

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 FA0207146 - PHI HU TIEU NAM VANG NEM LAI VUNG DAC BI		Site Address 1818 TULLY RD 110, SAN JOSE, CA 95122		Inspection Date 11/28/2023		Placard Color & Score <div style="background-color: black; color: white; padding: 10px; text-align: center; font-size: 24px; font-weight: bold;">RED</div> <div style="background-color: black; color: white; padding: 10px; text-align: center; font-size: 36px; font-weight: bold;">64</div>		
Program PR0330111 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name TA, PHI HUNG		Inspection Time 10:10 - 11:20			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By NGAN N.				FSC Phi Hung Ta 09/29/2026

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				S
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	
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						N
K14	Food contact surfaces clean, sanitized		X		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					N
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals		X		X			

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties	X	
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	X	
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	

Comments and Observations

Major Violations

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: *Observed mechanical grinders heavily soiled and encrusted with food debris.*

Follow-up By
12/01/2023

Observed fine-mesh strainer used to remove impurities during the soup preparation stored inside garbage bucket.

[CA] *Ensure all food contact surfaces are cleaned and sanitized. The food-contact surfaces of equipment shall be kept free of encrusted grease deposits and other soil accumulations. In use food-contact surfaces shall be washed, rinsed and sanitized every 4 hours or less after initial use.*

No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.

[COS] *Instructed employee to disassemble food processing equipment to wash and sanitize. Instructed employee to wash and sanitize soup strainer.*

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

Inspector Observations: *Facility lacks hot water. Water measured at a maximum of 61F.*

Follow-up By
12/01/2023

[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.*

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

Inspector Observations: *One live cockroach observed on sticky monitoring trap wedged between the electrical conduit line on wall between the ware wash sink and chest freezer.*

Follow-up By
12/01/2023

One dead cockroach observed on wall by the electrical boxes above the hand wash sink.

No other live or dead activity observed.

[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.*

[COS] *Manager abated trap.*

Minor Violations

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

Inspector Observations: *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.*

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: *Soup actively cooling inside plastic buckets.*

[CA] *Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F or below within 2 hours and from 70°F to 41°F or below within an additional 4 hours. Cool foods using approved containers which facilitate heat transfer, such as metal. Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids.*

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K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

Inspector Observations: Non employee observed entering facility wandering inside kitchen to obtain food.

Manager or "person in charge" (PIC) not available at time of inspection.

[CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation. The "person in charge" shall ensure that persons unnecessary to the food facility operation shall not be allowed in the food preparation, food storage, or warewashing areas.

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: Multiple buckets of hot soup cooling on floor by the opened side door.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination. All food shall be separated and protected from possible contamination.

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

Inspector Observations: Raw meat being thawed inside the two-compartment ware wash sink. [CA] Utilize sinks for their designated purposes. All food preparation shall be conducted only at the one-compartment food preparation sink.

Performance-Based Inspection Questions

Needs Improvement - Hot and cold water available.

Needs Improvement - Food in good condition, safe, unadulterated.

Measured Observations

Item	Location	Measurement	Comments
Hot water	Ware wash sink - shared dish pit	121.00 Fahrenheit	
Cooked sliced pork	Food preparation refrigerator	40.00 Fahrenheit	
Cooked beef bones	Two-door upright refrigerator	40.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	Shared dish pit
Cooked quail eggs	Two-door upright refrigerator	41.00 Fahrenheit	
Cooked prawns	Food preparation refrigerator	40.00 Fahrenheit	
Bean sprouts	Merchandiser refrigerator	41.00 Fahrenheit	
Beef bone in soup	Steam table	168.00 Fahrenheit	
Beef bone in soup	Cook line	159.00 Fahrenheit	

Overall Comments:

- Facility is hereby closed due lack of hot water.

- Facility shall remain closed until hot water at minimum of 120F is provided at all critical sinks, with the exception of the hand wash sink, minimum 100F shall be supplied.

- 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.

- 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.

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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 **12/12/2023**. 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.

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: Phi Hung Ta
Manager
Signed On: November 28, 2023