



March 27, 2018

E&M Group, LLC
Mar Y Tierra Mexican Restaurant & Bar
3602 Kirkwood Hwy.
Wilmington, DE 19808

Dear E&M Group, LCC:

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 Mar Y Tierra Mexican Restaurant & Bar, Wilmington, DE. Delaware law, 16 Del. C § 122 establishes the authority for Department of Health and Social Services to regulate food establishments. On March 26, 2018, imminent health hazards were identified during a fire call inspection. In accordance with 8-404.11 of the State of Delaware Food Code, imminent hazards exist due to significant fire damage in food preparation areas.

Prior to resuming operation, Mar Y Tierra Mexican Restaurant & Bar shall be inspected by DPH.

If you have any questions or concerns, please contact Mr. Jae Kim, of the Environmental Health Field Services – New Castle County at [REDACTED]

Sincerely,

Karyl T. Rattay MD, MS
Director

Pc: HSP Administration
OFF
EHFS – NCC
File



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

ME ✓

Food Establishment Inspection Report

Page 1 of 2

Delaware Division of Public Health Office of Food Protection 417 Federal St., Dover, DE 19901		No. of Risk Factor/Intervention Violations		0	Date	3/20/18
		No. of Repeat Risk Factor/Intervention Violations		0	Time In	9:45
Establishment		Address		City/State	Zip Code	Telephone
Mar y Tierra Mexican Rest		31602 Kirkwood Hwy		Wilmington, DE	19805	691-7446
License/Permit #	Permit Holder	Purpose of Inspection		Est. Type	Risk Category	
NW12105	SL118 FAL COMPANY	Fire call		FE	Med	

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item. Mark "X" in appropriate box for COS and/or R. COS=corrected on-site during inspection. R=repeat violation.

Compliance Status		COS		R	
Supervision					
1	IN OUT	Person in charge present, demonstrates knowledge, and performs duties			
2	IN OUT N/A	Certified Food Protection Manager			
Employee Health					
3	IN OUT	Management, food employee and conditional employee; knowledge, responsibilities and reporting			
4	IN OUT	Proper use of restriction and exclusion			
5	IN OUT	Procedures for responding to vomiting and diarrheal events			
Good Hygienic Practices					
6	IN OUT N/O	Proper eating, tasting, drinking, or tobacco use			
7	IN OUT N/O	No discharge from eyes, nose, and mouth			
Preventing Contamination by Hands					
8	IN OUT N/O	Hands clean & properly washed			
9	IN OUT N/A N/O	No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed			
10	IN OUT	Adequate handwashing sinks properly supplied and accessible			
Approved Source					
11	IN OUT	Food obtained from approved source			
12	IN OUT N/A N/O	Food received at proper temperature			
13	IN OUT	Food in good condition, safe, & unadulterated			
14	IN OUT N/A N/O	Required records available: shellstock tags, parasite destruction			
Protection from Contamination					
15	IN OUT N/A N/O	Food separated and protected			
16	IN OUT N/A	Food-contact surfaces; cleaned & sanitized			

Compliance Status		COS		R	
17	IN OUT	Proper disposition of returned, previously served, reconditioned & unsafe food			
Time/Temperature Control for Safety					
18	IN OUT N/A N/O	Proper cooking time & temperatures			
19	IN OUT N/A N/O	Proper reheating procedures for hot holding			
20	IN OUT N/A N/O	Proper cooling time and temperature			
21	IN OUT N/A N/O	Proper hot holding temperatures			
22	IN OUT N/A N/O	Proper cold holding temperatures			
23	IN OUT N/A N/O	Proper date marking and disposition			
24	IN OUT N/A N/O	Time as a Public Health Control; procedures & records			
Consumer Advisory					
25	IN OUT N/A	Consumer advisory provided for raw/undercooked food			
Highly Susceptible Populations					
26	IN OUT N/A	Pasteurized foods used; prohibited foods not offered			
Food/Color Additives and Toxic Substances					
27	IN OUT N/A	Food additives: approved & properly used			
28	IN OUT N/A	Toxic substances properly identified, stored, & used			
Conformance with Approved Procedures					
29	IN OUT N/A	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

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods. Mark "X" in box if numbered item is not in compliance. Mark "X" in appropriate box for COS and/or R. COS=corrected on-site during inspection. R=repeat violation.

Compliance Status		COS		R	
Safe Food and Water					
30		Pasteurized eggs used where required			
31		Water & ice from approved source			
32		Variance obtained for specialized processing methods			
Food Temperature Control					
33		Proper cooling methods used; adequate equipment for temperature control			
34		Plant food properly cooked for hot holding			
35		Approved thawing methods used			
36		Thermometers provided & accurate			
Food Identification					
37		Food properly labeled; original container			
Prevention of Food Contamination					
38		Insects, rodents, & animals not present			
39		Contamination prevented during food preparation, storage & display			
40		Personal cleanliness			
41		Wiping cloths: properly used & stored			
42		Washing fruits & vegetables			

Compliance Status		COS		R	
Proper Use of Utensils					
43		In-use utensils: properly stored			
44		Utensils, equipment & linens: properly stored, dried, & handled			
45		Single-use/single-service articles: properly stored & used			
46		Gloves used properly			
Utensils, Equipment and Vending					
47		Food & non-food contact surfaces cleanable, properly designed, constructed, & used			
48		Warewashing facilities: installed, maintained, & used; test strips			
49		Non-food contact surfaces clean			
Physical Facilities					
50		Hot & cold water available; adequate pressure			
51		Plumbing installed; proper backflow devices			
52		Sewage & waste water properly disposed			
53		Toilet facilities: properly constructed, supplied, & cleaned			
54		Garbage & refuse properly disposed; facilities maintained			
55		Physical facilities installed, maintained, & clean			
56		Adequate ventilation & lighting; designated areas used			

Person in Charge (Signature): <u>Fusebio Mandrago</u>	Date: <u>3/20/18</u>
Inspector (Signature): <u>Jessie Outten ETS#</u>	Follow-up: YES <input type="radio"/> NO <input checked="" type="radio"/> (Circle one) Follow-up Date:



Inspection Report

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

License/Permit # N1161205

Date 3/26/18

Establishment Mary Tierra Mexican Rest.

Address 3608 Vinwood Alley

City/State Wilmington DE

Zip Code 19808

Telephone 691-7146

OBSERVATIONS AND CORRECTIVE ACTIONS

Item Number

On March 25th at approximately 4:45am, Mary Tierra Mexican Rest. + bar (San Marcos) sustained severe damage from a fire that erupted from the ceiling directly above the kitchen.

Upon observation of the damage, observed major structural damage to the ceiling with large openings to the outside. Light fixtures, electrical wiring, insulation, and other charred debris fallen on top of kitchen equipment and all over the floor. Ventilation duct fell onto floor and equipment. Facility also sustained water damage from the incident in the kitchen and restroom floors/ceiling. Spoke to PIC and owner of shopping center who explained damage did not reach the restaurant Mi Tierra Linda. Owner of facility waiting on insurance company to assess damages today (March 26), and then will have cleaning company Fast Pro Restoration clean and remove debris/contaminants. Due to imminent health hazard, a cease and desist has been issued for Mary Tierra (San Marcos). Facility instructed to discard any/all food items and food containers. Facility will be required to go through Plan Review to be able to reopen due to the extensiveness of the damage. Plan Review packet left with PIC.

Person in Charge (Signature)

Euschia Mandragan

Date: 3/26/18

Inspector (Signature)

Dennis Dutton

Date: 3/26/18