



April 18, 2018

Efrain Lopez  
Lopez Bakery  
1805 W. 4<sup>th</sup> St.  
Wilmington, DE 19805

Dear Mr. Lopez:

**Closure of Food Establishment for Imminent Health Hazard**

On April 13, 2018 the Division of Public Health (DPH) formally mandated that you cease and desist all food establishment activities at Lopez Bakery, Wilmington, DE. Delaware law, 16 Del. C § 122 establishes the authority for Department of Health and Social Services to regulate food establishments. On April 13, 2018, imminent health hazards were identified during a routine inspection. In accordance with 8-404.11 of the State of Delaware Food Code, imminent hazards exist due to all refrigeration units unable to hold proper temperatures.

On April 16<sup>th</sup>, 2018, Lopez Bakery was re-inspected and permitted to reopen 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,

A handwritten signature in black ink, appearing to read "Karyl T. Rattay".

Karyl T. Rattay MD, MS  
Director

Pc: HSP Administration  
OFP  
EHFS – NCC  
File



**DELAWARE HEALTH AND SOCIAL SERVICES**  
Division of Public Health

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 (8-405.11) or 90 days for core items (8-406.11).

**Food Establishment Inspection Report**

Page 1 of 3

Delaware Division of Public Health Office of Food Protection 417 Federal St., Dover, DE 19901		No. of Risk Factor/Intervention Violations	5	Date	4/13/18
Establishment		No. of Repeat Risk Factor/Intervention Violations	0	Time In	1:35
Address		Score (optional)	N/A	Time Out	2:35
City/State		City/State	Wilmington, DE	Telephone	3023798785
License/Permit #		Purpose of Inspection	30 Day	Est. Type	fe
Permit Holder		Risk Category	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

IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable

COS=corrected on-site during inspection R=repeat violation

Compliance Status		COS		R		Compliance Status		COS		R	
<b>Supervision</b>											
1	IN	OUT				17	IN	OUT			
Person in charge present, demonstrates knowledge, and performs duties					X	Proper disposition of returned, previously served, reconditioned & unsafe food					
2	IN	OUT	N/A			<b>Time/Temperature Control for Safety</b>					
Certified Food Protection Manager						18	IN	OUT	N/A	N/O	
<b>Employee Health</b>											
3	IN	OUT				19	IN	OUT	N/A	N/O	
Management, food employee and conditional employee; knowledge, responsibilities and reporting						Proper cooking time & temperatures					
4	IN	OUT				20	IN	OUT	N/A	N/O	
Proper use of restriction and exclusion						Proper reheating procedures for hot holding					
5	IN	OUT				21	IN	OUT	N/A	N/O	
Procedures for responding to vomiting and diarrheal events						Proper cooling time and temperature					
<b>Good Hygienic Practices</b>											
6	IN	OUT	N/O			22	IN	OUT	N/A	N/O	
Proper eating, tasting, drinking, or tobacco use						Proper hot holding temperatures					
7	IN	OUT	N/O			23	IN	OUT	N/A	N/O	
No discharge from eyes, nose, and mouth						Proper cold holding temperatures					
<b>Preventing Contamination by Hands</b>											
8	IN	OUT	N/O			24	IN	OUT	N/A	N/O	
Hands clean & properly washed					X	Proper date marking and disposition					
9	IN	OUT	N/A	N/O		Time as a Public Health Control; procedures & records					
No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed						<b>Consumer Advisory</b>					
10	IN	OUT				25	IN	OUT	N/A		
Adequate handwashing sinks properly supplied and accessible					X	Consumer advisory provided for raw/undercooked food					
<b>Approved Source</b>											
<b>Highly Susceptible Populations</b>											
11	IN	OUT				26	IN	OUT	N/A		
Food obtained from approved source						Pasteurized foods used; prohibited foods not offered					
12	IN	OUT	N/A	N/O		<b>Food/Color Additives and Toxic Substances</b>					
Food received at proper temperature						27	IN	OUT	N/A		
13	IN	OUT				Food additives: approved & properly used					
Food in good condition, safe, & unadulterated						28	IN	OUT	N/A		
14	IN	OUT	N/A	N/O		Toxic substances properly identified, stored, & used					
Required records available: shellstock tags, parasite destruction						<b>Conformance with Approved Procedures</b>					
<b>Protection from Contamination</b>											
15	IN	OUT	N/A	N/O		29	IN	OUT	N/A		
Food separated and protected						Compliance with variance/specialized process/HACCP					
16	IN	OUT	N/A			<div style="border: 1px solid black; padding: 5px;">                     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.                 </div>					
Food-contact surfaces; cleaned & sanitized											

**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

Safe Food and Water		COS		R		Proper Use of Utensils		COS		R	
30	Pasteurized eggs used where required					43	In-use utensils: properly stored				
31	Water & ice from approved source					44	Utensils, equipment & linens: properly stored, dried, & handled				
32	Variance obtained for specialized processing methods					45	Single-use/single-service articles: properly stored & used				
<b>Food Temperature Control</b>											
33	Proper cooling methods used; adequate equipment for temperature control					46	Gloves used properly				
34	Plant food properly cooked for hot holding					<b>Utensils, Equipment and Vending</b>					
35	Approved thawing methods used					47	Food & non-food contact surfaces cleanable, properly designed, constructed, & used				
36	Thermometers provided & accurate					48	Warewashing facilities: installed, maintained, & used; test strips				
<b>Food Identification</b>											
37	X Food properly labeled; original container					49	Non-food contact surfaces clean				
<b>Prevention of Food Contamination</b>											
38	Insects, rodents, & animals not present					<b>Physical Facilities</b>					
39	Contamination prevented during food preparation, storage & display					50	Hot & cold water available; adequate pressure				
40	Personal cleanliness					51	Plumbing installed; proper backflow devices				
41	Wiping cloths: properly used & stored					52	Sewage & waste water properly disposed				
42	Washing fruits & vegetables					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)

Date: 4/13/2018

Inspector (Signature)

Follow-up: YES NO (Circle one)

Follow-up Date: 4/16/18



### Inspection Report

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

License/Permit # N171955

Date 4/13/18

Establishment Lopez Bakery Address 1805 W 4th St City/State Wilmington, DE Zip Code 19805 Telephone 3023798285

**OBSERVATIONS AND CORRECTIVE ACTIONS**

Item Number	
10	6-301.11 (PF) No soap at handsink next to prep sink -cos
8	2-301.15 (PD) Owner wash hands at 3 bay sink -cos, educated owner on only using handsink
8	2-301.12 (D) Owner did not use soap and scrub hands for 10-15 seconds when washing hands -cos, educated owner on proper handwashing procedure
37	3-302.12c Water placed in spray bottle not labeled
2	2-102.12c No certified food protection manager
1	2-102.11 (PF) Owner did not know cold holding for bavarian cream churros which were to be kept frozen until use per manufacturer's label -cos, educated owner on proper cold holding temperature and reading manufacturer's labels to ensure items are stored properly, cream cheese and churros will be discarded

Inspection was done at 1:05pm to 2:35pm, owner requested inspector return on same day (4/13/2018) to assess purchase of new commercial refrigerator and internal holding temperature

Person in Charge (Signature) [Signature]

Date: 4/13/18

Inspector (Signature) [Signature] EHS11

Date: 4/13/18



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 (8-405.11) or 90 days for core items (8-406.11).

**Food Establishment Inspection Report**

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

License/Permit # N171955

Date 4/13/18

Establishment Lopez Bakery Address 1805 W 4th St. City/State Wilmington, DE Zip Code 19805 Telephone 3023798785

**TEMPERATURE OBSERVATIONS**

Item/Location	Temp	Item/Location	Temp	Item/Location	Temp
<u>Avantco Refrigerator</u>		<u>Travulsen refrigerator</u>		<u>- cream cheese</u>	<u>45°F</u>
<u>- eggs</u>	<u>ambient temperature of 52°F</u>			<u>- <del>monterey cheddar</del></u>	<u>41°F</u>
<u>- milk</u>	<u>49°F</u>			<u>cherry (1)</u>	

**OBSERVATION 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	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
<u>22</u>	<u>3-501.16 (D) food items listed above held above 41°F -Owner has been directed on items to discard</u>
<u>47</u>	<u>4-501.11c Avantco refrigerator internal temperature found at 52°F Refrigerator Travulsen internal temperature found at 55°F</u>

Person in Charge (Signature) X. Acosta Lopez

Date: 4/13/18

Inspector (Signature) [Signature] #11

Date: 4/13/18



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 (8-405.11) or 90 days for core items (8-406.11).

### Food Establishment Inspection Report

Page 1 of 3

Delaware Division of Public Health Office of Food Protection 417 Federal St., Dover, DE 19901		No. of Risk Factor/Intervention Violations: <u>1</u>		Date: <u>4/13/18</u>
Establishment: <u>Lopez Bakery</u>		Address: <u>1805 W 4th St.</u>		City/State: <u>Wilmington, DE</u>
License/Permit #: <u>NT 1955</u>		Permit Holder: <u>Armin Lopez</u>		Purpose of Inspection: <u>Follow up</u>
Zip Code: <u>19805</u>		Telephone: <u>378 785</u>		Est. Type: <u>FE</u>
Risk Category: <u>Med</u>		No. of Repeat Risk Factor/Intervention Violations: <u>0</u>		Score (optional): <u>N/A</u>

#### 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

Item	Compliance Status	Description	COS	R
<b>Supervision</b>				
1	IN	Person in charge present, demonstrates knowledge, and performs duties		
2	IN	Certified Food Protection Manager		
<b>Employee Health</b>				
3	IN	Management, food employee and conditional employee; knowledge, responsibilities and reporting		
4	IN	Proper use of restriction and exclusion		
5	IN	Procedures for responding to vomiting and diarrheal events		
<b>Good Hygienic Practices</b>				
6	IN	Proper eating, tasting, drinking, or tobacco use		
7	IN	No discharge from eyes, nose, and mouth		
<b>Preventing Contamination by Hands</b>				
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		
<b>Approved Source</b>				
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		
<b>Protection from Contamination</b>				
15	IN	Food separated and protected		
16	IN	Food-contact surfaces; cleaned & sanitized		

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

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

Item	Compliance Status	Description	COS	R
<b>Safe Food and Water</b>				
30		Pasteurized eggs used where required		
31		Water & ice from approved source		
32		Variance obtained for specialized processing methods		
<b>Food Temperature Control</b>				
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		
<b>Food Identification</b>				
37		Food properly labeled; original container		
<b>Prevention of Food Contamination</b>				
38		Insects, rodents, & animals not present		
38		Contamination prevented during food preparation, storage & display		
40		Personal cleanliness		
41		Wiping cloths: properly used & stored		
42		Washing fruits & vegetables		

Item	Compliance Status	Description	COS	R
<b>Proper Use of Utensils</b>				
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		
<b>Utensils, Equipment and Vending</b>				
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		
<b>Physical Facilities</b>				
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): [Signature] Date: 4/13/18

Inspector (Signature): [Signature] Follow-up: YES NO (Circle one) Follow-up Date: 4/16/18



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Inspection Report

Page 2 of 2

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

License/Permit #

N171955

Date

4/13/18

Establishment

Lopez Bakery

Address

1805 W 4th St

City/State

Wilmington DE

Zip Code

19805

Telephone

374 8785

OBSERVATIONS AND CORRECTIVE ACTIONS

Item Number

8-404.11 (D) Owner has been told to cease operations immediately due to no refrigeration being available for TCS food products reinspection on 4/10/18

A closed sign has been posted on the front door and must not be removed.

Person in Charge (Signature)

[Signature]

Date:

4/13/18

Inspector (Signature)

[Signature]

Date:

4/13/18

84811



# DELAWARE HEALTH AND SOCIAL SERVICES

## Division of Public Health

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 (8-405.11) or 90 days for core items (8-406.11).

### 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: 4/16/18
		No. of Repeat Risk Factor/Intervention Violations: 0		Time In: 8:50
		Score (optional): NA		Time Out: 10:20
Establishment: Lopez Bakery	Address: 1805 W 4th St.	City/State: Wilmington, DE	Zip Code: 19805	Telephone: 379-8785
License/Permit #: N1171955	Permit Holder: Efrain Lopez	Purpose of Inspection: follow up	Est. Type: fe	Risk Category: 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	Supervision	Employee Health	Good Hygienic Practices	Approved Source	Protection from Contamination	Compliance Status	Time/Temperature Control for Safety	Consumer Advisory	Highly Susceptible Populations	Food/Color Additives and Toxic Substances	Conformance with Approved Procedures
1 IN OUT	Person in charge present, demonstrates knowledge, and performs duties	3 IN OUT	Management, food employee and conditional employee; knowledge, responsibilities and reporting	11 IN OUT	Food obtained from approved source	17 IN OUT	Proper cooking time & temperatures	25 IN OUT N/A	Consumer advisory provided for raw/undercooked food	27 IN OUT N/A	Food additives: approved & properly used
2 IN OUT N/A	Certified Food Protection Manager	4 IN OUT	Proper use of restriction and exclusion	12 IN OUT N/A N/O	Food received at proper temperature	18 IN OUT N/A N/O	Proper reheating procedures for hot holding	26 IN OUT N/A	Pasteurized foods used; prohibited foods not offered	28 IN OUT N/A	Toxic substances properly identified, stored, & used
3 IN OUT	Management, food employee and conditional employee; knowledge, responsibilities and reporting	5 IN OUT	Procedures for responding to vomiting and diarrheal events	13 IN OUT	Food in good condition, safe, & unadulterated	19 IN OUT N/A N/O	Proper cooling time and temperature				
4 IN OUT	Proper use of restriction and exclusion			14 IN OUT N/A N/O	Required records available: shellstock tags, parasite destruction	20 IN OUT N/A N/O	Proper hot holding temperatures				
5 IN OUT	Procedures for responding to vomiting and diarrheal events					21 IN OUT N/A N/O	Proper cold holding temperatures				
6 IN OUT	Procedures for responding to vomiting and diarrheal events					22 IN OUT N/A N/O	Proper date marking and disposition				
7 IN OUT N/O	No discharge from eyes, nose, and mouth					23 IN OUT N/A N/O	Proper date marking and disposition				
8 IN OUT N/O	Hands clean & properly washed					24 IN OUT N/A N/O	Time as a Public Health Control; procedures & records				
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										
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										
15 IN OUT N/A N/O	Food separated and protected										
16 IN OUT N/A	Food-contact surfaces: cleaned & sanitized										

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.

Safe Food and Water	Food Temperature Control	Food Identification	Prevention of Food Contamination	Proper Use of Utensils	Utensils, Equipment and Vending	Physical Facilities
30	33	37	38	43	47	50
Pasteurized eggs used where required	Proper cooling methods used; adequate equipment for temperature control	Food properly labeled; original container	Insects, rodents, & animals not present	In-use utensils: properly stored	Food & non-food contact surfaces cleanable, properly designed, constructed, & used	Hot & cold water available; adequate pressure
31	34		39	44	48	51
Water & ice from approved source	Plant food properly cooked for hot holding		Contamination prevented during food preparation, storage & display	Utensils, equipment & linens: properly stored, dried, & handled	Warewashing facilities: installed, maintained, & used; test strips	Plumbing installed; proper backflow devices
32	35		40	45	49	52
Variance obtained for specialized processing methods	Approved thawing methods used		Personal cleanliness	Single-use/single-service articles: properly stored & used	Non-food contact surfaces clean	Sewage & waste water properly disposed
	36		41	46		53
	Thermometers provided & accurate		Wiping cloths: properly used & stored	Gloves used properly		Toilet facilities: properly constructed, supplied, & cleaned
			42			54
			Washing fruits & vegetables			Garbage & refuse properly disposed; facilities maintained
						55
						Physical facilities installed, maintained, & clean
						56
						Adequate ventilation & lighting; designated areas used

Person in Charge (Signature): *Efrain Lopez* Date: 4/16/18  
 Inspector (Signature): *[Signature]* EHS/II Follow-up: YES NO (Circle one) Follow-up Date:



**Inspection Report**

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

License/Permit #

N171955

Date

4/16/18

Establishment

Lopez Bakery

Address

1805 W 4th St.

City/State

Wilmington, DE

Zip Code

19805

Telephone

377 8785

**OBSERVATIONS AND CORRECTIVE ACTIONS**

Item Number

Owner Efrain Lopez has purchased an additional refrigerator (Avanteo Model 1785D S47 HCB) and a freezer (Avanteo Model 1785S2FHC). Refrigerator is holding at 36°F and freezer is holding at -1.0°F. Owner has been approved to re-open. Owner will keep logs of temperature on refrigerators and freezers. Owner will also supply specification sheets for new units.  
for refrigerator - holding temperature 41°F or less  
for freezer - holding temperature 32°F or less  
Mr. Lopez plans to repair refrigerators (previous) and use too. Floor plan must be updated with new equipment. New Avanteo refrigerator by front door will be switched (placement) with older Avanteo refrigerator so that newer unit can be used closer to kitchen for TCS foods.  
Hot water is 80 gallons  
Please submit updated Floor plan and equipment list to EHFS office (1 copy), Office of food protection (2 copies)

- 47 4-501.11 e owner has a refrigerator at 36°F and freezer at -1.0°F
- 22 3-501.16 (p) Owner stated he discarded eggs, milk, cream cheese, and any other TCS food holding 41°F (p) above 41°F  
- No TCS foods found in refrigerator to probe

Person in Charge (Signature)

Efrain Lopez

Date:

4/16/18

Inspector (Signature)

[Signature] 54511

Date:

4/16/18