

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 FA0203071 - PEKING RESTAURANT		Site Address 16135 MONTEREY RD, MORGAN HILL, CA 95037		Inspection Date 07/18/2024		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW 62 </div>		
Program PR0306667 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name CHAN, WING C		Inspection Time 13:00 - 15:00			
Inspected By GINA STIEHR		Inspection Type ROUTINE INSPECTION		Consent By CHENG YU				FSC Not Available

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				
K02	Communicable disease; reporting/restriction/exclusion	X						S
K03	No discharge from eyes, nose, mouth	X						
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly		X					N
K06	Adequate handwash facilities supplied, accessible			X	X			N
K07	Proper hot and cold holding temperatures		X					N
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods					X		
K10	Proper cooking time & temperatures	X				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						S
K15	Food obtained from approved source	X						
K16	Compliance with shell stock tags, condition, display						X	
K17	Compliance with Gulf Oyster Regulations						X	
K18	Compliance with variance/ROP/HACCP Plan						X	
K19	Consumer advisory for raw or undercooked foods						X	
K20	Licensed health care facilities/schools: prohibited foods not being offered						X	
K21	Hot and cold water available	X						
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties		
K25	Proper personal cleanliness and hair restraints		
K26	Approved thawing methods used; frozen food	X	
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		
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean		
K34	Warewash facilities: installed/maintained; test strips		
K35	Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36	Equipment, utensils, linens: Proper storage and use	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use	X	
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored	X	
K41	Plumbing approved, installed, in good repair; proper backflow devices	X	
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		

OFFICIAL INSPECTION REPORT

Facility FA0203071 - PEKING RESTAURANT		Site Address 16135 MONTEREY RD, MORGAN HILL, CA 95037	Inspection Date 07/18/2024
Program PR0306667 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11		Owner Name CHAN, WING C	Inspection Time 13:00 - 15:00
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: Observed employee to improperly wash hands between tasks (loading boxed food and rinsing hands with water and then went on to prep vegetables). [CA] Ensure employees properly wash hands in between tasks that can possibly contamination. Wash for 20 seconds minimum under warm running water and soap, dry with single use paper towel. [COS] Staff member was instructed to wash hands and wash the vegetable.

Follow-up By
07/23/2024

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

Inspector Observations: Observed potentially hazardous foods that measured in the temperature danger zone located on food prep surfaces, in the food prep sink, and in the walk-in cooler (see Measured Observations). According to PIC, the items have been out for less than 3 hours and will be discarded by the end of lunch service (2:30pm). Some of the items in the walk-in cooler were out of temperature because the staff just recently put the items into the unit. [CA] Ensure PHFs are properly cold held at 41F or below OR hot held at 135F or above. Facility may consider using time control (TPHC- Time as a Public Health Control) which involves filling out the Department's TPHC form, time marking the food for 4 hours and discarding the food at the end of the 4 hours. [SA] PIC will discard food at the end of the 4 hour time frame.

Follow-up By
07/23/2024

Minor Violations

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

Inspector Observations: Facility unable to provide Food Safety Certificate and Food Handler Cards during time of inspection. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.
[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Handwash station blocked by boxes of food and a large garbage bag covering the sink basin. [CA] Keep handwash stations clear and accessible at all times. [COS] PIC had staff remove the boxes and garbage bag.

Follow-up By
07/23/2024

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

Inspector Observations: Observed raw shrimp thawing in food prep sink in standing water with water barely dripping out of the faucet. Shrimp measured at 60F. [CA]
[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

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: Observed ground pork stored over ready to eat food (grapes) in the 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.

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

OFFICIAL INSPECTION REPORT

Facility FA0203071 - PEKING RESTAURANT	Site Address 16135 MONTEREY RD, MORGAN HILL, CA 95037	Inspection Date 07/18/2024
Program PR0306667 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name CHAN, WING C	Inspection Time 13:00 - 15:00

Inspector Observations: According to previous report and confirmed by PIC, the stove and deep fryer were added 2 years ago without Plan Check approval. Also observed one gas rice cooker that was not located under the hood. [CA] Facility must submit for the additional equipment added to the facility to Plan Check by 7/22/2024 or the equipment will be impounded. Relocated gas rice cooker under hood or discontinue use of gas rice cooker.

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: Observed employee to use a wet cloth to cover food. [CA] Discontinue the use of cloth towels in direct with food, used approved, single use materials.

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

Inspector Observations: Lack of 6" overhang over cooking equipment. [CA] There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment.

Observed heavy grease accumulation on hood filters. [CA] Thoroughly clean and sanitize filters on a regular basis.

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

Inspector Observations: Observed soiled wiping cloths on food prep surfaces. [CA] When not in use, keep wiping cloths in a sanitizer bucket with either 100ppm chlorine or 200ppm quat.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: Observed leak under food prep sink. [CA] Repair leak and maintain in good condition.

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

Inspector Observations: Observed heavy build up of grease and food debris on floors. [CA] Thoroughly clean and sanitize floors on a regular basis.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.
Needs Improvement - Adequate handwash facilities: supplied or accessible.
Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
chicken	food prep surface	71.00 Fahrenheit	
hot water	2 comp sink	120.00 Fahrenheit	
eggroll	hot hold	135.00 Fahrenheit	
fried chicken	food prep surface	66.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
fried rice	food prep surface	101.00 Fahrenheit	
cheese	reach-in freezer	17.00 Fahrenheit	
fried chicken	walk-in cooler	42.00 Fahrenheit	
bean sprout	food prep surface	70.00 Fahrenheit	
shrimp	lowboy refrigerator	40.00 Fahrenheit	
chlorine	warewash machine	50.00 PPM	
pot sticker	walk-in cooler	74.00 Fahrenheit	
rice	hot hold	163.00 Fahrenheit	
chlorine	warewash machine	50.00 PPM	
raw chicken	walk-in cooler	43.00 Fahrenheit	
liquid egg	food prep surface	72.00 Fahrenheit	
fried shrimp	food prep surface	69.00 Fahrenheit	
shrimp	walk-in cooler	60.00 Fahrenheit	

Overall Comments:

--48 HOUR NOTICE--

Our records indicate this facility is operating without a valid permit. According to PIC, facility changed ownership on 3/24/2022. Payment for the change of ownership and application must be made immediately to DEH at the address at the top of this report or

OFFICIAL INSPECTION REPORT

Facility FA0203071 - PEKING RESTAURANT	Site Address 16135 MONTEREY RD, MORGAN HILL, CA 95037	Inspection Date 07/18/2024
Program PR0306667 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name CHAN, WING C	Inspection Time 13:00 - 15:00

via our website at www.Ehinfo.org by 07/22/24. Since the facility did not file for the Change of Ownership with the Department, they are subject to a 25% penalty fee.

Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

In addition to the Change of Ownership fee and application, the facility must submit plans to Plan Check for the stove and deep fryer that were added to the facility without prior approval (per previous inspection report).

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 **8/1/2024**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

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: Cheng Yu
Manager/Owner

Signed On: July 18, 2024