

**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> FA0208694 - YUMMY EXPRESS		<b>Site Address</b> 3095 MCKEE RD, SAN JOSE, CA 95127		<b>Inspection Date</b> 07/27/2022	
<b>Program</b> PR0306036 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> NATE LIMITED LIABILITY COI		<b>Inspection Time</b> 12:35 - 14:30
<b>Inspected By</b> GLENCIJOY DAVID	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> CHENLONG LIU	<b>FSC</b> Chenlong Liu 11/23/2023		

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>59</b>

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		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		N
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		
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		
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use	X	
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	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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations: Employee killed cockroaches with a napkin and proceeded to touch a box of vegetables without washing his hands. [CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. [COS] Employee was directed to wash hands.**

Follow-up By  
07/29/2022

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

**Inspector Observations: Measured eggs rolls at 99F in basket above deep fryer. [CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Facility is closed and egg rolls will not be served.**

Follow-up By  
07/29/2022

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

**Inspector Observations: One dead cockroach found in bag of rice. [CA] Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately. [COS] Rice was voluntarily discarded into garbage.**

Follow-up By  
07/29/2022

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

**Inspector Observations: Several live cockroaches found: 1) over ten found underneath prep sink, 2) two underneath handwash sink, 3) one above prep sink, 4) one on grease trap, 5) one underneath prep cooler, and 6) one at doorway for storage room.**  
**Several (over 10) dead cockroaches found: 1) underneath prep sink, and 2) in bag of rice in storage room.**  
**[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.**

Follow-up By  
07/29/2022

**\*FOOD FACILITY SHALL CEASE AND DESIST FOOD SALES\***

### Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations: Container of fried rice cooling in container with tightly covered plastic. [CA] Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.**

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

**Inspector Observations: Open bags of rice are stored in storage room. [CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

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 on hood filters in prep area. [CA] Clean mechanical exhaust hood and filters of grease accumulation.**

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

**Inspector Observations: Gap in FRP to the bottom of wall next to prep sink. [CA] Repair holes in structure and maintain in good repair to prevent pest harborage.**

**Accumulation of debris on walls in prep area. [CA] Walls in food preparation area shall be kept clean.**

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## Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.  
Needs Improvement - Food contact surfaces clean, sanitized.

## Measured Observations

Item	Location	Measurement	Comments
rice	counter	125.00 Fahrenheit	cooling
wontons	two door cooler - left	41.00 Fahrenheit	
pork	two door cooler - left	41.00 Fahrenheit	
beef	two door freezer	30.00 Fahrenheit	
eggs	two door cooler - right	53.00 Fahrenheit	prep
rice	rice cooker	178.00 Fahrenheit	
chicken	prep cooler	40.00 Fahrenheit	
chicken	chest freezer	9.00 Fahrenheit	IR
egg rolls	white upright freezer	14.00 Fahrenheit	IR
noodles	two door cooler - right	41.00 Fahrenheit	
pork	prep cooler	41.00 Fahrenheit	
chicken	two door cooler - left	41.00 Fahrenheit	
eggs	prep cooler	40.00 Fahrenheit	
bean sprouts	prep cooler	41.00 Fahrenheit	
egg roll	deep fryer basket	99.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
pork	prep cooler	41.00 Fahrenheit	
shrimp	prep cooler	33.00 Fahrenheit	
beef	prep cooler	40.00 Fahrenheit	
hot water	three compartment sink	120.00 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 **8/10/2022**. 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.

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



**Received By:** Chenlong Liu  
PIC

**Signed On:** July 27, 2022