



July 17, 2018

Tex-Mex Foods Inc.
La Tolteca Restaurant
2209 Concord Pike
Wilmington, DE 19803

closed
7/18/18

Dear Tex-Mex Foods Inc:

Closure of Food Establishment Due to Imminent Health Hazard

The Division of Public Health (DPH) formally mandates you to Cease and Desist all food establishment activities effective immediately at La Tolteca, Wilmington, DE. Delaware law, 16 Del. C § 122 establishes the authority for Department of Health and Social Services to regulate food establishments. On July 12, 2018, gross unsanitary conditions were identified during a complaint inspection. In accordance with 8-404.11 of the State of Delaware Food Code, imminent hazards exist due to a pest infestation.

Prior to resuming operation, La Tolteca Restaurant (N993578) shall be inspected by DPH.

If you have any questions or concerns, please contact the Environmental Health Field Services – New Castle County office at [REDACTED]

Sincerely,

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).

9 ✓

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	7/12/18
		No. of Repeat Risk Factor/Intervention Violations	0	Time In	2:10
		Score (optional)	N/A	Time Out	3:25
Establishment	Address	City/State	Zip Code	Telephone	
<i>La Tofino Restaurant</i>	<i>2207 Concord Rte</i>	<i>Wilmington, DE</i>	<i>19802</i>	<i>(302) 478-4040</i>	
License/Permit #	Permit Holder	Purpose of Inspection	Est. Type	Risk Category	
<i>N992578</i>	<i>Tex-Mex Foods Inc.</i>	<i>Complaint</i>	<i>FF</i>	<i>Med</i>	

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

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		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				
Food Temperature Control						Utensils, Equipment and Vending					
33	Proper cooling methods used; adequate equipment for temperature control					46	Gloves used properly				
34	Plant food properly cooked for hot holding					Physical Facilities					
35	X Approved thawing methods used					47	X Food & non-food contact surfaces cleanable, properly designed, constructed, & used				
36	Thermometers provided & accurate					48	Warewashing facilities: installed, maintained, & used; test strips				
Food Identification						Physical Facilities					
37	Food properly labeled; original container					49	Non-food contact surfaces clean				
Prevention of Food Contamination						Physical Facilities					
38	X Insects, rodents, & animals not present					50	Hot & cold water available; adequate pressure				
39	Contamination prevented during food preparation, storage & display					51	Plumbing installed; proper backflow devices				
40	Personal cleanliness					52	Sewage & waste water properly disposed				
41	Wiping cloths: properly used & stored					53	Toilet facilities: properly constructed, supplied, & cleaned				
42	Washing fruits & vegetables					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: 7/12/18

Inspector (Signature) *NCC-FISE-DRB* Follow-up: YES NO (Circle one) Follow-up Date:



Inspection Report

Delaware Division of Public Health
Community Environmental Health Services
417 Federal St, Dover DE 19901

License/Permit # N993578

Date 7/12/18

Establishment <u>La Tolteca Restaurant</u>	Address <u>2209 Concord Pike</u>	City/State <u>Wilmington, DE</u>	Zip Code <u>19803</u>	Telephone <u>(302) 478-4646</u>
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OBSERVATIONS AND CORRECTIVE ACTIONS

Item Number

On July 10, 2018 a complaint was made on La Tolteca Restaurant at 2209 Concord Pike. The reporting person stated: ordered [redacted] [redacted] started picking through the food and found a baby cockroach. I took the food back in. They did not think it was a big deal and almost did not want to give my money back.

On July 12, 2018 an investigation was conducted. During the investigation I observed roaches (small and large) on the floor under table with tea brewer. Roaches on floor and wall behind dish machines. Also under table of dish machine. On the wall behind 3 compartment sink, on the floor near hand sink, back door and dry storage area were roaches. Roaches crawling up wall behind brain maver on cook line. Under stove, behind refrigerator and on wall on cook line. Mouse droppings present throughout F.E. Kitchen, dry storage and server area had a large amount of droppings. Droppings also on top of lids with chips inside.

38 6-501.111 (P) Roaches and mice droppings are present in F.E. Roaches are live.

35 3-501.13 c Thawing Tilapia on top of chip container in dry storage.

47 4-501.11 c Walk-in freezer not able to close.

3-407.11 (P) Due to imminent Health Hazard La Tolteca Restaurant must cease operation. The pest control service shall be contacted to treat issue. All food must be discarded. Pest must be eliminated from dish machine and 3 compartment sink, before washing equipment and utensils. Once pest eliminated a thorough clean and sanitization of kitchen, dry storage area, server station and dining and bar must be completed. Any food or equipment that has been contaminated by pest must be discarded and not moved to new location.

La Tolteca is closing this location for good and moving up Concord Pike next week.

Person in Charge (Signature)

Date 07/12/18

Inspector (Signature) NCC-86511-058

Date 7/12/18

