



COMPLAINT INVESTIGATION 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: CREEK HOUSE DIM SUM		Date: 08/25/2023	
Address: 1291 PARKSIDE DR		City/Zip: WALNUT CREEK, 94596	Record ID #: CO0061226
Owner/Operator: CREEK HOUSE DIM SUM INC	Person in Charge: Shake, Fanny	Phone #: 9252566869	
Current Health Permit: [*]Yes []No	Program Element: 0609	Service: 615	Time In: 10:40 am Time Out: 2:50 pm Comply-by Date:
Food Safety Certified Person:	Exam Provider:	Cert #:	Date Expired:

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

Violation Comments

01. Demonstration of knowledge

Observations: Employees on site lack adequate knowledge relating to their assigned duties, including the following:

- Proper hot and cold holding temperatures.
- Proper cleaning and sanitizing process.
- Proper hand wash timing and process, and glove use.
- Proper cooling method and process.
- Proper thawing method and temperature.

- Provided training in Mandarin to kitchen employees. Recommended PIC to provide additional trainings to employees. All food employees shall have adequate knowledge of & be trained in food safety as it relates to their assigned duties (113947, 113947.1b).

Corrective Action:

All food employees shall have adequate knowledge of & be trained in food safety as it relates to their assigned duties (113947, 113947.1b).

04. Proper eating, tasting, drinking or tobacco use

Minor

Observations: Observed multiple employees drinking from open cups at work station.

- Instructed employees to discontinue drinking at work stations. No employee shall eat, drink or smoke in any work area (113977).

Corrective Action:

Employee shall not eat, drink or smoke in any work area (113977).

05. Hands clean and properly washed; proper glove use

- Observations:
- A) Observed multiple employees started work shift without washing hands.
 - B) Dish washer with gloves on scratched his head and touched pants, then proceeded to remove clean dishes from dish machine without changing gloves or wash hands.
 - C) Observed employees handled raw meat at food prep sink, then proceeded to handle cooked foods at cook line without washing hands.

- Instructed employees to wash hands prior to returning to food preparation and handling clean dishes. Employees are required to wash their hands using soap, warm water, paper towel or air dryer: before beginning work; before handling food/equipment/utensils; as often as necessary, during food preparation, to remove soil & contamination; when switching from working with raw to ready to eat foods; before donning gloves; after using toilet room; after using tobacco; after touching body parts; or any time when contamination may occur. Gloves shall be worn if employee has embellished rings, uncleanable devices, or fingernails that are: artificial, polished or are not clean, smooth, neatly trimmed. Gloves shall be changed, replaced, or washed as often as hand washing is required and used for only one task & discarded when damaged; soiled; or when interruptions in food handling occur (113952, 113953.3, 113953.4c, 113961, 113973).

Corrective Action:

Employees are required to wash their hands using soap, warm water (10-15 seconds), paper towel or air dryer: before beginning work; handling food/equipment/utensils; using an approved antiseptic topical application; donning gloves; as often as necessary during food preparation to remove soil & contamination; when switching tasks; after using toilet room; using tobacco; touching body parts; or any time when contamination may occur. Gloves shall be worn if employee has cuts, wounds, rashes, embellished rings, uncleanable devices or fingernails that are: artificial, polished or are not: clean, smooth, neatly trimmed. Gloves shall be changed, replaced or washed as often as hand washing is required & used for only one task & discarded when damaged, soiled, or when interruptions in food handling occur (single-use gloves shall not be washed). Minimize bare hand contact (113952, 113953.3, 113953.4c, 113961, 113973).



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Minor

06. Adequate hand washing facilities: supplied and accessible

Observations: Both hand sinks in the main kitchen lack paper towel and hand soap in wall-mounted dispensers.

- Adequate facilities shall be provided for hand washing with soap & towels or drying device provided in dispensers; dispensers shall be maintained in good repair (113953, 113953.1, 113953.2).

Corrective Action:

Adequate facilities shall be provided for hand washing with soap & towels or drying device provided in dispensers; dispensers shall be maintained in good repair (113953, 113953.1, 113953.2).

07. Proper hot and cold holding temperatures

Observations: A) Walk-in cooler measured at 47-55F at time of inspection. Multiple PHFs in the unit noted at 47-52F. Per employees, majority of the food are kept in the unit overnight. Foods out of temperature including:
- pork filling, shrimp fillings, radish cake, poached whole chicken, roasted whole duck, tofu, bean sprouts, egg noodles, cooked chow mien, fried rice, cooked taro filling, custard fillings, raw shrimp, raw fish, raw pork, raw chicken, cha siu bun. See NOV form.

B) Two Reach-in refrigeration units across the cook line noted at 50F. Various dim sum items stored in the units noted at 50F.

- All PHFs from walk-in cooler discarded and denatured on site. Closure issued due to the lack of sufficient refrigeration unit at facility. 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 & short term buffets shall be held at/below 45°F (113996, 113998, 114035c, 114037).

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).

08. Time as a public health control; procedures & records

Observations: A) Multiple dim sum items on work station at cook line using Time as Public Health Control lacks proper labels and time stamps. Logs were incomplete.
B) Egg custard and fried pork dumplings in the hot hold case using Time as Public Health Control without labels.

- Instructed employees at cook line to properly labeling the foods with dates, in and out time, and complete the log.

Corrective Action:

When time only, rather than time & temperature, is used as a public health control, records & documentation must be maintained (114000).

09. Proper cooling methods

Observations: A) Radish cake and fried rice in the walk-in cooler noted at 51F. Per employees, radish cakes and rice were cooked yesterday.

B) Approximately 20 lbs of cooked rice cooled in the plastic tub with plastic wrap completely covered the container. Temperature noted at 90F. Per employee, rice were cooked this morning, unable to determine the exact time.

- Potentially hazardous food shall be rapidly cooled from 135°F to 70°F within 2 hours, then from 70°F to 41°F within 4 hours. Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath & stirring frequently; using rapid cooling equipment; or using containers that facilitate heat transfer (114002, 114002.1).

Corrective Action:

Potentially hazardous food shall be rapidly cooled from 135°F to 70°F within 2 hours, then from 70°F to 41°F within 4 hours. Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath & stirring frequently; using rapid cooling equipment; or using containers that facilitate heat transfer (114002, 114002.1).

14. Food contact surfaces: clean and sanitized

Observations: A) Observed multiple in use wiping cloths without any measurable sanitizer residual.

B) Dish washer at ware wash area cleaned dishes with soap and water only. Lack proper sanitizing.

- Provided training on proper cleaning and sanitizing.



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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).

27. Food separated and protected

Observations: Multiple raw meat containers stored directly on the floor without lids in walk-in cooler.

- Instructed employees to keep foods covered and store properly on shelvings.

Corrective Action:

Food must always be protected from contamination. Open air BBQs must be separated from public access (113984a-f, 113986, 114060, 114077, 114089.1c, 114143c).

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

Observations: Walk-in cooler, reach-in refrigeration units at cook line not maintaining internal temperature at/ below 41F.

- Repair. All cold holding units need to maintain internal temperature at/below 41F. Maintenance from H & H Refrigeration were contacted and scheduled to be on site by the end of today.

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).

38. Thermometers provided and accurate

Observations: A) Multiple inoperable thermometers in the refrigeration units throughout facility.

- B) Probe thermometer not accessible to kitchen staffs.

- Instructed PIC to obtain at least one probe thermometer at each work station. Replace all inoperable thermometer inside the refrigeration unit. Provided information on calibration to PIC.

Corrective Action:

An accurate, easily readable, metal probe thermometer suitable for measuring temperature of food shall be available to the food handler. A thermometer +/- 2°F shall be provided for each hot & cold holding unit of potentially hazardous foods & high temperature ware-washing machines (114099.5, 114099.7, 114157, 114159).

General Inspection Observations



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Complaint CO0061226 is a referral from Contra Costa County Public Health regarding two individuals from two different households that ate at the facility on 8-6-2023 and later tested positive for Campylobacter after experiencing gastrointestinal illness symptoms. Alleged food items involved include dim sum, chicken feet, and duck platter.

Upon arrival, spoke with Person in Charge (PIC), Shake and Fanny, who were unaware of the complaint. Shake stated he is not aware of any recalls, and no unusual events occurred at the facility at the time the complainant allegedly consumed food at this facility. PIC also stated that no employee have reported feeling ill during the time of complaint. He stated employees do not work when ill or are sent home if symptoms start while working.

PIC reviewed point of sales system and showed the following numbers of menu items were sold on 8-6-2023: 107 total sales, 107 dine in sales, about 4 duck dishes, 10 chicken feet, all sales contained at least one dim sum items. No complaint was reported. No recall was reported.

PIC provided invoices from D&U Trading Co., SJ Distribution LLC, and Sun Hing Meat Market, for all produce, meat, seafoods, and cooked duck from 7-31-2023, 8-2-2023, 8-3-2023, 8-4-2023, and 8-5-2023. PIC provided invoice from H & H Refrigeration unit for the service done on cooler on 8/11/2023.

Kitchen employees and PIC explained the process of delivery, storage, and holding for the following items:

Duck- Owner purchased duck from Sun Hing Meat Market in Oakland, transport from the market directly to the facility to store in walk-in cooler. Cut and reheat to order.

Chicken feet- Chicken feet delivered by D & U Trading Co. frozen. Employee defrost chicken feet in the morning under running water at food prep sink, deep fry partially, then cool in water bath. Partially cooked chicken feet would then be cooked in sauce, then cooled and portioned into bamboo steamers to be stored to freezer. Reheat to order.

Various dim sum items- Ingredients includes pork, chicken, shrimps, eggs, milk, fresh vegetables, and condiments. All purchased and delivered from D & U Trading Co. fresh and frozen. Ingredients are cleaned, chopped, and mixed to make dim sum fillings. All pre-made fillings are kept in the walk-in cooler until ready to use. Pastry dough and dumpling skins are also made in house. All dim sum are made in house in the morning using the pre-made fillings, then stored in the walk-in cooler and freezer. Frozen dim sum are then portioned to the bamboo steamer to be stored in the walk-in cooler and reach-in refrigerators at cook line. Portioned dim sum are pulled from refrigeration units in the morning, and use Time as Public Health Control to store on the work station throughout the day.

Notes:

- Multiple violations on cold holding temperatures observed at time of inspection. See violation #7 for details.
- Observed dim sum items on work station and hot hold case using Time as a Public Health Control with incomplete labels and logs.
- Upon arrival, observed two hand sinks in the main kitchen lack hand soap and paper towel.
- Employees observed to start work shift without properly washing hands. Improper glove use also observed at time of inspection.
- Three out of five cold holding units at facility were not maintaining internal temperature at/below 41F.
- Multiple inoperable thermometers observed in multiple cold holding units.
- Improper cleaning and sanitizing of the cooking equipments and dishes observed.
- Facility not providing probe thermometers to kitchen employees.
- Food safety certificates provided on site.
- All employees on site observed to be in good health condition.

NEARS assessment Form completed at the time of inspection.

Discussed the following with operator:

- Maintain all hand wash sinks fully accessible and fully stocked at all times.
- Instructed PIC to properly train employees on food safety.
- Provide training on use and calibration of the thermometer.
- Equipment maintenance, ensure all cold holding units are maintained at/below 41F.

Facility is closed by Contra Costa County Environmental Health Division due the the lack of sufficient refrigeration units at time of inspection. Call for re-opening inspection when all refrigeration units are repaired and able to maintain internal temperature



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at/below 41F. Cindy Vo 925-608-5551.

A follow-up inspection for the outbreak investigation will be conducted on or after 8/31/2023.

Due to multiple confirmed contributing factors observed at time of the investigation, this will be a chargeable inspection.

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) 608-5545 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.

The posted placard is property of Contra Costa Environmental Health (CCEH) and shall not be removed, copied, defaced, or otherwise altered in any way. Tampering or hiding of the placard is strictly prohibited. If the placard is removed, defaced, or otherwise altered in any way, the owner/PIC shall immediately (within 24 hours) inform CCEH to request a new placard. The current hourly fee will be invoiced for 2 or more required placard replacements in a permit year.

Temperature/Sanitizer Observations

No Temperature/Sanitizer Observations

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



Specialist: SHEENA YU Phone: (925) 608-5545

Received by:

Fanny

Owner

8/25/2023 2:32:39PM