

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 FA0286327 - QUEEN FRESH FRUIT		Site Address 1111 STORY RD #1029, SAN JOSE, CA 95122		Inspection Date 12/02/2024		Placard Color & Score RED 63		
Program PR0429358 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name LAM, LE		Inspection Time 11:00 - 11:50			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By PHUONG L.				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						S
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly	X						
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						S
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					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		
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	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	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use	X	
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

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 facility is completely obstructed with plastic crates and other food packing materials.

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

[COS] Obstructions were removed. Hand wash sink was partially accessible.

Follow-up By
12/05/2024

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

Inspector Observations: One live adult cockroach and two live nymphs observed on on floor by entrance into the kitchen area.

Follow-up By
12/05/2024

Two live adult cockroaches observed crawling on floor and on box of pineapple on the sales floor.

Manager stated that facility was serviced the week prior.

[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.

Heavy presence of live fruit flies observed in the kitchen area and sales floor, especially near cases of moldy fruits.

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

Minor Violations

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: Observed numerous prepackaged trays of moldy fruit maintained inside the merchandiser refrigerators.

[CA] Moldy food shall be removed immediately from use.

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 cases of fruits stored directly on the floor.

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

Cases of fruits observed stored in the shared back hallway of the strip mall.

[CA] All food shall be separated and protected from possible contamination. Food shall be stored within facility.

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

Inspector Observations: Unknown spray can of chemicals maintained on floor below the food preparation sink. Label has been completely removed from the can.

[CA] Chemicals once removed from original container shall be labeled with common name. Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens.

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

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Inspector Observations: Heavy accumulation of residue and grime observed on merchandiser refrigerators and shelves used to store fruits.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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: Three-compartment sink observed completely obstructed with person utensils on the middle and right compartments, as well as on both integral drain boards.

[CA] All food facilities that prepares food or multiservice utensils and equipment are used shall provide a three-compartment sink with two integral metal drain boards for manually washing, rinsing, and sanitizing equipment and utensils.

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 smaller three-door merchandiser refrigerator measured at 45F.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

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 equipment stored in the back shared hallway of the strip mall.

[CA] Equipment shall be stored within an approved facility to prevent contamination.

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

Inspector Observations: Observed numerous propane tanks stored inside facility on the sales floor. Observed propane powered burner maintained in the shared hallway of the strip mall behind the facility. Facility lacks any type of ventilation hood to conduct cooking. Manager stated that cooking equipment is used to prepare food for themselves.

[CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors. Propane tanks and cooking equipment shall be removed from facility.

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 numerous household items and toys stored throughout the facility.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.

Observed wet mop stored inside the janitorial sink. Racks and/or holders were not available for use to store mops.

[CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies. Mop rack or other devices not made available to hang and store cleaning tools.

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

Inspector Observations: Heavy accumulation of debris observed on floors throughout the facility - sales floor, behind point of sale, inside kitchen. Additional, floors on the sales floor observed with heavy accumulation of sticky residue.

[CA] Walls and/or floors shall be kept clean. Regularly clean under equipment and shelves to prevent accumulation of debris.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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

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Measured Observations

Item	Location	Measurement	Comments
Warm water	Hand wash sink	111.00 Fahrenheit	
Hot water	Three-compartment sink	123.00 Fahrenheit	
Ambient	Acidophilus merchandiser refrigerator	38.00 Fahrenheit	
Hot water	Food preparation sink	121.00 Fahrenheit	
Ambient	Pepsi merchandiser refrigerator	41.00 Fahrenheit	

Overall Comments:

- The following inspection was conducted for a facility evaluation/change of ownership.
 - Structural review was conducted concurrently.
- Facility is to immediate cease and desist all operations.
- Facility is hereby closed due to evidence of a cockroach infestation.
 - See violation above.
- Facility is to remain closed until vermin infestation has been completely abated.
- Permit to new owner will not be issued at this time.
- Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/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.
- 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.

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 **12/16/2024**. 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



Received By: Phuong L.
Manager

Signed On: December 02, 2024