

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 FA0207027 - NEM RESTAURANT		Site Address 175 S CAPITOL AV K & L, SAN JOSE, CA 95127		Inspection Date 07/21/2021	
Program PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NEM RESTAURANT INC		Inspection Time 11:00 - 12:55
Inspected By HELEN DINH	Inspection Type ROUTINE INSPECTION	Consent By TRiet & DUONG TRINH	FSC Hao Nguyen 11/6/23		

Placard Color & Score
RED
71

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						S
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		X			N
K07 Proper hot and cold holding temperatures			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					N

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		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used		
K30 Food storage: food storage containers identified	X	
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		
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	X	
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		

OFFICIAL INSPECTION REPORT

Facility FA0207027 - NEM RESTAURANT	Site Address 175 S CAPITOL AV K & L, SAN JOSE, CA 95127	Inspection Date 07/21/2021
Program PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NEM RESTAURANT INC	Inspection Time 11:00 - 12:55
K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

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

Inspector Observations: 1. Found the ONLY hand wash station in the prep area without paper towel. [CA] Single-use sanitary towels shall be provided in dispensers. [COS] Operator restocked.
2.2. Found the ONLY hand wash station water value off at the prep area. [CA] During hours of operation, cold/hot water shall be available at all times. [COS] Operator turned on cold/hot water valve.

Follow-up By
07/26/2021

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

Inspector Observations: Major: Found LIVE cockroaches in the following areas: 3 on th warewash sink compartment and shelf and 2 under the 3 door sliding refrigeration unit. [CA] Eliminate all evidence of LIVE cockroach. Clean and sanitize all effected areas. Provide approved pest control services.

Follow-up By
07/26/2021

****Facility is hereby closed due to cockroach infestation. Facility shall cease and desist all food sales.****

Minor: Found DEAD cockroach in the following areas: under the water heater, under the shelf adjacent to walk-in-freezer, under the warewash sink and under cooking equipment. [CA] Eliminate all evidence of LIVE cockroach. Clean and sanitize all effected areas. Provide approved pest control services.

Minor Violations

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Measured the following PHFs holding between 45F - 46F in the 2 door cold top/3 door cold top for less than 4 hours: 2 types of snail. [CA] Maintain all PHFs cold held at or below 41F.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Found several bags/containers of food stored on the floor in the walk-in-freezer and outside of the walk-in-freezer. [CA] Food shall be stored a minimum of 6 inches off the floor.

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

Inspector Observations: Found accumulated food debris on refrigeration unit handles and water knobs. [CA] Routinely clean.

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

Inspector Observations: Found accumulated grease on the filter of the mechanical exhaust hood. [CA] Routinely clean.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: Found a leaking faucet at the 3-compartment sink. [CA] Repair leak.

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

Inspector Observations: Found a hold in the wall above the hand wash sink located in the prep area. [CA] Seal all holes, gaps and crevices to prevent the entrance and harborage of vermin.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.
 Needs Improvement - No rodents, insects, birds, or animals.

OFFICIAL INSPECTION REPORT

Facility FA0207027 - NEM RESTAURANT	Site Address 175 S CAPITOL AV K & L, SAN JOSE, CA 95127	Inspection Date 07/21/2021
Program PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NEM RESTAURANT INC	Inspection Time 11:00 - 12:55

Measured Observations

Item	Location	Measurement	Comments
snails	2 door upright	45.00 Fahrenheit	
broth	stove top	209.00 Fahrenheit	
shell eggs	3 door sliding unit	40.00 Fahrenheit	
razor clams	2 door reach in	39.00 Fahrenheit	
oyster	3 door sliding unit	32.00 Fahrenheit	
scallop	3 door upright	40.00 Fahrenheit	
squid	3 door upright	39.00 Fahrenheit	
hot water	warewash/prep	120.00 Fahrenheit	
vegetables	2 door sliding	41.00 Fahrenheit	
warm water	handsink (prep & RR)	100.00 Fahrenheit	
squid	3 door sliding unit	40.00 Fahrenheit	
snails	3 door upright	46.00 Fahrenheit	
sliced tomato	2 door cold top	41.00 Fahrenheit	
seafood	walk-in-freezer	10.20 Fahrenheit	
clams	2 door upright	41.00 Fahrenheit	

Overall Comments:

****Facility is hereby closed due to LIVE infestation of cockroaches. Once the violation warranting the closure has been corrected, contact district specialist Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for a follow up inspection.****

*****Facility shall cease and desist all sales.*****

*****Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.*****

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 **8/4/2021**. 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 Trinh
 PIC
Signed On: July 21, 2021