



REGULATORY/MEDICAL HEALTH SERVICES
ENVIRONMENTAL HEALTH

RETAIL FOOD FACILITY INSPECTION REPORT

FACILITY NAME WENDYS OLD FASHIONED		FACILITY ADDRESS 10040 CHAPMAN AVE, GARDEN GROVE, CA 92840	
MAILING ADDRESS 10040 CHAPMAN AVE GARDEN GROVE, CA 92840		IDENTIFIER None	
C/O - OWNER EDDIE CHENG/WAI HAN YIP		RESULT CLOSED	
FACILITY ID FA0004735	RELATED ID PR0004735	SERVICE: A01 - ROUTINE INSPECTION	INSPECTION DATE 5/7/2019
PROGRAM DESCRIPTION 0133 - RESTAURANT 61-100 PERSONS - COMPLEX		FOOD MANAGER CERTIFICATE / EXPIRATION DATE M. Chavez 3/8/20	REINSPECTION DATE: N/A

Based on an inspection this day, the compliance status (IN, MAJ, MIN, N/A, N/O, OUT, COS) has been identified below. Violations noted as MAJ, MIN or OUT must be corrected. Failure to correct the listed violation(s) prior to the designated compliance date may necessitate a reinspection at an additional fee. See the following page(s) for the California Health and Safety code sections and other applicable codes for the general requirements that correspond to the violation(s) noted below.

IN = In Compliance MAJ = Major MIN = Minor N/A = Not Applicable N/O = Not Observed OUT = Out of Compliance COS = Corrected on Site

CRITICAL RISK FACTORS

IN	MAJ	MIN	N/A	N/O		COS
●					EMPLOYEE KNOWLEDGE	
		●			1. Demonstration of knowledge	
					2. Food manager certification; food handler cards	
					EMPLOYEE HEALTH & HYGIENIC PRACTICES	
●					3. Communicable disease; reporting, restrictions & exclusions	
●					4. No discharge from eyes, nose, and mouth	
				●	5. Proper eating, tasting, drinking or tobacco use	
					PREVENTING CONTAMINATION BY HANDS	
	●				6. Hands clean and properly washed; gloves used properly	●
		●			7. Adequate handwashing facilities supplied & accessible	
					TIME AND TEMPERATURE RELATIONSHIPS	
	●				8. Proper hot and cold holding temperatures	
			●		9. Time as a public health control; procedures & records	
				●	10. Proper cooling methods	
●					11. Proper cooking time & temperatures	
●					12. Proper reheating procedures for hot holding	

IN	MAJ	MIN	N/A	N/O		COS
●					PROTECTION FROM CONTAMINATION	
					13. Returned and reservice of food	
	●				14. Food in good condition, safe and unadulterated	
●					15. Food contact surfaces: clean and sanitized	
					FOOD FROM APPROVED SOURCES	
●					16. Food obtained from approved source	
			●		17. Compliance with shell stock tags, condition, display	
			●		18. Compliance with Gulf Oyster Regulations	
					ADDITIONAL CRITICAL RISK FACTORS	
			●		19. Compliance with variance, specialized process, & HACCP Plan	
			●		20. Consumer advisory provided for raw or undercooked foods	
			●		21. Licensed health care facilities/public & private schools: prohibited foods not offered	
				●	22. Hot and cold water available	
	●				23. Sewage and wastewater properly disposed	
		●			24. No rodents, insects, birds, or animals	

GOOD RETAIL PRACTICES

OUT		COS
	SUPERVISION	
	25. Person in charge present and performs duties	
	26. Personal cleanliness and hair restraints	
	GENERAL FOOD SAFETY REQUIREMENTS	
	27. Approved thawing methods used, frozen food	
	28. Food separated and protected	
	29. Washing fruits and vegetables	
	30. Toxic substances properly identified, stored, used	
	FOOD STORAGE/DISPLAY/SERVICE	
●	31. Food storage; food storage containers identified	
	32. Consumer self-service	
	33. Food properly labeled & honestly presented	

OUT		COS
	EQUIPMENT/UTENSILS/LINENS	
	34. Nonfood contact surfaces clean	
	35. Warewashing facilities: installed, maintained, used; test strips	
●	36. Equipment/Utensils approved; installed; good repair, capacity	●
●	37. Equipment, utensils and linens: storage and use	
	38. Adequate ventilation and lighting; designated areas, use	
	39. Thermometers provided and accurate	
	40. Wiping cloths: properly used and stored	
	PHYSICAL FACILITIES	
●	41. Plumbing; proper backflow devices	
	42. Garbage and refuse properly disposed; facilities maintained	
	43. Toilet facilities: properly constructed, supplied, cleaned	
	44. Premises; personal/cleaning items; vermin-proofing	

OUT		COS
●	PERMANENT FOOD FACILITIES	
	45. Floor, walls, ceilings: built, maintained, and clean	
	46. No unapproved private homes/living or sleeping quarters	
	SIGNS/REQUIREMENTS	
	47. Signs posted; last inspection report available	
	48. Plan Review	
	49. Health Permit	
	COMPLIANCE AND ENFORCEMENT	
	50. Permit Suspension - Imminent Health Hazard	
	51. Notice of Violation - Hearing	
	52. Permit Suspension	
●	53. Voluntary Condemnation & Destruction (VC&D)	
	54. Impoundment	
	55. Sample Collected	



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OPENING COMMENTS

The purpose of this visit is a routine inspection. This is a joint inspection with K. Fordon, AEHS.

IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE

The permit to operate the above named food facility is hereby temporarily suspended, and the facility is ordered immediately closed under the authority of Sections 114405 and 114409 of Division 104, Part 7, Chapter 13, Article 3 of the California Health and Safety Code. The attached Inspection Report specifies the conditions that warrant this closure and the Sections of the law that are being violated.

Any food facility for which the permit has been temporarily suspended shall cease all food handling, close and remain closed until all conditions warranting the closure are corrected and your permit has been reinstated by a representative of Environmental Health.

You are hereby notified that you have the right to request a hearing, within 15 calendar days after service of this Notice to show cause why the permit suspension is not warranted. Your failure to request a hearing within 15 calendar days shall be deemed a waiver of your right to a hearing.

An owner, manager or operator who fails to comply with this Closure Notice may be found guilty of a misdemeanor, with a possible fine of \$1,000.00 and/or imprisonment for not more than six months for each offense.

This Health Permit Suspension and Closure Notice is issued to you under the authority of the California Health and Safety Code, Division 104, Part 7, Chapter 13, Article 3. Copies of the Code Sections referred to herein may be reviewed at most public libraries, the Internet, or at Environmental Health.

Contact this office at the number noted above, during normal days of business to request a re-inspection, or if you have any questions.

If you are calling after 5:00 pm or on weekends, leave a message at (714) 433-6418 and an inspector/on call staff will call you back at their earliest convenience. Please make after hour request calls before 8:00 pm. The afterhours overtime rate through June 30, 2019 is \$45.75 per quarter hour, or fraction thereof; time charged includes all travel time.

The CLOSED notification seal was issued this date.

REASON FOR CLOSURE: Sewage backup in the kitchen

Observed the floor drain in the back kitchen area to back up. This drain backed up during the following situations:

- 1) When water was run from the mop sink faucet
- 2) When water was run from the nearby handwash sink faucet

Eliminate the sewage back up . Repair and maintain all plumbing and plumbing fixtures fully operative, clean and in good repair so as to prevent potential contamination of food and food contact surface equipment.

2. FOOD MANAGER CERTIFICATION; FOOD HANDLER CARDS - MINOR

Inspector Comments: The person in charge (PIC) could not produce a food handler card for one of the employees doing food preparation.

Violation Description: There shall be a Food Manager Certificate on the premises for the designated employee that has passed an approved and accredited exam. Food facilities that prepare, handle, or serve non-prepackaged food, shall ensure that all food handlers have an approved food handler card. (113947.1-113947.5, 113948)



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6. HANDS CLEAN AND PROPERLY WASHED; GLOVES USED PROPERLY - MAJOR

Inspector Comments: Observed an employee mop the floor in the back kitchen area and then immediately rinse hands in the 3 compartment sink.

Corrective action: The employee was instructed to properly wash her hand at the nearby handwash sink with warm water, soap, and paper towels.

Violation Description: Employees are required to wash their hands with soap and warm water for a minimum of 10 seconds: before beginning work; before handling food / equipment / utensils; as often as necessary, during food preparation, to remove soil and contamination; when switching from working with raw to ready-to-eat foods, after touching body parts; after using toilet room; or any time when contamination may occur. Food employees shall minimize contact with exposed, ready-to-eat food with their bare hands and shall use suitable utensils, gloves, or dispensing equipment. Food employees shall keep their fingernails clean. Gloves shall be worn if a food employee has artificial nails, nail polish, rings, or orthopedic support devices. (113952, 113953.3, 113953.4, 113961, 113968, 113973 [b-f])

Corrected on site

7. ADEQUATE HANDWASHING FACILITIES SUPPLIED & ACCESSIBLE - MINOR

Inspector Comments: 1) Observed the paper towel dispenser of the handwash sink in the back kitchen area to be empty.

2) Observed the back handwash sink to be obstructed by a large receptacle in front of it.

Violation Description: Handwashing facilities must be provided. Handwashing soap and single-use towels or drying device shall be provided in dispensers; dispensers shall be maintained in good repair. Handwashing facilities shall be clean, unobstructed, and accessible. (113953, 113953.1, 113953.2, 114067)

8. PROPER HOT AND COLD HOLDING TEMPERATURES - MAJOR

Inspector Comments: Observed the following temperatures on the cold top of the cooler to the left of the burger grill:

- tomatoes: 44F
- cheddar cheese: 43F

Observed the following temperatures on the cold top of the cooler under the preparation counter near the drive-thru window:

- tomatoes: 49F
- feta cheese: 50F
- cheddar cheese: 50F

Observed the temperature of salsa inside the cooler under the preparation counter near the drive-thru window to be 47F.

Observed the temperature of the creamy salad dressing at 45F at the inside of the 1-door reachin cooler near the soft serve machine at the front counter.

The person in charge states all foods listed above were either just prepared (ex: salads) and all other potentially hazardous foods (ex: cheese, cut tomatoes, etc..) were relocated back into the walkin cooler. All new potentially foods (cut tomatoes and cheeses) were placed into ice baths at the cold top inserts as a temporary corrective action.

Violation Description: Potentially hazardous foods shall be held at or below 41°F or at or above 135°F. (113996, 113998, 114037, 114343(a), 114004)

14. FOOD IN GOOD CONDITION, SAFE AND UNADULTERATED - MAJOR

Inspector Comments: Observed employee use a spatula on raw hamburger meat and then use the same spatula to serve a cooked hamburger. The cooked hamburger was VC&D. See Item 53.

Violation Description: Any food is adulterated if it bears or contains an unapproved food or color additive or any poisonous or deleterious substance that may render it impure or injurious to health. No food containing artificial trans fat or partially-hydrogenated oils may be stored, distributed, served, or used in the preparation of any food within a food facility. Potentially hazardous foods in reduced oxygen packaging shall not exceed the "use by" date. (113967, 113976, 113980, 113982, 113988, 113990, 114035, 114041, 114094.5, 114254.3)



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22. HOT AND COLD WATER AVAILABLE - MINOR

Inspector Comments: Observed the following hot water temperatures:

- 70F in the men's restroom
- 70F in the women's restroom

Provide warm water to the handwash sink. If the temperature of water provided to a handwashing sink is not readily adjustable at the faucet, the temperature of the water shall be at least 100°F, but not greater than 108°F.

Violation Description: An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided at all times. (113941, 113953c, 114099.2b, 114163, 114189, 114192, 114192.1, 114195)

23. SEWAGE AND WASTEWATER PROPERLY DISPOSED - MAJOR

Inspector Comments: Sewage backup in the kitchen:

Observed the floor drain in the back kitchen area to be backing up. This drain backed up during the following situations:

- 1) When water was run from the mop sink faucet
- 2) When water was run from the nearby handwash sink faucet

Eliminate the sewage back up . Repair and maintain all plumbing and plumbing fixtures fully operative, clean and in good repair so as to prevent potential contamination of food and food contact surface equipment.

Violation Description: All liquid waste must drain to an approved fully functioning sewage disposal system; toilets shall be operable. (114197)

24. NO RODENTS, INSECTS, BIRDS, OR ANIMALS - MINOR

Inspector Comments: Observed the following evidence of insects:

- insect crawling on floor near entrance to facility
- dead houseflies in the light fixtures in the back storage area

Violation Description: Each food facility shall be kept free of insects, birds, animals, or vermin: rodents (rats, mice), cockroaches, flies. (114259, 114259.1, 114259.4, 114259.5)

31. FOOD STORAGE; FOOD STORAGE CONTAINERS IDENTIFIED - OUT OF COMPLIANCE

Inspector Comments: Observed food stored in the employee break room. Discontinue this practice . Do not store any foods or food related equipment in the employee break room.

Violation Description: Food shall be stored in approved containers and labeled as to its contents. Food shall be stored at least 6" above the floor on approved shelving and in an approved area. (114047, 114049, 114051, 114053, 114055, 114067(h), 114069 [b])

36. EQUIPMENT/UTENSILS - APPROVED; INSTALLED; GOOD REPAIR; CAPACITY - OUT OF COMPLIANCE

Inspector Comments: 1) Observed metal panel of the frosty machine in the back kitchen area to be completely separated from the frosty machine. An employee re-installed the panel.

- 2) Repair/Adjust the following refrigeration unit (s) so that the potentially hazardous foods are maintained at or below 41F:
 - 2-door reachin cooler and the attached cold top located at the left side of the hamburger grill (the cold top and inside the refrigeration unit)
 - 2-door reachin cooler and attached cold top located near the drive thru area(the cold top and inside the refrigeration unit)
 - 1-door reachin cooler next to the soft serve machine at the front counter

Violation Description: All utensils and equipment shall be fully operative and in good repair. All utensils and equipment shall be approved, installed properly, and meet applicable standards. (114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114130.6, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182)

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37. EQUIPMENT, UTENSILS AND LINENS: STORAGE AND USE - OUT OF COMPLIANCE

Inspector Comments: Observed a milk crate in the walk-in freezer on the floor and being used as a shelf. Milk crates are not for re-use. Discontinue the practice of re-using/re-purposing milk crates.

Observed the door gasket in the cooler near the fryers to be cracked and separating from the door. Repair or replace the gasket.

Violation Description: All clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces. Utensils and equipment shall be handled and stored so as to be protected from contamination. (114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5)

41. PLUMBING; PROPER BACKFLOW DEVICES - OUT OF COMPLIANCE

Inspector Comments: 1) (a)Observed the front handwash sink to be leaking.
(b)Observed the 3 compartment sink to be leaking.
Eliminate all leaks. Maintain all plumbing fixtures in good repair

2) Observed the drainage lines from the ice machine and frosty machine in the back kitchen area to be in contact with the grate of the floor drain. Maintain a 1 inch air gap between the exit of the drain lines and the top of the floor sink.

Violation Description: The potable water supply shall be protected with a backflow protection device, as required by applicable plumbing codes. All plumbing, plumbing fixtures, and grease interceptors shall be installed in compliance with local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair. Any hose used for conveying potable water shall be of approved materials, labeled, properly stored, and used for no other purpose. (14171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269)

45. FLOORS, WALLS AND CEILINGS: BUILT, MAINTAINED, AND CLEAN - OUT OF COMPLIANCE

Inspector Comments: Observed a hole in the wall with exposed plumbing near the handwash sink in the front kitchen area.

Observed a hole in the ceiling around a red conduit in the back storage area near the employee break room.

Observed accumulated food debris and residue on the following floors:

- the floor of the back storage area
- the floor below the lemonade tanks
- the floor below the soda machine in the dining area

Violation Description: The walls / ceilings shall have durable, smooth, nonabsorbent, light-colored, and washable surfaces. All floor surfaces, other than the customer service areas, shall be approved, smooth, durable, and made of nonabsorbent material that is easily cleanable. Approved base coving shall be provided in all areas, except customer service areas and where food is stored in original unopened containers. Food facilities shall be fully enclosed. All food facilities shall be kept clean and in good repair. (114143(d), 114266, 114268, 114268.1, 114271, 114272)

53. VOLUNTARY CONDEMNATION & DESTRUCTION (VC&D)

Inspector Comments: The following items were discarded:

- 1 hamburger patty
- 1 hamburger bun

Violation Description: Food, equipment, or utensils that are found to be unsanitary or in disrepair may be Voluntarily Condemned and Destroyed by the person in charge. (111890, 111895)



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NOTES

A food for thought brochure was issued.

SIGNATURE(S) OF ACKNOWLEDGEMENT

It was agreed that a copy of this report will be sent to the e-mail address provided. The person in charge was directed to call this office if the report is not received within 2 business days. Additional information can be found at <http://www.ocalthinfo.com/eh/>.

NAME: Fredy Escobar
TITLE: District manager

Signing for the receipt of the above report is not an admission of the facts of the violations set forth herein.

INSPECTOR:

W OCAMPO-CHOY, REHS
ENVIRONMENTAL HEALTH SPEC II
(714) 981-9095
wocampo-choy@ochca.com

Did you know that effective January 1, 2018, the California Health and Safety Code was amended to make it easier for food facilities to donate food? Please consider donating your excess food/product to a local food bank, pantry, or soup kitchen. As a good faith food donor, you are protected from civil and criminal liability if the food product later causes harm to its recipient, unless the injury is a direct result of your gross negligence or intentional misconduct in the preparation or handling of the donated food. See Section 1714.25 of the Civil Code and Sections 114432 to 114434, inclusive, of the Health and Safety Code. For more information, please visit ocalthinfo.com or wastenotoc.org.

REINSPECTION FEES:

Fees are assessed for second or greater reinspections and Notices of Violations. The purpose of these fees is to shift costs away from compliant operators and impose fees on those facilities that fail to readily comply with the applicable laws and regulations. The amount of the fee is to cover all of the cost associated with the service. For the most current fees, please refer to <http://ocalthinfo.com/eh/home/fees> or call (714) 433-6000.