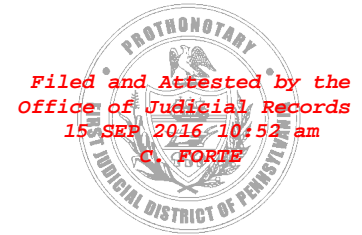


CITY OF PHILADELPHIA, LAW DEPARTMENT
By: Joanna Lyn Klein
Deputy City Solicitor
Attorney Identification No. 307373
1515 Arch Street - 16th Floor
Philadelphia, PA 19102-1595
Joanna.Klein@phila.gov
(215) 683-5115



CITY OF PHILADELPHIA : COURT OF COMMON PLEAS
: CIVIL TRIAL DIVISION
v. :
: TERM, 2016
MCCORMICK & SCHMICK RESTAURANT CORP. :
T/A MCCORMICK & SCHMICK'S SEAFOOD & STEAKS : NO.
1 SOUTH BROAD STREET :
PHILADELPHIA, PA 19107 :

COMPLAINT IN A CIVIL ACTION IN EQUITY

You have been sued in court, if you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you in the court without further notice for any money claimed in the complaint or for any other claim or relief requested by plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL and INFORMATION
SERVICE
ONE READING CENTER
PHILADELPHIA, PA 19107
(215) 238-6333**

“Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días, de plazo a partir de la fecha de la demanda y notificación. Hace falta asentar una comparencia en persona, o escrita, o con un abogado, y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea advertido que si usted no se defiende, la corte tomará medidas y puede decidir la demanda en contra suya sin su precencia, previo aviso, o notificación. Además, la corte puede decidir a favor del demandante y requerir que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades y otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELÉFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

**SERVICIO DE REFERENCIA E LEGAL
ONE READING CENTER
FILADELPHIA, PA 19107 (215) 238-6333**

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

CITY OF PHILADELPHIA	:	COURT OF COMMON PLEAS
	:	CIVIL TRIAL DIVISION
v.	:	
	:	TERM, 2016
MCCORMICK & SCHMICK RESTAURANT CORP.	:	
T/A MCCORMICK & SCHMICK'S SEAFOOD & STEAKS	:	NO.
1 SOUTH BROAD STREET	:	
PHILADELPHIA, PA 19107	:	

RULE

AND NOW, this _____ day of _____, 2016, upon consideration of the within Complaint in a Civil Action in Equity and upon motion of plaintiff, City of Philadelphia, a Rule is hereby granted upon the above-named defendant to show cause why an injunction should not issue enjoining said defendant from maintaining or operating the subject establishment known as MCCORMICK & SCHMICK'S SEAFOOD & STEAKS located at 1 SOUTH BROAD STREET in the City of Philadelphia in any manner inconsistent with the Philadelphia Code, and requiring defendant to take whatever action is necessary to bring the subject establishment into compliance with the Code.

This Rule to Show Cause is returnable and will be heard by the Court on the _____ day of _____, 2016, at _____ in Courtroom 446, City Hall, Philadelphia, Pennsylvania.

BY THE COURT:

J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION**

CITY OF PHILADELPHIA	: COURT OF COMMON PLEAS
	: CIVIL TRIAL DIVISION
v.	:
	: TERM, 2016
MCCORMICK & SCHMICK RESTAURANT CORP.	:
T/A MCCORMICK & SCHMICK'S SEAFOOD & STEAKS	: NO.
1 SOUTH BROAD STREET	:
PHILADELPHIA, PA 19107	:

PERMANENT INJUNCTION

AND NOW, this ____ day of _____, 2016, upon consideration of the Complaint and hearing(s) held thereupon, it is hereby ORDERED and DECREED that:

1. Defendant, MCCORMICK & SCHMICK RESTAURANT CORP. ("defendant"), shall immediately CEASE and DESIST from operating the subject establishment T/A MCCORMICK & SCHMICK'S SEAFOOD & STEAKS located at 1 SOUTH BROAD STREET in the City of Philadelphia unless or until the Department of Public Health certifies that the subject establishment is in compliance with Title 6 of the Philadelphia Code and Regulations thereunder ("Health Code").

2. The defendant shall thereafter maintain the subject establishment in compliance with the requirements of the Health Code, and shall correct in a timely manner any and all violations of which notice is given.

3. If the defendant fails to comply with this Order as specified in paragraph one (1), above, the City of Philadelphia and/or its contractors shall be authorized to padlock or take otherwise appropriate measures to prevent entry into the subject establishment until the violations of the Health Code have been corrected. The costs of such action shall be charged to the defendants upon application of the City of Philadelphia.

4. If the defendant continues to operate the subject food establishment in violation of Paragraph three (3) above, he shall be fined in the amount of Three Hundred Dollars (\$300.00)

per day for each and every day each violation has existed at the subject establishment since the original date notice of violation(s) of the Health Code was given.

5. The defendant shall permit the Department of Public Health to enter on the premises and conduct inspections of the subject establishment.

~~6. The Sheriff of Philadelphia County and, if requested, the Philadelphia Police~~ Department, shall assist the Department of Public Health in carrying out the terms of this Order. They shall be authorized to remove any person who refuses to leave the subject food establishment, using whatever reasonable force is necessary. Any person who interferes with or obstructs the Department of Public Health in the performance of its duties is subject to arrest by the Sheriff and/or Police.

7. An absolute fine in the amount of \$_____ is imposed upon the defendant in favor of the City of Philadelphia. Said fine shall be made payable to the "City of Philadelphia" and is due on or before _____. This fine shall be entered as a judgment for plaintiff and against the defendant by the Prothonotary upon praecipe of plaintiff.

8. A conditional fine in the amount of \$_____ is imposed upon the defendant. Part or all of said fine shall be made absolute at any future hearing for failure to comply with the terms of the Orders entered in this matter.

9. Prior to the commencement of the enforcement action, the Department of Public Health conducted numerous inspections to determine compliance with the Health Code. Pursuant to Health Code §6-505 the fee for each of these inspections shall be one-hundred and ninety dollars (\$190.00).

10. The failure to comply with the Health Code resulted in enforcement action by the City of Philadelphia. Pursuant Philadelphia Code §6-505 every inspection conduct subsequent to the commencement of enforcement action shall have a fee of three-hundred and fifteen dollars (\$315.00).

11. Costs in the amount \$_____ are imposed upon the defendant in favor of the Department of Public Health. Said costs shall be made by cashier's check or money order

payable to the "Department of Public Health – EHS" and are due on or before _____ . These costs shall be entered as a judgment for plaintiff and against the defendant by the Prothonotary upon praecipe of plaintiff.

12. Any person licensed under Title Six of the Philadelphia Code who has not paid any ~~finances and/or costs which have been assessed within ten (10) days shall have said license suspended~~ and shall cease operation until all fines and/or costs are paid pursuant to Section 6-103 of the Regulations Governing Food Establishments. Continuous violation of Section 6-103 shall be a separate violation for each day. In order to enforce Section 6-103, the Department of Licenses and Inspections may, without further notice, issue a Cease Operations Order setting forth the unpaid fines and/or costs and cause the premises to be vacated of all employees, patrons, and occupants until all such charges are paid.

13. The terms of this Order shall be binding on the defendant, agents, employees, and all persons acting in or for defendant's behalf.

14. A hearing shall be held on the ____ day of _____, 2016, _____ in Courtroom 446, City Hall, Philadelphia, Pennsylvania to determine what sanctions are to be imposed against the defendants for non-compliance with any of the terms of the Orders entered in this matter, including a determination of any fines and costs to be imposed against the defendant and of any further appropriate relief. The defendant shall attend this hearing.

BY THE COURT:

J.

CITY OF PHILADELPHIA, LAW DEPARTMENT
By: Joanna Lyn Klein
Deputy City Solicitor
Attorney Identification No. 307373
1515 Arch Street - 16th Floor
Philadelphia, PA 19102-1595
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CITY OF PHILADELPHIA	:	COURT OF COMMON PLEAS
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PHILADELPHIA, PA 19107	:	

COMPLAINT IN A CIVIL ACTION IN EQUITY

1. Plaintiff, City of Philadelphia (“City”), is a municipal corporation of the first class of the Commonwealth of Pennsylvania under the Act of April 21, 1949, P.L. 665, § 1 et seq.

2. MCCORMICK & SCHMICK RESTAURANT CORP. (“defendant”) is the owner of or otherwise responsible party for the subject establishment, known as MCCORMICK & SCHMICK’S SEAFOOD & STEAKS, located at 1 SOUTH BROAD STREET in the City of Philadelphia (“subject establishment”).

3. On MARCH 2, 2016 the City’s Department of Public Health (“Department”) inspected the subject establishment, and determined that it was in violation of Title 6 of the Philadelphia Code and the Regulations thereunder (“Health Code”). *See* Exhibit “A”.

4. After the above inspection, the Department served a Food Facility Inspection Report on the defendant directing the timely correction of the Health Code violations noted therein. A copy of said Food Facility Inspection Report is attached hereto as Exhibit “A” and the violations cited therein are incorporated herein and made allegations of this Complaint.

5. Based on the conditions found during the inspection on MARCH 2, 2016 the subject establishment was asked to and agreed to CEASE OPERATIONS until the conditions were remediated and the approval of the Health Department to resume operations. The Department

served a Food Facility Inspection Report with the Closure Order on the subject establishment at the site. A copy of said Food Facility Inspection Report with Closure Order is attached hereto as Exhibit “B” and the violations cited therein are incorporated herein and made allegations of this Complaint

6. On MARCH 3, 2016 the Department re-inspected the subject establishment and found the establishment to be operating contrary to the Closure Order. *See Exhibit “C”.*

7. On MARCH 3, 2016, after an inspection and corrective actions taken onsite the Department gave the subject establishment approval to resume operations. *See Exhibit “C”.*

8. After the above inspection, the Department served a Food Facility Inspection Report on the defendant directing the timely correction of the Health Code violations noted therein. A copy of said Food Facility Inspection Report is attached hereto as Exhibit “C” and the violations cited therein are incorporated herein and made allegations of this Complaint.

9. On MAY 31, 2016 the Department re-inspected the subject establishment and determined that it was still in violation of the Health Code. *See Exhibit “D”.*

10. After the above inspection, the Department served a Food Facility Inspection Report on the defendant directing the timely correction of the Health Code violations noted therein. A copy of said Food Facility Inspection Report is attached hereto as Exhibit “D” and the violations cited therein are incorporated herein and made allegations of this Complaint.

11. On or about JUNE 22, 2016 the Department sent the defendant correspondence requesting that they contact the Department in order to discuss the outstanding violations and determine a timetable for correction of those violations. A copy of said letter is attached hereto as Exhibits “E.”

12. On JULY 21, 2016 the Department re-inspected the subject establishment and determined that it was still in violation of the Health Code. *See Exhibit “F”.*

13. After the above inspection, the Department served a Food Facility Inspection Report on the defendant directing the timely correction of the Health Code violations noted

therein. A copy of said Food Facility Inspection Report is attached hereto as Exhibit "F" and the violations cited therein are incorporated herein and made allegations of this Complaint.

14. The condition of the subject establishment presents a serious and immediate hazard to the safety, health, and welfare of the patrons of the subject establishment and to the public in general and constitutes a public nuisance.

15. The defendant has received all Notices and Orders as required by law, but have failed, neglected, or refused to abate the Code violations existing at the subject establishment.

16. The failure to comply with the Health Code as resulted in enforcement action being taken by the City of Philadelphia.

17. Pursuant to Philadelphia Code § 6-505(e)(.1), a fee of \$190.00 per re-inspection is owed for the compliance inspections conducted prior to the commencement of the enforcement action.

18. Pursuant to Philadelphia Code § 6-505(e)(.2), a fee of \$315.00 per inspection is owed for the inspections conducted subsequent to the commencement of the enforcement action.

19. Any person licensed under Title Six of the Philadelphia Code who has not paid any fines and/or costs which have been assessed within ten (10) days shall have said license suspended and shall cease operation until all fines and/or costs are paid pursuant to Section 6-103 of the Regulations Governing Food Establishments.

20. In order to enforce Section 6-103, the Department of Licenses and Inspections may, without further notice, issue a Cease Operations Order setting forth the unpaid fines and/or costs and cause the premises be vacated of all employees, patrons, and occupants until such charges are paid.

21. Plaintiff lacks a full and adequate remedy at law and irreparable harm may result if this Honorable Court fails to grant the relief requested.

WHEREFORE, plaintiff respectfully prays that this Honorable Court grant an injunction ordering the following relief:

(a) Defendant immediately cease from using or maintaining the subject premises, or cease allowing the subject premises to be used or maintained in violation of the Code;

(b) Defendant immediately take whatever action is necessary to bring the subject establishment into compliance with the Health Code;

~~(c) Defendant pay a fine in the amount of Three Hundred Dollars (\$300.00) per~~
day for each and every day each violation has existed uncorrected in the subject establishment since the Food Facility Inspection Report indicating violation(s) of the Health Code;

(d) Defendant pay all costs attendant to this action, including reimbursement to the City of Philadelphia for numerous inspections by the Department of Public Health and reimbursement if the Department shall abate or relieve any emergency condition existing in the subject food establishment; and

(e) Such other relief as this Honorable Court may deem appropriate.

Respectfully Submitted:

SOZI PEDRO TULANTE
CITY SOLICITOR

KRISTIN KATHRYN BRAY
CHIEF DEPUTY CITY SOLICITOR

EDWARD P. JEFFERSON
DIVISIONAL DEPUTY CITY SOLICITOR

BY:


Joanna Lyn Klein
Deputy City Solicitor

Attorneys for Plaintiff
City of Philadelphia

JLK/jm

VERIFICATION

Property Address:

1 South Broad Street

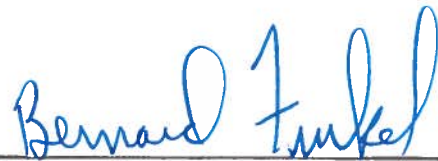
Responsible Party / Defendant Name:

McCormick & Schmick Restaurant Corporation

I, Bernard Finkel, verify that I am the agent for the Plaintiff and that I am authorized to make this verification on its behalf. The statements made in the foregoing pleading are true and correct. I make this verification upon information and belief. I understand that statements made herein are made subject to the Penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities.

Date:

9/8/16



Bernard Finkel
Chief
Food Protection Unit
Department of Public Health

EXHIBIT A

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report					
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	10	Date	03/02/2016		
		No. of Repeat Risk Factor/Intervention Violations	0	Time In	12:15 PM		
		Number of Corrections	6	Time Out	03:00 PM		
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3		
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick	Purpose of Inspection Inspection		Inspection Type Inspection			
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS							
IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable COS=corrected on-site during inspection R=repeat violation							
Compliance Status			COS	R	Compliance Status		
Demonstration of Knowledge			Potentially Hazardous Food Time/Temperature				
1	IN	Certification by accredited program, compliance with Code, or correct responses			16 IN Proper cooking time & temperature		
Employee Health			17 IN Proper reheating procedures for hot holding				
2	IN	Management awareness; policy present			18 IN Proper cooling time & temperature		
3	IN	Proper use of reporting; restriction & exclusion			19 IN Proper hot holding temperature		
Good Hygienic Practices			20 OUT Proper cold holding temperature				
4	IN	Proper eating, tasting, drinking, or tobacco use			21 IN Proper date marking & disposition		
5	IN	No discharge from eyes, nose, and mouth			22 IN Time as a public health control; procedures & record		
Preventing Contamination by Hazards			Consumer Advisory				
6	OUT	Hands clean & properly washed	X		23 N/A Consumer advisory provided for raw or undercooked foods		
7	IN	No bare hand contact with RTE foods or approved alternate method properly followed			Highly Susceptible Population		
8	OUT	Adequate handwashing facilities supplied & accessible			24 N/A Pasteurized foods used; prohibited foods not offered		
Approved Source			Chemical				
9	IN	Food obtained from approved source			25 N/A Food additives: approved & properly used		
10	IN	Food received at proper temperature			26 OUT Toxic substances properly identified, stored & used		
11	IN	Food in good condition, safe, & unadulterated			Conformance with Approved Procedure		
12	IN	Required records available: shellstock tags, parasite destruction			27 N/A Compliance with variance, specialized process, & HACCP plan		
Protection From Contamination			Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Interventions are control measures to prevent foodborne illness or injury.				
13	OUT	Food separated & protected				X	
14	OUT	Food-contact surfaces: cleaned & sanitized				X	
15	IN	Proper disposition of returned, previously served, reconditioned, & unsafe food					
GOOD RETAIL PRACTICES							
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.							
Compliance Status			COS	R	Compliance Status		
Safe Food and Water			Proper Use of Utensils				
28	IN	Pasteurized eggs used where required			42 IN Utensils, equipment & linens: properly stored, dried & handled		
29	IN	Water & ice from approved source			43 IN Single-use & single-service articles: properly stored & used		
30	IN	Variance obtained for specialized processing methods			44 IN Gloves used properly		
Food Temperature Control			Utensils, Equipment and Vending				
31	IN	Proper cooling methods used; adequate equipment for temperature control			45 OUT Food & non-food contact surfaces cleanable, properly designed, constructed, & used		
32	IN	Plant food properly cooked for hot holding			46 IN Warewashing facilities: installed, maintained, & used; test strips		
33	IN	Approved thawing methods used			47 OUT Non-food contact surfaces clean		
34	IN	Thermometer provided & accurate			Physical Facilities		
Food Identification			48 IN Hot & cold water available; adequate pressure				
35	IN	Food properly labeled; original container			49 OUT Plumbing installed; proper backflow devices		
Prevention of Food Contamination			50 OUT Sewage & waste water properly disposed				
36	IN	Insects, rodents & animals not present; no unauthorized persons			51 IN Toilet facilities: properly constructed, supplied, & cleaned		
37	OUT	Contamination prevented during food preparation, storage & display			52 OUT Garbage & refuse properly disposed; facilities maintained		
38	OUT	Personal cleanliness			53 OUT Physical facilities installed, maintained, & clean		
39	OUT	Wiping cloths: properly used & stored			54 OUT Adequate ventilation & lighting; designated areas used		
40	IN	Washing fruit & vegetables			Philadelphia Ordinances		
Proper Use of Utensils			56 IN Person in Control of premises has not posted "No Smoking" signs.				
41	IN	In-use utensils: properly stored			56+ OUT Philadelphia Ordinances		
Person in Charge (Signature) <input checked="" type="checkbox"/>		Name Mike and Stephine		Date:			
Inspector (Signature) Terrance Carter (215)685-6574 <input checked="" type="checkbox"/>				Date: 03/02/2016			

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	10	Date	03/02/2016
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Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick		Purpose of Inspection Inspection	Inspection Type Inspection	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS					
Item/Location	Temp	Item/Location	Temp	Item/Location	Temp
Fish / Refrigerator	10.6 ° F	Vegetables / Reach-In Freezer	4.1 ° F	Soup / Hot-Hold Unit	144.1 ° F
Mash Potatoes / Display Case	155.5 ° F	Butter Cream Sauce / Cold-Hold Unit	45.0 ° F	Red Onion Sauce / Cold-Hold Unit	49.5 ° F
/		/		/	
/		/		/	
/		/		/	
/		/		/	
/		/		/	
/		/		/	
Food Disposal					
Food Types		Volume		Unit	Pounds
OBSERVATIONS AND CORRECTIVE ACTIONS					
Violations cited in this report must be corrected within the time frames below.					
Item Number					
6	Violation of Code: [46.132] * Food employee left the food prep area and was observed donning single use gloves without a prior hand wash. Corrected On-Site. New Violation.				
8	Violation of Code: [46.981(h)] * Paper towel dispenser is mounted to the side of the handsink in the 1st floor food prep area which is stored over the uncovered trash can. The paper towels from the towel dispenser is coming in contact with the trash receptacle. * Paper towel dispenser is empty at the handwash sink in the 2nd floor server area. New Violation.				
13	Violation of Code: [46.281] * Uncovered container of diced tomatoes, chocolate desert cooling not protected from cross contaminated and uncovered container of prep/cut lettuce is observed in the 2-door reach-in refrigerator unit. * Uncovered containers of whole black peppers, salt and ground black pepper is observed in the lower cabinets at the server station. New Violation.				
13	Violation of Code: [46.301] * Stained wiping cloths are in use on the cutting board in the cold food/cold salad food prep area. * Over head leak is observed near the shellfish cold hiding display case in the 1st floor food prep area. Corrected On-Site. New Violation.				
14	Violation of Code: [46.731] * Sanitarian observed no chemical sanitizer being used on all of the food contact surfaces as required. Dry wiping cloths are observed and no wiiing cloths are stored in the container of sanitizer in the food prep area. * Container of quat sanitizer solution was observed at 200 ppm but he temperature quat sanitizer was observed at 60.8 degrees F in the 2nd floor food prep area. New Violation.				
14	Violation of Code: [46.711(a)] * Wall mounted magnetic strip for storing utensils is not clean to sight & touch. Corrected On-Site. New Violation.				
20	Violation of Code: [46.385(a)(2)] * Red onion suace was held at 49.5 degrees F rather than 41 degrees F or below as required. New Violation.				
Person in Charge (Signature) Mike and Stephine <input checked="" type="checkbox"/>		Date:			
Inspector (Signature) Terrance Carter (215)685-6574 <input checked="" type="checkbox"/>		Date: 03/02/2016			

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	10	Date	03/02/2016
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Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick		Purpose of Inspection Inspection	Inspection Type Inspection	
OBSERVATIONS AND CORRECTIVE ACTIONS					
Item Number	Violations cited in this report must be corrected within the time frames below, or as stated in section 8-405.11 of the food code.				
26	Violation of Code: [46.1041] * Case of butane and case of sterno gel were stored above on the shelf with food, equipment, and/or single service articles in the 2nd floor dry storage area. (Corrected on Site) * Can of butane is stored in blue tray with utensils under the shellfish colding display case of the food prep area. * Bottle of degreaser is stored on the food prep table with ice bucket and large cooking pot n the rear food prep/storage area where the ice machine. * [3] Boxes of light bulbs are stored with single serve items on the shelf in the server station during inspection. New Violation.				
26	Violation of Code: [46.1001] * Working containers in the establishment, used for storing chemicals taken from bulk supplies, were not marked with the common name of the chemical, where it is needed. New Violation.				
26	Violation of Code: [46.1026] * Sanitarian observed insecticides (a can of RAID) not labeled by the manufacturer for food facility usage, observed on the dry storage shelf in the 2nd floor dry storage area. New Violation.				
37	Violation of Code: [46.321] * [2] Large containers of shrimp and another food item is not stored at least 6 inches above the floor in the 2nd floor food prep area. New Violation.				
38	Violation of Code: [46.152] * Food employees observed not wearing or wearing ineffective hair restraints, such as nets, hats, or beard restraints. New Violation.				
39	Violation of Code: [46.304] * Wiping cloths are not stored in container of sanitizing solution when the wiping cloths are not in use during food operation. New Violation.				
45	Violation of Code: [46.671] * Ceiling lights is not working properly in the side food prep/storage, areas where it is needed. New Violation.				
47	Violation of Code: [46.711(b)(c)] * [2] Metal cover for the ANSUL system is in need of cleaning, grease droplets is present on the unit, during inspection. * Exterior of the used grease storage tank in the food prep/storage area is in ned of cleaning. * Old mouse droppings are observed on the cart (dolly for warewash rack) in the warewash area. New Violation.				
49	Violation of Code: [46.825(b)-(e)] * Drain lines in the establishment is in need of repair. Waste water is present in all of the floor sinks in the food prep area and warewash area, waste water at the handsink in the food prep area is not draining from the basin and excessive waste water is present on floor in the food prep area and in the warewash area. * Floor sink in the 2nd floor server station is in need of cleaning. New Violation.				
50	Violation of Code: [46.863] * The generated waste water is not properly draining as required, all of the floor sinks in the 1st floor food prep area and warewash area are backed with waste water and there is a foul odor in the establishment as well. New Violation.				
52	Violation of Code: [46.886] * Grindable food items are observed in the uncovered recetacles throughout the establishment. Garbage grinder is provided in the warewash area. New Violation.				
53	Violation of Code: [46.981(a)(b)(c)(g)(n)] * Damaged/stained ceiling tiles are observed throughout the food prep area where it is needed. * Dusty ceiling tiles are observed in the warewash area. * Walls in the food prep areas on the 1st floor is in need of cleaning. * Excessive waste water is present in the 1st floor food prep area and warewash area on 1st floor. New Violation.				
53	Violation of Code: [46.981(e)(m)] * Brooms and dust pans are not elevated from the floor when the cleaning tools are not in use. New Violation.				
54	Violation of Code: [46.963] * Food employee container of personal food stored on the upper shelf over the food prep area stored with clean plates. Corrected On-Site. New Violation.				
54	Violation of Code: [46.943] * No lighting is provided in refrigerator "B" which is location in the food prep area on the 1st floor near shellfish cold holding display case. * Dim lighting is observed in the 2nd floor serve station area. New Violation.				
54	Violation of Code: [46.981(d)] * Dusty ventilatin covers are observed in the establishment, where it is needed. * Mechanical vention system is in need of service in the main kitchen area. New Violation.				
63	Violation of Code: [6-502] * Person in Charge of premises has not posted the appropriate warning signs regarding the dangers of consuming alcoholic beverages during pregnancy. Signage was observed behind the POS counter at the 2nd floor bar area. Corrected On-Site. New Violation.				
Summary Statements	This inspection has revealed that the establishment is not in satisfactory compliance and that current management practices have allowed unacceptable public health or food safety conditions. Corrective action is required to eliminate these violations. Compliance status will be assessed upon reinspection. Due to conditions observed during the inspection, by the Philadelphia Dept. of Public Health, the management of this establishment has agreed to immediately cease and desist all operations until it is approved by the Department to resume operation. Please contact the Sanitarian at the phone number listed below to arrange for an inspection.				
You are required under Section 6-502 of the Philadelphia Health Code to correct the violations listed as noted above. Your failure to correct these violations may result in the revocation of your health license and other legal action. Reinstatement of a revoked health license will require payment of another license fee. An appeal to these orders may be made to the Board of License and Inspection Review, Municipal Services Building, 1401 JFK Boulevard Philadelphia, PA 19102-1617					
Person in Charge (Signature) <input checked="" type="checkbox"/>		Name Mike and Stephine		Date:	

Inspector (Signature) Terrance Carter (215)685-6574



Date: 03/02/2016

EXHIBIT B

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	10	Date	03/02/2016
		No. of Repeat Risk Factor/Intervention Violations	0	Time In	12:15 PM
		Number of Corrections	6	Time Out	03:00 PM
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick		Purpose of Inspection Inspection	Inspection Type Inspection	
OBSERVATIONS AND CORRECTIVE ACTIONS					
Item Number	Violations cited in this report must be corrected within the time frames below, or as stated in section 8-405.11 of the food code.				
Remarks	<p>NOTE: The above location has been advised to cease and desist all food operation, as a result waste water backing up into the establishment and the ceiling is leaking nonpotable water in the 1st floor food prep area near the shellfish cold holding display unit. The PIC was advised to call (215)685-6574 to request a reinspection.</p> <p>This inspection has revealed that the establishment is not in satisfactory compliance and that current management practices have allowed unacceptable public health or food safety conditions. Corrective action is required to eliminate these violations. Compliance status will be assessed upon reinspection.</p>				
Summary Statements	<p>Due to conditions observed during the inspection, by the Philadelphia Dept. of Public Health, the management of this establishment has agreed to immediately cease and desist all operations until it is approved by the Department to resume operation. Please contact the Sanitarian at the phone number listed below to arrange for an inspection.</p> <p>You are required under Section 6-502 of the Philadelphia Health Code to correct the violations listed as noted above. Your failure to correct these violations may result in the revocation of your health license and other legal action. Reinstatement of a revoked health license will require payment of another license fee. An appeal to these orders may be made to the Board of License and Inspection Review, Municipal Services Building, 1401 JFK Boulevard Philadelphia, PA 19102-1617</p>				
Person in Charge (Signature)	<input checked="" type="checkbox"/>	Name		Mike and Stephine	
		Date:			
Inspector (Signature)	Terrance Carter (215)685-6574		<input checked="" type="checkbox"/>	Date: 03/02/2016	

EXHIBIT C

inspection record			Philadelphia department of public health services Environmental health services	ID Number R2760347	Page of
Trade Name McCormick & Schmick's Seafood Restaurant			Address 1 S BROAD ST		Date 03/03/2016
Code	CV	RV	CV=Critical Violations RV=Repeat Violations	Violations	
			The Sanitarian arrived the above location to conduct a compliance check as a result of large amount of waste water is present on the floor in the food prep area and in the warewash area due to issues with the drain system in this establishment. There was non-potable water leaking from the ceiling in the front food prep near the shellfish cold holding unit.		
			During time of arrival the Sanitarian observed [4] patrons eating and/or drinking in the bar area, [23-25] patrons eating and/or drinking in the dining area and food employees are observed food preping prior to the reinspection. The Sanitarian observed 0 ppm in several bucket of sanitizer solution in the front serving/prep area of the kitchen. The Sanitarian advised the PIC to cease food preping and was advised to obtain approved sanitizer solution during inspection. Once the sanitizer solution was obtain and 200 ppm observed on the test strip the PIC's was advised to have the quat sanitizer solution applied to all the food contact surfaces immediately. Once the sanitizer solution was applied to the food contact surfaces the food activity did resume during inspection.		
Sanitarian: Terrance Carter (215)685-6574				Telephone (215)685-7541	

EXHIBIT D

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report					
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	9	Date	05/31/2016		
		No. of Repeat Risk Factor/Intervention Violations	5	Time In	02:15 PM		
		Number of Corrections	2	Time Out	04:20 PM		
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3		
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick	Purpose of Inspection Reinspection		Inspection Type Reinspection			
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS							
IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable COS=corrected on-site during inspection R=repeat violation							
Compliance Status			[COS]	R	Compliance Status		
Demonstration of Knowledge					Potentially Hazardous Food Time/Temperature		
1	IN	Certification by accredited program, compliance with Code, or correct responses			16 IN Proper cooking time & temperature		
Employee Health					17 N/O Proper reheating procedures for hot holding		
2	IN	Management awareness; policy present			18 N/O Proper cooling time & temperature		
3	IN	Proper use of reporting; restriction & exclusion			19 IN Proper hot holding temperature		
Good Hygienic Practices					20 OUT Proper cold holding temperature		
4	IN	Proper eating, tasting, drinking, or tobacco use			21 IN Proper date marking & disposition		
5	IN	No discharge from eyes, nose, and mouth			22 IN Time as a public health control; procedures & record		
Preventing Contamination by Hazards					Consumer Advisory		
6	IN	Hands clean & properly washed			23 IN Consumer advisory provided for raw or undercooked foods		
7	IN	No bare hand contact with RTE foods or approved alternate method properly followed			Highly Susceptible Population		
8	OUT	Adequate handwashing facilities supplied & accessible		X	24 N/A Pasteurized foods used; prohibited foods not offered		
Approved Source					Chemical		
9	IN	Food obtained from approved source			25 N/A Food additives: approved & properly used		
10	N/O	Food received at proper temperature			26 OUT Toxic substances properly identified, stored & used	X	
11	IN	Food in good condition, safe, & unadulterated			Conformance with Approved Procedure		
12	IN	Required records available: shellstock tags, parasite destruction			27 N/A Compliance with variance, specialized process, & HACCP plan		
Protection From Contamination					Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Interventions are control measures to prevent foodborne illness or injury.		
13	OUT	Food separated & protected		X			
14	OUT	Food-contact surfaces: cleaned & sanitized		X			
15	IN	Proper disposition of returned, previously served, reconditioned, & unsafe food					
GOOD RETAIL PRACTICES							
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.							
Compliance Status			[COS]	R	Compliance Status	[COS]	R
Safe Food and Water					Proper Use of Utensils		
28	IN	Pasteurized eggs used where required			42	IN	Utensils, equipment & linens: properly stored, dried & handled
29	IN	Water & ice from approved source			43	IN	Single-use & single-service articles: properly stored & used
30	IN	Variance obtained for specialized processing methods			44	IN	Gloves used properly
Food Temperature Control					Utensils, Equipment and Vending		
31	IN	Proper cooling methods used; adequate equipment for temperature control			45	OUT	Food & non-food contact surfaces cleanable, properly designed, constructed, & used
32	IN	Plant food properly cooked for hot holding			46	IN	Warewashing facilities: installed, maintained, & used; test strips
33	IN	Approved thawing methods used			47	OUT	Non-food contact surfaces clean
34	IN	Thermometer provided & accurate			Physical Facilities		
Food Identification					48	IN	Hot & cold water available; adequate pressure
35	OUT	Food properly labeled; original container			49	IN	Plumbing installed; proper backflow devices
Prevention of Food Contamination					50	IN	Sewage & waste water properly disposed
36	OUT	Insects, rodents & animals not present; no unauthorized persons			51	IN	Toilet facilities: properly constructed, supplied, & cleaned
37	IN	Contamination prevented during food preparation, storage & display			52	OUT	Garbage & refuse properly disposed; facilities maintained
38	IN	Personal cleanliness			53	OUT	Physical facilities installed, maintained, & clean
39	IN	Wiping cloths: properly used & stored			54	OUT	Adequate ventilation & lighting; designated areas used
40	IN	Washing fruit & vegetables			Philadelphia Ordinances		
Proper Use of Utensils					56	IN	Person in Control of premises has not posted "No Smoking" signs.
41	IN	In-use utensils: properly stored			56+	IN	Philadelphia Ordinances
Person in Charge (Signature)				Name Stephine & Nigel Hevener (A73681)			
<input checked="" type="checkbox"/>				Date:			
Inspector (Signature) Terrance Carter (215)685-6574				<input checked="" type="checkbox"/>			
				Date: 05/31/2016			

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	9	Date	05/31/2016
		No. of Repeat Risk Factor/Intervention Violations	5	Time In	02:15 PM
		Number of Corrections	2	Time Out	04:20 PM
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick		Purpose of Inspection Reinspection	Inspection Type Reinspection	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS					
Item/Location	Temp	Item/Location	Temp	Item/Location	Temp
Various Types of Shellfish / Cold holding Display Case	60.0 ° F	Lobstermeat / Drawer Refrigerator	50.5 ° F	Crabmeat / Drawer Refrigerator	50.4 ° F
Crabmeat Pranka / Drawer Refrigerator	53.6 ° F	Ranch Dressing / Cold-Hold Unit	40.2 ° F	Mash Potato / Hot-Hold Unit	154.0 ° F
Shrimp / Cold-Hold Unit	32.7 ° F	Soup / Hot-Hold Unit	165.7 ° F	/	/
/	/	/	/	/	/
/	/	/	/	/	/
/	/	/	/	/	/
/	/	/	/	/	/
Food Disposal					
Food Types		Volume		Unit	Pounds
THE LISTED FOOD ITEMS WAS DISGUARDED DUE TO TEMPERATURE ISSUE: *					
[21] Crabmeat Pranka- 53.6 Degrees F * [14] Crabmeat- 50.4 Degrees F * [33] Lobstermeat- 50.5 Degrees F					
OBSERVATIONS AND CORRECTIVE ACTIONS					
Item Number	Violations cited in this report must be corrected within the time frames below.				
8	Violation of Code: [46.981(h)] * Soiled paper towel is observed from the paper towel dispenser in the 1st floor food prep area. * Soiled hot & cold handles and soiled basin of the handsink station is observed in the handsink station across from the cooking equipments in the 1st floor food prep area. * The handwash sink in the 2nd floor server station area was blocked by [3] yellow caution sign and not accesible at all times for employee use. The Sanitarian advised the PIC to relocate the signa during inspection. Repeat Violation.				
13	Violation of Code: [46.301] * Black/brown discoloration is present on the surface of the cutting board on the cold holding unit. The Sanitarian advised the PIC to take the cutting board out of service and was advised to obtain a new cutting board, ASAP. New Violation.				
13	Violation of Code: [46.281] * Uncovered container of preped chicken, shrimp & preped salmon are observed in the 2-door reach-in refrigerator unit "C". Repeat Violation.				
14	Violation of Code: [46.711(a)] * The food contact surfaces of the chilled plates in refrigerator unit "C" is observed to be soiled in the refrigerator unit during inspection. The Sanitarian advised the PIC to remove and clean & sanitize the plates during inspection. Corrected On-Site. New Violation.				
14	Violation of Code: [46.731] *Slicer has an accumulation of food residue on the food contact surfaces and is not being washed, rinsed and sanitized at least every 4 hours. The Sanitarian advised the PIC to wash, rinse & sanitizer the meat slicer during inspection. The establishment is advised to wash, rinse & sanitizer the meat slicer as required. * Drain board and the interior surface of the 2-basin food prep sink is not clean. Soiled utensils and soiled food equipments are stored at the 2-basin food prep sink in the 2nd floor food prep area. The Sanitarian advised the PIC to remove the soiled equipments and clean & sanitizer the food prep sink during time of inspection. the PIC was advised to discontinue having the soiled food equipments at the food prep sink during inspection. Repeat Violation.				
20	Violation of Code: [46.385(a)(2)] * Various types of shellfish was held at a temperature range of 55-60 degrees F, rather than 45 degrees F or below as required. The Sanitarian advised the PIC to obtain more ice to cool the listed food item to 45 degrees F or below during inspection. The various types of shellfish was cooled to 39.2 degrees during inspection. Repeat Violation.				
Person in Charge (Signature) Stephine & Nigel Hevener(A73681) <input checked="" type="checkbox"/>				Date:	
Inspector (Signature) Terrance Carter (215)685-6574 <input checked="" type="checkbox"/>				Date: 05/31/2016	

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	9	Date	05/31/2016
		No. of Repeat Risk Factor/Intervention Violations	5	Time In	02:15 PM
		Number of Corrections	2	Time Out	04:20 PM
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick		Purpose of Inspection Reinspection	Inspection Type Reinspection	
OBSERVATIONS AND CORRECTIVE ACTIONS					
Item Number	Violations cited in this report must be corrected within the time frames below, or as stated in section 8-405.11 of the food code.				
20	Violation of Code: [46.385(a)(2)] * [33] Small cups lobster meat was held at 50.5 degrees F, [14] small cups crabmeat was held at 50.4 degrees F and [21] crab meat pranka was held at 53.6 F degrees rather than 41 degrees F or below as required. The listed food items was discarded during inspection. * Container of preped sausage was held at 48.2 degrees F rather than 41 degrees F or below as required. The Sanitarian advised the PIC to remove the food item and proper cool the listed food item to 41 degrees F or below prior to use during inspection. Repeat Violation.				
26	Violation of Code: [46.1023] * Chemicals (can of Butune is stored on upper shelf with salt & peppers shakers) were stored above or on the same shelf with food, equipment, and/or single service articles in the food prep area. * Cleaning pad is stored on upper back shelf behind the cold holding shellfish display in the food prep area. The PIC did relocate the cleaning pad during inspection. Corrected On-Site. New Violation.				
26	Violation of Code: [46.1029] * Keys/white tube is stored over cold holding unit in food prep area, and were not stored to prevent the contamination of food, equipment or utensils. * Personal cellphone is stored on the food prep table in the 2nd floor food prep area. The Sanitarian advised the PIC to remove the cellphone from the food prep table and the PIC was advised to clean and sanitize the food prep table prio to use. New Violation.				
35	Violation of Code: [46.422] * Bulk food ingredient storage containers are not labeled with the common name of the food, where it is needed. New Violation.				
36	Violation of Code: [46.981(k)(l)] * Visible physical evidence of insect (fruit flies) activity observed in the 2nd floor food prep area. New Violation.				
45	Violation of Code: [46.671] * Condensation is present in several reach-in refrigerator units and the refrigerator portion of the cold holding units, where it is needed. * Ambient temperature of the drawer refrigerator unit was observed at 47.6 degrees F. The PIC was advised to take this drawer refrigerator unit out of service until the abmient temperature is observed at 41 degrees F or below. Repeat Violation.				
47	Violation of Code: [46.714] * Lower and upper shelf in the 1st floor food prep are in need of cleaning. * Interior & exterior of the colding units are in need of cleaning. * Cooling unit of the cold hold unit across from the cooking equipment is leaking condention. No food was present in the cold holding unit during inspection. * Refrigerator unit "B" is in need of cleaning. * Exterior of the warewash unit is in need of cleaning. New Violation.				
52	Violation of Code: [46.882(a)(c)] * No trash receptacle was present at the handsink station in the 2nd floor server station area. New Violation.				
53	Violation of Code: [46.981(a)(b)(c)(g)(n)] * Excessive waste water and/or food debris is present under and/or behind the food equipments in the 1st floor food prep area and warewash area and in the 2nd floor dry storage area. * Floor around the large greas storage tanks and the ice machine is in need of cleaning. * Build-up flour/food debris is observed under and behind the cooking equipments. Repeat Violation.				
54	Violation of Code: [46.922(a)] * Light in refrigerator unit "B" are not shielded from breakage. New Violation.				
54	Violation of Code: [46.981(d)] * Mechanical vention hood and system is in need of service in the main kitchen area. Grease droplets are observed on the equipments of the mechanical hood during inspection. Repeat Violation.				
54	Violation of Code: [46.614] * Proper ventilation is not observed in the warewash area. Condensation is observed on the ceiling ventilation covers in the warewash area. The PIC did inform the Sanitarian that the request for service was submitted prior to inspection. New Violation.				
54	Violation of Code: [46.943] * Dim lighting is observed in the 1nd floor serve station area. The Sanitarian observed 1.4 ft. cd. in the 1st floor server station area. There are hot soups, cutting bread, making beverages and handsink is present at this location. Repeat Violation.				
Summary Statements	This inspection has revealed that the establishment is not in satisfactory compliance and that current management practices have allowed unacceptable public health or food safety conditions. Corrective action is required to eliminate these violations. Compliance status will be assessed upon reinspection.				
You are required under Section 6-502 of the Philadelphia Health Code to correct the violations listed as noted above. Your failure to correct these violations may result in the revocation of your health license and other legal action. Reinstatement of a revoked health license will require payment of another license fee. An appeal to these orders may be made to the Board of License and Inspection Review, Municipal Services Building, 1401 JFK Boulevard Philadelphia, PA 19102-1617					
Person in Charge (Signature)		Name Stephine & Nigel Hevener (A73681)		Date:	
<input checked="" type="checkbox"/>					
Inspector (Signature) Terrance Carter (215)685-6574		<input checked="" type="checkbox"/>		Date: 05/31/2016	

EXHIBIT E



CITY OF PHILADELPHIA

DEPARTMENT OF PUBLIC HEALTH
Public Health Services
321 University Avenue, 2nd Floor
Philadelphia, PA 19104

Office of Food Protection
Telephone (215) 685-7495
Fax (215) 382-1210

Doug Schmick
McCormick & Schmick's Seafood
1 S Broad St
Philadelphia PA 19107

Payment Number : 118162
Access Code: 137270

6/22/2016

Dear Doug Schmick:

Recent inspections conducted on 3/2/16 and 5/31/16 by the Philadelphia Department of Public Health indicate that your establishment is NOT in compliance with Title 6 of the Philadelphia Code and Regulations Governing Food Establishments.

You are required to pay \$315 for the cost of an additional inspection to determine compliance.

Your failure to pay the required reinspection cost within 20 days of the date on this letter and/or if your facility is found not to be in compliance on the reinspection can and will result in further enforcement action being taken.

Either one of the following two methods can be used to obtain a compliance inspection:

1. Submit a money order or certified/cashier's check along with the enclosed *Compliance Inspection Request Form*. Please completely fill out the enclosed form and send it to the address listed at the bottom of the page. After the form has been processed, an inspection will be scheduled based upon the information provided in the top portion.
2. Online by going to the following website: <https://secure.phila.gov/PaymentCenter/AccountLookup>. Use the payment number and access code listed above, as well as the instructions on the website to complete your transaction. If you are ready for your reinspection, no further action is necessary as your reinspection will be automatically scheduled. However, if you need additional time, please call the district supervisor at 215-685-6574 to discuss your remaining issues.

If you have any questions regarding this matter, please call Jamaine Pugh at 215-685-7419 or email Jamaine.Pugh@phila.gov.

Sincerely,

A handwritten signature in black ink that reads "Bernard Finkel".

Bernard Finkel
Program Administrator

Case ID: 160901604
Control No.: 16092138

COMPLIANCE INSPECTION REQUEST FORM
Return this form to Environmental Health Services.

As per the enclosed "Compliance Inspection Request Letter" dated 6/22/2016, I am requesting an additional inspection to determine compliance with Health Department regulations. I have enclosed a **certified cashier's check or money order** for \$315.00 to cover the cost of this inspection.

The following information is required to schedule your compliance inspection:

- Fee enclosed I am ready for an inspection. Please reinspect as soon as possible.*

- Fee enclosed. I am requesting additional time. Indicate the reason and amount of time needed for correcting all remaining violations.*

ESTABLISHMENT INFORMATION:

Establishment Name _____

Establishment Address / Operating Location _____

Mailing Address _____

E-mail Address _____

Telephone number _____

Name of Person-in-Charge _____ Title _____

Food Safety Certified Individual(s): _____ # _____

_____ # _____

*** Certified cashier's checks or money orders must be made out to: "Philadelphia Health Dept. - EHS"**
Please do not send cash, personal checks, or business checks.

Send this form along with your **certified cashier's check or money order** to:

Environmental Health Services
Office of Food Protection
321 University Ave.
Philadelphia, PA 19104

Case ID: 160901604
Control No.: 16092138

EXHIBIT F

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	3	Date	07/21/2016
		No. of Repeat Risk Factor/Intervention Violations	0	Time In	10:15 AM
		Number of Corrections	10	Time Out	01:15 PM
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick	Purpose of Inspection Inspection		Inspection Type Inspection	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS					
IN=in compliance OUT=not in compliance N/O=not observed N/A=not applicable COS=corrected on-site during inspection R=repeat violation					
Compliance Status			COS	R	
Demonstration of Knowledge					
1	IN	Certification by accredited program, compliance with Code, or correct responses			
Employee Health					
2	IN	Management awareness; policy present			
3	IN	Proper use of reporting; restriction & exclusion			
Good Hygienic Practices					
4	IN	Proper eating, tasting, drinking, or tobacco use			
5	IN	No discharge from eyes, nose, and mouth			
Preventing Contamination by Hazards					
6	OUT	Hands clean & properly washed	X		
7	IN	No bare hand contact with RTE foods or approved alternate method properly followed			
8	OUT	Adequate handwashing facilities supplied & accessible	X		
Approved Source					
9	IN	Food obtained from approved source			
10	IN	Food received at proper temperature			
11	IN	Food in good condition, safe, & unadulterated			
12	IN	Required records available: shellstock tags, parasite destruction			
Protection From Contamination					
13	IN	Food separated & protected			
14	OUT	Food-contact surfaces: cleaned & sanitized	X		
15	IN	Proper disposition of returned, previously served, reconditioned, & unsafe food			
Potentially Hazardous Food Time/Temperature					
16	IN	Proper cooking time & temperature			
17	IN	Proper reheating procedures for hot holding			
18	IN	Proper cooling time & temperature			
19	IN	Proper hot holding temperature			
20	IN	Proper cold holding temperature			
21	IN	Proper date marking & disposition			
22	IN	Time as a public health control; procedures & record			
Consumer Advisory					
23	IN	Consumer advisory provided for raw or undercooked foods			
Highly Susceptible Population					
24	IN	Pasteurized foods used; prohibited foods not offered			
Chemical					
25	IN	Food additives: approved & properly used			
26	IN	Toxic substances properly identified, stored & used			
Conformance with Approved Procedure					
27	IN	Compliance with variance, specialized process, & HACCP plan			
<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> Risk factors are improper practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Interventions are control measures to prevent foodborne illness or injury. </div>					
GOOD RETAIL PRACTICES					
Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.					
Compliance Status			COS	R	
Safe Food and Water					
28	IN	Pasteurized eggs used where required			
29	IN	Water & ice from approved source			
30	IN	Variance obtained for specialized processing methods			
Food Temperature Control					
31	IN	Proper cooling methods used; adequate equipment for temperature control			
32	IN	Plant food properly cooked for hot holding			
33	IN	Approved thawing methods used			
34	IN	Thermometer provided & accurate			
Food Identification					
35	IN	Food properly labeled; original container			
Prevention of Food Contamination					
36	OUT	Insects, rodents & animals not present; no unauthorized persons			
37	IN	Contamination prevented during food preparation, storage & display			
38	OUT	Personal cleanliness			
39	IN	Wiping cloths: properly used & stored			
40	IN	Washing fruit & vegetables			
Proper Use of Utensils					
41	IN	In-use utensils: properly stored			
Proper Use of Utensils					
42	IN	Utensils, equipment & linens: properly stored, dried & handled			
43	IN	Single-use & single-service articles: properly stored & used			
44	IN	Gloves used properly			
Utensils, Equipment and Vending					
45	OUT	Food & non-food contact surfaces cleanable, properly designed, constructed, & used			
46	OUT	Warewashing facilities: installed, maintained, & used; test strips			
47	OUT	Non-food contact surfaces clean			
Physical Facilities					
48	IN	Hot & cold water available; adequate pressure			
49	IN	Plumbing installed; proper backflow devices			
50	IN	Sewage & waste water properly disposed			
51	IN	Toilet facilities: properly constructed, supplied, & cleaned			
52	IN	Garbage & refuse properly disposed; facilities maintained			
53	IN	Physical facilities installed, maintained, & clean			
54	OUT	Adequate ventilation & lighting; designated areas used			
Philadelphia Ordinances					
56	OUT	Person in Control of premises has not posted "No Smoking" signs.	X		
56+	IN	Philadelphia Ordinances			
Person in Charge (Signature) <input checked="" type="checkbox"/>		Name Michael Sidorovich		Date: 07/21/2016	
Inspector (Signature) Ibrahim Salami (215)685-6573 <input checked="" type="checkbox"/>				Date: 07/21/2016	

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	3	Date	07/21/2016
		No. of Repeat Risk Factor/Intervention Violations	0	Time In	10:15 AM
		Number of Corrections	10	Time Out	01:15 PM
Food Facility McCormick & Schmick's Seafood Restaurant	Address 1 S BROAD ST 19107	Telephone (215) 568-6888	Establishment Type Restaurant: Eat-In	District 1	Sub 3
Licensee McCormick & Schmick's Rest Corp	Corporate Officer Doug Schmick	Purpose of Inspection Inspection		Inspection Type Inspection	
FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS					
Item/Location	Temp	Item/Location	Temp	Item/Location	Temp
Cole slaw / Refrigerator	41.0 ° F	Lobster tail / Refrigerator	41.0 ° F	Shrimps / Refrigerator	41.0 ° F
Fish / Refrigerator	41.0 ° F	Beef / Refrigerator	41.0 ° F	Crab meat / Cold-Hold Unit	41.0 ° F
Cheese / Cold-Hold Unit	41.0 ° F	Peas / Cold-Hold Unit	41.0 ° F	Peppers / Cold-Hold Unit	41.0 ° F
Mushrooms / Cold-Hold Unit	41.0 ° F	Lettuce / Refrigerator	41.0 ° F	Dressings / Refrigerator	41.0 ° F
Shrimps / Refrigerator	41.0 ° F	Oysters / Refrigerator	41.0 ° F	Tuna / Refrigerator	41.0 ° F
Cheese / Cold-Hold Unit	41.0 ° F	Sliced vegetables / Cold-Hold Unit	41.0 ° F	Milk / Walk-In Cooler	41.0 ° F
Desserts / Walk-In Cooler	41.0 ° F	Chicken / Walk-In Cooler	41.0 ° F	Steaks / Walk-In Cooler	41.0 ° F
Cheese / Walk-In Cooler	41.0 ° F	Bread / Walk-In Cooler	41.0 ° F	Shrimps / Walk-In Cooler	41.0 ° F
Food Disposal					
Food Types		Volume		Unit	Pounds
OBSERVATIONS AND CORRECTIVE ACTIONS					
Item Number	Violations cited in this report must be corrected within the time frames below.				
6	Violation of Code: [46.132] Food employee observed face with gloved hands and going back to preparing food without washing hands and changing gloves. PIC was instructed to take immediate corrective action. Corrected On-Site. New Violation.				
8	Violation of Code: [46.825(a)] No sign or poster posted at the handwash sink in the 2nd floor female toilet room area to remind food employees to wash their hands. Corrected On-Site. New Violation.				
14	Violation of Code: [46.711(a)] Wiping cloths observed stored in sanitizer buckets with sanitizer concentration of zero ppm. PIC was instructed to take immediate corrective action. Corrected On-Site. New Violation.				
36	Violation of Code: [46.981(k)(l)] Visible physical evidence of rodent / insect activity observed in the facility. *Fresh mouse droppings were observed around grease tanks in down stairs prep area. *What appears to be drain flies observed bar, kitchen, toilet room, keg storage and seating areas. New Violation.				
38	Violation of Code: [46.152] Food employees observed not wearing or wearing ineffective hair restraints, such as nets, hats, or beard restraints. New Violation.				
45	Violation of Code: [46.671] *Loose faucet observed on sink in the 2nd floor server station. *handwashsink needs to be sealed to wall. 2nd floorserver station. *lid on garnish bin is defective. 1st floor kitchen area. New Violation.				
46	Violation of Code: [46.675(a)-(c)] Steam observed escaping from side of hood directly to the ceilings in the warewashing area. Per PIC an additional ventilator has been ordered to augment the existing one. New Violation.				
47	Violation of Code: [46.714] *Clean all floors, walls and ceilings. Especially perimeter of floors including that of walk-in cooler. *puddle of murky water observed under refrigerator beside oil tanks. New Violation.				
54	Violation of Code: [46.981(d)] *Hood filters have an accumulation of static dust and grease. 1st Floor kitchen areas. *Vent filters in the toilet rooms need to be cleaned. New Violation.				
Person in Charge (Signature) Michael Sidorovich <input checked="" type="checkbox"/>		Date: 07/21/2016			
Inspector (Signature) Ibrahim Salami (215)685-6573 <input checked="" type="checkbox"/>		Date: 07/21/2016			

<input checked="" type="checkbox"/> Philadelphia Dept of Health		Food Facility Inspection Report			
Philadelphia Dept of Health/Office of Food Protection 500 S. Broad St., www.phila.gov/health/environment/foodprotection.html		No. of Risk Factor/Intervention Violations	3	Date	07/21/2016
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Food Facility	Address	Telephone	Establishment Type	District	Sub
McCormick & Schmick's Seafood Restaurant	1 S BROAD ST 19107	(215) 568-6888	Restaurant: Eat-In	1	3
Licensee	Corporate Officer	Purpose of Inspection		Inspection Type	
McCormick & Schmick's Rest Corp	Doug Schmick	Inspection		Inspection	
OBSERVATIONS AND CORRECTIVE ACTIONS					
Item Number	Violations cited in this report must be corrected within the time frames below, or as stated in section 8-405.11 of the food code.				
56	Violation of Code: [10-602(5)(a)(.1)] Person in Control of premises has not posted "No Smoking" signs. Corrected On-Site. New Violation.				
Remarks	Completed on Site:4				
Summary Statements	This inspection has revealed that the establishment is not in satisfactory compliance and that current management practices have allowed unacceptable public health or food safety conditions. Corrective action is required to eliminate these violations. Compliance status will be assessed upon reinspection.				
You are required under Section 6-502 of the Philadelphia Health Code to correct the violations listed as noted above. Your failure to correct these violations may result in the revocation of your health license and other legal action. Reinstatement of a revoked health license will require payment of another license fee. An appeal to these orders may be made to the Board of License and Inspection Review, Municipal Services Building, 1401 JFK Boulevard Philadelphia, PA 19102-1617					
Person in Charge (Signature)	<input checked="" type="checkbox"/>		Name	Michael Sidorovich	
			Date:	07/21/2016	
Inspector (Signature)	Ibrahim Salami (215)685-6573		<input checked="" type="checkbox"/>		Date: 07/21/2016