

# 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><br>FA0203286 - CHINA PALACE                                      |  | <b>Site Address</b><br>65 W MAIN AV, MORGAN HILL, CA 95037 |                                             | <b>Inspection Date</b><br>07/21/2026 |                                         | <b>Placard Color &amp; Score</b><br><div style="background-color: black; color: white; padding: 10px; text-align: center; font-size: 24px; font-weight: bold;">RED</div> <div style="background-color: black; color: white; padding: 10px; text-align: center; font-size: 36px; font-weight: bold;">61</div> |  |                          |
| <b>Program</b><br>PR0305372 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |  |                                                            | <b>Owner Name</b><br>CHINA PALACE RESTAURAN |                                      | <b>Inspection Time</b><br>14:00 - 16:30 |                                                                                                                                                                                                                                                                                                              |  |                          |
| <b>Inspected By</b><br>GINA STIEHR                                               |  | <b>Inspection Type</b><br>ROUTINE INSPECTION               |                                             | <b>Consent By</b><br>ANYURI MARTINEZ |                                         |                                                                                                                                                                                                                                                                                                              |  | <b>FSC</b> Not Available |

| 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  |       |       |        |     |     |     |
| K06                            | Adequate handwash facilities supplied, accessible                           |    | X     |       | X      |     |     | N   |
| 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     |       | 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                    |     | 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 |     |     |
| 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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|                                                                           |                                   |                                                     |                                  |
|---------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------|----------------------------------|
| Facility<br>FA0203286 - CHINA PALACE                                      |                                   | Site Address<br>65 W MAIN AV, MORGAN HILL, CA 95037 | Inspection Date<br>07/21/2026    |
| Program<br>PR0305372 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |                                   | Owner Name<br>CHINA PALACE RESTAURANT GROUP INC     | Inspection Time<br>14:00 - 16:30 |
| 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:** *No soap at kitchen handwash sink; paper towels not in dispenser at kitchen handwash sink. No paper towels at bar handwash station .[CA] Ensure handwash stations are stocked with soap and paper towels at all times.*

Follow-up By  
07/24/2026

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

**Inspector Observations:** *Observed potentially hazardous foods located in the food prep cold hold unit across from the cookline to be in the temperature danger zone (cheese 55F-78F, heavy cream 55F). [CA] Ensure PHFs are properly cold held at 41F or below OR hot held at 135F or above. Repair, adjust or replace unit if necessary. Discontinue stacking PHFs above the chill line. [COS] PIC voluntarily discarded the cheese and the heavy cream.*

Follow-up By  
07/24/2026

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

**Inspector Observations:** *Observed raw oysters without shell stock tags. [CA] Raw shucked shellfish shall bear a legible label that identifies the name, address and certification number of the shucker-packer or repacker and a "sell by" date or "best if used by" date. [COS] PIC voluntarily discarded oysters during time of inspection.*

Follow-up By  
07/24/2026

### Minor Violations

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

**Inspector Observations:** *FSC and FHC not available for review. [CA] Facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.  
[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.*

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

**Inspector Observations:** *Observed PHFs being improperly cooled (in large/deep containers and covered). [CA] Ensure PHFs are properly cooled using one or more of the following techniques: shallow pans, smaller portions, frequent stirring, ice baths, ice paddles, ice as an ingredient, and/or blast chiller.*

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

**Inspector Observations:** *Facility sells raw/undercooked PHFs but does not have the proper verbiage on the menus. [CA] Ensure menus have the proper verbiage for the consumer advisory printed on menus.*

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:** *Observed several pieces of equipment that have been removed (prep sink, wok station, small food prep unit. reach in freezer) and several pieces of equipment added (water heater, 2 flat top grills, 1 table top grill, 1 deep fryer, 1 reach-in freezer). Also noted a wall has been removed and replaced with a half wall with a pass thru window. [CA] Facility must submit and gain approval from Plan Check PRIOR to replacing equipment. Submit for minor remodel to Plan Check by 7/24/2026.*

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

**Inspector Observations:** *Observed soiled wiping cloths on several 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

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**Inspector Observations:** *Observed 3 comp sink to be leaking (steady stream). [CA] Repair plumbing and maintain in good condition.*

*No floor sink for ice machine to drain into. [CA] Ice machine must drain into an approved receptacle.*

*Observed 3 comp sink to be indirectly plumbed and the discharge pipe to be in the floor sink (no gap between the pipe and floor sink). [CA] Food preparation sink shall discharge liquid waste by means of indirect waste pipes into a floor sink or other approved type of receptor equipped with a minimum 1" air gap.*

## Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

| Item              | Location            | Measurement       | Comments                 |
|-------------------|---------------------|-------------------|--------------------------|
| hot water         | bar 3 comp          | 120.00 Fahrenheit |                          |
| beans             | walk-in cooler      | 41.00 Fahrenheit  |                          |
| chicken nuggets   | reach-in freezer    | 30.00 Fahrenheit  |                          |
| hot water         | 3 comp              | 120.00 Fahrenheit |                          |
| pasta             | food prep cold hold | 43.00 Fahrenheit  |                          |
| cheese            | food prep cold hold | 55.00 Fahrenheit  | 55F-78F                  |
| raw fish          | walk-in cooler      | 67.00 Fahrenheit  | just defrosted per staff |
| raw shrimp        | food prep cold hold | 40.00 Fahrenheit  |                          |
| octopus           | prep table          | 78.00 Fahrenheit  |                          |
| cooked tomatillos | walk-in cooler      | 41.00 Fahrenheit  |                          |
| shredded cheese   | food prep cold hold | 43.00 Fahrenheit  |                          |
| hot water         | handwash            | 100.00 Fahrenheit |                          |
| heavy cream       | food prep cold hold | 55.00 Fahrenheit  |                          |
| beans             | steam table         | 141.00 Fahrenheit |                          |

## Overall Comments:

***Observed construction being done at facility approximately 4 months ago and told workers that any changes involving equipment/plumbing etc must be submitted to DEH Plan CCheck division. Workers stated that only the dining room is being updated. Discussed Facility evaluation steps and submittal process.***

## 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 **8/4/2026**. 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.'

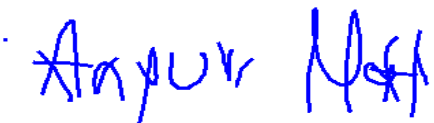
You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have 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 |



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**Received By:** Anyuri martinez  
Manager

**Signed On:** July 21, 2026