DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

OFFICE OF THE DIRECTOR

December 7, 2017

Dave Thompson
On the Rocks
776 Old Baltimore Pike
Newark, DE 19702-1396

Dear Mr. Dave Thompson:

Closure of Food Establishment for Failure to Obtain a Permit

The Division of Public Health (DPH) has mandated that you cease and desist all food establishment activities effective immediately at the On the Rocks, located in Newark, DE. Delaware law, 16 Del. C § 122 establishes the authority for Department of Health and Social Services to regulate food establishments. Our records indicate you failed to obtain a permit to offer prepared food for sale to the public. In addition, please refer to the State of Delaware Food Code, for information regarding prerequisites for operation of a food establishment.

The Division prohibits all food establishment activities until you have obtained a valid permit

If you have any questions or concerns, please contact Jae Kim, Environmental Health Field Services – New Castle County at [redacted]

Sincerely,

Karyl T. Rattay MD, MS
Director

Pc: HSP Administration
OFP
EHFS – NCC
File

JESSE S. COOPER BUILDING • FEDERAL STREET • DOVER • DELAWARE
MAILING ADDRESS: 417 FEDERAL STREET • DOVER • DELAWARE • 19901
TELEPHONE: 302-744-4700 • FAX: 302-744-5361

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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

No. of Risk Factor/Intervention Violations
No. of Repeat Risk Factor/Intervention Violations
Score (optional)

Date 12/6/17
Time In 3:00
Time Out 3:45

Establishment	Address	City/State	Zip Code	Telephone
On the Rocks	776 S. Old Baltimore Pk	Newark, DE	19702	355-0909

License/Permit #	Permit Holder	Purpose of Inspection	Est. Type	Risk Category
No Permit	—	Complaint	FE	—

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
	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		
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

			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		
		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) [signature] Date: 12/6/17

Inspector (Signature) Stephen Hurley EHS II

Follow-up: YES NO (Circle one) Follow-up Date:

DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

Inspection Report

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

License/Permit # NO Permit

Date 12/6/17

Establishment	Address	City/State	Zip Code	Telephone
On the Rocks	776 S. Old Baltimore Pk	Newark, DE	19702	355-0909

OBSERVATIONS AND CORRECTIVE ACTIONS

Item Number

On Tuesday 12/5/17, the Division of Public Health received a complaint regarding On the Rocks located at 776 S. Old Baltimore Pike Newark, DE 19702. The complainant stated that they visited the establishment on 11/28/17 and observed establishment serving foods such as hot Italian sausage sandwiches, hot dogs, wings and cheeseburgers. Reporting person doesn't think establishment has a FE permit. Upon arrival the health department confirmed that the establishment does not have a food permit, and is serving food. The establishment was informed that they must stop serving food immediately. A cease and desist letter will be issued. Some of the foods that were being served were hot dogs, sausage sandwiches, onion rings, pizza rolls, cheesesteak rolls, chicken wings. The owner was instructed to fill out a Plan Review packet and submit it. The Kitchen does not have a hand sink, a three compartment sink, or a mop sink. The food prep sink is not air gapped.

Dave Thompson
776 S. Old Baltimore Pike
Newark, DE 19702
[redacted]

Person in Charge (Signature) [signature] Date: 12/6/17

Inspector (Signature) Stephen Hartley EHS II Date: 12/6/17