



June 1, 2018

Benjamin Herrera, Owner
La Tonalteca (K087839)
24 S. DuPont Highway
Dover, DE 19901

Dear Mr. Herrera:

Closure of Food Establishment for Imminent Health Hazard

The Division of Public Health (DPH) formally mandates that you cease and desist all food establishment activities effective immediately at La Tonalteca (K087839), Dover, DE. Delaware law, 16 Del. C § 122 establishes the authority for Department of Health and Social Services to regulate food establishments. On May 31, 2018, imminent health hazards were identified during a complaint/routine inspection. In accordance with 8-404.11 of the State of Delaware Food Code, imminent hazards exist due to the following gross unsanitary conditions:

- Roach Infestation
- Pest Harboring Conditions

Prior to resuming operation, La Tonalteca shall be inspected by DPH.

If you have any questions or concerns, please contact Caroline Judd, of the Environmental Health Field Services – Kent County at [REDACTED]

Sincerely,


Karyl T. Rattay, MD, MS
Director

Pc: HSP Administration
OFP
EHFS – KC
DATE
File



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

Violations cited in this report shall be corrected within the time frames specified. Priority items, period not to exceed 3 calendar days for priority items, 10 days for priority foundation items (8-405.11) or 90 days for core items (8-406.11).

ENTERED

Food Establishment Inspection Report

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Delaware Division of Public Health Office of Food Protection 417 Federal St., Dover, DE 19901		No. of Risk Factor/Intervention Violations		Date
		No. of Repeat Risk Factor/Intervention Violations		Time In
		Score (optional)		Time Out
Establishment <u>La Tortillera</u>	Address <u>245 S. Dupont Hwy</u>	City/State <u>Dover DE</u>	Zip Code <u>19901</u>	Telephone <u>302 735-1572</u>
License/Permit # <u>K087839</u>	Permit Holder <u>Benjamin Herrera</u>	Purpose of Inspection <u>Complaint</u>	Est. Type <u>FF</u>	Risk Category

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Compliance Status		Compliance Status	
IN=in compliance	OUT=not in compliance	IN=in compliance	OUT=not in compliance
N/A=not applicable		N/A=not applicable	
COS=corrected on-site during inspection		COS=corrected on-site during inspection	
R=repeat violation		R=repeat violation	
Supervision			
1	IN	Person in charge present, demonstrates knowledge, and performs duties	
2	IN	Certified Food Protection Manager	
Employee Health			
3	IN	Management, food employee and conditional employee; knowledge, responsibilities and reporting	
4	IN	Proper use of restriction and exclusion	
6	IN	Procedures for responding to vomiting and diarrheal events	
Good Hygienic Practices			
8	IN	Proper eating, tasting, drinking, or tobacco use	
7	IN	No discharge from eyes, nose, and mouth	
Preventing Contamination by Hands			
8	IN	Hands clean & properly washed	
9	IN	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed	
10	IN	Adequate handwashing sinks properly supplied and accessible	
Approved Source			
11	IN	Food obtained from approved source	
12	IN	Food received at proper temperature	
13	IN	Food in good condition, safe, & unadulterated	
14	IN	Required records available: shellstock tags, parasite destruction	
Protection from Contamination			
15	IN	Food separated and protected	
16	IN	Food-contact surfaces; cleaned & sanitized	

Compliance Status		Compliance Status	
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N/A=not applicable		N/A=not applicable	
COS=corrected on-site during inspection		COS=corrected on-site during inspection	
R=repeat violation		R=repeat violation	
Time/Temperature Control for Safety			
17	IN	Proper disposition of returned, previously served, reconditioned & unsafe food	
Proper Cooking Times & Temperatures			
18	IN	Proper cooking times & temperatures	
Proper Reheating Procedures for Hot Holding			
19	IN	Proper reheating procedures for hot holding	
Proper Cooling Times and Temperatures			
20	IN	Proper cooling time and temperature	
Proper Hot Holding Temperatures			
21	IN	Proper hot holding temperatures	
Proper Cold Holding Temperatures			
22	IN	Proper cold holding temperatures	
Proper Date Marking and Disposition			
23	IN	Proper date marking and disposition	
Time as a Public Health Control; procedures & records			
24	IN	Time as a Public Health Control; procedures & records	
Consumer Advisory			
25	IN	Consumer advisory provided for raw/undercooked food	
Highly Susceptible Populations			
26	IN	Pasteurized foods used; prohibited foods not offered	
Food/Color Additives and Toxic Substances			
27	IN	Food additives: approved & properly used	
28	IN	Toxic substances properly identified, stored, & used	
Conformance with Approved Procedures			
29	IN	Compliance with variance/specialized process/HACCP	

Risk factors are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent foodborne illness or injury.

GOOD RETAIL PRACTICES

Compliance Status		Compliance Status	
IN=in compliance	OUT=not in compliance	IN=in compliance	OUT=not in compliance
N/A=not applicable		N/A=not applicable	
COS=corrected on-site during inspection		COS=corrected on-site during inspection	
R=repeat violation		R=repeat violation	
Safe Food and Water			
30	IN	Pasteurized eggs used where required	
31	IN	Water & ice from approved source	
32	IN	Variance obtained for specialized processing methods	
Food Temperature Control			
33	IN	Proper cooling methods used; adequate equipment for temperature control	
34	IN	Plant food properly cooked for hot holding	
35	IN	Approved thawing methods used	
36	IN	Thermometers provided & accurate	
Food Identification			
37	IN	Food properly labeled; original container	
Prevention of Food Contamination			
38	IN	Insects, rodents, & animals not present	
38	IN	Contamination prevented during food preparation, storage & display	
40	IN	Personal cleanliness	
41	IN	Wiping cloths: properly used & stored	
42	IN	Washing fruits & vegetables	
Proper Use of Utensils			
43	IN	In-use utensils: properly stored	
44	IN	Utensils, equipment & linens: properly stored, dried, & handled	
45	IN	Single-use/single-service articles: properly stored & used	
46	IN	Gloves used properly	
Utensils, Equipment and Vending			
47	IN	Food & non-food contact surfaces cleanable, properly designed, constructed, & used	
48	IN	Warewashing facilities: installed, maintained, & used; test strips	
49	IN	Non-food contact surfaces clean	
Physical Facilities			
50	IN	Hot & cold water available; adequate pressure	
51	IN	Plumbing installed; proper backflow devices	
52	IN	Sewage & waste water properly disposed	
53	IN	Toilet facilities: properly constructed, supplied, & cleaned	
54	IN	Garbage & refuse properly disposed; facilities maintained	
55	IN	Physical facilities installed, maintained, & clean	
56	IN	Adequate ventilation & lighting; designated areas used	

Person in Charge (Signature) [Signature] Date: 31 May 18

Inspector (Signature) [Signature] Follow-up: (YES) NO (Circle one) Follow-up Date: _____

RAC EHSII #007



Food Establishment Inspection Report

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Delaware Division of Public Health
Office of Food Protection
417 Federal St., Dover, DE 19901

License/Permit # R 087839

Date 5/31/18

Establishment La Tonalteca

Address 245 S. DuPont Hwy

City/State Dover, DE

Zip Code 19901

Telephone 735-1572

OBSERVATIONS AND CORRECTIVE ACTIONS

Violations cited in this report must be corrected within the time frames below or as stated in Section 8-405.11 of the Food Code

Item Number	Observations and Corrective Actions
	Complaints were made on 5/29/18 and 5/31/18 about live roaches in dining room.
	During investigation of the complaint, several live roaches were found throughout the bar and kitchen. Pest control documentation also stated a German roach infestation.
	(8-404.11) La Tonalteca in Dover, DE is closed for an imminent health hazard - live roach infestation
F 38	(6-501.11) observed many live roaches throughout facility; (more than 20 in various stages of growth)
	* All foods in a commercially sealed container may be kept. All remaining foods must be discarded.
55	(6-101.11) observed several surfaces not smooth and easily cleanable which are harboring roaches: * underneath bar, top - raw wood - several areas throughout bar woodwork displays. - vertical strips, wall pictures - cracked walls / ceilings / tiles - sinks/shelves should be sealed to walls.

Person in Charge (Signature)

Date: 5/31/18

Inspector (Signature)
#007

Date: 5/31/18



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Office of Food Protection
417 Federal St., Dover, DE 19901

License/Permit # K 087839

Date 5/31/18

Establishment La Tonalteca

Address 245 S. DuPont Hwy. Dover, DE

City/State

Zip Code 19901

Telephone 735-1570

OBSERVATIONS AND CORRECTIVE ACTIONS

Violations cited in this report must be corrected within the time frames below or as stated in Section 8-405.11 of the Food Code

Item Number

PF

38 (6-501.111) observed pests not controlled. Please obtain pest control method to eliminate active pest infestation and harborage conditions.

* To re-open the establishment, ① pest control service must be done + documented ② clean + sanitize all areas of bar + kitchen + dining room, and ③ re-inspected by a public health official with no evidence of live roaches.

- To schedule re-inspection call Environmental Health Services [redacted]

A \$50 re-inspection fee may be assessed at future follow-ups due to non-compliance.

Person in Charge (Signature)

[Signature]

Date:

5/31/18

Inspector (Signature)

[Signature] HPC #0016
FHSII #007

Date:

5/31/18