

# 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> FA0207734 - BANH MI OVEN (DOWNTOWN)		<b>Site Address</b> 221 E SAN FERNANDO ST, SAN JOSE, CA 95112		<b>Inspection Date</b> 11/25/2024	
<b>Program</b> PR0301011 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> DINH BROS, INC		<b>Inspection Time</b> 10:45 - 13:45
<b>Inspected By</b> ANABELLE GARCIA	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> NHI	<b>FSC</b> David Tran 01/29/2027		

<b>Placard Color &amp; Score</b> <span style="font-size: 2em; font-weight: bold; color: yellow;">YELLOW</span> <span style="font-size: 3em; font-weight: bold;">68</span>
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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		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				
K15 Food obtained from approved source							
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		
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	X	
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		
K39 Thermometers provided, accurate		X
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		X
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		X
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: Major: Back preparation area hand wash sink is inoperable.**

Follow-up By  
12/02/2024

**[CA] All food facilities shall provide an operable hand washing station.**

**[SA] Front preparation sink will be used for hand washing until both hand wash sinks are fully repaired.**

**Minor: Employee restroom is lacking paper towels and hand soap.**

**[CA] Ensure all hand wash stations are fully stocked at all times.**

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

**Inspector Observations: In the 2 door preparation refrigerator inserts: ham, pate, and pork loaf measured between 47-51F. Per food employee, meats were stored in preparation unit at 10am.**

Follow-up By  
12/02/2024

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

**[COS] Food items were time marked. Discard time is 2pm.**

### Minor Violations

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

**Inspector Observations: Sandwich baguettes are not stored in food grade containers. Multiple 27 gallon storage totes observed with baguettes inside.**

Follow-up By  
12/02/2024

**[CA] Discontinue use of unapproved food storage. Ensure only food grade containers are used at all times.**

K14 - 3 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: Ice machine observed flooded. Per food employees, ice is not being used until unit is repaired.**

**[CA] Repair or replace ice machine. If facility plans to repair ice machine; ensure ice machine is properly drained, cleaned, and sanitized.**

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 is lacking chlorine sanitizer test strips.**

**[CA] Test strips shall be provided to adequately measure the applicable sanitization method used during manual warewashing. (chlorine:100ppm)**

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

**Inspector Observations: Facility is lacking a metal probe thermometer.**

**[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.**

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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: Active leak observed at front handwash sink. Per food employees, they use the preparation sink next to handwash sink to wash hands. Additional food preparation sink is available in back prep area.**

**[CA] Repair leak and maintain in good repair.**

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Sign on customer restroom observed stating "out of order."**

**[CA] Ensure restroom is fully operable at all times.**

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

**Inspector Observations: --48 HOUR NOTICE--**

**Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$1,925.00 . Payment must be made immediately to DEH via our website at [www.Ehinfo.org](http://www.Ehinfo.org).**

**A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.**

**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.**

## Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
creamer	walk in cooler	40.00 Fahrenheit	IR
water	3 comp sink	120.00 Fahrenheit	
raw shell eggs	walk in cooler	41.00 Fahrenheit	IR
cooked pork	warmer	158.00 Fahrenheit	
pate	2 door prep unit (insert)	47.00 Fahrenheit	
water	prep sinks	120.00 Fahrenheit	
cooked shrimp	walk in cooler	41.00 Fahrenheit	
water	handwash sink (restrooms)	100.00 Fahrenheit	
water	janitorial sink	120.00 Fahrenheit	
beef meatball	2 door prep unit	40.00 Fahrenheit	
ham	2 door prep unit (insert)	50.00 Fahrenheit	
ambient	walk in cooler	40.00 Fahrenheit	
pork loaf	2 door prep unit (insert)	51.00 Fahrenheit	
water	front handwash sink	100.00 Fahrenheit	

## Overall Comments:

**A follow up inspection will be conducted within 3 business days. The 1st follow-up inspection is free of charge. Any and all subsequent follow-up inspections will be billed at the approved hourly rate of \$298/hr, minimum of one hour.**

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 **12/9/2024**. 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.

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**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:** Hong Nguyen  
PIC

**Signed On:** November 25, 2024