

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 FA0207944 - NEW DONG PHUONG TOFU		Site Address 2359 MCKEE RD, SAN JOSE, CA 95116		Inspection Date 09/04/2025		Placard Color & Score RED 56		
Program PR0304190 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DONG, DOUNG HUE		Inspection Time 10:30 - 13:00			
Inspected By JENNIE PENALOZA		Inspection Type ROUTINE INSPECTION		Consent By DUONG DONG				FSC Not Available

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						
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						
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures		X		X			
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		
K27	Food separated and protected	X	
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used	X	
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	X	
K34	Warewash facilities: installed/maintained; test strips	X	
K35	Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36	Equipment, utensils, linens: Proper storage and use	X	
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

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

Inspector Observations: *Several potentially hazardous foods are held below 135F at the front steam table. Per PIC, all foods were cooked 1 hour prior to inspection. No THPC procedures provided.*

[CA] *PHFs shall be held at 41°F or below or at 135°F or above.*

[SA] *Food items were placed on 4 hour time limit and are to be discarded at or by 1:30 PM, PIC made a note and placed it next to steam table.*

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: *Per PIC, Vegies Crackers (rice, soysauce, chilli, seaweed, dry tofu, sesame, salt) are sold to facility from an unapproved source/person. Approx. 7 containers were removed from sales floor.*

[CA] *Food must be from an approved source or properly documented.*

[COS] *Items were removed form the sales floor to be taken home for personal consumption.*

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

Inspector Observations: *Observed multiple dead cockroaches of multiple generations at the following locations:*

- inside cabinet in front hand sink
- on the floor near the lockers and next to a freezer chest

Observed rodent droppings at the following locations:

- above the water heater and on floor near the water heater
- on bean cardboard bag and food containers in the dry food storage area

Specialist observed last pest control invoice dated 08/06/2025 and only documents facility was treated.

[CA]: *The premises of each food facility must be maintained free of vermin.*

- Facility is to immediately cease and desist all operations.
- Facility is prohibited from all food service activities which include, but not limited to: preparation, service, handling, distribution, and sale.
- Facility shall remain closed until vermin infestation is completely abated and authorization is provided by this DEH.
- Clean and sanitize the affected area(s) and equipment.
- Dispose of all food items that have been adulterated/contaminated.
- Seal holes (e.g. in walls and ceilings, repair coved base), and entryways (e.g. weather-stripping around doors); keep exterior doors closed; screen openable windows.
- Eliminate food and water sources inside and outside the facility.
- 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).

Minor Violations

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

Inspector Observations: *Food Safety Certificate and food handler cards are not provided; per staff they are new owners; observed new permit issued in April 2025.*

Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times. 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.

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K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: *Observed some prepackaged food items missing the time stamp for TPHC stored at the front counter in front of the register.*

[CA] *When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.*

[COS] *PIC marked the time on food items missing the time for TPHC.*

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: *Observed several food containers stacked over each other with no cover or lid. Observed several food containers without covers/lids inside refrigeration units and freezers.*

[CA] *Provide tight fitting secured lids for all food containers to prevent contamination; do not stack uncovered food containers.*

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: *Observed spray bottle of RAID product.*

[CA] *Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.*

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: *Observed heavy grease accumulation and or food residue on exterior of refrigeration units, inside refrigeration units, exterior of cooking equipment, fan covers. Observed dry rodent dropping on top of a cardboard bad of beans and on top of food container lids (contamination of food not observed).*

[CA] *Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.*

Clean and sanitize all impacted areas of rodent droppings.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: *Chlorine test strips are not available for use.*

[CA] *Provide chlorine test strips to measure sanitizer concentration of 100 ppm when ware washing.*

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 several deteriorated and unapproved plastic strainers in facility.*

[CA] *All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation) and be food grade.*

Surfaces of equipment shall be smooth, easily cleanable, nonabsorbent, durable, and maintained in good repair.

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: *Food scoop is stored in a cup of water at 73F.*

[CA] *Utensils shall be stored in the following manner: 1) in the food with their handles above the top of the food and the container, 2) in running water, 3) in a container of water at 135°F or above, 4) at room temperature if washed within 4 hours of initial use.*

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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 grease observed on floor under cook-line; water accumulation observed in back area where tofu is made. Observed broken coving floor tiles near the back of facility where tofu is made.*

[CA] *Repair the wall with a durable, smooth, nonabsorbent, and easily cleanable surface. Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable. Walls and/or floors in food preparation area shall be kept clean.*

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
fried fish	steam table	127.00 Fahrenheit	
noddles	freezer	25.00 Fahrenheit	
water	hand sink	100.00 Fahrenheit	
cassava	freezer	25.00 Fahrenheit	
tofu	warmer	141.00 Fahrenheit	
tofu	steam table	112.00 Fahrenheit	
mushrooms	steam table	160.00 Fahrenheit	
sanitizer chlorine	sanitizer bucket	100.00 Fahrenheit	
fish roll	display case	73.00 Fahrenheit	
milk	walk-in cooler	41.00 Fahrenheit	gluten - 41F banana leaf sticky rice - 41F
water	3 comp sink	121.00 Fahrenheit	
noodles	steam table	110.00 Fahrenheit	

Overall Comments:

1. Observed Vermin: Documented in the following areas:

Observed multiple dead cockroaches of multiple generations at the following locations:

- inside cabinet in front hand sink
- on the floor near the lockers and next to a freezer chest

Observed rodent droppings at the following locations:

- above the water heater and on floor near the water heater
- on bean cardboard bag and food containers in the dry food storage area

2. Photographs: Taken for documentation purposes: yes.

3. Supervisor Notified: yes.

4. Notification: The person in charge during inspection, Duong Dong, 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.*

Requirements Before Reopening:

1. Email the signed and completed Reopening Checklist to the assigned inspector.
2. Submit a copy of the pest control report from a licensed provider.

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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 **9/18/2025**. 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: Duong Dong
Manager

Signed On: September 04, 2025