



### RETAIL FOOD FACILITY INSPECTION REPORT

FACILITY NAME <b>WENDYS 123</b>		FACILITY ADDRESS <b>468 E 17TH ST, COSTA MESA, CA 92627</b>			
MAILING ADDRESS <b>32 EDELMAN IRVINE, CA 92618</b>			IDENTIFIER <b>None</b>		
C/O - OWNER <b>CONTINENTAL FOOD MANAGEMENT INC</b>			RESULT <b>CLOSED</b>		
FACILITY ID <b>FA0002049</b>	RELATED ID <b>PR0002049</b>	SERVICE: <b>A01 - ROUTINE INSPECTION</b>		INSPECTION DATE <b>8/21/2019</b>	
PROGRAM DESCRIPTION <b>0133 - RESTAURANT 61-100 PERSONS - COMPLEX</b>		FOOD MANAGER CERTIFICATE / EXPIRATION DATE <b>None available</b>		REINSPECTION DATE: <b>N/A</b>	

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	DESCRIPTION	COS
●					1. Demonstration of knowledge	
		●			2. Food manager certification; food handler cards	
<b>EMPLOYEE HEALTH &amp; HYGIENIC PRACTICES</b>						
●					3. Communicable disease; reporting, restrictions & exclusions	
●					4. No discharge from eyes, nose, and mouth	
●					5. Proper eating, tasting, drinking or tobacco use	
<b>PREVENTING CONTAMINATION BY HANDS</b>						
●					6. Hands clean and properly washed; gloves used properly	
●					7. Adequate handwashing facilities supplied & accessible	
<b>TIME AND TEMPERATURE RELATIONSHIPS</b>						
●					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	DESCRIPTION	COS
●					13. Returned and reserve of food	
●					14. Food in good condition, safe and unadulterated	
●					15. Food contact surfaces: clean and sanitized	
<b>FOOD FROM APPROVED SOURCES</b>						
●					16. Food obtained from approved source	
			●		17. Compliance with shell stock tags, condition, display	
			●		18. Compliance with Gulf Oyster Regulations	
<b>ADDITIONAL CRITICAL RISK FACTORS</b>						
			●		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	DESCRIPTION	COS
	<b>SUPERVISION</b>	
	25. Person in charge present and performs duties	
	26. Personal cleanliness and hair restraints	
<b>GENERAL FOOD SAFETY REQUIREMENTS</b>		
	27. Approved thawing methods used, frozen food	
	28. Food separated and protected	
	29. Washing fruits and vegetables	
	30. Toxic substances properly identified, stored, used	
<b>FOOD STORAGE/DISPLAY/SERVICE</b>		
	31. Food storage; food storage containers identified	
	32. Consumer self-service	
	33. Food properly labeled & honestly presented	

OUT	DESCRIPTION	COS
<b>EQUIPMENT/UTENSILS/LINENS</b>		
●	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	
<b>PHYSICAL FACILITIES</b>		
	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	DESCRIPTION	COS
<b>PERMANENT FOOD FACILITIES</b>		
●	45. Floor, walls, ceilings: built, maintained, and clean	
	46. No unapproved private homes/living or sleeping quarters	
<b>SIGNS/REQUIREMENTS</b>		
	47. Signs posted; last inspection report available	
	48. Plan Review	
	49. Health Permit	
<b>COMPLIANCE AND ENFORCEMENT</b>		
●	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 was to conduct a routine inspection.

\*\*\*On this date, cockroach activity was noted in critical areas of the restaurant. The permit was suspended, and a "Closed" seal was posted.  
IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE

Reason for closure: cockroach activity in critical areas

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.

\*\*Prior to calling for a reinspection correct all of the following items:

1. Eliminate live cockroaches by approved methods (refer to #24).
2. Remove all excess clutter and cardboard from the facility, as well as personal belongings to allow for effective pest control service and to prevent future harborage of cockroaches and other vermin.
3. Have your pest control receipt available for review by the Environmental Health Specialist responding to your request for reinspection. Without proof that it is safe for the Specialist to enter your facility the reinspection will not occur.
4. Enter your facility only after it is safe to do so. Clean and sanitize all food contact surfaces that were exposed to the spotting, live or dead cockroaches, and pesticides.
5. Seal the gaps and/or crevices and eliminate harborage points (refer to #44).
6. Correct all violations listed on this inspection report

### 2. FOOD MANAGER CERTIFICATION; FOOD HANDLER CARDS - MINOR

Inspector Comments: Food Safety Certificate was missing at time of inspection. Provide Food Safety Certificate within 14 days. A reinspection is scheduled for 9/4/2019. To avoid a reinspection fee or additional administrative action, email a copy of your current Food Safety Certificate or proof of enrollment to AMarr@ochca.com

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)

### 24. NO RODENTS, INSECTS, BIRDS, OR ANIMALS - MAJOR

Inspector Comments: 1. Observed two live adult cockroaches, two live nymph cockroaches, and cockroach spotting on the underside of the preparation surface at the cold top unit adjacent to the front counter cash register.

2. Observed three dead adult cockroaches in the cabinetry below the front counter cash register.
3. Observed one live adult cockroach in the gap behind the wall and cold top unit adjacent to the front counter cash register.
4. Observed one live adult cockroach on the floor below the flat grill sharing the same wall as the drive thru window.

The facility was able to provide a recent pest control receipt dated 7/20/2019.

Eliminate the infestation of cockroaches from the food facility by using only approved methods. Remove all evidence of the infestation and thoroughly clean and sanitize all affected surfaces. Construct, equip, maintain and operate the food facility so as to prevent the entrance and harborage of animals, birds and vermin including, but not limited to, rodents and insects.

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)

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### 34. NONFOOD-CONTACT SURFACES CLEAN - OUT OF COMPLIANCE

Inspector Comments: 1. Remove the grease/debris accumulation from the castor wheels and legs of the cook's line equipment (fryers, flat grills, refrigeration units).

2. Remove the grease/debris accumulation from the sides of the cook's line equipment.

3. Remove the grease/debris accumulation from the piping behind the fryers.

4. Remove the debris from the area below the cold top unit sharing the same wall as the drive thru window.

Violation Description: All nonfood-contact surfaces of utensils and equipment shall be clean. (114115 [c])

### 38. ADEQUATE VENTILATION AND LIGHTING; DESIGNATED AREAS, USE - OUT OF COMPLIANCE

Inspector Comments: > Replace the non-functional lighting above the fryer units.

Violation Description: Exhaust hoods shall be provided to remove toxic gases, heat, grease, vapors, and smoke and be approved by the local building department. Canopy-type hoods shall extend 6" beyond all cooking equipment. All areas shall have sufficient ventilation to facilitate proper food storage. Toilet rooms shall be vented to the outside air by a screened openable window, an air shaft, or a light-switch activated exhaust fan, consistent with local building codes. Adequate lighting shall be provided in all areas to facilitate cleaning and inspection. Light fixtures in areas where open food is stored, served, prepared, and where utensils are washed shall be of shatterproof construction or protected with light shields. (114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1)

### 44. PREMISES: PERSONAL/CLEANING ITEMS; VERMIN-PROOFING - OUT OF COMPLIANCE

Inspector Comments: 1. Observed the fly fan at the drive thru window to be unplugged during operation.

> Seal the following gaps in the facility including, but not limited to the following:

2. Seal the gaps in the ceiling tiles above the front counter cash register.
3. Seal the gap created by the loose vent above the drive thru window

4. Remove the water accumulation from the area below the cold top preparation unit sharing the same wall as the drive thru window.

Violation Description: The premises of each food facility shall be kept clean and free of litter and rubbish; non-food items shall be stored and displayed separate from food and food-contact surfaces; the facility shall be kept vermin proof; open-air barbecues shall be operated in an approved manner. (114067(j), 114123, 114143(a)&(b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282)

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

Inspector Comments: > Clean the areas in the facility including, but not limited to the following:

1. Floors below the fryer units
2. Walls behind the fryer units
3. Floors and walls behind the cold top unit at the front counter
4. Floors and walls behind the flat grills
5. Floor below the ice machine.
6. Floors below the dry storage racks

> Seal the areas in the facility including, but not limited to the following:

1. Loose paneling behind the cold top unit sharing the same wall as the drive thru window
2. Loose paneling adjacent to the janitorial sink
3. Tiles below the water heater
4. Loose steel base coving behind the fryers

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)



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**50. PERMIT SUSPENSION - IMMINENT HEALTH HAZARD**

Inspector Comments: 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 on this report, 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, 2020 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:**

cockroach activity in critical areas of the restaurant

Violation Description: If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409)

**SIGNATURE(S) OF ACKNOWLEDGEMENT**

NAME: Fili Cielo  
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:**

A MARR  
ENVIRONMENTAL HEALTH SPECIALIST  
(714) 714-2119  
amarr@ochca.com



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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 [ocfoodinfo.com](http://ocfoodinfo.com) or [wastenotoc.org](http://wastenotoc.org).