



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUBLEKO YAN SETBISION SUSIAT



LOURDES A. LEON GUERRERO
GOVERNOR, MAGA'HA'GA'

ARTHUR U. SAN AGUSTIN, MHR
ACTING DIRECTOR

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGA'HA'

LAURENT SF DUENAS, MPH, BSN
DEPUTY DIRECTOR

JOSEPHINE T. O'MALLAN
DEPUTY DIRECTOR

GABRIEL BUDG. UNIT S
MARINE CORPS DR.
EAST AGANA, GUAM
CHUDY'S PUB
Name of Establishment

Date: 07/16/2020

As a result of this inspection your establishment received a:

☐ LETTER OF WARNING

(Demerit/Grade Points)

Once you have corrected all violations cited on your establishment's inspection report, you must provide us a written request for re-inspection to include a description of the corrective measures that you have implemented. If we do not receive a written re-inspection request from you, we will conduct a follow-up inspection after ten (10) calendar days from the official receipt of this notice to ensure that corrective measures have been taken.

Failure to correct violations may result in the closure of your establishment pursuant to section 21109(b) of 10GCA, Chapter 21.

☒ NOTICE OF CLOSURE

NO MANAGER'S CERTIFICATION

(Demerit/Grade Points)

Once you have corrected all violations cited on your establishment's inspection report, you must provide us a written request for re-inspection to include a description of the corrective measures that you have implemented. Unlike an establishment who has received a letter of warning, an establishment shall remain closed unless a written request for re-inspection is made. Under 10 GCA Ch. 21 §21109(b), suspension without prior hearing may be imposed until the violation is corrected. You may also request a hearing to the Division of Environmental Health within five (5) calendar days of the date of this notice. When a hearing is requested following a suspension without prior hearing, it shall be discretionary with the Director as to whether the suspension shall be continued pending the hearing.

We look forward to working closely with you as partners in promoting health and sanitary practices on Guam. If you need further assistance, you can reach us at 300-9579 or (fax) 300-9577. Si Yu'us Ma'ase.

Sincerely,

ARTHUR U. SAN AGUSTIN, MHR
Acting Director

FOR:

Issued By:

V. RAMUNDO / T. SHIMIZU
Name of EPHO

Received By:

X Ann Cepeda
Establishment Representative

Department of Public Health & Social Services ITC Building Ste 219
590 S Marine Corps Drive, Tamuning, Guam 96913-3532
www.dohss.guam.gov

Revised 07/14/2020

685-1129 Ann Cepeda

Department of Public Health and Social Services
Division of Environmental Health

Food Establishment Inspection Report

Page 1 of 2

INSPECTION	RSN	TYPE	GRADE	INSPECTION DATE		ESTABLISHMENT NAME	
Regular	✓	✓	6	07 / 16 / 2020		CINDY'S PUB	
Follow-up				TIME IN	TIME OUT	PERMIT HOLDER	
Complaint				6:30 PM	7:30 PM	L&R PARTNERSHIP	
Investigation			RATING	SANITARY PERMIT NO.		LOCATION (Address)	
Other:			NA	200700489		GABRIEL BLOG. UNITS, MARINE CORPS DR. EAST AGANA	
ESTABLISHMENT TYPE				AREA	TELEPHONE	No. of Risk Factor/Intervention Violations	RISK CATEGORY
BAR				7	471-9218	1	2
						No. of Repeat Risk Factor/Intervention Violations	

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance (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 PTS = Demerit points

Compliance Status				COS	R	PTS
Supervision						
1	IN	OUT				6
Person in charge present, demonstrates knowledge, and performs duties						
Employee Health						
2	IN	OUT				6
Management awareness; policy present						
3	IN	OUT				6
Proper use of reporting, restriction & exclusion						
Good Hygienic Practices						
4	IN	OUT	N/A	N/O		6
Proper eating, tasting, drinking, betelnut, or tobacco use						
5	IN	OUT	N/A	N/O		6
No discharge from eyes, nose, and mouth						
Preventing Contamination by Hands						
6	IN	OUT	N/A	N/O		6
Hands clean and properly washed						
7	IN	OUT	N/A	N/O		6
No bare hand contact with ready-to-eat foods or approved alternate method properly followed						
8	IN	OUT				6
Adequate handwashing facilities supplied & accessible						
Approved Source						
9	IN	OUT				6
Food obtained from approved source						
10	IN	OUT	N/A	N/O		6
Food received at proper temperature						
11	IN	OUT				6
Food in good condition, safe, and unadulterated						
12	IN	OUT	N/A	N/O		6
Required records available: shellstock tags, parasite destruction						
Protection from Contamination						
13	IN	OUT	N/A			6
Food separated and protected						
14	IN	OUT	N/A			6
Food contact surfaces: cleaned & sanitized						
15	IN	OUT				6
Proper disposition of returned, previously served, reconditioned, and unsafe food						

Compliance Status				COS	R	PTS
Potentially Hazardous Food (TCS Food)						
16	IN	OUT	N/A	N/O		6
Proper cooking time and temperatures						
17	IN	OUT	N/A	N/O		6
Proper reheating procedures for hot holding						
18	IN	OUT	N/A	N/O		6
Proper cooling time and temperatures						
19	IN	OUT	N/A	N/O		6
Proper hot holding temperatures						
20	IN	OUT	N/A			6
Proper cold holding temperatures						
21	IN	OUT	N/A	N/O		6
Proper date marking and disposition						
Consumer Advisory						
22	IN	OUT	N/A			6
Consumer Advisory provided for raw or undercooked foods						
Highly Susceptible Populations						
23	IN	OUT	N/A			6
Pasteurized foods used; prohibited foods not offered						
Chemical						
24	IN	OUT	N/A			6
Food additives: approved and properly used						
25	IN	OUT				6
Toxic substances properly identified, stored, used						
Conformance with Approved Procedures						
26	IN	OUT	N/A			6
Compliance with variance, specialized process, and HACCP plan						

Risk factors are improper 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 introduction of pathogens, chemicals, and physical objects into foods.

Mark "X" in box; if numbered item is not in compliance and/or if COS and/or R. COS = Corrected on-site during inspection R = Repeat violation PTS = Demerit points

Compliance Status				COS	R	PTS
Safe Food and Water						
27						1
Pasteurized eggs used where required						
28						2
Water and ice from approved source						
29						1
Variance obtained for specialized processing methods						
Food Temperature Control						
30						1
Proper cooling methods used; adequate equipment for temperature control						
31						1
Plant food properly cooked for hot holding						
32						1
Approved thawing methods used						
33						1
Thermometer provided and accurate						
Food Identification						
34						1
Food properly labeled; original container						
Prevention of Food Contamination						
35						2
Insects, rodents, and animals not present						
36						1
Contamination prevented during food preparation, storage & display						
37						1
Personal cleanliness						
38						1
Wiping cloths: properly used and stored						
39						1
Washing fruits and vegetables						

Compliance Status				COS	R	PTS
Proper Use of Utensils						
40						1
In-use utensils: properly stored						
41						1
Utensils, equipment and linens: properly stored, dried, handled						
42						1
Single-use/single-service articles: properly stored, used						
43						1
Gloves used properly						
Utensils, Equipment and Vending						
44						1
Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used						
45						1
Warewashing facilities: installed, maintained, used; test strips						
46						1
Nonfood-contact surfaces clean						
Physical Facilities						
47						2
Hot & cold water available, adequate pressure						
48						2
Plumbing installed; proper backflow devices						
49						2
Sewage and wastewater properly disposed						
50						2
Toilet facilities: properly constructed, supplied, & cleaned						
51						2
Garbage/refuse properly disposed; facilities maintained						
52						1
Physical facilities installed, maintained, and clean						
53						1
Adequate ventilation and lighting; designated areas use						
Documents and Placards						
54						2
Sanitary Permit, Health Certificates valid and posted						

I have read and understand the above violation(s), and I am aware of the corrective measures that shall be taken.

Person in Charge (Print and Sign)	Ann Cepeda	Date:	07/16/2020
DEH Inspector (Print and Sign)	V. RAYMUNDO, EPHO I	Follow-up (Circle one):	YES NO
		Follow-up Date	NA

T. SHIMIZU, EPHO I

**Department of Public Health and Social Services
Division of Environmental Health
Food Establishment Inspection Report**

Page 2 of 2

ESTABLISHMENT NAME CINDY'S PUB		LOCATION (Address) GABRIEL BLOG UNIT 5, MARINE CORPS DR EAST HASATNA
INSPECTION DATE 07/16/2020	SANITARY PERMIT NO. 200700489	PERMIT HOLDER L&R PARTNERSHIP
ITEM NO.	OBSERVATIONS AND CORRECTIVE ACTIONS	
	CORRECT BY DATE	

Violations cited in this report must be corrected within the time frames indicated, or as stated in Sections 8-405.11 and 8-406.11 of the Guam Food Code.

	§4415 of the Health Certificate Regulations states, "...every eating and drinking establishment and food establishment... shall have a designated manager or supervisor who shall be certified under the provisions of these rules and regulations... (and) is a requirement in addition to, and not in lieu of, a Health Certificate."	
	10 GCA Ch. 21 Section 21109(a) (Suspension and Revocation of Permit) states, "A permit may be suspended by the Director pursuant to §21107(2)(d) or upon the violation by the holder or by a person in his employ or under his supervision or control of any of the provisions of this Part.	
	10 GCA Ch. 21 Section 21109(b) states, "Suspension of a permit may be imposed without prior hearing in the discretion of the Director by giving written notice thereof to the holder, in which case, the holder shall have five (5) days within which to request a hearing. Suspension without prior hearing may be imposed for such time until the violation is corrected; or may be imposed as a penalty for repeated violations, in which case, it shall not exceed five (5) days; or may be imposed pending a hearing under Subsections (c) or (d) of this Section. When a hearing is requested following a suspension without prior hearing, it shall be discretionary with the Director as to whether the suspension shall be continued pending the hearing." Hearings shall be conducted according to the Administrative Adjudication Law.	
	An establishment without a manager with a valid certificate of Management Certification shall result in the suspension of its permit. This is a written notice that your permit is hereby suspended.	
	Provided the Person-in-Charge (PIC) with the following: Press Release No. 2018-070 Certificate of Manager's Certification requirement for all retail food facilities dated August 6, 2018. Posted "Notice of Closure" placard Discussed inspection report with the PIC Issued "Notice of Closure" letter Issued Follow-up inspection request form A re-instatement fee of \$100.00 shall be paid to the Department of Public Health and Social Services upon successful completion of a Follow-up inspection.	

Based on the inspection today, the items listed above identify violations which shall be corrected by the date specified by the Department. Failure to comply may result in the immediate suspension of the Sanitary Permit or downgrade. If seeking to appeal the result of any notice or inspection findings, a written request for hearing must be submitted to the Director within the period of time established in the notice for corrections.

Person in Charge (Print and Sign) <i>Ann Cepeda</i>	Date: <i>7/16/20</i>
DEH Inspector (Print and Sign) <i>V. RAYMUNDO, EPHO I</i>	Date: <i>07/15/2020</i>



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH
PUBLIC AND PRIVATE PREMISES
INSPECTION REPORT

NAME (OWNER, LESSEE, OCCUPANT, ETC.):

CINDYS PUB, L&R PARTNERSHIP

ADDRESS: Lot #, street name, house/apt. #, building name:

GABRIEL BLVD UNIT 5
MARINE CORP BLDG

INSPECTION/INVESTIGATION DATE:

7/16/2020

COMPLAINT #:

NA

MUNICIPALITY/VILLAGE; SUBDIVISION:

HAGATNA (EAST HAGATNA)

THE FOLLOWING CHECKED ITEMS REPRESENT VIOLATIONS OF THE CORRESPONDING SECTIONS OF TITLE 10, GUAM CODE ANNOTATED

SECTION #	REMARKS																											
	An assessment of the above-mentioned facility was conducted on this day to determine compliance with DPHSS Guidance Memorandum 2020-25 (June 22, 2020) during the COVID-19 emergency.																											
	The following violations were observed and deemed a public nuisance:																											
	<table border="1"> <thead> <tr> <th></th> <th>Corrected on the Spot (COS)</th> <th>Repeat</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> 1. Failed to require and enforce mandatory use of face masks with employees/customers.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> 2. Failed to enforce social distancing of a minimum of 6 feet between individuals in the interior and exterior premises of the property of the business.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> 3. Failed to post appropriate signage for face masks and social distancing.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> 4. Failed to have a policy in place for the frequent cleaning of all surfaces.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/> 5. Failed to have and present an organization-specific guidance plan in place.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> 6. Failed to properly maintain the required occupant load of _____.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/> 7. Failed to adhere to the authorized number for social gatherings on business premises.</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/> 8. Failed to adhere to the requirements outlined in DPHSS Guidance Memorandum 2020-23</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		Corrected on the Spot (COS)	Repeat	<input type="checkbox"/> 1. Failed to require and enforce mandatory use of face masks with employees/customers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 2. Failed to enforce social distancing of a minimum of 6 feet between individuals in the interior and exterior premises of the property of the business.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 3. Failed to post appropriate signage for face masks and social distancing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 4. Failed to have a policy in place for the frequent cleaning of all surfaces.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 5. Failed to have and present an organization-specific guidance plan in place.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 6. Failed to properly maintain the required occupant load of _____.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 7. Failed to adhere to the authorized number for social gatherings on business premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 8. Failed to adhere to the requirements outlined in DPHSS Guidance Memorandum 2020-23	<input type="checkbox"/>	<input type="checkbox"/>
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	Section 20106 (Title 10 Guam Code Annotated, Chapter 20) authorizes Department of Public Health & Social Services to conduct inspections of all public and private grounds, buildings, & other places to enforce & order the immediate abatement of the public nuisance. Businesses that fail to comply with applicable & current Executive Orders and/or Public Health Guidances shall be deemed a public nuisance under Chapter 20, Title 10, of the Guam Code Annotated which are misdemeanors, if found guilty.																											
	Observations/Findings: <input type="checkbox"/> N/A																											
	HEM #8: no certified manager on duty																											

YOU ARE HEREBY GIVEN 2 DAYS (48) HOURS TO CORRECT THE ABOVE CITED PROBLEMS.

YOUR PROPERTY WILL BE REINSPECTED ON OR ABOUT _____ (DATE)

RECEIVED BY (Print & Sign):

T. SHIMIZU

DEH INSPECTOR (Print & Sign):

V. RAYMUNDO



LOURDES A. LEON GUERRERO
GOVERNOR, MAGA'LÁHA'

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGA'LÁHI

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



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ACTING DIRECTOR

LAURENT SF DUENAS, MPH, BSN, RN
DEPUTY DIRECTOR

JOSEPHINE T. O'MALLAN
DEPUTY DIRECTOR

COMPLIANCE CHECKLIST FOR BARS AND TAVERNS
BASED ON EXECUTIVE ORDER 2020-20, 2020-16, 2020-14,
DPHSS GUIDANCE MEMO 2020-07, 2020-12, and 2020-23

Name of Establishment: CINDY'S PUB Company Name: L&R PARTNERSHIP
Location: GABRIEL BUILDING UNIT 9 MARINE CORPS DR EAST HAGATNA

Item No.	Criteria	Comments	In Compliance with Executive Order and Industry Guidance	
General Requirements				
1	Has a written policy and procedures for COVID-19 prevention and control measures prior to re-opening, which address the following:		Yes	No
	a. Employee health, to include having a plan in place if someone is or becomes sick		Yes	No
	b. Cleaning/sanitizing procedures		Yes	No
	c. Social distancing and other protective measures		Yes	No
2	Operates at no more than the authorized occupancy rate		Yes	No
3	Suspends organized events such as fundraising event, tournament, etc.		Yes	No
4	Prohibits the use of game equipment such as game machines, pool tables, dart boards and other areas where people may congregate that have high-touch surfaces		Yes	No
5	Prohibits the use of dance floor	N/A	Yes	No
6	Follows the requirement of the Guam Food Code that also applies to COVID-19 mitigation:		Yes	No
	a. Prohibiting sick employees in the workplace		Yes	No
	b. Strict handwashing practices, to include when and how		Yes	No
	c. Strong procedures and practices to clean and sanitize surfaces		Yes	No
	d. PIC is on site and is a certified food manager		Yes	No
Employee Health				
7	Screens employees and patrons before entering the facility		Yes	No
8	Possesses adequate supplies to support healthy hygienic behaviors		Yes	No
9	Posted signage for employees and patrons on good hygiene and sanitation practices		Yes	No
Cleaning and Disinfection				
10	Has a cleaning and disinfection procedures and schedule in place for common areas, highly touch surfaces, and the entire establishment		Yes	No
11	Regularly disinfects liquor bottles, pour stations, taps, ice coops, etc.		Yes	No
12	Clean silverware, dishes, and glasses are protected or placed in a covered area.	no hot water	Yes	No

13	Toilet facilities and handwashing sinks are thoroughly and regularly cleaned and disinfected.		<u>Yes</u>	No
14	Possesses adequate cleaning and disinfection products for both employees and patrons		<u>Yes</u>	No
15	Follows CDC's cleaning and disinfecting guidelines		<u>Yes</u>	No
Ventilation				
16	Maximizes fresh air through use of existing ventilation system		<u>Yes</u>	No
17	Minimizes air from fans blowing from one person directly at another individual	N/A	Yes	No
Social Distancing and Other Protective Measures				
18	Implements social distancing of at least 6 feet and posting of appropriate signage		<u>Yes</u>	No
19	Limits the number of customers in the bar at one time		<u>Yes</u>	No
20	Posted signage at entrance stating that no one with COVID-19 symptoms is permitted inside		<u>Yes</u>	No
21	For live music, ensures there is ample distance (6-foot min.) between musicians and customers	N/A	Yes	No
22	Appropriate physical barriers are in place for booth seating	N/A	Yes	No
23	For congregations or social gatherings:		Yes	No
	a. Total number of people, including employees, do not exceed the capacity permitted in the most recent E.O. (including private rooms)		<u>Yes</u>	No
	b. Total number of people in each party do not exceed the number allowed for congregations or social gatherings in most recent E.O.		<u>Yes</u>	No
24	Mandating the wearing of face mask		<u>Yes</u>	No
25	Provides hand sanitizers for guests to use at entrances and other designated locations		<u>Yes</u>	No

RECEIVED BY (Name and Title)		DATE
Ann Cepeda (Mgr) <i>[Signature]</i>		7/16/20
DEH INSPECTOR (Name and Title)		DATE
T. SHIMIZU <i>[Signature]</i> V. RAYMUNDO <i>[Signature]</i>		7/16/2020