

# 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

<b>Facility</b> FA0207964 - PIER 402		<b>Site Address</b> 238 RACE ST, SAN JOSE, CA 95126		<b>Inspection Date</b> 02/14/2024		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>75</b> </div>		
<b>Program</b> PR0306424 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> LAM, KIM-OZUNG		<b>Inspection Time</b> 14:30 - 18:15			
<b>Inspected By</b> LAWRENCE DODSON		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> JUNE				<b>FSC</b> Dzung Staudte 6/27/2028

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						
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			S
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				

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	X	
K33	Nonfood contact surfaces clean	X	
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		
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use		
K39	Thermometers provided, accurate		X
K40	Wiping cloths: properly used, stored		X
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		
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:** *In prep refrigerator, various potentially hazardous foods measured between 48-57F.*

**[CA]** *Potentially hazardous foods shall be held cold at 41F or below.*

**[COS]** *Per operator, food items had been in refrigeration unit for more than 3 hours. Operator voluntarily discarded all PHF. (see VC&D report)*

### Minor Violations

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations:** *6+ dead cockroaches were observed in bar cabinets.*

**[CA]** *Clean and sanitize area of dead cockroaches.*

*Multiple drain flies were observed at service bar and in Cafe.*

**[CA]** *Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.*

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:** *In the Cafe, syrup bottle stored in the hand wash sink area.*

**[CA]** *Ensure all food is separated and protected from cross-contamination.*

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

**Inspector Observations:** *Home type pest control observed in bar cabinet.*

**[CA]** *Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.*

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

**Inspector Observations:** *On Cafe self service counter, observed a basket of baked goods without labels.*

**[CA]** *Bulk food that is available for consumer self-service shall be prominently labeled with either of the following in plain view of the customer: 1) the manufacturer's or processor's label or 2) a card or sign with the common name of the food and list of ingredients in descending order of predominance by weight.*

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

**Inspector Observations:** *Accumulation of dust/grime found on walk in cooler fan.*

**[CA]** *Nonfood contact surfaces of equipment shall be kept free of dust, grim, and other debris.*

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:** *Ambient temperature of the preparation refrigerator in the kitchen at 50F.*

**[CA]** *Refrigeration must be capable of maintaining PHFs at 41°F or below. Operator was instructed to not use refrigeration unit until it is repaired or replaced.*

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

**Inspector Observations:** *Multiple refrigeration units lacking thermometers throughout facility.*

**[CA]** *The thermometer in the reach-in refrigerator shall be placed where it is easily visible while checking refrigerator temperature.*

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

**Inspector Observations:** *Throughout facility, wiping cloths stored directly on counters.*

**[CA]** *When not in use, wiping cloths shall be stored in sanitizing solution of an approved concentration. ( 200 ppm - quaternary ammonium).*

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
water	prep sink	120.00 Fahrenheit	
water	hand wash sinks	100.00 Fahrenheit	
gravy	prep fridge insert	51.00 Fahrenheit	VC&D
water	mop sink (cafe)	120.00 Fahrenheit	
garlic in oil	prep fridge insert	52.00 Fahrenheit	VC&D
whole milk	under counter fridge (cafe)	41.00 Fahrenheit	
raw fish	2 door prep fridge	57.00 Fahrenheit	VC&D
lobster	walk in cooler	39.00 Fahrenheit	
shrimp	walk in cooler	40.00 Fahrenheit	
cheesecake	cake display cooler (cafe)	37.00 Fahrenheit	
sliced tomatoes	prep fridge insert	48.00 Fahrenheit	VC&D
lobster	2 door prep fridge	53.00 Fahrenheit	VC&D
raw shrimp	2 door prep fridge	50.00 Fahrenheit	VC&D
compound butter	2 door prep fridge	54.00 Fahrenheit	VC&D
noodles	2 door prep fridge	53.00 Fahrenheit	VC&D
quaternary ammonium	sanitizer buckets	200.00 PPM	
clam chowder	food warmer	178.00 Fahrenheit	
eggs	prep fridge insert (cafe)	40.00 Fahrenheit	
sausage	prep fridge insert (cafe)	39.00 Fahrenheit	
beets	prep fridge insert	49.00 Fahrenheit	VC&D
spinach peta	pastry display (cafe)	67.00 Fahrenheit	VC&D
water	3 comp sink	120.00 Fahrenheit	
ceviche	walk in cooler	41.00 Fahrenheit	

## Overall Comments:

**Joint inspection with Anabelle Garcia. Report written by Anabelle Garcia.**

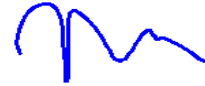
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **2/28/2024**. 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



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**Received By:** Johnny Ngo  
PIC  
**Signed On:** February 14, 2024