

# 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> FA0253363 - KUMA SUSHI		<b>Site Address</b> 1600 SARATOGA AV 119, SAN JOSE, CA 95129		<b>Inspection Date</b> 09/19/2023		<b>Placard Color &amp; Score</b> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <b>YELLOW</b>  <b>40</b> </div>		
<b>Program</b> PR0368897 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> SUSHI BOAT WESTGATE, INC		<b>Inspection Time</b> 13:15 - 15:30			
<b>Inspected By</b> DENNIS LY		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> ROSA				<b>FSC</b> Jonathan Kim 07/16/24

  

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		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		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			
K14	Food contact surfaces clean, sanitized			X				N
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	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	X	
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	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		
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:** *Lack of hand washing observed by multiple employees. Employees observed switching tasks from handling soiled utensils, touching trash bin, or raw fish and then proceeded back to prep station or cook line without washing their hands. [CA] Employee shall properly wash hands using warm water, soap, and single-use paper towels as required when switching task.*

**[COS]** *Employees were asked to wash hands.*

Follow-up By  
09/25/2023

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

**Inspector Observations:** *Potentially hazardous foods held in the display sushi cooler was measured at improper cold holding temperatures. Tuna (56F), salmon 57F), egg (60F), shrimp (59F). [CA] Potentially hazardous foods when cold holding shall be held at or below 41F.*

**[COS]** *Employee relocated the food into the reach-in cooler.*

Follow-up By  
09/25/2023

#### Minor violation:

**Inspector Observations:** *Potentially hazardous foods held in the walk-in cooler was measured at improper cold holding temperatures. Tofu (47F), raw shell eggs (48F), tuna (45F), raw chicken (44F), raw beef (44F). [CA] Potentially hazardous foods when cold holding shall be held at or below 41F.*

**[COS]** *Food relocated into various reach-in coolers.*

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

**Inspector Observations:** *Potentially hazardous foods, California rolls, tempura shrimp, and sushi rice are not under temperature control and subject to Time as a Public Health Control but are not time-marked. [CA] Potentially hazardous foods that are subject to Time as a Public Health Control shall be time-marked to indicate the start or end time of a 4 hour period where the food shall be discarded if not used.*

**[COS]** *Employee time-marked the food.*

Follow-up By  
09/25/2023

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

**Inspector Observations:** *Employee observed handling raw fish with bare hands and then proceeded to use bare hands to handle imitation crab.*

**[CA]** *No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils. Use utensils or wash hands when changing from handling raw foods to ready-to-eat foods.*

**[COS]** *The imitation crab was discarded by employee.*

Follow-up By  
09/25/2023

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations:** *Hot water at the three compartment sink was turned off and not available at time of inspection. [CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks where it shall reach a minimum of 100F.*

**[COS]** *Employee turned on the hot water valve under the sink and water was measured at 120F.*

Follow-up By  
09/25/2023

### Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** *Cooked chicken is cooling in the walk-in cooler and measured at 93F. The container of chicken was fully covered in plastic wrap.*

**[CA]** *When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.*

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, 114125(b), 114141

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**Inspector Observations:** *Brown and black mold-like substance observed on the inside panels of the ice machine. [CA] Frequently clean and sanitize the inside panels of the ice machine.*

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

**Inspector Observations:** *Imitation crab observed thawing in standing water at the food 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)

**Inspector Observations:** *In the walk-in cooler, raw chicken and raw eggs observed stored on shelves above ready-to-eat foods and foods with a lower minimum cooking temperature. [CA] Store raw food items separate or below ready-to-eat foods to prevent cross contamination. Raw foods shall also be stored in order of their minimum cooking temperatures. From top to bottom, raw seafood, raw beef, raw poultry.*

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

**Inspector Observations:** *Container of bleach stored directly next to bottles of alcohol near the front counter. [CA] Chemicals shall be stored separately or below food items to prevent cross contamination.*

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:** *1) Ambient temperature of sushi display case was measured at 64F. The ambient temperature of the walk-in cooler was measured at 54F. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.*

Follow-up By  
09/25/2023

*2) Gasket on door of walk-in cooler is in disrepair and prevent the door closing properly. [CA] Replace gasket and maintain in good repair.*

*3) Pieces of unfinished wood are used at the food prep sink and at the three compartment sink. [CA] Untreated or soft wood shall not be used in a food facility in prep areas.*

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

**Inspector Observations:** *Wiping towels are observed used, reused, and stored on food prep surfaces. [CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

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:** *1) Leak observed on faucet of handwash sink located near the dishwasher. [CA] Repair leak and maintain in good repair.*

*2) One of the faucets at the three compartment sink is in disrepair and unable to dispense water. [CA] All plumbing in facility shall be kept in operable condition.*

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 personal items (cell phone, keys) are stored on top of clean utensils. [CA] Employee personal items shall be stored separately or below food or food contact equipment to prevent cross contamination.*

## Performance-Based Inspection Questions

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Needs Improvement - Time as a public health control; procedures & records.  
 Needs Improvement - Food contact surfaces clean, sanitized.  
 Needs Improvement - Proper hot and cold holding temperatures.  
 Needs Improvement - Hands clean/properly washed/gloves used properly.

## Measured Observations

Item	Location	Measurement	Comments
Tofu	Upright reach-in cooler	41.00 Fahrenheit	
Raw shell eggs	Walk-in cooler	48.00 Fahrenheit	
Chicken	Upright reach-in cooler	41.00 Fahrenheit	
Raw chicken	Walk-in cooler	44.00 Fahrenheit	
tuna	Reach-in cooler	41.00 Fahrenheit	
crab	Reach-in cooler	41.00 Fahrenheit	
Chicken	Walk-in cooler - cooling	93.00 Fahrenheit	
Ambient	Walk-in cooler	52.00 Fahrenheit	
miso	Hot holding	180.00 Fahrenheit	
Hot water	Handwash sink	100.00 Fahrenheit	
Ambient	Display cooler	64.00 Fahrenheit	
Fish	Cooked	147.00 Fahrenheit	
salmon	Reach-in cooler	41.00 Fahrenheit	
rice	Hot holding	144.00 Fahrenheit	
Beef	Walk-in cooler	44.00 Fahrenheit	
masago	Ice bath	41.00 Fahrenheit	
Egg	Display cooler	60.00 Fahrenheit	
Raw beef	Upright reach-in cooler	41.00 Fahrenheit	
Salmon	Display cooler	57.00 Fahrenheit	
Tuna	Walk-in cooler	45.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	Measured after COS
imitation crab	Ice bath	41.00 Fahrenheit	
Tofu	Walk-in cooler	47.00 Fahrenheit	
Chicken	Cooked	171.00 Fahrenheit	
Tuna	Display cooler	56.00 Fahrenheit	

## Overall Comments:

***Follow-up inspection scheduled for Monday 9/25/23 per operator's request due to the need of more time for the walk-in cooler.***

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 **10/3/2023**. 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

7/13/2023

Received By: Huiyeon Kim  
 PIC  
 Signed On: September 19, 2023