



REGULATORY/MEDICAL HEALTH SERVICES  
ENVIRONMENTAL HEALTH

**RETAIL FOOD FACILITY INSPECTION REPORT**

FACILITY NAME <b>TORTAS &amp; BIONICOS NICE</b>		FACILITY ADDRESS <b>616 W CHAPMAN AVE, PLACENTIA, CA 92870</b>	
MAILING ADDRESS <b>616 W CHAPMAN AVE PLACENTIA, CA 92870</b>		IDENTIFIER <b>None</b>	
C/O - OWNER <b>SALVADOR BARAJAS</b>		RESULT <b>CLOSED</b>	
FACILITY ID <b>FA0002660</b>	RELATED ID <b>PR0002660</b>	SERVICE: <b>A01 - ROUTINE INSPECTION</b>	INSPECTION DATE <b>3/21/2019</b>
PROGRAM DESCRIPTION <b>0132 - RESTAURANT 31-60 PERSONS - COMPLEX</b>		FOOD MANAGER CERTIFICATE / EXPIRATION DATE <b>J. Barajas, manager, 8/26/2022</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 facility's health permit was suspended for non-functional 3 compartment sink due to a clogged draining system (See FM 15 and FM 50 for details)

A food for thought newsletter and a foodborne illness prevention brochure were provided on this date.

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 fat used as a food ingredient must be discontinued and removed from the food facility. Refer to ocfodinfo.com for further information.

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

Inspector Comments: The 3 compartment sink was non-functional due to a clogged draining system, and the facility was unable to wash utensils using other methods.

Repair and maintain all plumbing and plumbing fixtures fully operative, clean and in good repair so as to prevent potential contamination of food and food contact surface equipment.

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)

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

- Inspector Comments:
1. A chemical spray bottle was observed in the cook's station without a label.
  2. A household use insecticide (Raid) was observed in the chemical storage area.
  3. Several bottles of handsoap and a bottle of Windex were observed being stored in the food storage area.

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. Several food squeeze bottles were observed in the cook's station without labels.
  2. A food shaker was observed in the cook's station without a label.
  3. Containers of food were observed being stored in the walk-in cooler uncovered.
  4. A sugar container was observed in the prep area without a label.

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. Remove the debris from the door handles of the cook's station Turbo Air refrigerator.
  2. Remove the grease from the surface located under the cook's station flat grill.
  3. Remove the grease from the 4 burner stove.

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



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

- Inspector Comments: 1. The cook's station 3 door refrigerator door gasket was observed in disrepair.  
2. The walk-in cooler door gasket was observed in disrepair.  
3. The prep area glass door refrigerator door gasket was observed in disrepair.  
4. A cloth towel was observed being used to line the bottom of a cutting board in the prep area.

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. In the cook's station 3 door refrigerator, a portion cup was observed inside a container of chopped onions. Provide an approved utensil or device for dispensing food product.  
2. Elevate the prep area glass door cooler up on either 6" round metal legs, 4" heavy duty caster wheels, or a dunnage rack to allow thorough and easy cleaning beneath it.  
3. Spoons in the drink station were observed being stored in an upright container with the handles down.  
4. In the prep area, a portion cup was observed inside the salt container. Provide an approved utensil or device for dispensing food product.

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)

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

Inspector Comments: A display thermometer was observed missing from the cook's station 3 door refrigerator.

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 on the prep table at the juice station. 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])

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

Inspector Comments: Provide an air gap of at least one inch between the ice machine discharge pipe and 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)



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

- Inspector Comments: 1. The back door screen was observed in disrepair.  
2. An employee drink was observed being stored on the shelf above the cook's station 3 door refrigerator.

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: 1. Repair the damaged ceiling located in the cook's station.  
2. Repair the damaged ceiling located near the restroom.  
3. Remove the debris from the floor located under the cooking equipment.  
4. Replace the missing floor tiles located in the 3 compartment sink 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 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: Non-functional 3 compartment sink due to a clogged drain system in the facility (SEE FM 15 for details)

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)

### 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.ochalthinfo.com/eh/>.



NAME: J. Barajas  
TITLE: Manager



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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:

K CHENG, REHS  
ENVIRONMENTAL HEALTH SPEC I  
(714) 659-3284  
kcheng@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).