

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0201173 - WENDY'S		Site Address 393 E 10TH ST, GILROY, CA 95020		Inspection Date 09/22/2022	
Program PR0303208 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name AMAASH CORPORATION		Inspection Time 15:05 - 16:25
Inspected By GABRIEL GONZALEZ	Inspection Type ROUTINE INSPECTION		Consent By JOSE (PIC)	FSC JOSE PEREZ EXP: 9/5/2024	

Placard Color & Score
GREEN
88

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						
K02 Communicable disease; reporting/restriction/exclusion	X						S
K03 No discharge from eyes, nose, mouth	X						
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible	X						S
K07 Proper hot and cold holding temperatures	X						
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods					X		
K10 Proper cooking time & temperatures	X						
K11 Proper reheating procedures for hot holding					X		
K12 Returned and reservice of food	X						
K13 Food in good condition, safe, unadulterated	X						
K14 Food contact surfaces clean, sanitized	X						
K15 Food obtained from approved source	X						
K16 Compliance with shell stock tags, condition, display						X	
K17 Compliance with Gulf Oyster Regulations						X	
K18 Compliance with variance/ROP/HACCP Plan		X		X			
K19 Consumer advisory for raw or undercooked foods						X	
K20 Licensed health care facilities/schools: prohibited foods not being offered						X	
K21 Hot and cold water available	X						
K22 Sewage and wastewater properly disposed	X						
K23 No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICES	OUT	COS
K24 Person in charge present and performing duties		
K25 Proper personal cleanliness and hair restraints		
K26 Approved thawing methods used; frozen food		
K27 Food separated and protected		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used		
K30 Food storage: food storage containers identified		
K31 Consumer self service does prevent contamination		
K32 Food properly labeled and honestly presented		
K33 Nonfood contact surfaces clean		
K34 Warewash facilities: installed/maintained; test strips	X	
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use	X	X
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use		
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored		
K41 Plumbing approved, installed, in good repair; proper backflow devices		
K42 Garbage & refuse properly disposed; facilities maintained		
K43 Toilet facilities: properly constructed, supplied, cleaned		
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

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K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K18 - 8 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

Inspector Observations: Container of cheese stacked on another insert in front prep line fridge is not time marked according to a variance procedure approved by CDPH. [CA] Follow approved variance. [COS] PIC had employee replace container of cheese with a new one that is time marked. As per PIC, employee had discarded the unmarked container in accordance with the written procedure.

Minor Violations

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: Sanitizer testing materials are not available. [CA] Provide testing materials to adequately measure the applicable sanitization method(s) used in this facility. Examples:

- Chlorine test strips (test for 100 PPM for general sanitizing or 50 PPM in warewash machines).
- Quaternary ammonium test strips (test for 200 PPM).

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: Front prep line fridge adjacent to cooking equipment has its drawers ajar and is holding PHFs 44F. After drawers were closed, ambient temperature measured 37F.[CA] Keep drawers closed to allow unit to keep foods cold 41F or below. [COS] Drawers were closed.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
BUTTER SPREAD	FRONT PREP LINE FRIDGE	44.00 Fahrenheit	
BEEF PATTIES	HOT HOLD	137.00 Fahrenheit	
BEEF PATTY RAW	PATTY FRIDGE	38.00 Fahrenheit	
BEEF PATTY	GRIDDLE	180.00 Fahrenheit	
DRESSING	WALK IN FRIDGE	37.00 Fahrenheit	
PEPPER JACK CHEESE	WALK IN FRIDGE	37.00 Fahrenheit	
QUAT	3 COMP SINK	200.00 PPM	
STRAWBERRY MIX	HOPPER	45.00 Fahrenheit	MIXED WITH ROOM TEMP FLAVORING A FEW MINS AGO
WATER	2 COMP SINK	123.00 Fahrenheit	
MILK	1 DR UNDERCOUNTER FRIDGE	38.00 Fahrenheit	INFRARED
WATER	3 COMP SINK	124.00 Fahrenheit	
DRESSING	FRONT PREP LINE FRIDGE	44.00 Fahrenheit	
SLICED TOMATOES	FRONT PREP LINE FRIDGE	45.00 Fahrenheit	CDPH VARIANCE TPHC
AMBIENT	FRONT PREP LINE FRIDGE	37.00 Fahrenheit	AFTER CLOSING DRAWERS
WATER	RESTROOM SINK	105.00 Fahrenheit	
DRESSING	SIDE PREP LINE FRIDGE	40.00 Fahrenheit	

Overall Comments:

The hand dryer in one of the restrooms may require servicing. Bursts of air are provided rather than a continuous flow.

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **10/6/2022**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

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Legend:

- [CA] Corrective Action
- [COS] Corrected on Site
- [N] Needs Improvement
- [NA] Not Applicable
- [NO] Not Observed
- [PBI] Performance-based Inspection
- [PHF] Potentially Hazardous Food
- [PIC] Person in Charge
- [PPM] Part per Million
- [S] Satisfactory
- [SA] Suitable Alternative
- [TPHC] Time as a Public Health Control



Received By: JOSE PEREZ
DM

Signed On: September 22, 2022