

# 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 FA0286980 - ICEY POKI		Site Address 1630 E CAPITOL EX, SAN JOSE, CA 95121		Inspection Date 01/25/2024		<b>Placard Color &amp; Score</b>  <span style="font-size: 2em; color: red;"><b>RED</b></span>  <span style="font-size: 3em;"><b>53</b></span>
Program PR0430423 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name MANNING LWIN		Inspection Time 14:15 - 17:00	
Inspected By MARCELA MASRI	Inspection Type ROUTINE INSPECTION	Consent By DENNIS LEON	FSC			

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						
K08	Time as a public health control; procedures & records		X					N
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			N
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							
K21	Hot and cold water available	X						
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals		X					N

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	X	
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	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	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

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Facility is not following written TPHC procedures.**

**[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.**

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

**Inspector Observations: A bin of rice with a lid was adulterated with a live cockroach.**

**[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] Staff VC&D the bin of rice at time of the inspection.**

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

**Inspector Observations: Live and dead cockroaches were found throughout the facility in buckets, bins of rice, and unused ice machine**

**[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.**

### Minor Violations

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: Washed utensils and equipment were stacked prior to being properly air dried.**

**[CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.**

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

**Inspector Observations: Shrimp was found thawing on the drainboard of the prep sink.**

**[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)

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**Inspector Observations:** *A large open bulk bag of tempura powder was found not in a container with a lid.*  
**[CA]** *Store open bulk foods in approved NSF containers with tight fitting lids.*

*The sushi rice bin was resting on top of a rolling trashcan.*  
**[CA]** *Food utensils shall not be used on top of a trash can to prevent cross contamination.*

*Shredded cucumber was stored on the drainboard of the prep sink under the paper towel dispenser and is subject to splash/drip contamination from washing hands.*  
**[CA]** *All food shall be separated and protected from cross-contamination. Relocate the paper towel dispenser or refrain from storing/thawing items under the paper towel dispenser.*

*A bag of onions were found on the floor of the facility.*  
**[CA]** *Food shall be stored at least 6 inches above the floor to prevent contamination.*

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K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

**Inspector Observations:** *Sides of the deep fryer have an accumulation of grease and are dirty.*  
**[CA]** *Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.*

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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:** *Facility is lacking test strips to measure sanitizer concentration.*  
**[CA]** *Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.*

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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

**Inspector Observations:** *Deep frying equipment is not ANSI approved.*  
**[CA]** *All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).*

*A block of untreated wood was being used to line parts of a shelf in the back prep area.*  
**[CA]** *Discontinue the use of untreated wood to line shelves, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent. Wood can be treated with stain or paint to be used in this capacity.*

*Facility is using single use cardboard cup as a scoop for bulk ingredients.*  
**[CA]** *New and/or replacement food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Ensure scoop has a handle to prevent potential contamination of food products.*

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

**Inspector Observations:** *Type 2 hood is provided over deep frying equipment and does not provide the adequate ventilation needed for the operation.*  
**[CA]** *Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.*

*The exhaust hood is missing filters and has an accumulation of grease.*  
**[CA]** *Provide the filters and maintain clean.*

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

**Inspector Observations:** *Wiping cloths were scattered around the facility not in sanitizing buckets.*  
**[CA]** *Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

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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: Faucets for the prep sink and three compartment sink are loose and detaching from the sinks.**

**[CA] Repair plumbing fixtures and maintain in clean and good repair.**

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 tools, headphones, and other personal objects were found stored throughout shelves of the preparation area.**

**[CA] Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage.**

**Band Aids, masks, and medicines were found mingled in between facility dry storage in the prep area.**

**[CA] Personal care items (medication/vitamins) shall be stored in a designated storage area for personal items.**

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

**Inspector Observations: A light switch cover is broken in the back prep area above the prep table and next to the exhaust hood.**

**[CA] Repair holes in structure by replacing the light switch cover and maintain in good repair to prevent pest harborage.**

## Performance-Based Inspection Questions

Needs Improvement - Food in good condition, safe, unadulterated.

Needs Improvement - No rodents, insects, birds, or animals.

Needs Improvement - Time as a public health control; procedures & records.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Hot Water	Hand Washing Sink	102.00 Fahrenheit	
Ambient Air	M3 Turbo Air	34.00 Fahrenheit	
Crab Salad	Food Service Line	36.00 Fahrenheit	
Liquid Eggs	M3 Turbo Air	35.00 Fahrenheit	
Diced Tomatoes	Walk in Cooler	33.00 Fahrenheit	
Cubed raw tuna	Food Service Line	34.00 Fahrenheit	
Hot Water	Prep Sink	131.00 Fahrenheit	
Ambient Air	Walk in Cooler	33.00 Fahrenheit	
Walk in Freezer	Ambient Air	2.00 Fahrenheit	
Cubed raw salmon	Food Service Line	33.00 Fahrenheit	
Walk in Freezer	Pineapple Chunk	4.00 Fahrenheit	

## Overall Comments:

**Joint inspection by Alex A. and Marcela M. This report was written by Alex.**

## **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 **2/8/2024**. 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.

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



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**Received By:** Jose Leon  
Manager

**Signed On:** January 25, 2024