

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 FA0262514 - TASTY POT		Site Address 1143 STORY RD 100, SAN JOSE, CA 95122		Inspection Date 06/05/2024	
Program PR0385454 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name GUO, SHAN BAO		Inspection Time 11:00 - 12:40
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By AMY	FSC Not Available		

Placard Color & Score
YELLOW
62

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
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		X			N
K07 Proper hot and cold holding temperatures	X						
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods					X		
K10 Proper cooking time & temperatures	X						
K11 Proper reheating procedures for hot holding	X						
K12 Returned and reservice of food	X						
K13 Food in good condition, safe, unadulterated	X						
K14 Food contact surfaces clean, sanitized			X				
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		X			

GOOD RETAIL PRACTICES	OUT	COS
K24 Person in charge present and performing duties		
K25 Proper personal cleanliness and hair restraints		
K26 Approved thawing methods used; frozen food		
K27 Food separated and protected	X	
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used		
K30 Food storage: food storage containers identified		
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	X	
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use		
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		X
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 observed cleaning floors, rinsed hands at the two-compartment food preparation sink and then attempted to don on gloves for food preparation. When instructed to wash hands at the hand wash sink, employee washed hands with cold water at the one-compartment food preparation/dump sink.*

Follow-up By
06/10/2024

[CA] *Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:*

- (1) *Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.*
- (2) *After touching bare human body parts other than clean hands and clean, exposed portions of arms.*
- (3) *Immediately after using the toilet room and again when returning into the kitchen.*
- (4) *After caring for or handling any animal allowed in a food facility in pursuant to this part.*
- (5) *After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.*
- (6) *After handling soiled equipment or utensils.*
- (7) *During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.*
- (8) *When switching between working with raw food and working with ready-to-eat foods.*
- (9) *Before initially donning gloves for working with food.*
- (10) *Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.*
- (11) *After engaging in other activities that contaminate the hands.*

Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.

[COS] *Instructed employee to properly wash hands at the hand wash sink with warm water.*

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: *The only hand wash station in the kitchen was completely obstructed with utensils stored inside the wash basin.*

[CA] *Handwashing facility shall be clean, unobstructed, and accessible at all times.*

Follow-up By
06/10/2024

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

Inspector Observations: *One dying cockroach observed observed on floor between the stove and single-stock pot burner on side of the dry storage room.*

Follow-up By
06/10/2024

Numerous dead cockroaches observed in the following areas:

- *On floor underneath dry storage shelf by the three-compartment sink.*
- *On floor underneath the three-compartment sink.*
- *On floors throughout the janitorial area.*
- *Inside crevices between the drywall and the exposed wooden studs in the janitorial room.*

Per employee, facility is serviced about every 10 days. Latest pest control report provided for review was dated on 4/17/2024.

[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). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer 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.*

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- This Division recommends following directives from pest control report.

[COS] Employee abated dying cockroach at the cook line.

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [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.

Not all employees' three-year food handler cards were available for review.

[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.

K14 - 3 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: Mechanical dish machine measured at 0 PPM sanitizer after multiple cycles. Employee stated that since the facility just opened, the dish machine was not yet used.

Technician arrived on site at time of inspection to repair dish machine.

[CA] Maintain chlorine in mechanical warewash machine at 50 PPM or per manufacturer specifications.

If and when dish machine is unable to dispense the required sanitizer concentration, temporarily utilize the three-compartment ware wash sink for manual ware wash until dish machine has been repaired.

[COS] Chlorine sanitizer at the mechanical dish machine measured at 50 PPM.

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 approximately 20+ individually plastic wrapped frozen beef spilled onto the floor inside the walk-in freezer.

Observed numerous pots of soup, tubs of food, bags of raw onions stored directly on the floor inside the walk-in refrigerator.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

Observed opened bulk bags of ingredients stored on the floor inside the dry storage room.

[CA] Store open bulk foods in approved NSF containers with tight fitting lids.

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 single-use cups and bowls used as scoops for bulk ingredients.

[CA] Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with food. Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

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: Observed employees' bags stored on top of covered bags of to-go cups.

[CA] No person shall store clothing or personal effects (cell phone, car keys, and jackets) in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects shall be stored in employee lockers or other designated areas for employee storage.

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

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Inspector Observations: Observed numerous broken wall tiles outside of the walk-in freezer with presence of cockroach feces.

[CA] Walls and/or floors in food preparation area shall be kept clean.

Exposed wood observed inside the janitorial area and numerous missing/broken ceiling panels.

[CA] Repair the wall with a durable, smooth, nonabsorbent, and easily cleanable surface. Ceilings of all rooms shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Hands clean/properly washed/gloves used properly.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Measured Observations

Item	Location	Measurement	Comments
Raw sliced lamb	Food preparation refrigerator	41.00 Fahrenheit	
Raw sliced beef	Walk-in refrigerator	40.00 Fahrenheit	
Soup broth	Walk-in refrigerator	41.00 Fahrenheit	
Pork blood sausage	Two-door upright refrigerator	39.00 Fahrenheit	
Cooked beef tendon	Walk-in refrigerator	40.00 Fahrenheit	
Sliced tomato	Two-door upright refrigerator	40.00 Fahrenheit	
Cooked beef	Cook line	176.00 Fahrenheit	
Cooked rice	Rice warmer - server station	145.00 Fahrenheit	
Cooked clams	Two-door upright refrigerator	40.00 Fahrenheit	
Raw lobster tail	Food preparation refrigerator	41.00 Fahrenheit	
Cooked mussels	Food preparation refrigerator	41.00 Fahrenheit	
Sliced tofu	Food preparation refrigerator	40.00 Fahrenheit	
Meat skewers	Walk-in refrigerator	39.00 Fahrenheit	
Hot water	Three-compartment sink	121.00 Fahrenheit	
Soup broth	Cook line	200.00 Fahrenheit	
Raw fish fillet	Two-door upright refrigerator	39.00 Fahrenheit	
Cooked pork bone	Walk-in refrigerator	41.00 Fahrenheit	

Overall Comments:

- Two or more major violations were observed during the routine inspection.

- A follow-up inspection will be conducted to verify compliance of all major violations.

- Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.

- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

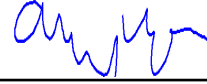
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **6/19/2024**. 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.

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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: Amy N.
Employee

Signed On: June 05, 2024