

**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**

<b>Facility</b> FA0207027 - NEM RESTAURANT		<b>Site Address</b> 175 S CAPITOL AV K & L, SAN JOSE, CA 95127		<b>Inspection Date</b> 05/04/2022	
<b>Program</b> PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> NEM RESTAURANT INC		<b>Inspection Time</b> 13:15 - 14:45
<b>Inspected By</b> HELEN DINH	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> DUONG TRINH & TRIET	<b>FSC</b> Not Available		

<b>Placard Color &amp; Score</b>
<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				
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						S
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		
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		
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
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	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		
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

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

**Inspector Observations: 1. Found ONLY hand wash station in prep area blocked by a cutting board. [CA] Ensure hand wash station is accessible at all times. [COS] Cutting board was relocated.**

**2. Lacking single use paper towels at the ONLY hand wash station in prep area. [CA] Single-use sanitary towels shall be provided in dispensers. [COS] Operator restocked.**

### Minor Violations

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

**Inspector Observations: 1. Lacking food safety certificate (FSC). [CA] 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.**

**2. Lacking employees food handlers card. [CA] 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.**

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations: Observed an employee touching their face and about to sliced meat at prep area. No active contamination occurred. [CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. [COS] Operator was directed to wash hands prior to prepping.**

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

**Inspector Observations: Measured a container of whole wheelks holding between 45F- 47F in 2 door cold top. [CA] Maintain all PHFs cold held at or below 41F.**

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations: Observed a bag of cooked rice cooling in 2 door reach in. Observed bag tied. [CA] When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling. [COS] Operator opened up bag.**

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Found several flies throughout facility. [CA] Each food facility shall be free of pest such as flies. Provide approved pest control services.**

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

**Inspector Observations: Found boxes of food stored on the floor in walk-in-freezer. [CA] Food shall be stored a minimum of 6 inches off floor.**

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: Found several bowls without handles being used to dispense bulk goods in the back prep area. [CA] Provide scoops with handles to dispense bulk goods and ensure handles are not in direct contact with food items.**

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

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**Inspector Observations:** 1. Found a leaking goose neck faucet at hand wash station when water is turned on. Observed a tray stored behind goose neck faucet.  
 2. Found leaking gooseneck faucet (right side) of warewash sink when water knobs are off.  
 [CA] Repair leak.

## Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

Item	Location	Measurement	Comments
squid	2 door cold top	34.00 Fahrenheit	
chlorine	sani bucket	100.00 PPM	
whole whelk	3 door cold top	45.00 Fahrenheit	between 45F - 47F.
mussel	3 door cold top	40.00 Fahrenheit	
shell eggs	sliding unit	40.00 Fahrenheit	
warm water	handsink (prep & 2RR)	100.00 Fahrenheit	
hot water	warewash	150.00 Fahrenheit	
white noodles	counter	68.00 Fahrenheit	process of cooling
ambient	2 door sliding	41.00 Fahrenheit	
meats/seafood	walk-in-freezer	7.60 Fahrenheit	
rice	2 door reach in	68.00 Fahrenheit	process of cooling
tofu	2 door reach in	41.00 Fahrenheit	
shell eggs	back prep area	51.00 Fahrenheit	process of prepping
ambient	3 door reach in	41.00 Fahrenheit	
oyster	2 door cold top	39.00 Fahrenheit	

## Overall Comments:

**Note:** Operator requested a DBA change to Nem Restaurant. Current DBA on file is the food items facility is currently selling.

A copy of this report will be emailed to the operator.

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 **5/18/2022**. 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



Received By: Duong Trinh  
 Manager  
 Signed On: May 04, 2022