

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 FA0305811 - DAINTY CUISINE		Site Address 10445 S DE ANZA BL 106, CUPERTINO, CA 95014		Inspection Date 11/14/2024		Placard Color & Score YELLOW 62		
Program PR0448896 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DAINTY CUISINE INC		Inspection Time 14:30 - 16:15			
Inspected By YUEN IP		Inspection Type ROUTINE INSPECTION		Consent By LINDA LIEDER				FSC JINGMING CAI 06/08/2028

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						N
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				N
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						S
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		
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	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		
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: Employee washed 1 compartment prep sink, without washed hands, touched raw pork and start defrosting.

Employee went out to kitchen, touched trash can, without washed hands, went back to cookline and cook.

Employee touched face, without washed hands, went back to continue make wonton.

[CA] Properly wash hands with soap, warm water and dry using single use paper towels as required.

[COS] All employees were directed to take off their gloves, washed hands properly with hand soap and dry with paper towel.

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

Inspector Observations: Cooked celery, tofu, fried fish, eggplant measured between 100-121F. Per PIC, food was cooked 1 hour ago. Observed steam table was turned to 100F.

1 box of eggs, 12 dozens of eggs were measured at 73F on the shelf. Per PIC, eggs were delivered this morning around 10-11am and usually placed in fridge at night.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS] Instructed employee to reheat food to 165F. Education provided to use steam table. Dial is labeled degree F, not degree C. Steam table is adjusted to 200F. Shelled eggs were VC&D

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

Inspector Observations: A container of soup at room temperature near cookline measured at 107F. Per PIC, was cooked for 2 hours and will use for the next hour. No time mark label.

[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.

[COS] Employee time marked soup.

Minor Violations

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

Inspector Observations: A big container of beef in counter reach-in fridge measured at 68F. Per PIC, cooked this morning around 11am.

[CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

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

Inspector Observations: A few small flies around 3 compartment sink area.

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

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

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Inspector Observations: Raw pork was placed at room temperature at 3 compartment sink at the beginning of inspection. Later, employee was directed by PIC to thaw raw pork under running water at 1 compartment sink. Running water measured at 83F.

[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.

[COS] Education provided. Employee adjusted water temperature below 70F.

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: A Jinbang machine observed next to cookline. Model: XYB-128. No certification observed. Machine is used for cooking fried pie.

[CA] All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Remove machine from facility prior to next follow up inspection.

Pieces of plastic wrap hanging on the hood.

[CA] Remove plastic to prevent physical contamination.

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

Inspector Observations: Heavy grease on hood and grease almost dripping down.

[CA] clean and maintain hood.

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: Back kitchen door was opened at all time during inspection.

[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.
Needs Improvement - Proper cooling methods.
Needs Improvement - Adequate handwash facilities: supplied or accessible.
Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - Time as a public health control; procedures & records.

Measured Observations

Item	Location	Measurement	Comments
Garlic	Open top fridge	41.00 Fahrenheit	
Shelled eggs	On shelf	73.00 Fahrenheit	VC&D
Beef	Steam table	117.00 Fahrenheit	
Water	1 compartment sink	80.00 Fahrenheit	Thawing. Later adjusted to 70F.
Soup	Container	107.00 Fahrenheit	TPHC not time mark
Quaternary ammonia	3rd compartment sink	200.00 PPM	
Quaternary ammonia	Sanitizer bucket	200.00 PPM	
Bean sprouts	Counter fridge	41.00 Fahrenheit	
Water	3 compartment sink	120.00 Fahrenheit	
Water	Hand wash sink front	100.00 Fahrenheit	
Fried fish	Steam table	100.00 Fahrenheit	
Cooked vegetable	Steam table	121.00 Fahrenheit	
Water	Hand wash sink next to 3 compartment sink	100.00 Fahrenheit	
Tofu	Steam table	110.00 Fahrenheit	

Overall Comments:

A follow up inspection will be conducted. The first follow-up inspection is free of charge. Subsequent follow up inspections after first follow up shall be billed \$298/hr during business hours; \$645/hr during non business hours (after 4:30pm Monday through

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Friday, county holidays and weekends) upon availability. Failure to comply may result in enforcement action.

Continued repeat violations may result in further enforcement actions

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 **11/28/2024**. 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.

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: LINDA LIEDER
PIC
Signed On: November 14, 2024