

# 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 FA0208038 - DZUI'S CAKES & DESSERTS		Site Address 2451 ALVIN AV, SAN JOSE, CA 95121		Inspection Date 11/15/2023	
Program PR0306682 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name THAI, TRAN		Inspection Time 10:30 - 12:40
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By DUY T.	FSC Duy Thai 05/14/2024		

Placard Color & Score
<b>RED</b>
<b>46</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
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						
K06 Adequate handwash facilities supplied, accessible		X					N
K07 Proper hot and cold holding temperatures		X		X			N
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		X			N
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	X	
K34 Warewash facilities: installed/maintained; test strips	X	
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	X	
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	X	
K47 Signs posted; last inspection report available	X	

# OFFICIAL INSPECTION REPORT

Facility FA0208038 - DZUI'S CAKES & DESSERTS	Site Address 2451 ALVIN AV, SAN JOSE, CA 95121	Inspection Date 11/15/2023
Program PR0306682 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name THAI, TRAN	Inspection Time 10:30 - 12:40
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: Hand wash station between the front service area and middle kitchen lacked hand soap. Manual pump hand soap bottle was placed on ledge on the food preparation sink next to hand wash sink.**

Follow-up By  
11/20/2023

**Hand wash station in the back of the kitchen lack hand soap and observed heavily soiled with food residue and grime on handles.**

**Hand wash station in the employee restroom lacked paper towels.**

**[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Handwashing facility shall be clean, unobstructed, and accessible at all times.**

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

**Inspector Observations: Numerous cheese filled breads and baked pastries containing meat maintained inside the hot holding unit at the corner of the front service area measured at 117F. Manager stated that items are maintained on temperature control and was brought out approximately an hour prior.**

Follow-up By  
11/20/2023

**Container of raw shelled eggs maintained out in ambient temperature measured at 65F. This Division observed employee hurriedly returning container from the cook line into the two-door upright refrigerator in the middle of the kitchen during the initial walk-through of the facility.**

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

**[COS] PHF items maintained inside the hot holding unit will be offered for sale for an additional 3 hours (total 4 hours) and shall be discarded if not consumed.**

K14 - 8 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

**Inspector Observations: Observed employee skipping sanitization step during manual ware washing.**  
**[CA] Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM).**  
**[COS] Instructed employee to set up three-compartment sink to re-wash and sanitize all utensils.**

Follow-up By  
11/20/2023

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

**Inspector Observations: Excessive rodent droppings observed in the following areas:**

- On floor along the wall leading to the dry storage room and employee restrooms, with heavy accumulation (20+) observed by the two-door upright freezer in the middle section of the kitchen.
- On floors below the wooden shelves in the dry storage room, especially at the corners.
- On the FRP ledge next to the right side food preparation refrigerator were beverages are prepared.
- On floor below the small storage rack next to the ice machine.
- On floors below food preparation tables in the cake preparation room.
- On bottom shelving of food preparation tables in the cake preparation room next to containers of cake ingredients.
- On floor below the tall metal shelving by the back door of the facility.
- On floor below and on catch tray of the water heater.

Follow-up By  
11/20/2023

**Per manager, facility is serviced once per month. During time of inspection, this Division spoke with the facility's pest control technician regarding the target pests, scope of work, and frequency of service. One electronic pest control report from 10/13/2023 was provided for review with activity noted.**

# OFFICIAL INSPECTION REPORT

Facility FA0208038 - DZUI'S CAKES & DESSERTS	Site Address 2451 ALVIN AV, SAN JOSE, CA 95121	Inspection Date 11/15/2023
Program PR0306682 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name THAI, TRAN	Inspection Time 10:30 - 12:40

**[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.**

## Minor Violations

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

**Inspector Observations: Employees' three-year food handler cards unavailable for review.**

**[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.**

**Information on a Food Safety Certificate and Food Handler cards are available at**

**<https://www.sccgov.org/sites/cpd/programs/fsp/Pages/FSC.aspx>.**

**<https://cpd.sccgov.org/sb-602-food-handler-cards>**

**\*\* Food handler cards and FSC shall be readily available upon request.**

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

**Inspector Observations: Container of cooked tapioca pearls (boba) maintained inside warming unit subjected to time as a public health control (TPHC) had time label from 12 PM to 4 PM, a time approximately two hours ahead of the inspection. Employee stated that the label was from the day before and that the container next to the boba had the correct time.**

**[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.**

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

**Inspector Observations: Bulk ingredient containers lack labels.**

**[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.**

**Opened bulk ingredient bags maintained in the dry storage room.**

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

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

**Inspector Observations: Heavy accumulation of food residue and grime observed on door handles of refrigeration units, faucet handles, surface of equipment throughout facility.**

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

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: Facility lacks test strips.**

**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

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

# OFFICIAL INSPECTION REPORT

Facility FA0208038 - DZUI'S CAKES & DESSERTS	Site Address 2451 ALVIN AV, SAN JOSE, CA 95121	Inspection Date 11/15/2023
Program PR0306682 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name THAI, TRAN	Inspection Time 10:30 - 12:40

**Inspector Observations: Ice scoop maintained with handle in direct contact with ice.**

**Observed bowls used as scoops for numerous bulk ingredient containers.**

**[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.**

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

**Inspector Observations: Heavy accumulation of grease and dust observed on ventilation hood and ventilation hood filters at the cook line.**

**[CA] Ventilation hood filters shall be maintained clean and good repair.**

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 dirt, food debris, residues, grease, etc. observed on floors throughout the facility, especially underneath equipment.**

**Heavy accumulation of food residues observed on walls in the cake preparation area.**

**[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.**

K46 - 2 Points - Unapproved private home/living/sleeping quarters; 114285, 114286

**Inspector Observations: Observed hammock and/or sleeping accommodation stored inside the dry storage room.**

**[CA] No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.**

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

**Inspector Observations: Current health permit not posted in visible location.**

**[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.**

## Performance-Based Inspection Questions

- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Demonstration of knowledge; food manager certification.

## Measured Observations

Item	Location	Measurement	Comments
Quail eggs	Two-door upright refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	137.00 Fahrenheit	
Raw chicken	Two-door reach-in refrigerator	40.00 Fahrenheit	
Ambient	Cake display refrigerator	41.00 Fahrenheit	
Milk	Two-door reach-in refrigerator	42.00 Fahrenheit	Cake preparation area
Milk	Beverage preparation refrigerator	43.00 Fahrenheit	
Taro paste	Beverage preparation refrigerator	40.00 Fahrenheit	

## Overall Comments:

**- Facility is hereby closed due to excess rodent droppings observed within the food facility.**

**- Facility shall remain closed until:**

- 1) All rodent droppings in the facility has been removed.**
- 2) All affected areas have been cleaned and sanitized.**
- 3) Written authorization to reopen and resume operations have been given to facility by this Division.**

**- Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.**

# OFFICIAL INSPECTION REPORT

Facility FA0208038 - DZUI'S CAKES & DESSERTS	Site Address 2451 ALVIN AV, SAN JOSE, CA 95121	Inspection Date 11/15/2023
Program PR0306682 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name THAI, TRAN	Inspection Time 10:30 - 12:40

- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

- A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

## 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 **11/29/2023**. 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: Duy T.  
Manager  
Signed On: November 15, 2023