

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 FA0209991 - WHAT THE CUP		Site Address 5469 SNELL AV, SAN JOSE, CA 95123		Inspection Date 02/25/2025		Placard Color & Score RED 68		
Program PR0301717 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name LEE & HAM, INC.		Inspection Time 13:30 - 15:30			
Inspected By JENNIFER RIOS		Inspection Type ROUTINE INSPECTION		Consent By TED				FSC Myung Kim 01/19/2028

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		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		
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	X	
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		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		X
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: *REPEAT VIOLATION Multiple food items in walk in fridge measured 49F. Ambient air of walk in fridge measured 49F. After keeping refrigerator closed for 20 minutes, temperature did not go down. Items had been in the fridge since the previous day (except thawing raw chicken and raw beef still frozen). [CA] PHFs shall be held at 41°F or below or at 135°F or above. PHF VC&D.*

Facility has no other refrigeration to support operation.

Facility is closed until walk in fridge can be repaired and a follow up inspection by this department occurs.

Please contact 408-918-3400 to schedule a follow up inspection.

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: *Observed employee wash dishes and set out for use without sanitizing. When questioned, employee stated that while they are busy, they just use soap and water and then air dry the equipment. [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). [COS] PIC set up sanitizing compartment of three compartment sink to sanitize equipment.*

Observed equipment stacked while still wet after washing so that the interior parts of the equipment cannot air dry. [CA] Ensure that equipment is stacked so that the equipment is allowed to air dry after sanitizing.

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: *Observed employee touch rim of garbage can then rinse gloved hands off in the middle compartment of the three compartment sink. [CA] Ensure to remove gloves and wash hands in handwash sink with soap and water and then replace gloves when switching from garbage to dishwashing.*

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: *Observed moldy apple in bag of apples in the walk in fridge. [CA] Moldy food shall be removed immediately from use.*

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

Inspector Observations: *Observed open bulk bags of food stored in dry storage. [CA] Store open bulk foods in approved NSF containers with tight fitting lids.*

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

Inspector Observations: *Chlorine test strips were not available at time of inspection. [CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.*

PIC used paper towels and plastic wrap to plug sinks in three compartment sink. [CA] Plugs/stoppers shall be available to fill up the warewashing sink.

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: *REPEAT VIOLATION Walk in fridge is not maintaining PHF at 41F or below. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Discontinue use of walk in fridge until follow up inspection occurs to verify the temperature of the walk in fridge.*

REPEAT VIOLATION *Observed 8 induction cooktops for customers to use to make ramen that are unapproved for use in the facility. [CA] Ensure all equipment/plans are submitted to DEH Plan Check for approval prior to installation or use. Equipment has been impounded.*

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

Inspector Observations: *Thermometers inside walk in fridge and on the exterior of the walk in fridge are not accurately reading the temperature. [CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.*

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: *Back door, side door and main door to facility were left open during the inspection. [CA] Keep doors closed at all times to prevent the entrance and harborage of vermin.*

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
Rice	Hot holding	172.00 Fahrenheit	
Fries	Reach in freezer	11.00 Fahrenheit	
Pork	Under counter reach in	41.00 Fahrenheit	
Rice cakes	Walk in fridge	47.00 Fahrenheit	47-55F, VC&D
Curry sauce	Hot holding	143.00 Fahrenheit	
Fried chicken	Walk in fridge	49.00 Fahrenheit	VC&D
Warm water	Handwash sink	100.00 PPM	
Teriyaki mayo	walk in fridge	46.00 Fahrenheit	VC&D
Ambient air	Reach in fridge	49.00 Fahrenheit	
Ham	Walk in fridge	47.00 Fahrenheit	VC&D
Chlorine	Three compartment sink	100.00 PPM	After instructed to prepare.
Spicy sauce	Walk in fridge	46.00 Fahrenheit	VC&D
Raw eggs	Walk in fridge	47.00 Fahrenheit	VC&D
Hot water	Three compartment sink	120.00 Fahrenheit	
Pork belly	Walk in fridge	47.00 Fahrenheit	VC&D
Noodles	Hot holding	159.00 Fahrenheit	

Overall Comments:

Facility is hereby closed due to failure to protect food from contamination. Once walk in fridge is repaired, please contact 408-918-3400 to schedule a follow up inspection.

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 **3/11/2025**. 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: Ted Kim
Manager

Signed On: February 25, 2025