

# 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 FA0258421 - THE NEST ASIAN BISTRO		Site Address 312 S 3RD ST, SAN JOSE, CA 95112		Inspection Date 09/25/2023	
Program PR0378360 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name THE NEST ASIAN BISTRO		Inspection Time 15:15 - 16:30
Inspected By MAMAYE KEBEDE	Inspection Type ROUTINE INSPECTION		Consent By RICHARD	FSC Calvin Nguyen 2/10/24	

Placard Color & Score

**YELLOW**

**66**

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						S
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		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		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		
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	X	
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	X	
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	X	
K45 Floor, walls, ceilings: built, maintained, clean	X	
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

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

**Inspector Observations:** *Some potentially hazardous foods stored on the preparation table, including cheese and cooked beef were measured above 50 OF*

Follow-up By  
09/25/2023

**[CA]** *All potentially hazardous foods like meat, seafood, poultry, dairy products, cooked vegetables, cooked cereals, greens, and diced tomatoes shall always be held at 41°F or below or at 135°F or above. The chef said the cheese was taken half an hour ago from the preparation fridge, and the beef was cooked an hour ago. He is told to either time code the food products to be used within the next 3.5 hour and 4.0 hours respectively. He is also advised to rapidly chill the cheese inside the walk-in cooler and reheat the beef to 165 and keep it on the countertop warmer. The cheese was taken to the fridge and the beef reheated to 165 OF (COS).*

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:** *The sanitizer concentration on the bar's three compartment warewash sink was measured at 0 ppm chlorine.*

Follow-up By  
09/25/2023

**[CA]** *Whenever sanitizing of utensils/equipment is conducted using a three compartment warewash sink, there must be a 100-ppm residual chlorine or 200 ppm quaternary ammonia sanitizer level on the sanitizing compartment. The person in charge refill one sink of the warewash sink with lukewarm water and added bleach manually to create a 100-ppm chlorine solution to sanitize the utensils (COS).*

### Minor Violations

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations:** *There was no hot water supply the handwash sink located back in the kitchen area.*

**[CA]** *Provide both warm and cold water supply on the handwash sink immediately.*

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

**Inspector Observations:** *Couple of live flies and couple od dead cockroaches were observed back int the kitchen and some in the front dining areas.*

**[CA]** *Eliminate all insects and rodents from the facility by a legal method.*

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:** *There is no approved sanitizer measuring strip to measure the concentration of the chemicals used to sanitize dishes and utensils in the facility.*

**[CA]** *Provide approved sanitizer measuring strips for the chemicals used in sanitizing utensils, equipment, and food contact surfaces.*

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 food residue accumulation was observed on some of the equipment surfaces and handles including the fridge door.*

**[CA]** *Conduct a thorough cleaning on surfaces and handles of working equipment.*

*the black and white under counter freezers stored back in the kitchen area are not NSF/ANSI approved or ETL/UL Sanitation listed one.*

**[CA]** *All equipment used in the facility must be NSF/ANSI approved or ETL/UL Sanitation listed one.*

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

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**Inspector Observations: Multiple soiled utensils were stored on the floor in the dishwashing area, below the working tables, and storage shelves.**

**[CA] Store all utensils off the floor on approved storage shelf, cart, or containers.**

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

**Inspector Observations: Many wet/soiled wiping cloths were stored on the counters.**

**[CA] Wet/soiled wiping cloths must be stored in a bucket that has standard sanitizer concentration in between use which is 200 ppm quaternary ammonia or 100 ppm chlorine (bleach).**

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

**Inspector Observations: There is a gap between the side window's screen and the window thorough**

**[CA] To prevent insect/rodent infestation, please install a weatherstripping on the screen window.**

**The back door was left open.**

**[CA] To prevent insect/rodent infections, keep the backdoor always closed or install a screen door.**

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

**Inspector Observations: Food residue and slime buildup was observed on the floor and the floor sinks located below the preparation and wash sinks.**

**[CA] Conduct a thorough and regular cleaning on the floor areas.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
Strips	Reheated	175.00 Fahrenheit	
Beef	Upright fridge	34.00 Fahrenheit	
Wings	Final cook	167.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Beef, TPHC	Prep table	100.00 Fahrenheit	
Chicken	Preparation fridge	34.00 Fahrenheit	

## Overall Comments:

**Note: Food safety certificate: Calvin Nguyen - 2/10/24**

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 **10/9/2023**. 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.

## Legend:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control



**Received By:** Calvin Nguyen  
Owner

**Signed On:** September 25, 2023