

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 FA0252416 - NAM GIAO RESTAURANT		Site Address 2066 TULLY RD, SAN JOSE, CA 95122		Inspection Date 01/24/2024	
Program PR0367405 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name QOLOR LLC		Inspection Time 13:10 - 15:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By QUYNH	FSC Not Available	

Placard Color & Score
RED
61

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						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						
K07 Proper hot and cold holding temperatures	X						
K08 Time as a public health control; procedures & records		X		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		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				
K22 Sewage and wastewater properly disposed			X				
K23 No rodents, insects, birds, or animals		X					N

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	X	
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		
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		X
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

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

Inspector Observations: Numerous PHF items maintained at the cook line at the right side kitchen, per manager, subjected to time as a public health control (TPHC) did not have any labels at time of inspection.

Follow-up By
01/26/2024

- Multiple colanders and containers of portioned cooked noodles (vermicelli, rice noodles, yellow noodles).
- Two clear plastic tubs of steamed rice flour cake (banh beo).
- Plastic container of steamed tapioca dumplings (banh loc).
- Bowl of cooked green onions in oil.
- Bowl of cooked diced shrimp.

Manager stated that all items are usually sold out within 1 to 2 hours and is discarded after 4 hours because of quality.

[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.

[COS] Manager provided labels on all PHF items subjected to TPHC.

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: Observed cardboard box of prepackaged dried herbs maintained in the dry storage room with visible gnaw marks on bags. Rodent droppings were also observed on bags and also on the bottom of the cardboard box.

Follow-up By
01/26/2024

Observed two prepackaged bags of rice paper maintained at the dry storage room with visible gnaw marks on bag and rice paper itself. Observed one opened bag of rice paper with visible gnaw marks on bag and rice paper itself in use at the food preparation line at the right side kitchen.

[CA] Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately.

[COS] All food was VC&D due to contamination.

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

Inspector Observations: 10+ rodent droppings observed on floor throughout the kitchen on the left side:

- Behind the cook line, underneath drain pipes going into the floor sink outside of the walk-in freezer.

Follow-up By
01/26/2024

50+ rodent droppings observed throughout the kitchen on the right side:

- On floor underneath the entire cook line.
- On floor underneath the preparation table in the small food preparation room with the four-door reach-in refrigerator for glass ware.
- On top of cases of prepackaged food in the dry storage area.
- Inside cardboard box of prepackaged dried herbs.
- Inside stack of pots.
- On cushion of chairs stacked in the storage room area.

Gnaw marks observed on prepackaged food items:

- Bags of prepackaged dried herbs maintained inside cardboard box in the dry storage room.
- Bags of rice paper on the food preparation line as well as at the dry storage room.

Per manager, facility does not have a pest control servicing facility.

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[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: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [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.

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.

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

Inspector Observations: Three-compartment sink at the left side kitchen not provided. Employee stated that sink was not used for ware washing and that all dishes are washed at the mechanical dish machine at the right kitchen. Water measured at 100F.

[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.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: Observed minor leak at the waste drain pipe below the two-compartment sink at the right side kitchen.

[CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: Containers and cases of food stored directly on the floor inside the walk-in freezers at both side of the kitchen.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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: Employee's cellphone and keys maintained on shelf at the food preparation line above restaurant food.

Employee's closed beverage container maintained at the corner of the drain board of the ware washing area.

[CA] No person shall store clothing or personal effects (cell phone, car keys, and jackets) in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects shall be stored in employee lockers or other designated areas for employee storage.

Mops stored inside mop buckets at both sides of the kitchen.

[CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

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

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Inspector Observations: --48 HOUR NOTICE--

Follow-up By
01/26/2024

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$ 362.50. Payment must be made immediately to DEH at the address at the top of this report or via our website at 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 - No rodents, insects, birds, or animals.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked pork hock in spicy soup	Cook line - hot holding	141.00 Fahrenheit	Right side kitchen
Beef tendon	Walk-in refrigerator	40.00 Fahrenheit	Right side kitchen
Cooked crab	Walk-in refrigerator	40.00 Fahrenheit	Left side kitchen
Cooked beef brisket	Walk-in refrigerator	40.00 Fahrenheit	Right side kitchen
Sliced beef tendon	Food preparation refrigerator	40.00 Fahrenheit	Right side kitchen
Soup	Walk-in refrigerator	41.00 Fahrenheit	Right side kitchen
Fancy pork	Walk-in refrigerator	40.00 Fahrenheit	Left side kitchen
Meat balls	Walk-in refrigerator	40.00 Fahrenheit	Right side kitchen
Deep fried fish cake	Food preparation refrigerator	41.00 Fahrenheit	Right side kitchen - top insert
Cooked shrimp	Walk-in refrigerator	41.00 Fahrenheit	Left side kitchen
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Cooked pork hock	Food preparation refrigerator	41.00 Fahrenheit	Right side kitchen
Soup	Walk-in refrigerator	41.00 Fahrenheit	Left side kitchen
Sliced tomato	Food preparation refrigerator	40.00 Fahrenheit	Left side kitchen
Sliced beef brisket	Food preparation refrigerator	41.00 Fahrenheit	Right side kitchen - top insert
Hot water	Food preparation sink	132.00 Fahrenheit	Left side kitchen
Cooked coagulated pork blood	Cook line - hot holding	138.00 Fahrenheit	Right side kitchen
Spicy soup	Cook line	209.00 Fahrenheit	Right side kitchen
Hot water	Two-compartment sink	121.00 Fahrenheit	Right side kitchen

Overall Comments:

- **Facility is hereby closed due to the presence of a rodent infestation.**
- **Facility shall remain closed until there is no longer evidence of an infestation.**

- **Facility shall:**
 - **Obtain service from licensed pest control service. Provide pest control service report upon follow-up inspection.**
 - **Remove all rodent droppings from facility. Clean and sanitize all affected areas.**
 - **Seal any holes, gaps, cracks, or crevices observed in the facility to prevent harborage of vermin.**

- **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.**

- **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. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.**

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- Facility's program element is current FP11 and for 0-5 employees. At time of inspection, observed more than 5 employees present.

- Facility's program element will be upgrade from FP11 to FP14 - Food Prep/ Food Svc Op 6-25 Employees RC3.

CLOSURE / PERMIT SUSPENSION NOTICE

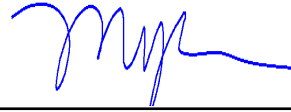
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **2/7/2024**. 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.

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: Quynh
Manager

Signed On: January 24, 2024