

# 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> FA0206942 - ROSE CAFE & RESTAURANT		<b>Site Address</b> 1711 MCKEE RD D, SAN JOSE, CA 95116		<b>Inspection Date</b> 01/25/2024		<b>Placard Color &amp; Score</b> <div style="background-color: yellow; padding: 10px; text-align: center;"> <b>YELLOW</b>  <b>74</b> </div>		
<b>Program</b> PR0307388 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			<b>Owner Name</b> NGUYEN, HUY		<b>Inspection Time</b> 09:45 - 11:00			
<b>Inspected By</b> YUEN IP		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> HUY NGUYEN				<b>FSC</b> 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		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		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		
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		X
K36	Equipment, utensils, linens: Proper storage and use		
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		
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	X

## Comments and Observations

### Major Violations

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

**Inspector Observations:** *Hand soap and paper towel are missing in kitchen. Hand wash station is blocked by a rack.*

**[CA]** *Handwashing facility shall be clean, unobstructed, and accessible at all times. Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.*

**[SA]** *Owner relocate rack.*

Follow-up By  
01/26/2024

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations:** *Water at 3 compartment sink measured at 56F maximum at the time of inspection.*

**[CA]** *Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.*

**[COS]** *Hot water restored to 120F at the end of inspection.*

Follow-up By  
01/26/2024

### Minor Violations

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

**Inspector Observations:** *Missing food safety manager certificate on site.*

**[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.*

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations:** *A person sitting at the back of the kitchen smoking.*

**[CA]** *No employee shall use tobacco in the food prep, food contact storage, or food storage areas, use designated area.*

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:** *Heavy grease built up on hood and equipment.*

**[CA]** *Clean and maintain equipment.*

**Household fridge observed in the kitchen. Ambient temperature measured at 41F.**

**[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).*

K58 - 2 Points - Placard not properly displayed/posted

**Inspector Observations:** *Placard not observed to be posted to general public.*

**[CA]** *The placard shall be posted and clearly visible to the general public and patrons entering the food establishment.*

### Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

### Measured Observations

Item	Location	Measurement	Comments
Water	3 compartment sink	56.00 Fahrenheit	Maximum
Water	Hand wash sink restroom	100.00 Fahrenheit	
Ambient temperature	Fridge	41.00 Fahrenheit	

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## Overall Comments:

*Facility was locked and closed at the time of inspection. Owner opened door for inspector.*

*Per owner, facility is not serving any customer at this time. Facility is pending new ownership. Tentatively new owner will start next month.*

*Follow up inspection will be conducted on 1/30/2024.*

*A follow up inspection will be conducted. The first follow-up inspection is free of charge. Subsequent follow up inspections after first follow up shall be billed \$290/hr during business hours and \$629/hr during non business hours (after 4:30pm Monday through Friday, county holidays and weekends) upon availability. Failure to comply may result in enforcement action.*

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 2/8/2024. 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



Received By: HUY NGUYEN  
Owner  
Signed On: January 25, 2024