

# 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 FA0286058 - BANH CUON ONG TA		Site Address 999 STORY RD 9030, SAN JOSE, CA 95122		Inspection Date 06/24/2024		<b>Placard Color &amp; Score</b>  <span style="font-size: 2em; font-weight: bold; color: red;">RED</span>  <span style="font-size: 3em; font-weight: bold;">62</span>
Program PR0428900 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name PHAM, LY		Inspection Time 15:05 - 16:05	
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By THU	FSC Ly Pham 12/07/2024			

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				N
K05	Hands clean, properly washed; gloves used properly	X						
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures		X					N
K08	Time as a public health control; procedures & records		X					N
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	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	X	
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used	X	
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	X	
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		
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: Cooked ground pork with wood ear mushroom maintained at the hot holding unit measured at 115F.**

Follow-up By  
06/26/2024

**Cooked ground pork with wood ear mushroom and shrimp maintained at the hot holding unit measured at 117F.**

**Container of cooked bean sprouts maintained at the bottom of the food preparation table measured at 75F.**

**Container of cooked bean sprouts maintained at the food preparation table where rice rolls are prepared measured at 80F.**

**Container of fermented pork maintained at the food preparation table where rice rolls are prepared measured at 78F.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above.**

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

**Inspector Observations: PHF items subjected to time as a public health control (TPHC) at the food preparation line were still being served passed the four hour time.**

Follow-up By  
06/26/2024

**[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.**

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

**Inspector Observations: Live cockroaches observed in the following areas:**

Follow-up By  
06/26/2024

**- 20+ of various life stages on the distribution system above the water softener and/or conditioner tank next to the water heater.**

**- 2+ juveniles observed crawling on the water lines of the water heater.**

**- 2+ observed on floor behind the undercounter dish machine.**

**Manager stated that facility was serviced approximately two and a half months prior, however, they are unsure. Pest control reports were not available to review upon request.**

**[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

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations: Employees' opened food and beverages stored in areas of food preparation and/or food storage.**

**[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.**

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

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**Inspector Observations:** *Large pot of soup cooling on the floor of the kitchen.*

**[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. Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids.**

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:** *Observed pot of soup maintained on the floor. Bag of diced/shredded shrimp maintained on top of a dish rack below the food preparation table.*

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

**Observed containers of opened food stored on both drain boards of the three-compartment sink during ware washing.**

**[CA] All food shall be separated and protected from possible contamination.**

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

**Inspector Observations:** *Container of stainless steel cleaning chemical stored on top of the drying rack above the three-compartment sink.*

**[CA] Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens.**

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

**Inspector Observations:** *Heavy accumulation of food debris and residue observed on preparation tables around equipment, and on cooking equipment.*

**[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris. Equipment food-contact surfaces and utensils shall be clean to sight and touch.**

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

**Inspector Observations:** *Heavy accumulation of food debris on floors observed throughout the facility in all areas of food preparation, especially underneath sinks, preparation tables, and cooking equipment.*

**[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.**

## Performance-Based Inspection Questions

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Needs Improvement - Time as a public health control; procedures & records.

Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

Item	Location	Measurement	Comments
Fried fish cake	Three-door upright freezer	34.00 Fahrenheit	
Raw shelled eggs	Three-door upright refrigerator	41.00 Fahrenheit	
Chlorine sanitizer	Undercounter dish machine	50.00 PPM	
Hot water	Three-compartment sink	128.00 Fahrenheit	

## Overall Comments:

- Facility is hereby closed due to evidence of a cockroach infestation.

- Facility is to remain closed until vermin infestation is completely abated.

- Obtain service from licensed pest control company. Provide pest control report upon follow-up inspection.

- Deep clean facility to remove any and all food sources - food debris, grease, standing water, etc.

- Deep clean facility to remove any and live and/or dead cockroaches.

- Seal any and all holes, gaps, cracks, and/or crevices.

- Contact district inspector once facility is ready for follow-up inspection.

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- **Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/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.**

## 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 **7/8/2024**. 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: Thu  
Manager  
Signed On: June 24, 2024