

# 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

<b>Facility</b> FA0255639 - RED CHILLIES		<b>Site Address</b> 167 S MAIN ST, MILPITAS, CA 95035		<b>Inspection Date</b> 05/19/2021		<b>Placard Color &amp; Score</b> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <b>RED</b>  <b>65</b> </div>		
<b>Program</b> PR0373350 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> TEAM FUSION LLC		<b>Inspection Time</b> 11:00 - 12:25			
<b>Inspected By</b> GLENCIJOY DAVID		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> SHAJI				<b>FSC</b> Joshy Varghese 07/30/2023

  

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						
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				
K06	Adequate handwash facilities supplied, accessible	X						
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		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	
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	X	
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used		
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	X	
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	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use	X	
K39	Thermometers provided, accurate	X	
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	X	
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

K14 - 8 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

**Inspector Observations: Employee washed and rinsed pan and proceeded to place pan on shelf with clean equipment. Employee skipped sanitizing step.**

**[CA] Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM).**

**Minor: Accumulation of black mold-like substance on inner wall of ice machine. [CA] Clean and sanitize interior of ice machine regularly.**

**Accumulation of debris on equipment in storage. [CA] The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.**

Follow-up By  
05/26/2021

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Several live cockroaches found in facility: 1) one on wall near prep sink, 2) one in gasket of two door freezer, 3) on wall near three compartment sink. Several dead cockroaches found: 1) one on floor near walk in cooler, 2) five on sticky trap in service area. [CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). Facility shall no longer have evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.**

**Minor: Flies present in prep area. [CA] Food facility shall be kept free of insects, weevils, ants, gnats, and fruit flies.**

Follow-up By  
05/26/2021

### Minor Violations

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations: Employee rinsed the gloves he was wearing in the prep sink. [CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. Gloves shall be properly used and changed when required.**

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

**Inspector Observations: Eggs stored above ready to eat foods in walk in cooler. [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

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

**Inspector Observations: Open bulk food containers on shelving next to walk in cooler. [CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

**Inspector Observations: Accumulation of debris on exterior of equipment and on shelving throughout prep area. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.**

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

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**Inspector Observations:** Prep cooler appears to be leaking. Accumulation of water on bottom shelf of reach in section. [CA] Equipment and utensils shall be designed and constructed to be durable and retain characteristic qualities under normal use conditions.

Several pots and pans are warping on sides. [CA] Equipment and utensils shall be designed and constructed to be durable and retain characteristic qualities under normal use conditions.

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:** Yogurt containers are re-used to store food. [CA] Single use food container (e.g. soy sauce container, milk carton, apple juice container, can food, wine bottle) shall not be reused to store food.

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations:** Accumulation of grease and debris on hood. [CA] Clean mechanical exhaust hood and filters of grease accumulation.

Several lights in prep area are missing shatterproof light covers. [CA] Light bulbs shall be shielded, coated or otherwise shatter-resistant in areas where there is unpackaged foods, clean equipment, utensils, linens, or unwrapped single use articles.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

**Inspector Observations:** No thermometer available for walk in cooler. [CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

**Inspector Observations:** Accumulation of debris on walls and floors throughout prep area. [CA] Walls and floors in food preparation area shall be kept clean.

## Performance-Based Inspection Questions

N/A

## Measured Observations

Item	Location	Measurement	Comments
vegetables	prep cooler	39.00 Fahrenheit	
hot water	three compartment sink	120.00 Fahrenheit	
chicken	prep cooler	38.00 Fahrenheit	
shrimp	two door freezer	1.00 Fahrenheit	IR
curry sauce	walk in cooler	41.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
mango slices	two door freezer	13.00 Fahrenheit	IR
hot water	prep sink	120.00 Fahrenheit	
sauce	walk in cooler	41.00 Fahrenheit	
fish	prep cooler	38.00 Fahrenheit	
meat ball	walk in cooler	38.00 Fahrenheit	
chicken curry	stove	168.00 Fahrenheit	
chicken curry	prep cooler	40.00 Fahrenheit	
goat	prep cooler	40.00 Fahrenheit	
chicken curry	prep cooler	41.00 Fahrenheit	

## Overall Comments:

**\*\*Facility shall cease and desist all sales.\*\***

Any evidence of continued cockroach infestation upon re-opening will result in facility remaining closed or a subsequent charged follow-up.

There shall be no evidence of live cockroaches at follow-up inspection. Pest control report shall be made available at follow-up inspection.

**\*\*\*Any subsequent follow up inspection after first follow up will be billed at \$219.00/hr during business hours and \$493/hr**

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(minimum of 2 hours) during nonbusiness hours upon availability.\*\*\*

Report e-mailed to facility.

## 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 **6/2/2021**. 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.

### 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

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Received By: Shaji  
Owner  
Signed On: May 19, 2021