

# **Ventura County Grand Jury 2008 - 2009**



## **Final Report**

### **Is Your Favorite Restaurant Clean?**

**Date Issued  
June 23, 2009**

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## **Is Your Favorite Restaurant Clean?**

"The results of our grading system in Los Angeles have been very positive, with improved restaurant sanitary practices, reduced rates of severe food-borne illness, and high consumer confidence in this key public health regulatory system."

- Dr. Jonathan Fielding  
Director of Public Health, Los Angeles County

### **Summary**

The 2008-2009 Ventura County Grand Jury (Grand Jury) believes that the dining public would like to know the sanitary condition of the restaurants they patronize. All restaurants in Ventura County (County) are inspected by a competent, well-trained Environmental Health Specialist (EHS). Inspected restaurants receive a placard that states they have passed state requirements.

The Grand Jury chose to investigate the Food Protection Program under the Environmental Health Division (EHD), to determine both the efficacy of the inspection process and the adequacy of public notification. The Grand Jury found that the EHD does a professional and competent job of inspecting restaurants, but the public notification process provides little information on the condition of the restaurants, other than that they have passed.

Some routine restaurant inspections find sufficient violations to require a re-inspection, but not serious enough to warrant closure. Nevertheless, the same "passed" placard is issued. Information that a re-inspection is required is not available to the public until after the re-inspection, and then only on the EHD website. With the present pass/fail system, there is no way for the public to identify restaurants that exceed the State standards.

Research data has shown that food-borne illnesses decrease with the implementation of a numeric-based performance/incentive/graded system. Data also shows that when restaurants are graded, managers have an incentive to be proactive with sanitary procedures. Surveys have shown that patrons prefer restaurants that receive a higher grade.

The Grand Jury recommends that the County develop and implement a numeric-based performance/incentive/graded system. It is also recommended that the EHD require the placard be visible from the outside of the restaurant at the main entrance.

The Grand Jury recommends that the EHD stop issuing "passed" placards to restaurants that require a re-inspection and substitute a "conditional" placard until they have passed a re-inspection.

The Grand Jury also recommends that the EHD thoroughly review its operating procedures and inspection districts to determine if greater efficiencies can be obtained.

## **Background**

The California Health and Safety Code, Division 104, Environmental Health Part 7, California State Retail Food Code (Cal Code) mandates sanitary inspections for all food providers [Ref-01]. The code is specific on requirements that must be met and defines major violations that require food facility closure until corrected. These inspections are normally carried out by each county and, in rare cases, by individual cities in other counties. All inspections in the County are conducted by the EHD.

Restaurant inspections are conducted by EHSs who have met specific educational requirements and who have passed a State certification program in food safety. The County has discretion in such areas as frequency of inspections, methodology used, and informing the public of results. The EHD uses a pass/fail approach with a “passed” inspection placard (Att-01) issued to the restaurant indicating that it has been inspected and has complied with State requirements. The placard also shows the name of the inspector, the date of the inspection, and EHD contact information.

Another type of commonly used rating method is a numeric-based performance/incentive/graded system. The basis of this type of rating system is to assign points to each violation so that a numerical score can be determined. Typically, the points are subtracted from 100 to yield a score that can be displayed on the placard, or converted into indicators, such as, letter grades (A B C), or green light-yellow light-red light.

## **Methodology**

The Grand Jury conducted interviews with all levels of EHD management and staff. Jury members accompanied six different EHSs during their restaurant inspections. The Grand Jury also studied a vast array of literature and research that has been written over the last ten years, and reviewed the relevant policies, procedures, and recent grand jury reports from other counties.

## **Findings**

- F-01.** The County has about 4,700 food providers of which about 1,900 are restaurants. The others consist of grocery stores and retail outlets selling pre-packaged foods, for example.
- F-02.** The EHD restaurant inspection program is funded by the County General Fund; however, these are “revenue offset operations,” in that the fees generated from licensing are adequate to cover all costs of the inspection program. Fees are set annually by the County of Ventura Board of Supervisors (BOS), based on recommendations from the EHD.
- F-03.** The EHD maintains a website ([www.ventura.org/rma/envhealth](http://www.ventura.org/rma/envhealth)) on which it posts summary inspection data. Restaurant closures and re-openings are also posted. Some Grand Jurors found this site difficult to navigate.

- F-04.** There are from between 5 and 90 visits to the above website daily with the normal range between 30 and 40.
- F-05.** There are 18 authorized EHS positions, four of which were filled in 2008; placing the division at full staff. In early 2009, one of the EHSs was promoted, creating a vacancy.
- F-06.** All EHS positions require a college degree in the appropriate sciences and are California State Registered Environmental Health Specialists.
- F-07.** The primary function of the EHS is to ensure that restaurants and other food providers meet the requirements of the Cal Code. [Ref-01]
- F-08.** The average inspection takes one to two hours and only reflects the condition at the time of the inspection.
- F-09.** The BOS has defined a goal of three routine inspections per year for each restaurant. During the last several years, with only 14 EHSs, the EHD has been achieving about one inspection per year per restaurant.
- F-10.** The EHD has not determined whether 18 EHSs are sufficient to achieve three routine restaurant inspections per year. The EHD stated that it will re-evaluate its staffing needs after a year of experience with full staff.
- F-11.** Each EHS has a defined region to cover, typically working a two-week 80-hour schedule, nine out of ten days.
- F-12.** EHSs start their day at the Government Center to complete various office activities prior to picking up their County car and proceeding to their region for inspections. The car is returned at the end of each day.
- F-13.** EHSs are also responsible for enforcement of the California Sherman Act. This law requires menu accuracy and other similar items. The EHD stated that this is a low priority activity and enforcement is usually reactive in response to citizen complaints or a blatant violation.
- F-14.** Cal Code requires that food served in public establishments must be obtained from approved sources. Ensuring compliance with this law is also part of the EHS's responsibilities.
- F-15.** EHSs are also responsible for public swimming pool inspections.
- F-16.** In 2008, there were 2,551 routine restaurant inspections, 1,354 restaurant re-inspections, and approximately 100 closures.
- F-17.** Quarterly data on restaurant inspections from the last five years shows a consistent pattern of about 40% re-inspections and 4% closures.
- F-18.** Inspection frequencies are variable and unannounced.
- F-19.** The County uses a pass/fail system for restaurant inspections and, except for closures, issues a "passed" placard that identifies the date of inspection, and the name of the inspector. The placard also shows the EHD website where inspection results are available and the EHD phone number. (Att-01)

- F-20.** Placards must be posted in public view within the establishment and inspection results must be made available, if requested.
- F-21.** The County's re-inspection procedures and protocol are:
- restaurants subject to closure will be re-inspected as soon as the problem is corrected; most closures last less than two days
  - when there are a number of violations, but not enough to warrant immediate closure, a re-inspection is scheduled with instructions of what must be done to bring the restaurant back into compliance
  - a "passed" placard is issued with no indication that a re-inspection is required
  - if a second re-inspection is still unsatisfactory, a letter is sent strongly delineating what must be done
  - non-compliance after a third re-inspection results in a hearing and possible closure
  - a "passed" placard remains in place throughout this process
- F-22.** The EHD does not currently assign numeric values (points) to the various elements of the inspection process.
- F-23.** The EHD uses the Envision System from Decade Software for restaurant inspections. This software will support a point value system.
- F-24.** The EHD is in the process of assigning numeric scores for specific violations. This is planned to be completed by September 2009.
- F-25.** Each EHS uses a laptop computer to input observations during inspections and print out the results on site for review with the owner or manager. This information is later uploaded to the Envision System on the EHD server.
- F-26.** The EHD plans major Envision System upgrades, estimated by June 2009. This will give EHSs wireless capability to connect to the EHD server from the field.
- F-27.** Public complaints regarding a restaurant's sanitary condition result in an immediate investigation by EHD.
- F-28.** During a Grand Jury inspection observation, it was noted that a number of adjacent restaurants were in different inspection districts.
- F-29.** Cal Code requires that each food establishment have one employee or the owner be certified in food handling and sanitation. [Ref-01]
- F-30.** The County may impose more stringent standards than Cal Code requires; each city in the County may accept or reject the more stringent requirements.
- F-31.** Fifteen cities in Los Angeles County (L.A. County) did not initially adopt the "A B C" grading system when instituted in 1998. Currently, all of these cities have adopted this grading system.

- F-32.** After the initiation of the grading system, the L.A. County Department of Public Health (DPH) reported a 13% decrease in hospital admissions for food-borne illness. State-wide levels remained constant during the same time frame (1993-2000). [Ref-02]
- F-33.** The most common causes of food-borne illness in restaurants are: [Ref-03]
- poor personal hygiene (hand washing, etc.)
  - contaminated equipment (utensils, prep surfaces, etc.)
  - inadequate cooking
  - improper holding temperature
  - food from unsafe sources
- F-34.** Many counties in California and other parts of the country have adopted rating systems using numerical scoring on the basic elements of the inspection requirements. [Ref-03 through Ref-05]
- F-35.** While L.A. County's grading system has been used as a model for many jurisdictions, other variations and approaches are used to establish ratings or awards of excellence. [Ref-03]
- F-36.** In the last few years, numerous studies have been conducted about the effect of rating systems on restaurant sanitation. A recent study by the Center for Science in the Public Interest (CSPI) was issued in August 2008. All of these studies concluded that restaurants are cleaner and that there are health benefits to the public attributable to restaurant grading systems. [Ref-03, Ref-05]
- F-37.** In January 2008, the DPH issued a ten-year status review of its grading system to the L.A. County Board of Supervisors. This report concluded that public health had improved, public information on restaurant conditions was improved, and most importantly, restaurants were cleaner. [Ref-02]
- F-38.** The DPH has also noted that, as a result of the grading system, restaurants shifted from a reactive approach to violations to a proactive approach in order to achieve higher grades. [Ref-02]
- F-39.** Economists Leslie and Jin reported in 2003, in the *Quarterly Journal of Economics*, that incentives work. Grading systems forced restaurants to improve because lower-graded establishments lost business while the highest-graded places gained customers.
- F-40.** In San Diego County, EHSs issue a *Self-inspection Checklist* to each restaurant as part of the routine inspection procedure. (Att-02)
- F-41.** A random survey conducted by the DPH in 2001 showed that over 91% of the 2,000 respondents liked and used the grading system. A follow up survey of 8,600 respondents in 2005 showed similar results. A national survey in 2007 conducted by the CSPI showed comparable results. [Ref-02, Ref-03]

## **Conclusions**

- C-01.** No system of restaurant inspections is of any value unless it is properly staffed with EHSs who are competent, properly educated, and motivated. The Grand Jury concludes that the Ventura County EHD meets these criteria. (F-05, F-06)
- C-02.** The ultimate responsibility for restaurant food safety rests with the management of the establishment; they must ensure employees are properly trained and follow the highest food safety standards at all times. (F-08, F-29)
- C-03.** The first priority of the EHD is to ensure that restaurants and other food providers throughout the County are sanitary and safe for the dining public. (F-07)
- C-04.** The pass/fail system used by the EHD ensures an acceptable level of sanitation is achieved to meet State requirements. Meeting State minimum requirements, by definition, means the restaurant is safe for the dining public. (F-07, F-13, F-14)
- C-05.** Grading systems provide incentives for a restaurant to maintain more than the minimum level of sanitation; the pass/fail system does not. (F-19, F-39)
- C-06.** The Grand Jury agrees with most professionals in this field, that a cleaner more hygienic environment benefits the public. (F-36)
- C-07.** The Grand Jury concludes that the EHD's second priority should be consumer notification of actual restaurant sanitary conditions. The EHD needs to improve in this area. (F-19 through F-21)
- C-08.** The EHD website does not provide a sufficiently clear, easy, and direct path to restaurant inspection information. (F-03, F-04)
- C-09.** The placard is the consumer's primary source of information concerning a restaurant's most recent inspection. (F-19, F-20)
- C-10.** The dining public would be better served if the County had a system that incentivizes restaurants to shift to a proactive stance on sanitation. (F-37 through F-39)
- C-11.** Adding numerical scoring to the EHDs basic inspection procedures for restaurants will provide the department metrics with which it can determine trends and track past performance. The Envision software program used by the EHD fully supports adding numerical scoring. (F-34)
- C-12.** The planned upgrade to a wireless connection of the laptop computer can reduce the number of required visits to the County Government Center. It is inefficient to have all EHSs report daily to the Government Center for their assignments and to pick up their County vehicles. (F-26)
- C-13.** A review of the recently redrawn inspection district boundaries may yield additional efficiencies. (F-28)



- C-14.** The dining public will be better served if, prior to entering a restaurant, they could see a placard that gives them more definitive information on the sanitary condition as of the last inspection. ( F-37 through F-39)
- C-15.** The EHD has the tools to develop an incentive/performance/graded rating system. (F-23)
- C-16.** It would be beneficial for EHSs to issue self-inspection checklists to restaurants, similar to the ones used in San Diego County. (F-40)

## **Recommendations**

- R-01.** The Grand Jury recommends that the BOS direct the EHD to require and enforce placard placement at the main entrance of the restaurant and that the placard be visible from the outside. (C-07, C-09, C-14)
- R-02.** A “conditional” placard should be issued when a re-inspection is required. (C-07, C-09, C-14)
- R-03.** The EHD should add numerical scoring to their inspection process. (C-11)
- R-04.** The EHD should develop and issue a self-inspection checklist to all restaurants as part of the inspection process. (C-16)
- R-05.** The EHD should thoroughly review its operating procedures and inspection districts to determine whether greater efficiencies could be achieved. (C-12, C-13)
- R-06.** The EHD should reduce the requirement to have the EHSs report daily to the Government Center. (C-12)
- R-07.** The EHD should revise its website to make it easier for the public to find restaurant inspection information. (C-08)
- R-08.** The Grand Jury recommends that the BOS direct the EHD to develop and implement a performance/incentive/graded system, such as the “A B C” system, tailored specifically for County restaurants. The BOS should draft a sample ordinance, for the 10 cities, to facilitate adoption of the new system. (C-03, C-04, C-10)

## **Responses**

### Responses Required From:

Board of Supervisors, County of Ventura (R-01, R-02, R-08)

### Responses Requested From:

Resource Management Agency, County of Ventura (R-01 through R-08)

### Responses Accepted From:

City Council, City of Thousand Oaks (R-08)

City Council, City of Simi Valley (R-08)

City Council, City of Moorpark (R-08)

City Council, City of Camarillo (R-08)  
City Council, City of Port Hueneme (R-08)  
City Council, City of Oxnard (R-08)  
City Council, City of Ventura (R-08)  
City Council, City of Fillmore (R-08)  
City Council, City of Santa Paula (R-08)  
City Council, City of Ojai (R-08)

## **Commendations**

The Grand Jury commends the staff and management of the Environmental Health Department for their professional dedication and the excellent job they perform for the people of Ventura County. They were helpful and fully cooperative throughout this investigation.

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- Ref-02.** *10 Year Anniversary of Restaurant and Food Facility Grading Program*, Report to the Board of Supervisors, County of Los Angeles, Dept. of Public Health, January 28, 2008  
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[www.cspinet.org/dirtydining/HospitalizationsStudy.pdf](http://www.cspinet.org/dirtydining/HospitalizationsStudy.pdf)
- Ref-05.** *Restaurant Inspections-What no one is telling you*, 2007-2008 Orange County Grand Jury Report
- Ref-06.** Hatfield, T., *Grading systems for retail food facilities: Preference reversals of environmental health professionals*, Journal of Environmental Health, June 2002
- Ref-07.** *Can dirty restaurants make the grade?*, Good Morning America, ABC News, August 8, 2008

## **Attachments**

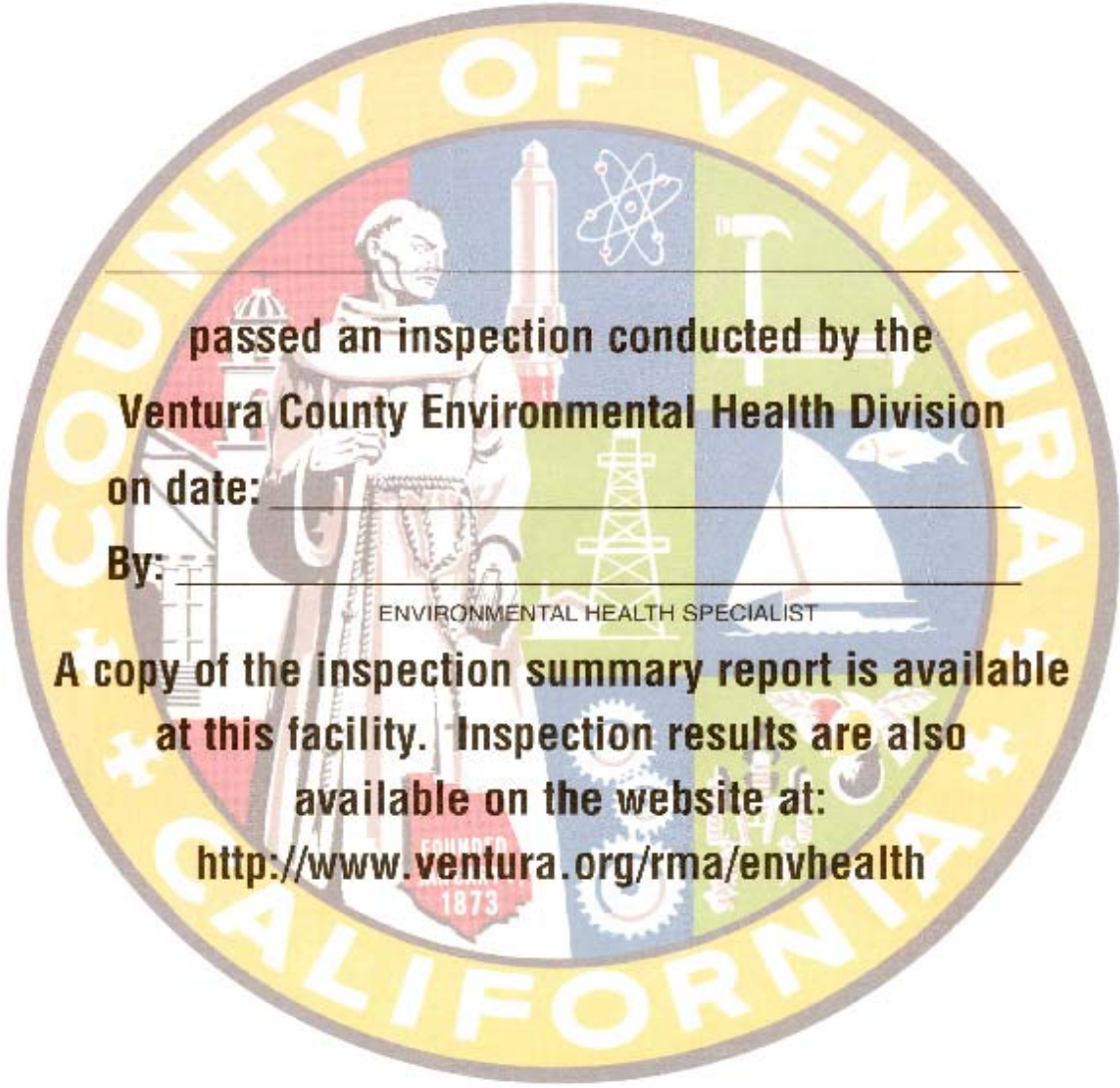
- Att-01.** Ventura County EHD Restaurant Inspection “Passed” Placard
- Att-02.** County of San Diego, Department of Environmental Health, Food and Housing Division, Food Facility Self-Inspection Checklist

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**Attachment - 01**

**Ventura County EHD Restaurant Inspection “Passed” Placard**

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**passed an inspection conducted by the  
Ventura County Environmental Health Division  
on date: \_\_\_\_\_  
By: \_\_\_\_\_  
ENVIRONMENTAL HEALTH SPECIALIST**

**A copy of the inspection summary report is available  
at this facility. Inspection results are also  
available on the website at:  
<http://www.ventura.org/rma/envhealth>**

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## **Attachment – 02**

**County of San Diego, Department of Environmental Health, Food and  
Housing Division, Food Facility Self-Inspection Checklist**

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## Appendix A



**COUNTY OF SAN DIEGO**  
**DEPARTMENT OF ENVIRONMENTAL HEALTH**

FOOD AND HOUSING DIVISION

**FOOD FACILITY**  
**SELF-INSPECTION CHECKLIST**

The items listed below represent the major areas evaluated during a routine food facility inspection. This checklist is designed to assist you, the facility operator in evaluating the condition of your facility between inspections by this department. We suggest that you go through this list, and "check off" those items that you believe are in compliance. Those not checked could be considered a "violation" and should be corrected. We hope this checklist will help you maintain your facility at the highest standards. Please call our main office at 338-2222 if you have any questions.

**FOOD SAFETY**

- ☐ 1. Food is purchased from an approved source (licensed by the county, state, or federal government).
- ☐ 2. Food is inspected and found to be free from contamination, adulteration, and spoilage.
- ☐ 3. Unpackaged foods which have been served or returned from the dining area are discarded.
- ☐ 4. All foods are stored a minimum of 6" off the floor.
- ☐ 5. Restrooms are not used for the storage of food, equipment, or supplies.
- ☐ 6. Adequate protection is provided for all paper products.
- ☐ 7. Food is being protected from dirt, unnecessary handling, over-head leakage, and other forms of contamination.
- ☐ 8. All food storage containers have proper covers and are properly labeled.
- ☐ 9. Foods are dispensed in the self-serve area in an approved manner.
- ☐ 10. The use of sulfites in perishable foods is prohibited.
- ☐ 11. Food products are labeled and stored in non-toxic containers.
- ☐ 12. Raw foods separate from cooked.
- ☐ 13. Shellfish tags kept for 90 days, warning signs posted.

**TEMPERATURE CONTROL**

- ☐ 1. Potentially hazardous foods are maintained below 41°F or above 140°F.
- ☐ 2. A thermometer, accurate to + or -2°F, is provided either as an integral part of the refrigerator (dial outside), or is located inside each unit at its warmest point in a really visible location.
- ☐ 3. An accurate metal probe thermometer or thermo couple, suitable for measuring food temperatures, is readily available and is being used to check food temperatures.
- ☐ 4. Food products are being thawed in one of the following methods only: a) in refrigeration units, b) under cold running, potable water of sufficient velocity flush loose food particles, c) in a microwave oven, d) as part of the cooking process.
- ☐ 5. Frozen food is maintained in a frozen state.
- ☐ 6. Thawed food items are not refrozen unless cooked first.
- ☐ 7. Rapid cooling and reheating procedures used for all perishable foods.

**PERSONNEL**

- ☐ 1. All employees handling unpackaged food or utensils have obtained their Food Handler's Certificate/training and all records are readily available.
- ☐ 2. Employees wash their hands with soap and warm water for any of the following reasons: a) before starting work, b) immediately after using the restroom, c) between tasks, d) any time needed to prevent food contamination.
- ☐ 3. Employees handling food or utensils have no open sores, and are not sick.
- ☐ 4. Employees are wearing clean outer garments.
- ☐ 5. Tongs or other implements are used for handling food products.
- ☐ 6. Hair of employees is properly confined.
- ☐ 7. Employees do not smoke or use tobacco inside the facility.
- ☐ 8. Clothing and personal effects are stored away in a proper manner.

**WATER AND SEWAGE**

- ☐ 1. All sinks are fully operable with hot and cold water under pressure.
- ☐ 2. All sinks drain properly. Floor drains and floor sinks are in good working order/clean.
- ☐ 3. Plumbing is in good repair, not leaking.
- ☐ 4. Cross connection control device in properly installed and in good repair. (Vacuum breakers and back flow preventers)
- ☐ 5. Grease traps are routinely cleaned.

**EQUIPMENT**

DEH:FH-216 (Rev. 6/06)

## Appendix A

- ☐ 1. All equipment (i.e., stoves, grills, refrigerators, tables, sinks, etc.) is clean and well-maintained and food contact surface are properly washed and sanitized.
- ☐ 2. Inoperable equipment has been repaired or replaced (removed from the facility).
- ☐ 3. Only approved equipment is installed in an approved manner & location.

**UTENSILS**

- ☐ 1. Multiservice utensils are being washed by one of the following means only: a) handwashing in an approved three compartment sink (wash-rinse-sanitize), b) chemical sanitizing (dishmachine) conforming to NSF standards, c) high temperature sanitization.
- ☐ 2. Testing materials to adequately test sanitizing methods are readily available and used.
- ☐ 3. All utensils are clean, sanitized and well-maintained.
- ☐ 4. Damaged or unapproved utensils have been repaired or replaced.
- ☐ 5. Utensils are properly protected during storage.

**FLOORS/WALLS/CEILINGS**

- ☐ 1. Floors are clean, well-maintained and in good repair.
- ☐ 2. Walls, ceilings and windows are clean, well-maintained and in good repair.

**TOILET/DRESSING ROOM/HANDWASHING SINKS**

- ☐ 1. Toilet facilities are clean, well-maintained and in good working order.
- ☐ 2. Self-closing doors in toilet and dressing rooms are working properly.
- ☐ 3. Single service soap and towel dispensers above all handwash sinks are operable and full.
- ☐ 4. Toilet tissue dispensers are full.
- ☐ 5. Legible handwashing signs are properly posted.
- ☐ 6. Ventilation is provided in each restroom and is in proper working order.

**LIGHT AND VENTILATION**

- ☐ 1. Adequate lighting and ventilation is provided throughout the facility.
- ☐ 2. Exhaust ventilation filters are clean and well-maintained.
- ☐ 3. Light fixtures have approved safety covers.

**PEST CONTROL**

- ☐ 1. Facility is free from insect and rodent infestations.
- ☐ 2. Live animals, birds, or fowl are not allowed in food prep areas.
- ☐ 3. Outside doors and screen doors are self-closing and closures are in working order.
- ☐ 4. Air curtains are operating properly.
- ☐ 5. Only approved pesticides are used in the proper manner.

**REFUSE**

- ☐ 1. Trash containers are leakproof and covered.
- ☐ 2. Plastic bags are tied before placing in refuse containers.
- ☐ 3. Outside trash bin are clean and in good repair and the lids are closed.
- ☐ 4. Outside premises and refuse areas are clean and well-maintained.

**OPERATION**

- ☐ 1. Hazardous substances (cleaning materials) are properly labeled and stored away from food products.
- ☐ 2. There are no living quarters within the facility.
- ☐ 3. No smoking and first aid signs (choking) are properly posted.
- ☐ 4. Cleaning equipment and soiled linens are properly stored.
- ☐ 5. Returned, damaged, or unlabeled food products are properly stored.
- ☐ 6. Facility has a current Department of Environmental Health Permit to operate and it is conspicuously posted.
- ☐ 7. Grade Card is posted properly.

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