

# 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 FA0266475 - DAI LOI BAKERY & NOODLE		Site Address 1969 TULLY RD 70, SAN JOSE, CA 95122		Inspection Date 06/26/2024	
Program PR0393429 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name ANH CHAU		Inspection Time 10:45 - 12:00
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By PHAT L.	FSC Cuong Luong 12/27/2024	

Placard Color & Score
<b>GREEN</b>
<b>71</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						S
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible			X				
K07 Proper hot and cold holding temperatures	X						
K08 Time as a public health control; procedures & records	X						S
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		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	X	
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	X	
K33 Nonfood contact surfaces clean		
K34 Warewash facilities: installed/maintained; test strips		
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	X	
K39 Thermometers provided, accurate	X	
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	X	
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

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

**Inspector Observations: One live adult cockroach observed on top of the condenser fans shroud of the unused center island food preparation refrigerator. Unit is used only for dry storage and as a preparation table.**

**One live adult cockroach observed on top of the door frame at the rear preparation room.**

**Per PIC, facility is serviced monthly. Pest control report was provided for review. No other live or dead cockroaches were observed inside facility.**

**[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.**

**\*\* This Division recommends increasing frequency of service during warmer weather when vermin activity is increased.**

**[COS] PIC abated cockroach. Area was cleaned and sanitized.**

**Numerous live flies observed throughout the kitchen.**

**[CA] Use any and all approved methods to abate live flies.**

### Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: Hand wash station in the middle of the kitchen by the cook line lacked hand soap.**

**[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Hand soap and paper towels shall be readily available and easily accessible at all times.**

**Paper towels maintained outside of dispenser inside the employee restroom in the back of the facility.**

**[CA] Paper towels shall be stored inside the dispenser to prevent potential contamination.**

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations: Tray of fermented pork meatballs thawing out in ambient temperature at the center island food preparation table using a fan.**

**[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

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

**Inspector Observations: Bulk ingredient container by the kitchen handwash sink not labeled.**

**[CA] Working containers holding food or food ingredients that are removed from their original packages shall be identified with the common name of the food if not easily recognizable.**

**Numerous opened bulk bags of ingredient stored on the shelf outside of the walk-in freezer.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

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K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

**Inspector Observations: Numerous prepackaged foods maintained on counters and storage racks on the sales floor for customer self-service lack labels and/or complete labels.**

**[CA] Food prepackaged in a food facility shall bear a label with the following: 1) common name of the food, 2) list of ingredients in descending order of predominance by weight, 3) quantity of contents, 4) name and place of business of the manufacturer, packer, or distributor.**

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 plastic pail used to hold fish sauce.**

**[CA] Equipment and utensils shall be designed and constructed to be durable and retain characteristic qualities under normal use conditions. 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). Replace with food grade containers.**

**Numerous domestic equipment in use: microwaves, refrigerators.**

**[CA] Once unit fails, make plans to replace with commercial equipment. New and/or replacement food 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).**

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: Bowls and to-go containers used as scoops.**

**[CA] Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with food. Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.**

**Storage rack used to store pots and pans maintained inside the restroom.**

**[CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.**

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

**Inspector Observations: Observed one counter-top three-burner range maintained on the left side outside of the Type I ventilation hood.**

**[CA] There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment. Relocate burner under the ventilation hood.**

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

**Inspector Observations: Thermometers not available for walk-in refrigerator.**

**[CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.**

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

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**Inspector Observations:** Back door of facility maintained opened during inspection.

**[CA]** Keep back door closed at all times to prevent the entrance and harborage of vermin.

Mop stored inside mop bucket. Mop racks not available.

**[CA]** After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies. Mop rack or other devices shall be made available to hang and store cleaning tools.

Center island food preparation refrigerator is non-operational and is used as dry storage and food preparation table.

**[CA]** The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used. This Division recommends to remove unit and replace with a food preparation table.

Observed hanging fly trap hung from ventilation hood inside the kitchen.

**[CA]** Use approved methods to eliminate flies in the food preparation area.

Employee's purse observed stored hanging on the storage rack outside of the walk-in refrigeration unit.

**[CA]** No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage.

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

**Inspector Observations:** Missing covered base tiles observed on wall outside of the small preparation room across from the three-compartment sink.

**[CA]** The juncture of the floor and wall shall be coved with a 3/8-inch minimum radius coving and shall extend up the wall at least 4 inches.

Missing ceiling panels in the small food preparation room.

**[CA]** Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
Cooked pork	Walk-in freezer	40.00 Fahrenheit	
Warm water	Hand wash sink - restrooms	100.00 Fahrenheit	
Hot water	Three-compartment ware wash sink	125.00 Fahrenheit	
Hot water	Two-compartment food preparation sink	121.00 Fahrenheit	
Mung bean paste	Three-door upright refrigerator	53.00 Fahrenheit	Used recently for preparation
Raw shrimp	Walk-in refrigerator	50.00 Fahrenheit	Recently prepared
Warm water	Hand wash sink	104.00 Fahrenheit	
Raw shelled eggs	Three-door upright refrigerator	44.00 Fahrenheit	

## Overall Comments:

### **OWNERSHIP CHANGE INFORMATION**

**NEW FACILITY NAME:** Dai Loi Bakery & Noodle

**NEW OWNER:** Anh Chau

**The applicant has completed the facility evaluation application process for an Environmental Health Permit.**

**The permit category for this facility is FP10. An invoice for the permit fee in the amount of \$1,107.00 will be mailed to the billing address on the application. Payment must be submitted within 10 days of receipt of the invoice. The owner is responsible for**

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*contacting our department if an invoice is not received and remit payment within 30 days.*

***The Environmental Health Permit will be effective: 07/01/2024 - 06/30/2025 This report serves as a temporary permit. However, the permit will be deemed invalid if the permit fee is not paid in full within 30 days from the date of this report. Okay to Operate.***

***An official permit will be mailed to the address on file and shall be posted in public view upon receipt.***

***\*Structural Review inspection conducted on 06/26/2024***

***\*Permit condition: N/A***

***\*Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date.***

***\*New Time as a Public Health Control (TPHC) written procedure form provided to PIC. New owner shall complete and maintain at facility for review at all times.***

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 **7/10/2024**. 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.

**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




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**Received By:** Phat L.  
PIC

**Signed On:** June 26, 2024