

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 FA0251469 - TOMI SUSHI & SEAFOOD BUFFET		Site Address 2200 EASTRIDGE LP #2074, SAN JOSE, CA 95122		Inspection Date 09/07/2022	
Program PR0365434 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name TOSHI FOOD SERVICES INC		Inspection Time 12:35 - 15:35
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By JENNY	FSC David Leung 11/18/2022	

Placard Color & Score
YELLOW
62

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						S
K03 No discharge from eyes, nose, mouth	X						S
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		X			
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		
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	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		
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		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

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 observed drinking from beverage cup and then continuing onto food preparation without washing hands. When instructed to wash hands, employee washed hands at the food preparation sink and then dried hands using wiping cloth used to wipe debris off of counters.*

Follow-up By
09/13/2022

Employee observed cleaning hand wash station across from the hot soup area, rinsing hands with water with gloves still donned on, and then continued onto food preparation without washing hands.

[CA] *Ensure all employees are properly washing hands as required. Properly wash hands with soap, warm water and dry using single use paper towels as required. Gloves shall be removed when soiled and prior to washing hands.*

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

Inspector Observations: *Hand wash station by the door exiting to the hot foods area lacked hand soap and paper towels.*

Follow-up By
09/13/2022

Hand wash station by the hot soup area lacked hand soap.

[CA] *Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers at all times. [COS] PIC provided paper towels and hand soap.*

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

Inspector Observations: *Approximately 20 whole raw prepared Chinese-style roast duck and four raw roast pork maintained out in ambient temperature measured at 87F. Per employee, items were prepared and hung to dry at approximately 7:00 PM the night before.*

Follow-up By
09/13/2022

Two tubs of raw shrimp, one tub of calamari, one tub of raw smelt, and one tub of popcorn chicken maintained inside the three-door upright refrigerator by the kitchen entrance near the restrooms measured between 60F to 65F. Per PIC, all items were prepared this morning approximately two hours prior. Ambient temperature of the refrigerator measured at 67F.

Small container of raw pooled eggs maintained inside the two-door reach-in refrigerator by the corner of food preparation line measured at 77F. Ambient temperature of the refrigerator measured at 70F. Per PIC, eggs were prepared this morning, approximately two hours prior.

Multiple steamers of peach buns maintained inside three-door upright refrigerator in the dry storage room measured at 55F. Ambient temperature of the refrigerator measured at 56F. Per PIC, items were removed from the refrigerator this morning to defrost and placed inside the refrigerator, approximately two hours prior.

Cooked white rice maintained at the bottom of the metal rack by the hand wash station in the middle of the kitchen measured at 100F. Per PIC, rice was steamed this morning and is kept out waiting to be fried to make fried rice.

[CA] *PHFs shall be held at 41°F or below or at 135°F or above. Use only small portions of food during preparation so that it does not exceed the maximum amount of time allowed for diligent prep.*

For Chinese-style roast duck, California Retail Food Code 114425, raw duck that is otherwise would be readily perishable shall be exempt from Section 113996 for a period not to exceed two hours, if the duck will be subsequently be cooked at or above a temperature of 350F for at least 60 minutes. Whole Chinese-style roast duck shall be exempt from 113996 for a period not to exceed four hours after the duck is prepared.

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[COS] Whole raw ducks (20), four raw roast pork slabs, and container of raw pooled eggs was VC&D into the trash due to improper holding temperatures. White rice was immediately cooked and served. All other food items measured out of temperature inside refrigerators were relocated to other refrigeration units to immediately cool.

Minor Violations

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

Inspector Observations: Employees' three-year food handlers cards were unavailable for review. [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. This Division recommends maintaining copies at facility at all times.

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employees observed drinking from open beverage cups area food preparation areas. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

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

Inspector Observations: Multiple PHF items maintained out in ambient temperature thawing:

- Approximately 3-4 cases of frozen clams.
- Two tubs of calamari
- Multiple steamers of dim sum and dim sum buns.

[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] All items thawing in ambient temperature were relocated into refrigerators to continue the thawing process.

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

Inspector Observations: Heavy accumulation of oil and grease observed on ventilation hood and ventilation hood filters at the front service area and in the back cook line. [CA] Clean mechanical exhaust hood and/or filters of grease accumulation.

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: Employees' opened and closed personal beverages and or cellphones stored on shelves above food preparation areas. [CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

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

Inspector Observations: Heavy accumulation of food debris and water observed on floors throughout facility. [CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under cooking equipment to prevent accumulation of debris.

Performance-Based Inspection Questions

- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Proper hot and cold holding temperatures.

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Measured Observations

Item	Location	Measurement	Comments
Hot and sour soup	Soup station	167.00 Fahrenheit	
Marinated pork hock	Steamer	186.00 Fahrenheit	
Tomato salad	Service line	40.00 Fahrenheit	
BBQ pork	Service line	136.00 Fahrenheit	
Cooked shrimp	Walk-in refrigerator	41.00 Fahrenheit	
Cooked steamed oysters on half shell	Walk-in refrigerator	41.00 Fahrenheit	
Raw chicken	One-door food preparation refrigerator	41.00 Fahrenheit	Grill station
Cooked clams	Walk-in refrigerator	40.00 Fahrenheit	
Dim sum	Service line	136.00 Fahrenheit	
Grilled salmon	Service line	159.00 Fahrenheit	
Mackerel	One-door food preparation refrigerator	41.00 Fahrenheit	Grill station
Raw tilapia	Two-door upright refrigerator	41.00 Fahrenheit	
Raw tuna	Two-door upright refrigerator	33.00 Fahrenheit	
Cooked roast pork	Walk-in refrigerator	41.00 Fahrenheit	
Imitation crab mix	Preparation refrigerator	40.00 Fahrenheit	Sushi station
Raw salmon	Preparation refrigerator	41.00 Fahrenheit	Sushi station
Raw scallops	Walk-in refrigerator	35.00 Fahrenheit	
Hot water	Three-compartment sink	144.00 Fahrenheit	
Cooked pork hock	Walk-in refrigerator	41.00 Fahrenheit	
Spicy tuna mix	Preparation refrigerator	40.00 Fahrenheit	Sushi station
Raw salmon	Two-door upright refrigerator	31.00 Fahrenheit	
Stir fried clams	Service line	140.00 Fahrenheit	
Wonton	Two-door reach-in refrigerator	40.00 Fahrenheit	Noodle soup prep station
Cooked shrimp salad	Walk-in refrigerator	41.00 Fahrenheit	
Steamed fish	Steamer	183.00 Fahrenheit	Final cooking temperature
Fried rice	Service line	151.00 Fahrenheit	
Sushi rice	Rice cooker	160.00 Fahrenheit	
Surface temperature	High temperature dish machine	180.00 Fahrenheit	Irreversible test strip
Beef stew	Noodle preparation station	154.00 Fahrenheit	
Stir fried egg plant	Service line	141.00 Fahrenheit	

Overall Comments:

- **Two or more major violations were observed during the routine inspection.**
- **A follow-up inspection will be conducted to verify compliance of all major violations.**
- **Subsequent follow-up inspection after first follow-up shall be billed \$219/hour during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$493/hour during non-business hours, and upon inspector availability.**

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 **9/21/2022**. 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.

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: Jenny Luong
Assistant manager

Signed On: September 07, 2022