

# 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> FA0201152 - LING'S CHINESE BISTRO		<b>Site Address</b> 340 E 10TH ST G, GILROY, CA 95020		<b>Inspection Date</b> 10/19/2022	
<b>Program</b> PR0305943 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> HING & TINA CORPORATION		<b>Inspection Time</b> 14:00 - 15:20
<b>Inspected By</b> GABRIEL GONZALEZ	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> HINGLING LAI (PIC) A.K.A. PETER	<b>FSC HINGMING LAI</b> EXP: 10/13/25		

<b>Placard Color &amp; Score</b>
<b>GREEN</b>
<b>75</b>

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						S
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						S
K06 Adequate handwash facilities supplied, accessible			X				S
K07 Proper hot and cold holding temperatures		X		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						
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		
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	X	
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use	X	
K39 Thermometers provided, accurate	X	
K40 Wiping cloths: properly used, stored		
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		
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: Measured duck egg 75F in the dry storage room. Packages state to "keep refrigerated."  
[CA] Cold held PHF shall be held 41F or below.**

**Exceptions include: 45F or below for raw shell eggs, unshucked live molluscan shellfish, pasteurized milk and pasteurized milk products in originally sealed containers.**

**[COS] Discarded eggs**

### Minor Violations

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

**Inspector Observations: Food handler cards (FHC) are expired. [CA] Obtain valid FHCs. Keep FHCs at this facility for review upon request. FHC must be obtained from an American National Standards Institute (ANSI) accredited training provider.**

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

**Inspector Observations: Front sink lacks hand soap and is obstructed by objects such as garbage can and tea pots. [CA] Provide liquid handsoap at this sink and keep handsink clearly accessible at all times.**

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

**Inspector Observations: A few common flies in the kitchen. [CA] Eliminate flies.**

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: Containers originally manufacturer labeled for a specific food product are reused to store a different food product (such as various nuts), and are not indicated to be certified/classified for sanitation. [CA] Single-use food containers (lacking sanitation certifications) should be discarded after their original food contents are finished.**

**Re-usable food containers must be certified/classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, ETL Sanitation).**

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

**Inspector Observations: 1. Heavy grease build up in some of the exhaust hood filters. Upper portion of the exhaust hood has some suspended grease drippings. PIC indicates filters will be cleaned soon at the end of this month.**

**[CA] Clean filters. Clean more often as needed to prevent grease accumulation.**

**2. Light not functioning in exhaust hood. [CA] Replace/repair light.**

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

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**Inspector Observations: 1. Probe thermometer is not readily available. [CA] Provide a calibrated metal probe thermometer. The thermometer must:**

- (1) be suitable for measuring the internal temperature of food used at this facility. Thinner pieces of food will require a thermometer with the temperature reading mechanism at the tip of the probe.
- (2) have a numerical scale, printed record, or digital readout in increments no greater than 2°F or over the intended range of use.
- (3) be approved for sanitation (e.g. NSF approved).

**2. Prep refrigeration unit missing thermometer or are not readily visible. [CA] Provide thermometer in the warmest part of refrigeration units and affix to be readily visible. Regularly check thermometers to monitor ambient air temperature inside of refrigeration units. Adjust/repair/service refrigeration units as necessary in order to hold potentially hazardous foods at or below 41F.**

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: Threaded faucet at janitorial sink and there is no backflow prevention device. [CA] Provide a backflow prevention device at the janitorial sink faucet; e.g. hose bib vacuum breaker, integral vacuum breaker, etc.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
CHOW MEIN	SINK DRAINBOARD	85.00 Fahrenheit	COOLING
RICE	WARMER	165.00 Fahrenheit	
SOUP	WALK IN FRIDGE	41.00 Fahrenheit	
FISH	WALK IN FRIDGE	41.00 Fahrenheit	
RICE	WARMER	153.00 Fahrenheit	
WATER	3 COMP SINK	141.00 Fahrenheit	
CHLORINE	WAREWASH MACHINE	50.00 PPM	
SHRIMP	PREP FRIDGE	37.00 Fahrenheit	

## Overall Comments:

**PIC is aware of some ice build up/melting in the walk in fridge and has a technician coming this week to resolve the issue.**

**According to most recent structural report and per PIC, there use to be a buffet but it has been removed. It is dining now. The Mongolian BBQ style grill has been removed. Exhaust hood still exists, however, the area is now used as storage. There is a convection oven there now (not in use). PIC stated the oven is already sold and will be moved out.**

**Per PIC facility has been operation for about 20 years and prior operator (2 years ago) had the same cuisine except they also had Mongolian BBQ option. This facility's permit condition required plan submittal to install a prep sink. Currently, PIC stated they use the 3 compartment sink and colanders to rinse foods. There is a warewash machine in the facility. Further review on condition to occur.**

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 **11/2/2022**. 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.

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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:** HINGLING LAI  
owner

**Signed On:** October 19, 2022