

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 FA0252724 - NEW SAM KEE RESTAURANT		Site Address 1942 ABORN RD, SAN JOSE, CA 95121		Inspection Date 11/17/2022		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW 56 </div>		
Program PR0367906 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NEW SAM KEE RESTAURANT		Inspection Time 11:00 - 13:00			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By SAM				FSC Thong Trieu 04/09/2024

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						S
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				
K07	Proper hot and cold holding temperatures		X		X			N
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	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		
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	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: Numerous employees observed drinking from personal cups and continuing onto food preparation without washing hands. Cook line employee manning the deep fryer observed multiple times, consuming from personal beverage cup, use personal phone, and scratching face/nose and then attempting to continue onto food preparation without washing hands. When instructed to wash hands, employee washed hands and then dried hands on apron. [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) After using the toilet room.
- (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. [COS] Instructed employees to properly wash hands.

Follow-up By 11/21/2022

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Numerous PHF items measured above 41F or below 135F:

- Plastic tub of cooked white rice out in ambient temperature measured at 80F.
- Plastic tub of bean sprouts out in ambient temperature measured at 66F.
- Cooked beef balls (128F), cooked shrimp (125), cooked shredded chicken (80F), cooked ground pork (132F) maintained at the noodle preparation table hot holding on counter-top induction-type grill.
- Pots of soup maintained out in ambient temperature measured at 90F.
- 3+ flats of raw shelled eggs maintained out in ambient temperature by the meat slicer measured at 60F.

Per PIC, items have been out for approximately one hour. Raw shelled eggs were just delivered.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. [CA/SA] Rice and sprouts maintained out in ambient temperature shall be used for an additional 3 hours (until 2:00 PM, total 4 hours) and shall be immediately consumed or discarded. PHF items hot holding were reheated to 165F prior to hot holding at 135F. Flats of eggs were relocated into the walk-in refrigerator.

Follow-up By 11/21/2022

K16 - 8 Points - Not in compliance with shell stock tags, condition; 114039-114039.5

Inspector Observations: Clams maintained inside the walk-in refrigerator lacked shell stock tags. Per PIC, tags are discarded once clams are almost finished. [CA] The identity of the source of shellstock that are sold or served shall be maintained for 90 calendar days from the dates of harvest by using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date or dates the shellstock are sold or served. Shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

Follow-up By 11/21/2022

Minor Violations

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

Inspector Observations: Employees' food handler cards are all expired. [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.

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

Inspector Observations: *Employees' opened beverages stored on shelves above and at food preparation areas. Employees observed drinking above food preparation areas. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area away from restaurant food. Use cups with lids and straws.*

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: *Hand wash station partially obstructed with garbage bin placed in front. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.*

Hand wash station lacks splash guard. [CA] A minimum 6" high metal splash guard spanning the full length of the drainboard shall be installed if the handwash sink is installed less than 24" away from the warewash drainboard.

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 failed to dispense the required minimum sanitizer concentration. [CA] Ensure all food contact surfaces are properly cleaned and sanitized with the required minimum sanitizer concentration. [CA] Maintain chlorine in mechanical warewash machine at 50 PPM or per manufacturer specifications. [COS] Employee repaired dish machine. Chlorine measured at 50 PPM.*

Build up of black growth matter on the plastic white baffle inside the ice machine. [CA] Clean, sanitize, and maintain ice machine.

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

Inspector Observations: *Raw chicken observed thawing in standing water inside the three-compartment 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)

Inspector Observations: *Raw meats maintained above ready-to-eat food items inside the walk-in refrigerator [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.*

Numerous containers of food maintained directly on the floor. [CA] Food shall be stored at least 6 inches above the floor 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: *Employee's personal belongings (cellphones, medicine bottles, etc.) maintained on shelves above food preparation areas. [CA] Employee's personal effects (cell phone, car keys, jackets, personal care items) 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

Inspector Observations: *Heavy accumulation of food debris observed on floors throughout kitchen underneath equipment. [CA] Regularly clean under equipment to prevent accumulation of debris.*

Performance-Based Inspection Questions

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Needs Improvement - Hands clean/properly washed/gloves used properly.
 Needs Improvement - Proper eating, tasting, drinking, tobacco use.
 Needs Improvement - Demonstration of knowledge; food manager certification.
 Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
Raw scallops	Refrigerated top insert	40.00 Fahrenheit	
Curry	Walk-in refrigerator	39.00 Fahrenheit	
Raw shrimp	Refrigerated top insert	34.00 Fahrenheit	
BBQ pork slices	Refrigerated top insert	41.00 Fahrenheit	
Beef stew	Walk-in refrigerator	39.00 Fahrenheit	
Raw pooled eggs	Preparation refrigerator	40.00 Fahrenheit	
Roast duck	Walk-in refrigerator	40.00 Fahrenheit	
Hot water	Food preparation sink	123.00 Fahrenheit	
Cooked rice	Rice warmer	158.00 Fahrenheit	
Cooked lobster	Preparation refrigerator	41.00 Fahrenheit	
Raw clams	Walk-in refrigerator	40.00 Fahrenheit	
Braised lamb	Walk-in refrigerator	40.00 Fahrenheit	
Porridge	Walk-in refrigerator	38.00 Fahrenheit	
Raw beef	Refrigerated top insert	40.00 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 during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$493/hour during non-business hours, and upon inspector availability.

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 **12/1/2022**. 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: Tom
 PIC
 Signed On: November 17, 2022