



FOOD FACILITY ROUTINE INSPECTION REPORT

Environmental Health Division

2120 Diamond Boulevard, Suite 100, Concord, CA 94520
(925) 608-5500 FAX (925) 608-5502 (www.cchealth.org/eh)



DBA/Name: YAN'S CHINA BISTRO AND BAR	Risk Category: 3	Date: 04/27/2023
Address: 2929 N MAIN ST	City/Zip: WALNUT CREEK, 94597	Program Record #: PR0009790
Owner/Operator: YAN'S CHINA BISTRO AND BAR INC	Person in Charge: Alex Yan	Phone #: 9259445968
Current Health Permit: [*]Yes []No	Program Element: 0609	Service: 002
	Time In: 2:05 pm	Time Out: 4:30 pm
Food Safety Certified Person: Alex Yan	Exam Provider: ServSafe	Cert #: 20838954
		Date Expired: 7/28/2027

A \$ 199/hr (1hr minimum) fee may be charged for verified complaints, to reopen facilities ordered closed, re-placard inspections or when violations noted during an inspection are not corrected prior to the re-inspection date. Any or all violations may be posted on the Contra Costa Environmental Health Website.

CLOSURE

Violation Comments

07. Proper hot and cold holding temperatures

Corrected On Site

Major

Observations: A) Observed ~5 lbs of cooked pork at 49-54F stored in plastic bags inside and overfilling metal hotel pan inserts and ~2 lbs raw shrimp at 50F in metal inserts at the 2-door prep refrigerator located opposite the cook line. Other foods measured between 44-49F (tofu at 44F, raw chicken and meats at 45F). (Interior temperature inside this refrigerator was at 48F -- see item #35.

-Properly store cold perishable foods at/below 41F.

Corrected on-site: Employee disposed of ~5 lbs of cooked pork and ~2 lbs of raw shrimp into the garbage.

B) Observed ~1.5 lbs bean sprouts at 70F; ~6 lbs of raw shrimp at 50F; ~2 lbs of cooked chow mein noodles at 70F; ~5 lbs of chow mein noodles at 55F; ~1 gallon of pool eggs at 45F inside the 4-door reach-in refrigerator. Employee stated that the bean sprouts and chow mein noodles at 70F were stored on the counter during lunch and the rest of this food was stored in this refrigerator overnight.

-Properly store cold perishable foods at/below 41F.

Corrected on-site: Employee disposed of these foods into the garbage.

C) Multiple foods stored above 41F inside the 2-door under counter refrigerator opposite appetizer prep area: egg rolls and duck at 43F.

-Properly store cold perishable foods at/below 41F.

Corrective Action:

Potentially hazardous foods shall be held at/below 41°F or at/above 135°F. Raw shell eggs, live unshucked shellfish, sealed pasteurized milk products, salad bars & serving lines held for 12 hours or less shall be held at/below 45°F (113982a3, 113996, 113998, 114035c, 114037).

14. Food contact surfaces: clean and sanitized

Corrected On Site

Major

Observations: Observed in-use rice scoops stored in cloudy water measuring at 68F.

-Properly store in-use utensils to protect from contamination such as in ice water or hot water at/above 135F.

Corrected on-site: Instructed employee to properly clean/sanitize these utensils before further use and to store properly to protect from contamination.

Corrective Action:

All food contact surfaces of utensils & equipment shall be clean & sanitized. Utensils must be washed with cleaning agent (100°F or as per manufacturer specifications), rinsed in clear water, then immersed in sanitizing solution (113984d, 114097, 114099.1-114099.4, 114099.6, 114099.7, 114101, 114105, 114109, 114111, 114113, 114115, 114117, 114125b).

22. No insects, rodents, birds or animals present

Major



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Observations: Multiple live and dead cockroaches at various life stages were observed in facility today:

5+ live and ~10+ dead juvenile and adult cockroaches and associated debris observed left of 2-door freezer near back door of facility near walk-in refrigerator and ware wash room.

1 live adult cockroach observed crawling on floor near appetizer prep cook line.

2 dead adult cockroaches observed on floor under cook line.

Live and dead cockroaches in multiple life stages were observed during the inspection. Facility is hereby ordered to Close and remain Closed until this Division conducts a re-inspection to confirm the cockroach infestation has been eliminated (correct violations listed in this report and review Closure directives at the end of this report):

Facility is hereby ordered to Close and remain Closed; cease and desist all food preparation; and eliminate the cockroach infestation including completion of the following:

1. Clean up cockroaches and associated debris and sanitize the affected area.
2. Eradicate any live cockroaches.
3. Eliminate cockroach harborage.
4. Eliminate food and water sources (e.g., clean the facility; repair all plumbing leaks and clogged floor drains).
5. Properly store items in the business (e.g., store food and supplies at least 6 inches above floor in sealed containers; do not re-use cardboard boxes or milk crates to store supplies and foods).
6. Properly store and dispose of wastes and contaminated foods.
7. Hire the services of a license pest control operator to inspect and eliminate the cockroach infestation.
8. Provide a report from a licensed pest control company to confirm the infestation has been eliminated.
9. After the cockroach infestation has been eliminated, thoroughly clean and sanitize all food contact surfaces prior to contacting this Office for a re-inspection appointment.

See General Inspection Observations at end of this report regarding Closure requirements.

Note: Contact licensed pest control operator to inspect and service this facility and provide current pest control inspection reports via email to amy.leech@cchealth.org and/or at re-inspection appointment.

Employee stated facility has not received received inspection and service by a licensed pest control operator since June 2022.

Facility will require deep cleaning prior to pest control service, additional pest control inspection/service as required; and adequate contact time to eliminate the cockroach infestation before cleaning/sanitizing all food contact surfaces and scheduling a re-inspection appointment prior to re-opening.

Corrective Action:

Each food facility shall be kept free of vermin: rodents (rats, mice), cockroaches & flies. No live animal shall be kept or allowed in a food facility with the exception of a patrol/service animal & animals for consumption (114259.1, 114259.4, 114259.5).

23. Food safety certification and food handler cards: valid, available for review

Observations: Food handler cards are expired.

-Provide food handler cards for employees working for the business within 30 days.

Corrective Action:

Food facilities that prepare, handle or serve non-prepackaged potentially hazardous food shall have an employee who has passed an approved food safety certification examination. An individual involved in the preparation, storage or service of food in a food facility must obtain a food handler card (113790, 113947.1, 113948).

35. Equipment/utensils-approved; installed; clean; good repair; capacity (prep sinks, refrigerators)



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Observations: A) Observed excessive buildup of debris on equipment especially grease and food debris along the cook line.

-Remove all buildup of food debris on all food service equipment including at cook line, sinks, refrigerators, and sinks.

B) Observed food temperatures above 41F inside the following refrigerators:

1. 4-door reach-in refrigerator - left of cook line.
2. 2-door prep refrigerator - opposite the cook line.
3. 2-door under counter refrigerator - appetizer prep cook line.

-Repair/adjust/replace these refrigerators with ANSI/NSF approved units that can maintain food temperatures at/below 41F.

C) Observed broken door gaskets at 2-door under counter refrigerator.

-Replace broken door gaskets.

Corrective Action:

All utensils & equipment shall be fully operative & in good repair. All utensils & equipment shall be approved, installed properly & meet applicable standards. Food prep sink shall be provided, properly installed, kept clean & clear at all times (114130, 114130.1-114130.5, 114132, 114133, 114137, 114139, 114153, 114163-114169, 114175, 114177, 114180, 114182).

37. Adequate ventilation and lighting; designated areas, use

Observations: Observed inadequate lighting in food server prep room where steamed rice and soups are located.

-Provide adequate, shatterproof lighting in this room.

Corrective Action:

Mechanical exhaust ventilation equipment shall be provided over all cooking equipment to effectively remove cooking odors, smoke, steam, grease, heat & vapors. All areas of facility shall have sufficient ventilation to provide a reasonable condition of comfort for each employee. Toilet rooms shall be vented to the outside air by screened open window, an air shaft, or light-switch activated exhaust fan in compliance with the local building codes (114149-114149.3). Adequate lighting shall be provided in all areas to facilitate cleaning & inspection. Light fixtures in areas where open food is stored, served, prepared, & where utensils are washed shall be of shatterproof construction or protected with light shields (114252, 114252.1)



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General Inspection Observations

Routine Inspection

Multiple live and dead cockroaches at various life stages were observed in facility today:

5+ live and ~10+ dead juvenile and adult cockroaches and associated debris observed left of 2-door freezer near back door of facility near walk-in refrigerator and ware wash room.

1 live adult cockroach observed crawling on floor near appetizer prep cook line.

2 dead adult cockroaches observed on floor under cook line.

Live and dead cockroaches in multiple life stages were observed during the inspection (See Observation #22). Facility is hereby ordered to Close and remain Closed until this Division conducts a re-inspection to confirm the cockroach infestation has been eliminated (correct violations listed in this report and review Closure directives at the end of this report):

Facility is hereby ordered to CEASE AND DESIST ALL FOOD PREPARATION and eliminate the cockroach infestation including correcting violations listed in this report and completion of the following:

1. Clean up any cockroaches and associated debris and sanitize the affected area.
2. Eradicate any live cockroaches.
3. Eliminate cockroach harborage.
4. Eliminate food and water sources (e.g., clean the facility; repair all plumbing leaks and clogged floor drains).
5. Properly store items in the business (e.g., store food and supplies at least 6 inches above floor in sealed containers on approved dunnage racks or other approved shelving; do not re-use cardboard boxes or milk crates to store supplies and foods).
6. Properly store and dispose of wastes and contaminated foods.
7. Provide a report from a licensed pest control company to confirm the infestation has been eliminated.
8. After the cockroach infestation has been eliminated, thoroughly clean and sanitize all food contact surfaces prior to contacting this Office for a re-inspection appointment.

A Red Placard (Closed) was posted with tamper proof tape adjacent to front door of business -- penalties will be charged if the placard is tampered with or removed.

Contact this Office at 925-608-5500 AND Amy Leech at 925-608-5552 when violations have been corrected and to schedule a re-inspection appointment.

The Re-inspection after a Red (Closed) Placard is issued will be invoiced at \$199/hour during normal business hours and \$266/hour after normal work hours.

Print a copy of the inspection report and keep in the facility.

Temperature/Sanitizer Observations

Item/Location	Temp/Sanit	Item/Location	Temp/Sanit	
soup/soup warmer above	135.0 F	chlorine sanitizer/dish machine	50.0 PPM	
hot water/3-compartment bar sink	127.0 F	hot water/2-compartment ware wash sink	138.0 F	
steam white, brown, fried rice/4, rice cookers above	135.0 F	tofu/walk-in refrigerator	37.0 F	



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Specialist: AMY LEECH Phone: (925) 608-5552

Received by:

Alex Yan

Captured: 4/27/2023 4:10:00PM

CLOSURE DIRECTIVE

As authorized by the California Health and Safety Code (CHSC) Sections 114405, 114409, and 114411, the above referenced food facility is hereby ordered cease and desist operation(s), effective immediately.

Violation(s) which constitute an immediate danger to public health or safety have been observed. As a result, the permit to operate is being temporarily suspended, and this facility is ordered to remain closed until written authorization to reopen and resume operations has been granted by an authorized representative of Contra Costa Environmental Health (CCEH).

As specified in CHSC Section 114405, you have the right to a hearing to show cause why the permit suspension is not warranted. If a hearing is desired, a written request for the hearing must be made by you within 15 calendar days after receipt of this notice. A failure to request a hearing within 15 days of the receipt of this notice shall be deemed a waiver of the right to a hearing. If you request a hearing, the hearing will be scheduled within 15 calendar days of CCEH's receipt of the request, and you will be notified in writing of the hearing date. When circumstances warrant, the hearing officer may order a hearing at any reasonable time within this 15-day period to expedite the permit suspension or revocation process.

Please contact your inspector (925) 608-5552 or the CCEH office at (925) 608-5500 to request a re-inspection when you feel the violation(s) necessitating abatement have been adequately addressed.



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Before requesting an Environmental Health reinspection, the following items must be completed:

1. Provide a report from a licensed pest control company that indicates the type of control measures taken and that the facility has been treated. It is highly recommend that the report indicate that no live vermin have been observed after treatment.
2. Eradicate all live rodents and insects from the facility.
3. Remove all droppings, dead insects, rodents, rodent rub marks
4. Clean and sanitize the affected area(s) and equipment.
5. Dispose of all food items that have been adulterated/contaminated.
6. Seal holes (e.g., in walls and ceilings, repair cove base) and entryways (e.g., weather-stripping around doors); keep exterior doors closed; screen openable windows.
7. Eliminate harborage inside and outside of the facility (e.g., remove junk, cast-offs, contributory vegetation, etc.).
8. Eliminate food and water sources inside and outside the facility (e.g., clean the facility and maintain a clean condition) and repair any water leaks.
9. Properly store items (e.g., at least 6 inches above floor in sealed rodent-proof/insect-proof containers; organize overly packed and disorganized storage areas).
10. Properly store and dispose of garbage and other wastes (e.g., bag wastes, keep dumpster lids closed, frequent removal).

*** Please note that pest control treatments for rodents or insects may require a sufficient amount of contact time for these to be effective. Consult with a pest control company for guidance on eliminating harborage, entryways, and food/water sources.

After all applicable corrections are completed, contact the Environmental Health Division for a reinspection appointment. Environmental Health will require verification that these items have been completed before the facility is authorized to resume business or operation. This facility is not to reopen until written authorization is provided by Environmental Health that the suspended health permit has been reinstated.



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Operator Advisory for Food Donations:

California state food law allows for the donation of surplus foods that are still fit for human consumption. Donating surplus wholesome food instead of throwing it in the trash can feed hungry people, save space in our landfills, and prevent the emission of harmful greenhouse gases. The California Good Samaritan Food Donation Act (AB 1219) and the Federal Bill Emerson Good Samaritan Food Donation Act provides liability protections for businesses that make good faith donations of surplus food. Please see the links below for more information:

California Good Samaritan Food Donation Act (AB 1219)

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1219

Federal Bill Emerson Good Samaritan Food Donation Act

<https://www.congress.gov/congressional-report/104th-congress/house-report/661/1>

General Food Donation Information

<https://cchealth.org/eh/food/donation.php>

Please assist us in improving our customer service by completing a short survey: <https://forms.office.com/g/tDJ77GPgQa>

