

# 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 FA0253927 - HIEN KHANH DAKAO 3		Site Address 1111 STORY RD 1027, SAN JOSE, CA 95122		Inspection Date 04/03/2023	
Program PR0369999 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name NGUYEN, NGOC		Inspection Time 11:30 - 12:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By NGOC N.	FSC Ngoc Nguyen 06/23/2026	

Placard Color & Score
<b>GREEN</b>
<b>82</b>

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				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		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		
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	
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	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

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

**Inspector Observations: One live cockroach observed in-between crevice of the inoperable two-door reach-in refrigerator and ice machine.**

**Numerous dead cockroaches observed on floor below food preparation refrigerator and behind the floor stand mixer.**

**No other activity was observed. Per owner, facility is serviced by pest control twice per month. Last service was conducted on 3/20/2023. Pest control report was reviewed during inspection.**

**[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.**

**Employee abated live cockroach.**

### Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: Hand wash station in kitchen lacked paper towels. Observed employee refilling station as this Division was walking in. Hand wash station in the front service area observed with minimal amount of paper towels.**

**[CA] Ensure single-use sanitary towels provided in dispensers are readily available at all times.**

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Numerous PHF items, tapioca pearls, tapioca jellies, Vietnamese mochi, maintained in ambient temperature. Manager stated that tapioca pearls and jellies used for desserts are usually kept out for max three hours before it is discarded, or until sold, whichever comes first, due to quality issues. Employees have timers set to keep track of time.**

**No written procedures provided.**

**[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.**

**Time as public health control (TPHC) written procedure form provided to owner.**

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: Ambient temperature of the beverage merchandiser at the front service area measured between 45F to 48F. In addition to water bottles, refrigerator is also used to store PHF desserts - flan and puddings.**

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.**

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

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**Inspector Observations:** *Two-door reach-in refrigerator next to the ice machine used as dry storage. [CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.*

## Performance-Based Inspection Questions

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

## Measured Observations

Item	Location	Measurement	Comments
Hot water	Three-compartment sink	122.00 Fahrenheit	
Mung bean paste	Refrigeated top insert	39.00 Fahrenheit	
Warm water	Hand wash sink	101.00 Fahrenheit	
Vietnamese mochi	Merchandiser refrigerator	38.00 Fahrenheit	
Red bean	Refrigerated top insert	40.00 Fahrenheit	
White beans	Refrigerated top insert	39.00 Fahrenheit	

## Overall Comments:

- A follow-up inspection will be conducted to verify compliance of K08 and K23.

- Subsequent follow-up inspection after first follow-up shall be billed \$219/hour during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$493/hour during non-business hours, and upon inspector availability.

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 **4/17/2023**. 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:

[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: Ngoc N.  
Owner  
Signed On: April 03, 2023