

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 FA0207944 - NEW DONG PHUONG TOFU		Site Address 2359 MCKEE RD, SAN JOSE, CA 95116	Inspection Date 05/20/2021
Program PR0304190 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11		Owner Name DONG, DOUNG HUE	Inspection Time 10:20 - 11:20
Inspected By HELEN DINH	Inspection Type FOLLOW-UP INSPECTION	Consent By PHUONG	

Placard Color & Score RED N/A
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Comments and Observations

Major Violations

Cited On: 05/17/2021

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

Compliance of this violation has been verified on: 05/20/2021

Cited On: 05/17/2021

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Compliance of this violation has been verified on: 05/20/2021

Cited On: 05/20/2021

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

This violation found not in compliance on 05/20/2021. See details below.

Follow-up By
05/25/2021

Cited On: 05/17/2021

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

Compliance of this violation has been verified on: 05/20/2021

Minor Violations

Cited On: 05/20/2021

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

Inspector Observations: Measured a container of bean sprouts holding at 48F in the 2 door reach in for less than 4 hours. [CA] Maintain all PHFs cold held at or below 41F.

Measured Observations

Item	Location	Measurement	Comments
beans sprout	2 door reach in	48.00 Fahrenheit	for less than 4 hours.
ambient	2 door reach in	41.00 Fahrenheit	
ambient	walk-in	41.00 Fahrenheit	

Overall Comments:

Upon follow-up inspection, observed the following: potentially hazardous foods (PHFs) at the display case time mark by daily log and no signs of LIVE cockroaches.

- Facility received pest control service on 5/19/21. Facility shall retain pest control service twice a month until no signs of cockroach observed.

****Facility is hereby closed due to sewage back up at the mop sink near prep area. Once the violation warranting the closure has been corrected, contact district Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for follow up inspection.**

*****Facility shall cease and desist all sales. *****

A follow up inspection shall be conducted.

*****Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2**

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*hours) during nonbusiness hours upon availability.****

Consulted with Michael Cervantes.

Signature not obtained due to COVID 19. A copy of this report will be emailed to the operator.

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 **6/3/2021**. 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: Phuong
Owner

Signed On: May 20, 2021

Comment: Signature not obtained due to COVID 19.