



REGULATORY/MEDICAL HEALTH SERVICES
ENVIRONMENTAL HEALTH

RETAIL FOOD FACILITY INSPECTION REPORT

FACILITY NAME WATERMANS HARBOR		FACILITY ADDRESS 34661 GOLDEN LANTERN ST, DANA POINT, CA 92629	
MAILING ADDRESS 34700 COAST HWY STE 302 CAPISTRANO BEACH, CA 92624		IDENTIFIER RESTAURANT	
C/O - OWNER PACIFIC HARBOR HOSPITALITY GROUP		RESULT CLOSED	
FACILITY ID FA0010403	RELATED ID PR0010403	SERVICE: A01 - ROUTINE INSPECTION	INSPECTION DATE 3/6/2019
PROGRAM DESCRIPTION 0136 - RESTAURANT 201+ PERSONS - COMPLEX		FOOD MANAGER CERTIFICATE / EXPIRATION DATE T. Jacobo 02/03/23	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.

IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE

REASON FOR CLOSURE: Cockroach infestation in critical areas. See details in FM24.

1. DEMONSTRATION OF KNOWLEDGE - MINOR

Inspector Comments: Employees were not knowledgeable in the following food safety topics: proper hot and cold holding of potential hazardous food, cleaning/sanitizing food contact surfaces, and manual warewashing of multi use utensils or equipment. Education on these topics was provided to the 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)

8. PROPER HOT AND COLD HOLDING TEMPERATURES - MAJOR

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

1. Open milk container on top of an ice container at 63F. The person in charge (PIC) stated that the milk had been held for less than 3 hours. The PIC relocated the milk into the walk in cooler for rapid cooling to 41F or below.
2. Batter for raw fish in deep fryer stored on ice at 58F. The employee stated that the food had been held for less than 2 hours. The employee added more ice around the food container for rapid cooling to 41F or below.
3. In the table warmer, the following foods were double stacked:
 - * Mariana sauce at 119F.
 - * Lobster sauce at 128F.
 - * Beef broth at 112F.
 - * Beef sauce at 129F.

The employee stated that the food had been held for more than 4 hours. This violation was corrected by the employee discarding all the foods in the trash bin (see FM53).

Temp logs were discussed and provided to the person in charge, T. Jacobo. He agrees to implement the temp logs to prevent this violation in the future.

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

15. FOOD CONTACT SURFACES: CLEAN AND SANITIZED - MINOR

Inspector Comments: Observed an accumulation of old food debris and/or grime on the blade of the table mounted can opener. This can opener was not in use at the time of inspection. However, equipment and utensils that are not currently in use are not clean to sight and touch. This is a repeat violation.

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: Observed the following:

1. Multiple fruit flies in the cabinet under the soda fountain in the kitchen. Eliminate the activity of flies from the food facility by using only approved methods. Remove all evidence of the activity 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.

2. Cockroaches in different life stages in the following critical areas:

- * 4 dead adult German roaches under the prep cooler in the Pantry/Salad station.
- * 2 dead adult American roaches in the drain gutter by the entrance to the warewashing area.
- * 1 dead nymph American roach under the deep fryer in the cook's line.
- * Multi dead roaches in different life stages in soiled stagnant water in the wall by the entrance to the warewashing area. The wall has been in the repairing process and left open (without coving tiles) since the last routine inspection on 10/22/18.
- * 1 dead adult and 1 dead nymph German roaches on the Gorilla black tape used to hold the wall in the prep area before the warewashing area. The wall has been in the repairing process and left open (without coving tiles) since the last routine inspection on 10/22/18.
- * 1 dead adult German roach behind the ice machine in the warewashing area.
- * 1 dead adult German roach behind the cleaning racks next to the ice machine.
- * 4 dead adult German roaches under the rack for soda syrup and supplies in the upstairs food storage area.
- * 1 dead adult German roach in the gap between cove tiles under the meat slicer in the upstairs food storage area.
- * 2 dead adult German roaches under the prep cooler in the upstairs food storage area.
- * 2 dead adult German roaches under the reach in cooler in the upstairs food storage area.
- * Multi live German roaches in the gap between cove tiles and the wall next to the prep cooler in the upstairs food storage area.
- * 1 dead American roach under the rack in the upstairs liquor room.

Eliminate the infestation of cockroaches 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: Observed raw beef stored above raw tuna and ice cream in the upright freezer before the Produce 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)

34. NONFOOD-CONTACT SURFACES CLEAN - OUT OF COMPLIANCE

Inspector Comments: Observed an accumulation of dust on fan covers in all walk in coolers. Regularly clean the fan covers.

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: Observed the following:

1. An accumulation of food grease on casters of cooking equipment in the cook's line and in the prep station. Clean all the casters.
2. Milk crates used as shelving in the area before the Produce walk in cooler. Discontinue re-using unapproved containers, (i.e. single-use cans, styrofoam cups, crates, cardboard boxes, plastic grocery bags). Equipment and utensils must be commercial grade and approved by ANSI, or another testing company certified by American National Standards Institute or by this Agency.

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: Observed the following:

1. Scoops for mash potatoes and rice stored in water at 120F.
2. In-use tongs hang on the handles of the ovens in the cook's line.
For #1 and #2, store in-use utensils that are used with potentially hazardous food in a sanitary container and clean the utensils at least every four hours, or in a container of water if the water is maintained at a temperature of at least 135F, or in running water of sufficient velocity to flush particulates to the drain if used with moist food such as ice cream or mashed potatoes.
3. Ice scoops stored on top of the ice machine in the upstairs food storage area. Store the ice scoop in a sanitary, cleanable container or inside the ice machine/bin in a manner that does not allow the handle to come into contact with the ice. Clean the scoop regularly.

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)

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

Inspector Comments: Observed the following:

1. Cleaning equipment stored next to syrup containers in the soda rack. Store janitorial equipment and supplies in a room, area or cabinet separated from any food preparation or storage area, or utensil washing or storage area.
2. Employee's jacket and bag stored on top of liquor bottles in the downstairs bar. 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 CEILINGS: BUILT, MAINTAINED, AND CLEAN - OUT OF COMPLIANCE

Inspector Comments: Observed the following:

1. The wall and base coving by the entrance to the back prepping/warewashing area and behind the prep sink to be missing. Repair the wall and provide an integrally designed base coving with a 3/8-inch radius at the juncture of the floor and wall. The coving must extend up the wall at least 4 inches.

2. An accumulation of soiled water and dead roaches in the opening walls mentioned above. Clean the floor/walls before repair the wall and/or install cove tiles.

3. An accumulation of food grease and/or derbis on the following:

- * Under the prep table in the prep station, especially in the corner.
- * Under racks in the upstairs liquor room.

Thoroughly clean and maintain all floors in a clean and sanitary manner.

4. Flooring and wall to be in disrepair (i.e. broken/missing cove tiles, gaps between cove tiles and walls, and holes in the walls) in the following locations:

- * Under the prep cooler at the end of the cook's line to be missing.
- * On the right side of the Meat walk in cooler's door.
- * In the wall before the janitorial room.
- * Around the mop sink in the janitorial room.
- * Under the plumbing structure in the area before the Produce walk in cooler.
- * By the rear door.
- * In the corner under the meat slicer in the upstairs food storage area.
- * Next to the prep cooler in the upstairs food storage area.

Provide cove tiles and repair the wall to have a smooth surface. Seal any gaps/holes in the wall or between the cove tiles and the walls to eliminate vermin (including insects) harborage.

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: Cockroach infestation in critical areas. See FM24 for details.

Prior to calling for a reinspection correct all of the following items:

1. Eliminate all dead/live cockroaches by approved methods (refer to FM24).
2. Remove all excess clutter and cardboard from the facility, as well as personal belongings to allow for effective pest control service and to prevent future harborage of cockroaches and other vermin.
3. Have your pest control receipt available for review by the Environmental Health Specialist responding to your request for reinspection. Without proof that it is safe for the Specialist to enter your facility the reinspection will not occur.
4. Enter your facility only after it is safe to do so. Clean and sanitize all food contact surfaces that were exposed to the spotting, live or dead cockroaches, and pesticides.
5. Eliminate harborage points/areas completely (refer to FM45). Correct all violations described in FM45.
6. Correct all other violations in the routine inspection report.

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)



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53. VOLUNTARY CONDEMNATION & DESTRUCTION (VC&D)

Inspector Comments: The employee discarded the following foods in the trash bin (refer to FM08):

1. 1/2 qt of Mariana sauce at 119F.
2. 1 qt of Lobster sauce at 128F.
3. 1 qt of Beef broth at 112F.
4. 1/2 qt of Beef sauce at 129F.

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)

NOTES

Permit verification form was verified by the Manager. Changes will be processed.

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 ocfoodinfo.com for further information.

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.ochca.com/eh/>.

NAME: T. Jacobo
TITLE: General Manager

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

INSPECTOR:

N LE
ENVIRONMENTAL HEALTH SPEC I
(714) 714-2394
NLe@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.