

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 FA0293261 - DEMIYA		Site Address 1145 S DE ANZA BL, SAN JOSE, CA 95129		Inspection Date 07/23/2025		Placard Color & Score RED 61		
Program PR0437490 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DEMIYA, INC		Inspection Time 11:50 - 15:00			
Inspected By FRANK LEONG		Inspection Type ROUTINE INSPECTION		Consent By ARTHUR DE LA CUEVA				FSC DEMI EBARA 06/08/2027

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		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		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	X			N
K23	No rodents, insects, birds, or animals		X					N

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		
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		
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

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: *At the handwash station in the warewash area, observed a lack of paper towels in the paper towel dispenser, and observed dead cockroaches in the soap reservoir for the dispenser.*

[CA] *Ensure handwash station is stocked with hand soap and paper towels that are clean and accessible for use.*

[SA] *Operator to restock hand soap and paper towel dispensers before facility follow-up inspection and re-opening facility.*

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

Inspector Observations: *In the kitchen area, at the rice cooker, measured cooked brown rice at 125F. Per operator, brown rice was prepared at 10:30am.*

[CA] *Ensure potentially hazardous foods are held cold at 41F and below or held hot at 135F and above to prevent bacterial growth.*

[SA] *Facility closed at 1:00pm and discarded brown rice.*

K14 - 8 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: *At the prep surface next to the deep fryer, observed employee move a container of flour used for raw chicken that was stored in a container of bread crumbs for raw chicken. Container was placed on top of a cutting board used for cutting cooked fried chicken.*

[CA] *Ensure all food contact surfaces are kept and maintained free from contamination. Keep food contact surfaces for raw meats and surfaces for cooked food separate to prevent possible cross contamination.*

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *1. Observed multiple live cockroaches of all life stages in the following areas:*

- *At the warewash area, around cracks and crevices on the wall between the mop sink and the handwash sink*
- *At the warewash area, around and in the warewash machine.*
- *At the warewash area, around the sanitizer lines.*
- *Underneath rolling cart for dry storage containers.*

Observed multiple dead cockroaches of all life stages in, but not limited to the following areas:

- *On tape throughout the facility including the front counter, front counter storage, edges of ceiling in the prep area, edges of ceiling in the warewash area, and in the warewash area.*
- *On the wall and exit signage by the restroom door.*
- *In cracks and crevices on the wall between the warewash area and the mop sink.*
- *In the warewash machine.*
- *On the black wall board, and glass shield by the front counter.*

2. Notified supervisor Monica Huato of the facility closure.

3. The person in charge during inspection, Arthur, has been informed that the facility must close immediately.

[CA]: *The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.*

***Note - Seal all cracks and crevices present in the facility using approved sealant, and remove all duct tape used to seal cracks and crevices.**

Requirements Before Reopening:

- 1. Email the signed and completed Reopening Checklist to the assigned inspector.**

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2. Submit a copy of the pest control report from a licensed provider.

Minor Violations

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: At the warewash machine, observed floor sink was clogged and unable to adequately drain wastewater from the warewash machine.

[CA] Liquid waste shall be disposed of through the approved plumbing system and shall adequately discharge into the public sewerage or into an approved private sewage disposal system.

[SA] Operator was able to plunge the drain and clear the standing wastewater in the floor sink. Operator to provide additional repairs as necessary to ensure floor sink properly drains and disposes of wastewater.

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 the use of a non-food grade hose for cleaning pork bones at the 3 compartment sink. Observed dirty utensils and equipment stored in the compartment directly next to compartment used for cleaning pork bones.

[CA] Ensure only food grade equipment is used for contact with food. Discontinue use of the 3 compartment sink for cleaning pork bones unless the sink has been fully cleaned/sanitized and the sink is not in use for any storage of dirty utensils/equipment or warewashing.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: Observed cracks and crevices around the warewash area, and on the walls/coving between the warewash area and the prep area.

[CA] Ensure all cracks and crevices are sealed to prevent harborage of vermin.

Performance-Based Inspection Questions

Needs Improvement - Sewage and wastewater properly disposed.

Needs Improvement - No rodents, insects, birds, or animals.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Food contact surfaces clean, sanitized.

Measured Observations

Item	Location	Measurement	Comments
white rice	rice cooker	170.00 Fahrenheit	
cooked pork bones	2 door reach in refrigerator	41.00 Fahrenheit	
marinated raw chicken	2 drawer undercounter refrigerator	40.00 Fahrenheit	
brown rice	rice warmer	125.00 Fahrenheit	
curry sauce	stove-top	165.00 Fahrenheit	
raw chicken	2 drawer undercounter refrigerator (cookline)	40.00 Fahrenheit	
raw beef	2 drawer undercounter refrigerator (cookline)	40.00 Fahrenheit	
raw pork	2 drawer undercounter refrigerator	39.00 Fahrenheit	
raw chicken	2 door reach in refrigerator	40.00 Fahrenheit	
fried chicken	deep fryers	165.00 Fahrenheit	
fried pork	deep fryers	165.00 Fahrenheit	
cooked pork bones	3 compartment sink	88.00 Fahrenheit	Prepared 30 minutes prior.
raw beef	2 door reach in refrigerator	40.00 Fahrenheit	

Overall Comments:

Contact district inspector for follow-up inspection by phone at 408-918-1955 or email at frank.leong@deh.sccgov.org.

First follow-up inspection during normal office hours will be conducted without charge.

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Any subsequent follow-up inspection after the first will be charged at \$298.00 per hour.

Any after-hours inspections (after 4:30pm during normal office hours) or weekend inspections will be charged at \$645.00.

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 **8/6/2025**. 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.

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: ARTHUR DE LA CUEVA
SUPERVISOR

Signed On: July 23, 2025