racks/stored equipment in the dry storage room by the walk-in cooler.  
- on the floor under customer area display shelves  
- on the floor under produce display equipment in the self-service produce area

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)

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

Inspector Comments: Trays of intact, raw shell eggs were stored above whole produce in the walk-in cooler.  
Store ready-to-eat foods above or separately from raw animal products.

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

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

Inspector Comments: Unapproved pesticide spray was stored in the storage area by the water heater. Remove all such unapproved chemicals from the facility.  
Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used. The use shall be in accordance with the manufacturer's instructions.

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: 1. Boxes of food were stored on the floor under the self-service display equipment. Elevate all food up off the floor onto approved storage racks (e.g. dunnage racks)  
2. Open bulk food containers were stored on the dry storage racks in the taqueria storage room. Seal the bags or transfer food to approved containers with tight fitting lids.

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: Unlabeled, salsa containers were offered for self-service in the customer area.  
Provide labels for all packaged foods. The labels are to be 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 by 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. A restaurant that sells a children's meal shall make the default beverage offered with the meal water, sparkling water, flavored water, unflavored milk, or a nondairy milk alternative with no more than 130 calories. (114087, 114089, 114089.1(a, b), 114090, 114093.1, 114094, 114094.5, 114365.2, 114379, 114379.1, 114379.2, 114379.3; Sherman Food, Drug and Cosmetic Law)



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35. WAREWASHING FACILITIES: INSTALLED, MAINTAINED, USED; TEST STRIPS - OUT OF COMPLIANCE

Inspector Comments: Chlorine sanitizer test strips were not available for use during the time of inspection. Maintain testing equipment and materials in the facility and available for use at all times for the purpose of adequately measuring the types of sanitization methods used in this facility.

Violation Description: 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)

36. EQUIPMENT/UTENSILS - APPROVED; INSTALLED; GOOD REPAIR; CAPACITY - OUT OF COMPLIANCE

Inspector Comments: Repair/replace the shattered and taped up glass door of the meat display case. Maintain equipment in good repair.

Violation Description: All utensils and equipment shall be fully operative and in good repair. All utensils and equipment shall be approved, installed properly, and meet applicable standards. (114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114130.6, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182)

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

Inspector Comments: 1. A bowl was used to scoop salsa from the walk-in cooler bulk salsa container. Use approved dispensing utensils with handles and maintain the handle out of the food.

2. Unapproved cooking equipment/flat top grill was stored in the small exterior patio area. Per new owner, this equipment is used to prepare food on weekends. No such outside food preparation or equipment storage as observed in this area, is allowed. Remove unpermitted cooking equipment. Permitted BBQ set up was discussed and an "Outdoor BBQ" information bulleting was provided for reference.

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. A full service restaurant is to only provide a single-use plastic straw to a consumer when requested. (114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5)

39. THERMOMETERS PROVIDED AND ACCURATE - OUT OF COMPLIANCE

Inspector Comments: A probe thermometer was not available for use during the time of inspection. Provide a readily available, easily readable metal probe thermometer accurate to plus or minus 2øF and with a range of at least 0øF to 220øF.

Violation Description: An accurate, easily readable metal probe thermometer suitable for measuring temperature of food shall be available. 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: 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])

43. TOILET FACILITIES: PROPERLY CONSTRUCTED, SUPPLIED, CLEANED - OUT OF COMPLIANCE

Inspector Comments: The self-closer on the restroom door in the storage room was broken. Reinstall the self-closing device.

Violation Description: 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 where there is onsite consumption of food; with more than 20,000 sq ft.; establishments offering on-site liquor consumption. (114250, 114250.1, 114276)



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

Inspector Comments: VERMIN PROOFING

1. Seal the large gaps under the front entrance double doors in an approved manner.
2. Seal the gap at the corner of the rear delivery door in an approved manner.

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

PREMISES

Observed a large accumulation of unused equipment, equipment parts, boxes etc in the storage areas rendering areas not readily accessible for cleaning/pest control and providing potential vermin harborage areas. Remove all clutter and organize all areas of the facility.

Remove all items from the facility which are unnecessary to the operation or maintenance of the facility.

PERSONAL ITEMS

Personal beverages, phones, clothing were stored on storage racks, prep tables throughout the rear utensil sink room.

Discontinue storing employee beverages and/or food in food prep and storage areas. Closed beverages may be stored in an approved manner to prevent contamination. Instruct employees to only eat and drink in designated areas away from food and utensils, and to wash their hands thoroughly before returning to work.

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)

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

Inspector Comments: Remove debris and residue accumulations from floor corners and floors under all storage room racks, coolers, display equipment in the self-service area.

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 on this report, during normal days of business to request a re-inspection, or if you have any questions.

To request a reinspection prior to 5:00 pm, please call (714) 433-6000. 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, 2020 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: evidence of 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)

**NOTES**

A current Food For Thought bulletin, Allergy Awareness, Foodborne Illness Prevention and handwashing storyboard were provided.

**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: D. Cuevas  
TITLE: PIC



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

INSPECTOR:

S DUNVAN, REHS  
ENVIRONMENTAL HEALTH SPEC III  
(714) 659-0499  
sdunvan@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).