



REGULATORY/MEDICAL HEALTH SERVICES  
ENVIRONMENTAL HEALTH

**RETAIL FOOD FACILITY INSPECTION REPORT**

|   |                                |  |                                    |
|---|--------------------------------|--|------------------------------------|
| FACILITY NAME<br><b>NIYA SUSHI</b>                                      |                                | FACILITY ADDRESS<br><b>5910 WARNER AVE, HUNTINGTON BEACH, CA 92649</b> |                                    |
| MAILING ADDRESS<br><b>5910 WARNER AVE HUNTINGTON BEACH, CA 92649</b>    |                                | IDENTIFIER<br><b>None</b>  |                                    |
| C/O - OWNER<br><b>SANG OH SIM</b>                                       |                                | RESULT<br><b>CLOSED</b>  |                                    |
| FACILITY ID<br><b>FA0004425</b>   | RELATED ID<br><b>PR0004425</b> | SERVICE:<br><b>A01 - ROUTINE INSPECTION</b>                            | INSPECTION DATE<br><b>5/6/2019</b> |
| PROGRAM DESCRIPTION<br><b>0132 - RESTAURANT 31-60 PERSONS - COMPLEX</b> |                                | FOOD MANAGER CERTIFICATE / EXPIRATION DATE<br><b>D. Kim 4/19/2020</b>  | REINSPECTION DATE:<br><b>N/A</b>   |

Based on an inspection this day, the compliance status (IN, MAJ, MIN, N/A, N/O, OUT, COS) has been identified below. Violations noted as MAJ, MIN or OUT must be corrected. Failure to correct the listed violation(s) prior to the designated compliance date may necessitate a reinspection at an additional fee. See the following page(s) for the California Health and Safety code sections and other applicable codes for the general requirements that correspond to the violation(s) noted below.

IN = In Compliance MAJ = Major MIN = Minor N/A = Not Applicable N/O = Not Observed OUT = Out of Compliance COS = Corrected on Site

**CRITICAL RISK FACTORS**

| IN  | MAJ | MIN | N/A | N/O | EMPLOYEE KNOWLEDGE  | COS |
|---|-----|-----|-----|-----|---|-----|
| ●   |     |     |     |     | 1. Demonstration of knowledge                                 |     |
| ●   |     |     |     |     | 2. Food manager certification; food handler cards             |     |
| <b>EMPLOYEE HEALTH &amp; HYGIENIC PRACTICES</b> |     |     |     |     |   |     |
| ●   |     |     |     |     | 3. Communicable disease; reporting, restrictions & exclusions |     |
| ●   |     |     |     |     | 4. No discharge from eyes, nose, and mouth                    |     |
| ●   |     |     |     |     | 5. Proper eating, tasting, drinking or tobacco use            |     |
| <b>PREVENTING CONTAMINATION BY HANDS</b>        |     |     |     |     |   |     |
| ●   |     |     |     |     | 6. Hands clean and properly washed; gloves used properly      |     |
| ●   |     |     |     |     | 7. Adequate handwashing facilities supplied & accessible      |     |
| <b>TIME AND TEMPERATURE RELATIONSHIPS</b>       |     |     |     |     |   |     |
| ●   |     |     |     |     | 8. Proper hot and cold holding temperatures                   |     |
|   |     | ●   |     |     | 9. Time as a public health control; procedures & records      |     |
| ●   |     |     |     |     | 10. Proper cooling methods                                    |     |
|   |     |     |     | ●   | 11. Proper cooking time & temperatures                        |     |
|   |     |     | ●   |     | 12. Proper reheating procedures for hot holding               |     |

| IN                                      | MAJ | MIN | N/A | N/O | PROTECTION FROM CONTAMINATION  | COS |
|---|-----|-----|-----|-----|--|-----|
| ●                                       |     |     |     |     | 13. Returned and reserve of food   |     |
| ●                                       |     |     |     |     | 14. Food in good condition, safe and unadulterated   |     |
| ●                                       |     |     |     |     | 15. Food contact surfaces: clean and sanitized   |     |
| <b>FOOD FROM APPROVED SOURCES</b>       |     |     |     |     |  |     |
| ●                                       |     |     |     |     | 16. Food obtained from approved source   |     |
|   |     |     | ●   |     | 17. Compliance with shell stock tags, condition, display                                   |     |
|   |     |     | ●   |     | 18. Compliance with Gulf Oyster Regulations  |     |
| <b>ADDITIONAL CRITICAL RISK FACTORS</b> |     |     |     |     |  |     |
|   |     |     | ●   |     | 19. Compliance with variance, specialized process, & HACCP Plan                            |     |
|   |     |     | ●   |     | 20. Consumer advisory provided for raw or undercooked foods                                |     |
|   |     |     | ●   |     | 21. Licensed health care facilities/public & private schools: prohibited foods not offered |     |
| ●                                       |     |     |     |     | 22. Hot and cold water available   |     |
| ●                                       |     |     |     |     | 23. Sewage and wastewater properly disposed  |     |
|   | ●   |     |     |     | 24. No rodents, insects, birds, or animals   |     |

**GOOD RETAIL PRACTICES**

| OUT                                     | SUPERVISION  | COS |
|---|--|-----|
|   | 25. Person in charge present and performs duties       |     |
|   | 26. Personal cleanliness and hair restraints           |     |
| <b>GENERAL FOOD SAFETY REQUIREMENTS</b> |  |     |
|   | 27. Approved thawing methods used, frozen food         |     |
|   | 28. Food separated and protected                       |     |
|   | 29. Washing fruits and vegetables                      |     |
|   | 30. Toxic substances properly identified, stored, used |     |
| <b>FOOD STORAGE/DISPLAY/SERVICE</b>     |  |     |
|   | 31. Food storage; food storage containers identified   |     |
|   | 32. Consumer self-service                              |     |
|   | 33. Food properly labeled & honestly presented         |     |

| OUT                        | EQUIPMENT/UTENSILS/LINENS  | COS |
|----------------------------|--|-----|
| ●                          | 34. Nonfood contact surfaces clean                                   |     |
|                            | 35. Warewashing facilities: installed, maintained, used; test strips |     |
| ●                          | 36. Equipment/Utensils approved; installed; good repair, capacity    |     |
|                            | 37. Equipment, utensils and linens: storage and use                  |     |
| ●                          | 38. Adequate ventilation and lighting; designated areas, use         |     |
|                            | 39. Thermometers provided and accurate                               |     |
|                            | 40. Wiping cloths: properly used and stored                          |     |
| <b>PHYSICAL FACILITIES</b> |  |     |
| ●                          | 41. Plumbing: proper backflow devices                                |     |
|                            | 42. Garbage and refuse properly disposed; facilities maintained      |     |
|                            | 43. Toilet facilities: properly constructed, supplied, cleaned       |     |
|                            | 44. Premises: personal/cleaning items; vermin-proofing               |     |

| OUT                               | PERMANENT FOOD FACILITIES                                   | COS |
|-----------------------------------|---|-----|
| ●                                 | 45. Floor, walls, ceilings: built, maintained, and clean    |     |
|                                   | 46. No unapproved private homes/living or sleeping quarters |     |
| <b>SIGNS/REQUIREMENTS</b>         |   |     |
|                                   | 47. Signs posted; last inspection report available          |     |
|                                   | 48. Plan Review   |     |
|                                   | 49. Health Permit   |     |
| <b>COMPLIANCE AND ENFORCEMENT</b> |   |     |
| ●                                 | 50. Permit Suspension - Imminent Health Hazard              |     |
|                                   | 51. Notice of Violation - Hearing                           |     |
|                                   | 52. Permit Suspension                                       |     |
|                                   | 53. Voluntary Condemnation & Destruction (VC&D)             |     |
|                                   | 54. Impoundment   |     |
|                                   | 55. Sample Collected  |     |



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| LOCATION<br><b>5910 WARNER AVE. HUNTINGTON BEACH, CA 92649</b> | RELATED ID<br><b>PR0004425</b> |

**OPENING COMMENTS**

**IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE**

Reason for closure: cockroach activity in critical areas.

Any food facility for which the permit has been temporarily suspended shall cease all food handling, close and remain closed until all conditions warranting the closure are corrected and your permit has been reinstated by a representative of Environmental Health.

To reopen immediately correct the following:

- 1) Eliminate all cockroach evidence from the affected areas noted in data field 24
- 2) Use an approved method of pest control and provide an invoice detailing the measures that were performed and reentry time
- 3) Clean and sanitize all affected utensils and surfaces
- 4) Seal the gaps and/or crevices noted in data field 45
- 5) Correct all of the violations except for # 3 in data field 45 and data field 41

**9. TIME AS A PUBLIC HEALTH CONTROL; PROCEDURES & RECORDS - MINOR**

Inspector Comments: A written procedure for a food being maintained with time as a public health control was not available for review at the time of the inspection.

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

**24. NO RODENTS, INSECTS, BIRDS, OR ANIMALS - MAJOR**

Inspector Comments: Observed a live adult cockroach on the floor at the sushi bar.

Observed dead nymph and adult cockroaches on the floor at the sushi bar.

Eliminate the infestation/activity of cockroaches/rodents/flies/vermin from the food facility by using only approved methods. Remove all evidence of the infestation and thoroughly clean and sanitize all affected surfaces. Construct, equip, maintain and operate the food facility so as to prevent the entrance and harborage of animals, birds and vermin including, but not limited to, rodents and insects.

Violation Description: Each food facility shall be kept free of insects, birds, animals, or vermin: rodents (rats, mice), cockroaches, flies. (114259, 114259.1, 114259.4, 114259.5)

**34. NONFOOD-CONTACT SURFACES CLEAN - OUT OF COMPLIANCE**

Inspector Comments: 1) Remove the accumulation of food debris and/or grime from the shelves and reach-in coolers at the sushi bar and cook's line.

2) Remove the accumulation of mildew-like debris from the walls of the ice machine.

Violation Description: All nonfood-contact surfaces of utensils and equipment shall be clean. (114115 [c])

**36. EQUIPMENT/UTENSILS - APPROVED; INSTALLED; GOOD REPAIR; CAPACITY - OUT OF COMPLIANCE**

Inspector Comments: Observed the storage shelves at the sushi bar to be made of raw wood. Equipment surfaces must be smooth, non-absorbent, durable, and easily cleanable. (i.e. raw wood, surfaces with gaps or crevices, etc.)

Violation Description: All utensils and equipment shall be fully operative and in good repair. All utensils and equipment shall be approved, installed properly, and meet applicable standards. (114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114130.6, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114166, 114167, 114169, 114175, 114177, 114180, 114182)



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**38. ADEQUATE VENTILATION AND LIGHTING; DESIGNATED AREAS, USE - OUT OF COMPLIANCE**

Inspector Comments: Remove the accumulation of grease from the hood.

Violation Description: Exhaust hoods shall be provided to remove toxic gases, heat, grease, vapors, and smoke and be approved by the local building department. Canopy-type hoods shall extend 6" beyond all cooking equipment. All areas shall have sufficient ventilation to facilitate proper food storage. Toilet rooms shall be vented to the outside air by a screened openable window, an air shaft, or a light-switch activated exhaust fan, consistent with local building codes. Adequate lighting shall be provided in all areas to facilitate cleaning and inspection. Light fixtures in areas where open food is stored, served, prepared, and where utensils are washed shall be of shatterproof construction or protected with light shields. (114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1)

**41. PLUMBING; PROPER BACKFLOW DEVICES - OUT OF COMPLIANCE**

Inspector Comments: Provide an air gap of at least 1 inch between the drain line and the top rim of the floor sink.

Violation Description: The potable water supply shall be protected with a backflow protection device, as required by applicable plumbing codes. All plumbing, plumbing fixtures, and grease interceptors shall be installed in compliance with local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair. Any hose used for conveying potable water shall be of approved materials, labeled, properly stored, and used for no other purpose. (14171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269)

**45. FLOORS, WALLS AND CEILINGS: BUILT, MAINTAINED, AND CLEAN - OUT OF COMPLIANCE**

Inspector Comments: 1) Remove the accumulation of food debris from the floors and/or walls from around and/or underneath the equipment in the following areas:

- cook's line, sushi bar, warewashing area, all coolers and freezer, and storage shelves.

2) Seal the gaps and/or crevices between the base coving and walls throughout the kitchen and sushi bar and in the flooring at the sushi bar

3) Observed the unapproved plastic base coving to be in disrepair. Provide an integrally designed base coving with a 3/8-inch radius at the juncture of the floor and wall. The coving must extend up the wall at least 4 inches. Obtain approval from this Agency prior to installation.

Violation Description: The walls / ceilings shall have durable, smooth, nonabsorbent, light-colored, and washable surfaces. All floor surfaces, other than the customer service areas, shall be approved, smooth, durable, and made of nonabsorbent material that is easily cleanable. Approved base coving shall be provided in all areas, except customer service areas and where food is stored in original unopened containers. Food facilities shall be fully enclosed. All food facilities shall be kept clean and in good repair. (114143(d), 114266, 114268, 114268.1, 114271, 114272)



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**50. PERMIT SUSPENSION - IMMINENT HEALTH HAZARD**

Inspector Comments: IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE

The permit to operate the above named food facility is hereby temporarily suspended, and the facility is ordered immediately closed under the authority of Sections 114405 and 114409 of Division 104, Part 7, Chapter 13, Article 3 of the California Health and Safety Code. The attached Inspection Report specifies the conditions that warrant this closure and the Sections of the law that are being violated.

Any food facility for which the permit has been temporarily suspended shall cease all food handling, close and remain closed until all conditions warranting the closure are corrected and your permit has been reinstated by a representative of Environmental Health.

You are hereby notified that you have the right to request a hearing, within 15 calendar days after service of this Notice to show cause why the permit suspension is not warranted. Your failure to request a hearing within 15 calendar days shall be deemed a waiver of your right to a hearing.

An owner, manager or operator who fails to comply with this Closure Notice may be found guilty of a misdemeanor, with a possible fine of \$1,000.00 and/or imprisonment for not more than six months for each offense.

This Health Permit Suspension and Closure Notice is issued to you under the authority of the California Health and Safety Code, Division 104, Part 7, Chapter 13, Article 3. Copies of the Code Sections referred to herein may be reviewed at most public libraries, the Internet, or at Environmental Health.

Contact this office at the number noted above, during normal days of business to request a re-inspection, or if you have any questions.

If you are calling after 5:00 pm or on weekends, leave a message at (714) 433-6418 and an inspector/on call staff will call you back at their earliest convenience. Please make after hour request calls before 8:00 pm. The afterhours overtime rate through June 30, 2019 is \$45.75 per quarter hour, or fraction thereof; time charged includes all travel time.

The CLOSED notification seal was issued this date.

REASON FOR CLOSURE: cockroaches in critical areas

Violation Description: If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409)

**SIGNATURE(S) OF ACKNOWLEDGEMENT**

It was agreed that a copy of this report will be sent to the e-mail address provided. The person in charge was directed to call this office if the report is not received within 2 business days. Additional information can be found at <http://www.ochealthinfo.com/eh/>.

NAME: B. Sim  
TITLE: Server



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Signing for the receipt of the above report is not an admission of the facts of the violations set forth herein.

INSPECTOR:

J WOLENT, REHS  
ENVIRONMENTAL HEALTH SPEC I  
(714) 388-4272  
jwolent@ochca.com

Did you know that effective January 1, 2018, the California Health and Safety Code was amended to make it easier for food facilities to donate food? Please consider donating your excess food/product to a local food bank, pantry, or soup kitchen. As a good faith food donor, you are protected from civil and criminal liability if the food product later causes harm to its recipient, unless the injury is a direct result of your gross negligence or intentional misconduct in the preparation or handling of the donated food. See Section 1714.25 of the Civil Code and Sections 114432 to 114434, inclusive, of the Health and Safety Code. For more information, please visit [ocfoodinfo.com](http://ocfoodinfo.com) or [wastenotoc.org](http://wastenotoc.org).