



MORROW COUNTY HEALTH DISTRICT
619 W. Marion Rd., Suite B, Rm. 143, Mt. Gilead, OH 43338
Phone: (419) 947-1545 | Fax: (419) 946-6807
www.morrowcountyhealth.org

Proceedings for 2nd Board of Health Hearing
El Chiquilin, LLC, DBA La Cabanita, 47 S. Main St., Mt. Gilead, OH
May 16, 2022 6:00 pm

Board of Health Hearing Guidelines

1. Board of Health hearings will be scheduled by the Health Commissioner at the request of the Environmental Health Director. More than one such hearing may be scheduled at a meeting.
2. Health department staff will prepare a history of the case which will be provided to the Board of Health and the affected party* during the staff's presentation of evidence.
3. Each hearing is to be recorded or a court stenographer may be utilized. All documents will be numbered and entered as evidence. Witnesses will be sworn in.
4. These are the purposes of Board of Health hearings:
 - a. To present all facts to the Board of Health before a final decision is made.
 - b. To ensure that the rules and regulations of the Board are followed.
 - c. To provide all parties with the opportunity to present witnesses or evidence, question evidence or witnesses, and generally be heard.
 - d. To approve, modify, or disapprove the staff decision from which the affected party may be seeking relief.
5. **The hearing proceedings will follow this format:**
 - a. Opening statement/outline of presentation by Morrow County Health District (MCHD)
 - b. Opening statement/ outline of presentation by La Cabanita
 - c. MCHD's case to be presented in the form of testimony of witnesses; presentation of reports, data, and documentary evidence
 - d. Examination of MCHD's evidence by Board of Health and La Cabanita
 - e. La Cabanita's case to be presented in the form of testimony of witnesses; presentation of reports, data, and documentary evidence.
 - f. Examination of La Cabanita's position by Board of Health and MCHD
 - g. Rebuttal of testimony or evidence by MCHD
 - h. Closing statement by La Cabanita
 - i. Closing statement by MCHD
 - j. Board of Health decision

The affected party* means the person, agent, organization, governmental body, group, corporation, or the like that could be affected by the Board of Health final decision. The affected party could be the proponent in the hearing depending upon the particular circumstances of the hearing.

Proceedings for 2nd Board of Health Hearing: La Cabanita, 47 S. Main St., Mt. Gilead, OH

"Let the record reflect that this hearing is called to order at 6:14 pm on May 16, 2022, at a regular meeting of Morrow County Board of Health, 619 West Marion Road, Mt. Gilead, Ohio. The Board of Health is the licenser for La Cabanita, and will be hearing the evidence in this matter.

The Morrow County Board of Health proposes to suspend license number KHUY-AC2KGH issued to La Cabanita on March 1, 2022. These proceedings are conducted pursuant to Ohio Revised Code Section 3717.49, and Ohio Administrative Code 3701-21-26, which give the licensee the right to appeal the proposed action and to be granted a hearing, to present arguments orally or in writing, and the licensee may be represented by counsel. Cecilia Llamas responded to the Notice of Proposed Board of Health Hearing and License Suspension, by emailing to (Health Commissioner Stephanie Bragg) on May 6, 2022, a photo of a letter that described why the license shouldn't be suspended.

Mr + Mrs. Llamas
I note that {licensee and/or representative(s)} is/are present in the hearing room {with/without counsel}. Mr. + Mrs. Llamas, let me explain our procedures to you. We will begin the hearing with the health department's opening statement and follow with your opening statement, where you'll give a summary of what you'll present to the Board.

Next, the health department will have the opportunity to present evidence on behalf of their position in this matter. Then you will have the opportunity to present evidence. All parties involved in this matter will have an opportunity to present evidence, question witnesses, and examine the evidence presented. The health department will then have an opportunity to respond to what you've presented, and for rebuttal of your case. The hearing will conclude with the closing statements by both parties. At the close of all evidence and cross-examination, the Board will consider the evidence that has been presented. The Board of Health may immediately render a decision to deny, suspend, or revoke license, or render a decision removing or continuing a license suspension.

Should the Board of Health issue an order to suspend or revoke a license, you have the right under Ohio Revised Code Section 3717.49 to appeal that decision with the Morrow County Court of Common Pleas.

Mr. + Mrs. Llamas, do you understand these procedures and your rights regarding these procedures? Let the record reflect Mr. + Mrs. Llamas indicated he/she/they understand(s) his/her/their rights regarding this proceeding."

Section 3717.49 | Licensors may suspend or revoke food service operation license.

Ohio Revised Code / Title 37 Health-Safety-Morals /
Chapter 3717 Retail Food Establishments; Food Service Operations

Effective: November 3, 1999 **Latest Legislation:** House Bill 223 - 123rd General Assembly

(A) A licensor may suspend or revoke a food service operation license on determining that the license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to food service operations, including a violation evidenced by the documented failure to maintain sanitary conditions within the operation.

(B)(1) Except in the case of a violation that presents an immediate danger to the public health, prior to initiating action to suspend or revoke a food service operation license, the licensor shall give the license holder written notice specifying each violation and a reasonable time within which each violation must be corrected to avoid suspension or revocation of the license. The licensor may extend the time specified in the notice for correcting a violation if the license holder is making a good faith effort to correct it.

If the license holder fails to correct the violation in the time granted by the licensor, the licensor may initiate action to suspend or revoke the food service operation license by giving the license holder written notice of the proposed suspension or revocation. The licensor shall include in the notice a description of the procedure for appealing the proposed suspension or revocation. The license holder may appeal the proposed suspension or revocation by giving written notice to the licensor. The license holder shall specify in the notice whether a hearing is requested. The appeal shall be conducted in accordance with division (B)(3) of this section.

Any action that may be taken by a licensor under division (B)(1) of this section may be taken by a health commissioner or other person employed by the licensor if the person or health



La Cabanita Restaurant
47 South Main Street, Mt. Gilead, OH 43338

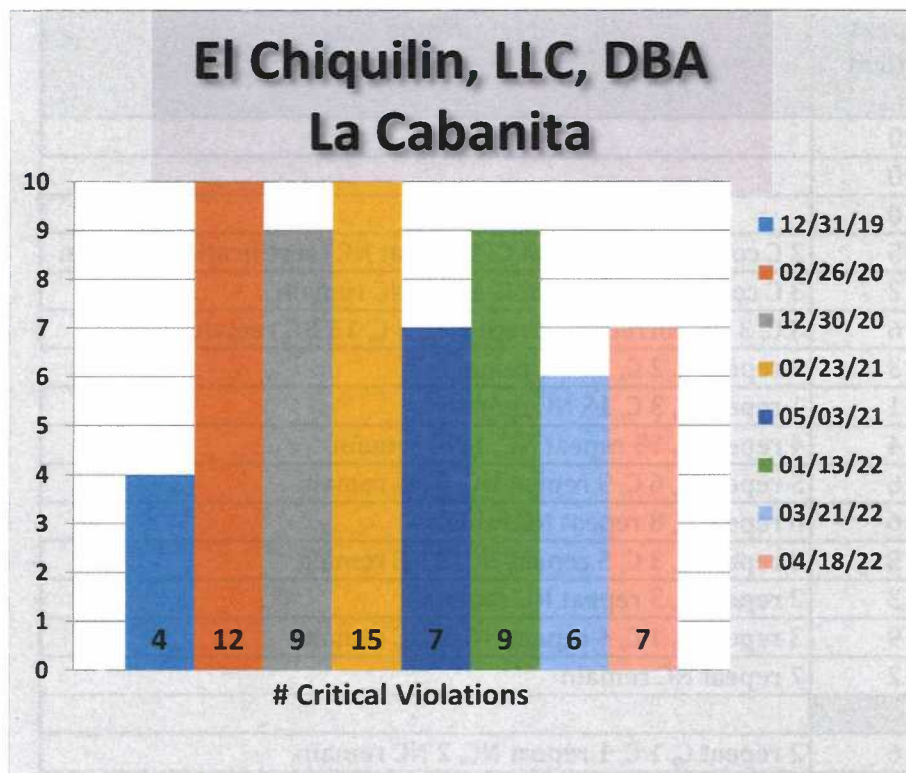
La Cabanita hearing, 05/16/22:
MCHD Exhibit 2

Event	Date	Critical Violations	Corrected on Site (C)	Repeat Critical	Notes
Inspection - standard (RB)	08/18/16	0	0	0	
Inspection - standard/CCP (RB)	05/11/17	0	0	0	
Inspection - standard/CCP	08/21/17	9	3	0	
Inspection - follow-up	08/22/17	6	2	5	2 C corrected; 4 repeat C, 1 repeat NC (certification) remain
Inspection - standard	01/31/18	5	3	2	3 C corrected; 1 repeat C, 1 C, 1 NC remain
Inspection - standard/CCP	11/29/18	8	3	6	3 C, 3 NC corrected; 2 repeat C, 2 C, 13 NC remain
Inspection - standard/CCP	02/27/19	5	0	3	3 repeat C, 2 C, 14 NC remain
Inspection - standard/CCP	12/31/19	4	0	1	1 repeat C, 3 C, 15 NC remain
Inspection - follow-up	01/21/20	6	2	4	4 repeat C, 15 repeat NC, 1 NC remain
Inspection - standard/CCP	02/26/20	12	1	6	5 repeat C, 6 C, 9 repeat NC, 6 NC remain
Inspection - follow-up	03/02/20	6	0	6	6 repeat C, 8 repeat NC remain
Inspection - standard/CCP	12/30/20	9	3	5	3 repeat C, 3 C, 5 repeat NC, 3 NC remain
Inspection - follow-up	01/08/21	3	1	3	2 repeat C, 3 repeat NC remain
Inspection - standard/CCP	02/23/21	15	11	9	3 repeat C, 1 C, 4 repeat NC, 9 NC remain
Inspection - follow-up	03/08/21	2	2	2	2 repeat NC remain
Notice of Noncompliance	04/01/21				
Inspection - standard/CCP	05/03/21	7	4	6	2 repeat C, 1 C, 1 repeat NC, 2 NC remain
Inspection - follow-up	05/06/21	0	0	0	
Notice of Administrative Conference	08/24/21				
Administrative Conference	09/08/21				Miguel & Cecilia Llamas, Stephanie Bragg, Stephanie Zmuda
Inspection - standard/CCP	01/13/22	9	1	6	5 repeat C, 2 C, 2 repeat NC, 9 NC remain
Inspection - follow-up (MB)	01/14/22				Cold holding/storage issues corrected
Notice of Proposed Suspension/BOH	01/24/22				
Inspection - follow-up	02/14/22	2	2	2	Pre-BOH meeting inspection focused on critical items
Board of Health hearing	02/14/22				License to operate was suspended for 1 day
Inspection - standard/CCP	03/21/22	6	6	2	1 repeat NC, 1 NC remain
Inspection - standard/CCP	04/18/22	7	7	3	1 NC remaining
Notice of Proposed Suspension/BOH	04/22/22				Hand-delivered 04/25/22
Consultation at Cecilia Llamas' request	05/10/22				Partial inspection: 7 C observed

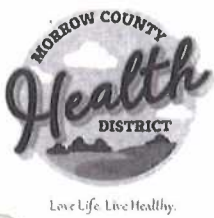
Priority: C = Critical violation; NC = Non-Critical violation



La Cabanita Restaurant
47 South Main Street, Mt. Gilead, OH 43338



mchd Exhibit 2



NOTICE OF BOARD OF HEALTH HEARING AND PROPOSED LICENSE SUSPENSION

April 22, 2022

El Chiquilin, LLC, DBA La Cabanita
Attn: Joel Aguirre, Miguel Llamas, and Cecilia Llamas
47 South Main Street
Mt. Gilead, OH 43338

Dear Mr. Aguirre, and Mr. and Mrs. Llamas,

La Cabanita has demonstrated repeated violations of the Ohio Administrative Code 3717-1, Ohio Uniform Food Safety Code, governing food service operations and retail food establishments. Food code violations cited during the most recent standard and critical control point inspections on March 21 and April 18, 2022, are as follows:

March 21, 2022 – standard & critical control point inspection

- 02.2(C) – Hands and arms – when to wash – **CRITICAL**
- 02.4(B)(1) – Person in charge: demonstration of knowledge – **CRITICAL, REPEAT**
- 03.2(A)(2) – Preventing contamination from hands (bare hand contact) – **CRITICAL**
- 03.4(E) – Cooling methods
- 03.4(G) – Ready-to-eat, time/temperature controlled for safety food – date marking – **CRITICAL**
- 04.1(C) – Food-contact surfaces – cleanability – **CRITICAL, REPEAT**
- 04.8(A) – Equipment and utensils – air-drying required
- 04.8(E)(2) – Equipment and utensils – storage (self-draining position; covered or inverted)
- 05.4(N) – Covering receptacles
- 07(B) – Poisonous or toxic materials – working containers – **CRITICAL**

April 18, 2022 – standard & critical control point inspection

- 02.2(C) – Hands and arms – when to wash – **CRITICAL, REPEAT**
- 02.4(B)(1) – Person in charge: demonstration of knowledge – **CRITICAL, REPEAT**
- 03.4(F)(1)(a) – Time/temperature controlled for safety food – hot holding – **CRITICAL**
- 03.4(F)(1)(b) – Time/temperature controlled for safety food – cold holding – **CRITICAL**
- 03.4(G) – Ready-to-eat, time/temperature controlled for safety food – date marking – **CRITICAL, REPEAT**
- 03.4(H)(1) – Ready-to-eat, time/temperature controlled for safety food – disposition – **CRITICAL**
- 05.1(S) – Plumbing system – maintained in good repair
- 07.1(A) – Poisonous or toxic materials – storage – separation – **CRITICAL**

I asked you to make and use some checklists to help you manage some of the items that have been difficult for you, and make it more likely that people who eat at La Cabanita will get sick. They haven't been used every day and they haven't been used recently. Even though you have told me you make beans (and have some to cool) every day, you had used the cooling logs on only 6 days since February 22 according to the papers you gave me to look at. Temperatures in the culer, ensalador, and refrijador coolers were written

on logs on only 6 days. The most recent checklist for critical items like date marking and safe storage of raw foods in the coolers, was dated February 18. I have given you information by talking to you during inspections and by giving you food safety posters in Spanish many times. Health Commissioner Stephanie Bragg and I met with you on September 16, 2021, and February 15, 2022, to talk about the things you can and should do to correct violations and make plans for you to follow. We have tried to help you in every way that we can and have given you more chances to correct violations and keep them from coming back. There are still too many things that make it more likely someone is going to get sick from eating the food at La Cabanita.

Due to your not following the rules or the plans you made and we made together, you are hereby required to come to a hearing before the Morrow County Board of Health on May 16, 2022, at 6:00 pm at the Community Services Building located at 619 West Marion Road, Mt. Gilead (conference room inside Entrance B). The Board will consider the proposed suspension of your food service operation license, for a minimum of 7 days, at that time. The hearing is your chance to tell the Board why they should not suspend your license, and to share information that shows how you're going to keep food safe. If you don't come to the hearing, you will lose the chance to talk to Board members and they will make a decision without hearing from you.

You may appeal the proposed license action by submitting a written request for an appeal hearing to this office (address on page 1), which must be *received* within fifteen (15) days of the date of this letter.


Please contact me if you have questions or concerns, by phone at 419-947-1545 ext 324, by email at stephanie.zmuda@morrowcountyhealth.org, or in person.

Sincerely,

 REHS

Stephanie Zmuda, REHS
Environmental Health Director

Enclosure(s): Inspection report dated March 21, 2022
Inspection report dated April 18, 2022


04/25/22 Stephanie Zmuda
1310 hand-delivered notice

MCAP

Exhibit 3

State of Ohio
Food Inspection Report
 Authority: Chapters 3717 and 3715 Ohio Revised Code

La Cabanita hearing, 05/16/22:
 MCHD Exhibit 4

Name of facility Chiquilin, LLC DBA La Cabanita	Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE	License Number KHUY-AC2KGGH	Date 21-Mar-2022
Address 47 South Main Street		City/State/Zip Code Mount Gilead OH 43338	
License holder El Chiquilin LLC	Inspection Time 105	Travel Time 0	Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV
Type of Inspection Standard/Critical Control Point		Follow up date (if required)	Water sample date/result (if required)

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: IN=In Compliance OUT=Out of Compliance N/O=Not Observed N/A=Not Applicable

Supervision			Time/Temperature Controlled for Safety Food (TCS food)		
1	OUT	Person in charge present, demonstrates knowledge, and performs duties	21	IN	Proper hot holding temperatures
2	IN	Certified Food Protection Manager	22	IN	Proper cold holding temperatures
Employee Health			23	OUT	Proper date marking and disposition
3	IN	Management, food employees and conditional employees; knowledge, responsibilities and reporting	24	N/A	Time as a public health control: procedures & records
4	IN	Proper use of restriction and exclusion	Consumer Advisory		
5	IN	Procedures for responding to vomiting and diarrheal events	25	N/A	Consumer advisory provided for raw or undercooked foods
Good Hygienic Practices			Highly Susceptible Populations		
6	N/O	Proper eating, tasting, drinking, or tobacco use	26	N/A	Pasteurized foods used; prohibited foods not offered
7	IN	No discharge from eyes, nose, and mouth	Chemical		
Preventing Contamination by Hands			27	N/A	Food additives: approved and properly used
8	OUT	Hands clean and properly washed	28	OUT	Toxic substances properly identified, stored, used
9	OUT	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	Conformance with Approved Procedures		
10	IN	Adequate handwashing facilities supplied & accessible	29	N/A	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
Approved Source			30	N/A	Special Requirements: Fresh Juice Production
11	IN	Food obtained from approved source	31	N/A	Special Requirements: Heat Treatment Dispensing Freezers
12	N/O	Food received at proper temperature	32	N/A	Special Requirements: Custom Processing
13	IN	Food in good condition, safe, and unadulterated	33	N/A	Special Requirements: Bulk Water Machine Criteria
14	N/A	Required records available: shellstock tags, parasite destruction	34	N/A	Special Requirements: Acidified White Rice Preparation Criteria
Protection From Contamination			35		Critical Control Point Inspection
15	IN	Food separated and protected	36	N/A	Process Review
16	IN	Food-contact surfaces: cleaned and sanitized	37	N/A	Variance
17	IN	Proper disposition of returned, previously served, reconditioned, and unsafe food	Risk factors are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness. Public Health Interventions are control measures to prevent foodborne illness or injury.		
Time/Temperature Controlled for Safety Food (TCS food)					
18	IN	Proper cooking time and temperatures			
19	N/O	Proper reheating procedures for hot holding			
20	N/O	Proper cooling time and temperatures			

MCHO
Exhibit 4

State of Ohio
Food Inspection Report
Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility El Chiquilin, LLC DBA La Cabanita	Type of Inspection Standard/Critical Control Point	Date 21-Mar-2022
---	---	---------------------

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.
Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: IN=In Compliance OUT=Out of Compliance N/O=Not Observed N/A=Not Applicable

Safe Food and Water			Utensils, Equipment and Vending		
38	N/A	Pasteurized eggs used where required	54	OUT	Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	IN	Water and ice from approved source	55	IN	Warewashing facilities: installed, maintained, used; test strips
Food Temperature Control			56	IN	Non-food contact surfaces clean
40	OUT	Proper cooling methods used; adequate equipment for temp control	Physical Facilities		
41	N/O	Plant food properly cooked for hot holding	57	IN	Hot and cold water available; adequate pressure
42	N/O	Approved thawing methods used	58	IN	Plumbing installed; proper backflow devices
43	IN	Thermometers provided and accurate	59	IN	Sewage and waste water properly disposed
Food Identification			60	IN	Toilet facilities: properly constructed, supplied, cleaned
44	IN	Food properly labeled; original container	61	OUT	Garbage/refuse properly disposed; facilities maintained
Prevention of Food Contamination			62	IN	Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
45	IN	Insects, rodents, and animals not present/outer openings protected	63	IN	Adequate ventilation and lighting; designated areas used
46	IN	Contamination prevented during food preparation, storage & display	64	IN	Existing Equipment and Facilities
47	IN	Personal cleanliness	Administrative		
48	IN	Wiping cloths: properly used and stored	65	N/A	901:3-4 OAC
49	N/O	Washing fruits and vegetables	66	IN	3701-21 OAC
Proper Use of Utensils					
50	IN	In-use utensils: properly stored			
51	OUT	Utensils, equipment and linens: properly stored, dried, handled			
52	IN	Single-use/single-service articles: properly stored, used			
53	IN	Slash-resistant, cloth, and latex glove use			

Observations and Corrective Actions

Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation
PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL

Item No.	Code Section	Priority Level	Comment	COS	R
01	3717-1-02.4(B)(1)	C	Observations: Person in charge (PIC) unable to demonstrate knowledge by having no critical violations. Please prevent foodborne illness by correcting critical violations, and keep them from reoccurring. All critical violations were corrected during inspection.	X	X
08	3717-1-02.2 (C)	C	Observations: Food employee did not wash hands when required: before putting on clean gloves. Person in charge asked the employee to remove the gloves and wash his hands, and he did.	X	
09	3717-1-03.2(A)(2)	C	Observations: Improper bare-hand contact with ready-to-eat (RTE) foods: employee handled flour tortillas with bare hands. Affected tortillas were discarded and the employee washed hands and put on gloves to handle fresh tortillas.	X	
23	3717-1-03.4(G)	C	Observations: Refrigerated, ready-to-eat, TCS foods not properly date marked: salsa verde in sandwich prep cooler. Affected salsa was discarded during inspection.	X	
28	3717-1-07(B)	C	Observations: Working containers of poisonous or toxic materials not properly labeled: unlabeled garden-type sprayer containing oven cleaner (per PIC). Affected sprayer tank was properly labeled during inspection.	X	
40	3717-1-03.4(E)	NC	Observations: Improper method for cooling time/temperature controlled for safety (TCS) foods: inadequate communication about and monitoring of beans being cooled. Please monitor time and temperature of cooked TCS foods that are being cooled to ensure cooling from 135 to 70 degrees within 2 hours, and complete cooling from 135 to 41 degrees within a total of 6 hours. Person in charge put affected beans on ice and will continue to monitor time and temperature during the cooling process.	X	
51	3717-1-04.8(A)	NC	Observations: Equipment and utensils are not being air dried: 2 stacks plastic containers were wet stacked on shelf under work tables. Please begin completely air drying clean equipment and utensils prior to storage.		X
51	3717-1-04.8(E)(2)	NC	Observations: Clean equipment and utensils not stored in a self-draining position and covered or inverted: plates were stored upright on line and one was soiled with food debris, and bowls were stored upright on line. Soiled plate was placed in dish tub during inspection, and bowls were inverted.	X	
54	3717-1-04.1(C)	C	Observations: Food contact surfaces not easily cleanable: rubber spatula with damaged blade. Affected spatula was discarded during inspection.	X	X
61	3717-1-05.4(N)	NC	Observations: Waste receptacles not covered properly: grease receptacle (grease on pavement in front of container) and trash receptacle. Please clean grease spill and keep containers covered to contain wastes and prevent pests.		

Comments related to the Critical Control Point Inspection (Item 35) are listed below. Note: Positive observations are indicated by the element number and the letter P.

I - P - Employee Health: The operation had an employee health policy on file.

III - Preventing Contamination by Hands: Observed food employee touching ready-to-eat food with bare hands.

III - Preventing Contamination by Hands: Food employee did not wash hands in situations that specifically require them

III - P - Preventing Contamination by Hands: Hand washing facilities are properly supplied.

IV - Demonstration of Knowledge: The person in charge was unable to demonstrate proper knowledge of food safety and prevention.

VI - P - TCS Food: Raw animal food was being cooked to the required temperature.

VI - P - TCS Food: Observed hot foods being held at 135°F or above; cold foods being held at 41°F or below.

VII - P - Protection from Contamination: Observed employee properly cleaning and sanitizing food contact surfaces.

X - Chemical: Observed toxic materials improperly identified, stored and used.

Person in Charge	Date
Guell & Cecilia Llamas	21-Mar-2022
Sanitarian	Licenser
Stephanie Zmuda	Morrow County Health Department

HEA 5302B Ohio Department of Health (10/19)

AGR 1268 Ohio Department of Agriculture (10/19)

MCHD Exhibit 4

State of Ohio
Food Inspection Report
 Authority: Chapters 3717 and 3715 Ohio Revised Code

La Cabanita hearing, 05/16/22:
 MCHD Exhibit 5

Name of facility Chiquilin, LLC DBA La Cabanita		Check one <input checked="" type="checkbox"/> FSO <input type="checkbox"/> RFE		License Number KHUY-AC2KGH		Date 18-Apr-2022	
Address 47 South Main Street				City/State/Zip Code Mount Gilead OH 43338			
License holder El Chiquilin LLC		Inspection Time 105		Travel Time 0		Category/Descriptive Commercial FSO < 25000 sq. ft. - Risk Level IV	
Type of Inspection Standard/Critical Control Point				Follow up date (if required)		Water sample date/result (if required)	

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: IN=In Compliance OUT=Out of Compliance N/O=Not Observed N/A=Not Applicable

Supervision			Time/Temperature Controlled for Safety Food (TCS food)		
1	OUT	Person in charge present, demonstrates knowledge, and performs duties	21	OUT	Proper hot holding temperatures
2	IN	Certified Food Protection Manager	22	OUT	Proper cold holding temperatures
Employee Health			23	OUT	Proper date marking and disposition
3	IN	Management, food employees and conditional employees; knowledge, responsibilities and reporting	24	N/A	Time as a public health control: procedures & records
4	IN	Proper use of restriction and exclusion	Consumer Advisory		
5	IN	Procedures for responding to vomiting and diarrheal events	25	N/A	Consumer advisory provided for raw or undercooked foods
Good Hygienic Practices			Highly Susceptible Populations		
6	IN	Proper eating, tasting, drinking, or tobacco use	26	N/A	Pasteurized foods used; prohibited foods not offered
7	IN	No discharge from eyes, nose, and mouth	Chemical		
Preventing Contamination by Hands			27	N/A	Food additives: approved and properly used
8	OUT	Hands clean and properly washed	28	OUT	Toxic substances properly identified, stored, used
9	IN	No bare hand contact with ready-to-eat foods or approved alternate method properly followed	Conformance with Approved Procedures		
10	IN	Adequate handwashing facilities supplied & accessible	29	N/A	Compliance with Reduced Oxygen Packaging, other specialized processes, and HACCP Plan
Approved Source			30	N/A	Special Requirements: Fresh Juice Production
11	IN	Food obtained from approved source	31	N/A	Special Requirements: Heat Treatment Dispensing Freezers
12	N/O	Food received at proper temperature	32	N/A	Special Requirements: Custom Processing
13	IN	Food in good condition, safe, and unadulterated	33	N/A	Special Requirements: Bulk Water Machine Criteria
14	N/A	Required records available: shellstock tags, parasite destruction	34	N/A	Special Requirements: Acidified White Rice Preparation Criteria
Protection From Contamination			35		Critical Control Point Inspection
15	IN	Food separated and protected	36	N/A	Process Review
16	IN	Food-contact surfaces: cleaned and sanitized	37	N/A	Variance
17	IN	Proper disposition of returned, previously served, reconditioned, and unsafe food	Risk factors are food preparation practices and employee behaviors that are identified as the most significant contributing factors to foodborne illness. Public Health Interventions are control measures to prevent foodborne illness or injury.		
Time/Temperature Controlled for Safety Food (TCS food)					
18	IN	Proper cooking time and temperatures			
19	N/O	Proper reheating procedures for hot holding			
20	N/O	Proper cooling time and temperatures			

HEA 5302A Ohio Department of Health (10/19)
 AGR 1268 Ohio Department of Agriculture (10/19)

Food Inspection Report

Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility El Chiquilin, LLC DBA La Cabanita	Type of Inspection Standard/Critical Control Point	Date 18-Apr-2022
---	---	---------------------

GOOD RETAIL PRACTICES

Good Retail Practices are preventative measures to control the introduction of pathogens, chemicals, and physical objects into foods.
Mark designated compliance status (IN, OUT, N/O, N/A) for each numbered item: IN=In Compliance OUT=Out of Compliance N/O=Not Observed N/A=Not Applicable

Safe Food and Water			Utensils, Equipment and Vending		
38	N/A	Pasteurized eggs used where required	54	IN	Food and non-food contact surfaces cleanable, proper designed, constructed, and used
39	IN	Water and ice from approved source	55	IN	Warewashing facilities: installed, maintained, used; test strips
Food Temperature Control			56	IN	Non-food contact surfaces clean
40	IN	Proper cooling methods used; adequate equipment for temp control	Physical Facilities		
41	N/O	Plant food properly cooked for hot holding	57	IN	Hot and cold water available; adequate pressure
42	N/O	Approved thawing methods used	58	OUT	Plumbing installed; proper backflow devices
43	IN	Thermometers provided and accurate	59	IN	Sewage and waste water properly disposed
Food Identification			60	IN	Toilet facilities: properly constructed, supplied, cleaned
44	IN	Food properly labeled; original container	61	IN	Garbage/refuse properly disposed; facilities maintained
Prevention of Food Contamination			62	IN	Physical facilities installed, maintained, and cleaned; dogs in outdoor dining areas
45	IN	Insects, rodents, and animals not present/outer openings protected	63	IN	Adequate ventilation and lighting; designated areas used
46	IN	Contamination prevented during food preparation, storage & display	64	IN	Existing Equipment and Facilities
47	IN	Personal cleanliness	Administrative		
48	N/O	Wiping cloths: properly used and stored	65	N/A	901:3-4 OAC
49	N/O	Washing fruits and vegetables	66	IN	3701-21 OAC
Proper Use of Utensils					
50	IN	In-use utensils: properly stored			
51	IN	Utensils, equipment and linens: properly stored, dried, handled			
52	IN	Single-use/single-service articles: properly stored, used			
53	IN	Slash-resistant, cloth, and latex glove use			

Observations and Corrective Actions

Mark "X" in appropriate box for COS and R: COS=corrected on-site during inspection R=repeat violation
PRIORITY LEVEL: C=CRITICAL NC=NON-CRITICAL

Item No.	Code Section	Priority Level	Comment	COS	R
01	3717-1-02.4(B)(1)	C	Observations: Person in charge (PIC) unable to demonstrate knowledge by having no critical violations. Please prevent foodborne illness by correcting critical violations, and keep them from reoccurring.	X	X
08	3717-1-02.2 (C)	C	Observations: Food employee did not wash hands when required: employee handled raw beef with gloved hands, then began cooking and handled utensils before removing gloves and washing hands. Inspector explained to person in charge that the utensils were contaminated, employee removed gloves and washed hands (self-directed), and contaminated utensils were taken to be cleaned.	X	X
21	3717-1-03.4(F)(1)(a)	C	Observations: Time/temperature controlled for safety (TCS) foods not being hot held at the proper temperature: rice at 116 degrees. Person in charge advised rice had been out of temperature about 1 hour, and began reheating rice to at least 165 degrees during inspection.	X	
22	3717-1-03.4(F)(1)(b)	C	Observations: Time/temperature controlled for safety (TCS) foods not being cold held at the proper temperature: cheese dip in pan on convection oven held at 77 degrees. Person in charge advised cheese dip had been out of temperature about 1 hour, and placed it on the stove to reheat to at least 165 degrees during inspection.	X	
23	3717-1-03.4(H)(1)	C	Observations: Ready-to-eat, time/temperature controlled for safety (TCS) food not properly discarded when required: 1/2 hotel pan beef, 1 dish flan, 1 hotel pan pork, 1 partial container salsa expired 04/15; 1 partial container salsa expired 04/16; 2 partial containers salsa, 1 partial container salsa verde expired 04/17. Affected foods were discarded during inspection.	X	
23	3717-1-03.4(G)	C	Observations: Refrigerated, ready-to-eat, time/temperature controlled for safety (TCS) foods not properly date marked: jalapenos, tomato sauce in upright prep cooler; pan of beans in walk-in cooler; and partial jug of milk in server cooler were all unmarked. Affected products were discarded during inspection.	X	X
28	3717-1-07.1(A)	C	Observations: Improper storage of poisonous or toxic materials: cleaner stored on shelf next to open box of deli papers. Deli papers were relocated to a higher shelf during inspection.	X	
58	3717-1-05.1(S)	NC	Observations: Plumbing system not properly maintained or repaired: handwashing sink has leak, hot water valve is turned off to prevent leaking. Please provide repairs as needed to eliminate leak so valve can be left on and hot water can be used for handwashing.		

Comments related to the Critical Control Point Inspection (Item 35) are listed below. Note: Positive observations are indicated by the element number and the letter P.

III - Preventing Contamination by Hands: Food employee(s) did not wash hands in situations that specifically require them to do so.

IV - Demonstration of Knowledge: The person in charge was unable to demonstrate proper knowledge of food safety and prevention.



containers of lettuce stored on floor in walk-in cooler (WIC)



walk-in cooler floor is unclean, wet; broken floor tile

top



carnitas prepped/dated on 05/02 in walk-in cooler; food expired on 05/08, 2 days ago; person in charge advised no expired carnitas were served



spatulas with damaged rubber blades that had chunks missing and/or been melted; person in charge advised employees know not to use them

La Cabanita Restaurant, 47 South Main Street, Mt. Gilead, OH 43338
May 10, 2022 2:30-4:00 pm



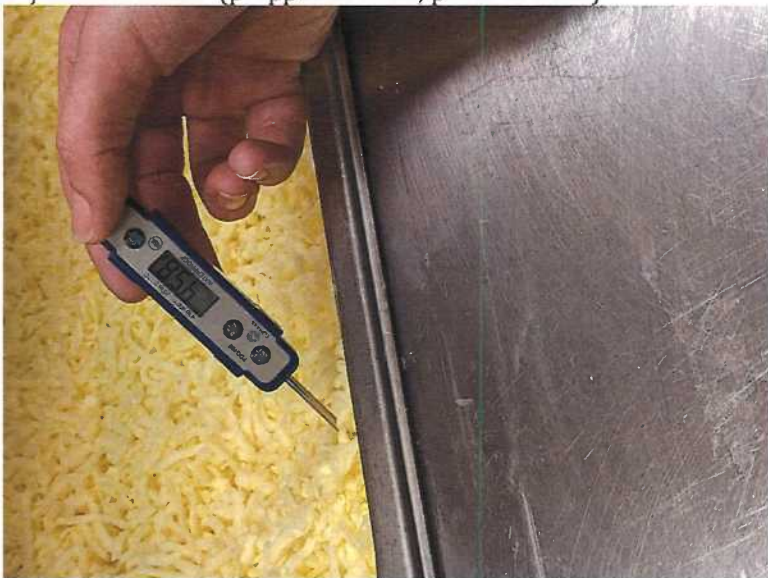
top

guacamole at 47.3 degrees F in sandwich prep cooler; person in charge advised it had "just been made" (prepped at 1130; photo at 1453)



top

raw beef surface temperature at 50 degrees F in horizontal cooler; person in charge advised they just stocked the beef, and "you can tell because it's full"



top

cheese at 45.8 degrees F in sandwich prep cooler; person in charge advised it had just been shredded



top

raw chicken temperature at 50.3 degrees F in horizontal cooler; person in charge advised chicken was just delivered and stocked

VI - TCS Food: Refrigerated, ready-to-eat, TCS foods held refrigerated for more than 24 hours were not properly date marked.

VI - TCS Food : TCS foods were not being held at the proper temperature.

X - Chemical: Observed toxic materials improperly identified, stored and used.

Person in Charge

Miguel Llamas

Date

18-Apr-2022

Sanitarian

Stephanie Zmuda

Licensors

Morrow County Health Department

HEA 5302B Ohio Department of Health (10/19)

AGR 1268 Ohio Department of Agriculture (10/19)

MCHD Exhibit 5

La Cabanita Restaurant, 47 South Main Street, Mt. Gilead, OH 43338
May 10, 2022 2:30-4:00 pm



sliced tomatoes at 48.9 degrees F in horizontal cooler; person in charge advised the tomatoes were just sliced but chose to throw them away during inspection



tamales at 43.3 degrees F in upright prep cooler



salsa in rear hotel pan, spinach were undated; person in charge advised salsa was prepped the same day as the front, dated pan, and spinach was opened that morning; spinach was date marked during inspection



tomatillos stored in upright prep cooler in opened metal can

MCHD Exhibit 6

La Cabanita Restaurant, 47 South Main Street, Mt. Gilead, OH 43338
May 10, 2022 2:30-4:00 pm



Positive: time/temp controlled for safety foods date marked in WIC



Positive: time/temp controlled for safety foods date marked in WIC



Positive: time/temp controlled for safety food being cold held at or below 41 degrees F (32.8 degrees)



Positive: time/temp controlled for safety food being hot held at or above 135 degrees F (141.0 degrees)