

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 FA0258539 - PHILLY'S CHEESESTEAKS AND WINGS		Site Address 2561 N 1ST ST, SAN JOSE, CA 95131		Inspection Date 02/05/2024	
Program PR0378624 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name PHILLY RESTAURANT GROU		Inspection Time 14:55 - 17:10
Inspected By THAO HA	Inspection Type ROUTINE INSPECTION	Consent By WAQAS ALI	FSC Exempt		

Placard Color & Score
RED
65

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						N
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		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		X			
K14 Food contact surfaces clean, sanitized					X		S
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	
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		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	X	X
K27 Food separated and protected		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used	X	X
K30 Food storage: food storage containers identified	X	
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		
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36 Equipment, utensils, linens: Proper storage and use		
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

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: 1) Cooked beef at 69F and cooked beef with cooked onions measured to be 61F. Both containers were placed next to broken prep cooler by cookline. Sliced cheese measured to be 54F on counter top. Per employee both container of beefs were taken out during lunch rush around 12:00, about 3.45 hours prior. Per employee sliced cheese was taken out and peeled and placed into tray in the last hour.

Follow-up By
02/08/2024

2) Hot cheese sauce measured to be 103F on countertop warmer. Per PIC hot cheese sauce was placed into warmer and warmer is turned off periodically to keep cheese from burning.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS]

Sliced cheese was returned to reach in cooler. Recommend using ice bath for cheese sliced since prep cooler is broken.

Beef, Beef with onions, and hot cheese sauce were VC&D (see VC&D report).

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: Raw chicken in strainer observed to be placed above raw beef in ROP packaging. Raw chicken juice observed to be dripping onto raw beef packages and onto cardboard box below.

Follow-up By
02/08/2024

[CA] Protect ready-to eat foods, produce, and other raw meats from raw chicken.

[COS] Raw chicken was moved into bowl and beef packages were washed and sanitized. Cardboard was removed from cooler and bottom of cooler was cleaned and sanitized.

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot water measured to be 64F.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

Follow-up By
02/08/2024

Facility shall be closed due to this violation. Contact inspector to schedule reinspection after this violation has been corrected to reopen.

Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

Inspector Observations: FSC is not available for review.

Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Raw chicken observed in 2-comp sink. Chicken measured to be 26F. Per employee chicken was left out to thaw.

[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

[COS] Employee placed chicken into container and turned on cold water to submerge and thaw.

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

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Inspector Observations: Bleach and soap gallon containers observed to be stored above onions on prep table by prep sink. [CA] Store chemicals below foods to prevent cross contamination. [COS] Operator moved containers of chemicals to under 3-comp sink.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Boxes of bread observed to be stored on the floor. [CA] Keep containers of food at least 6" off of the ground. [COS] Operator placed box of bread on shelf.

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

Inspector Observations: 1) Ice machine and cookline prep cooler observed to be broken. [CA] Repair equipment and maintain in operational condition.

2) Cardboard observed to be used as liner for shelves below prep table.

[CA] Discontinue the use of cardboard boxes to line shelves/flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

Item	Location	Measurement	Comments
Sliced provolone	Drawers under grill	39.00 Fahrenheit	
Sliced cheese	Countertop by cookline	54.00 Fahrenheit	
Fried chicken wings	Next to fryer	68.00 Fahrenheit	Per employee chicken was par fried about 2.5 hour prior.
Sliced tomatoes	3 door upright cooler	44.00 Fahrenheit	Per employee tomatoes were sliced in the last 30 minutes.
Raw chicken	Prep sink	26.00 Fahrenheit	
Raw beef	Drawers under grill	40.00 Fahrenheit	
Chlorine	3-comp sink	100.00 Fahrenheit	
Cooked beef	Countertop by cookline	69.00 Fahrenheit	
Warm water	Handwash sink	100.00 Fahrenheit	
Cooked beef with onions	Countertop by cookline	61.00 Fahrenheit	
Sliced cheese	3 door upright cooler	40.00 Fahrenheit	
Hot cheese sauce	Countertop warmer	103.00 Fahrenheit	
Raw beef	3 door upright cooler	40.00 Fahrenheit	
Raw chicken	3 door upright cooler	41.00 Fahrenheit	
Hot water	3-comp sink	64.00 Fahrenheit	
Collarded greens	Drawers under grill	39.00 Fahrenheit	

Overall Comments:

CLOSURE / PERMIT SUSPENSION NOTICE

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 **2/19/2024**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

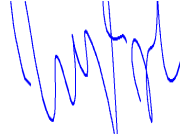
You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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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: Waqas Ali
Manager

Signed On: February 05, 2024