

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 07/21/2023	
Program PR0385454 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name GUO, SHAN BAO		Inspection Time 11:10 - 12:10
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By WESTIN	FSC Ted Wang 01/12/2028		

Placard Color & Score

YELLOW

67

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						S
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use			X				N
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	X	
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		
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		
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: *Observed employee washing only the tips of this hands with gloves still donned on and using only water after using the restroom. Employee returned to kitchen to continue onto food preparation without changing gloves or washing hands.*

Follow-up By
07/25/2023

[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] *This Division instructed employee to remove gloves and wash hands prior to conducting food preparation.*

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 observed completely obstructed with cleaning supplies stored inside the wash basin and lacked paper towels.*

[CA] *Handwashing facility shall be clean, unobstructed, and accessible at all times. Single-use sanitary towels shall be provided in dispensers at all times.*

[COS] *Employee removed obstructions and refilled paper towel dispenser.*

Follow-up By
07/25/2023

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

Inspector Observations: *Live cockroaches observed in sticky monitoring traps in the janitorial area by the water heater.*

Live cockroach observed in the sticky monitoring trap placed below the green storage rack for utensils by the three-compartment sink.

Dead cockroaches observed in the following areas:

- One stuck on ceiling panel in the janitorial area.*
- Numerous on floors around the water heater.*
- One on floor under the preparation table where orders are staged.*
- One on duct tape that's hanging from the ceiling directly above the three-compartment sink.*

Per manager, facility is serviced by pest control company monthly. Pest control reports were provided and reviewed during the inspection.

No other live activity observed in facility.

[CA] *The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a*

Follow-up By
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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.

This Division recommends increasing frequency of service.

[COS] Manager discarded monitoring traps.

Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employee observed drinking and placing opened beverage cup in work space during active preparation.

[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

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: Numerous containers of food stored directly on the floor inside the walk-in refrigerator and walk-in freezer.

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

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: Jug of domestic insecticide spray stored below food preparation table.

[CA] Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens. Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.

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: Employee's personal belongings, jackets, backpack, motorcycle helmet stored on top of packages of plastic cups.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

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

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Measured Observations

Item	Location	Measurement	Comments
Skewers containing various cooked meats	Walk-in refrigerator	41.00 Fahrenheit	
Bone broth	Walk-in refrigerator	41.00 Fahrenheit	
Cooked rice	Rice warmer - dining room	142.00 Fahrenheit	
Blood sausage	Two-door upright refrigerator	39.00 Fahrenheit	
Raw beef	Food preparation refrigerator	41.00 Fahrenheit	Top insert - cook line
Sliced tomato	Two-door upright refrigerator	36.00 Fahrenheit	
Hot water	Three-compartment sink	120.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Calamari	Walk-in refrigerator	35.00 Fahrenheit	
Raw beef	Walk-in refrigerator	37.00 Fahrenheit	
Fish balls	Food preparation refrigerator	40.00 Fahrenheit	Top insert - beverage prep area
Cooked beef	Cook line	169.00 Fahrenheit	
Fish balls with roe	Food preparation refrigerator	41.00 Fahrenheit	Top insert - cook line
Raw shrimp	Two-door upright refrigerator	37.00 Fahrenheit	
Clams	Food preparation refrigerator	39.00 Fahrenheit	Top insert - beverage prep area
Bone broth	Cook line	200.00 Fahrenheit	
Raw lamb	Food preparation refrigerator	41.00 Fahrenheit	Top insert - cook line
Milk	Food preparation refrigerator	43.00 Fahrenheit	Cook line
Beef bones	Walk-in refrigerator	40.00 Fahrenheit	
Tofu skin	Walk-in refrigerator	37.00 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 \$219/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$493/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 red placard. 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 **8/4/2023**. 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: Westin Liu
Manger

Signed On: July 21, 2023