

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 FA0262969 - BANH XEO NGON		Site Address 3005 SILVER CREEK RD 176, SAN JOSE, CA 95121		Inspection Date 03/04/2026	
Program PR0387284 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name NGUYEN, DAN		Inspection Time 13:35 - 15:45
Inspected By MARCELA MASRI	Inspection Type ROUTINE INSPECTION		Consent By DAN NGUYEN	FSC DAN NGUYEN 8-28-28	

Placard Color & Score
RED
76

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		
K04 Proper eating, tasting, drinking, tobacco use					X		
K05 Hands clean, properly washed; gloves used properly					X		
K06 Adequate handwash facilities supplied, accessible	X						S
K07 Proper hot and cold holding temperatures	X						S
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				
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	X	
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	X	
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

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

Inspector Observations: FOUND 2 DEAD COCKROACHES ON THE SIDE OF THE 3 COMPARTMENT SINK, 2 DEAD COCKROACHES AT THE FOOD PREPARATION SINK, ONE DEAD COCKROACH AT THE FOOD PREPARATION TABLE AND 2 DEAD COCKROACHES BY THE REACH IN FREEZER. [CA]FOOD FACILITIES SHALL NOT HAVE ANY COCKROACHES ON THE PREMISES. REMOVE THE COCKROACHES, CLEAN THE FACILITY, MOVE THE EQUIPMENT TO CHECK AND SEAL ANY GAPS OR CREVICES ON THE WALLS, FLOORS AND CEILINGS WHERE THE COCKROACHES MAY BE ENTERING THE BUILDING. DISCARD ANY FOOD THAT MAY BE CONTAMINATED BY THE COCKROACHES. REMOVE ANY UNUSED EQUIPMENT OR CLUTTER. REMOVE ANY ENCRUSTED FOOD ON THE FOOD PREPARATION TABLES, UNDER EQUIPMENT, ON THE FLOORS AND WALLS. CLEAN AND SANITIZE ALL SURFACES PRIOR TO CONTACTING THE DEPARTMENT. NOTE: ONE RE-INSPECTION WILL BE FREE OF CHARGE, IF ADDITIONAL RE-INSPECTIONS ARE NEEDED FOR THE SAME ISSUE, THEY WILL BE CHARGED AT \$323 PER HOUR DURING BUSINESS HOURS, MINIMUM ONE HOUR OR \$645/2-HOUR MINIMUM DURING NON-BUSINESS HOURS, AND UPON INSPECTOR AVAILABILITY. CALL MARCELA AT 408-687-3451 WHEN READY FOR A RE-INSPECTION.

Follow-up By
03/06/2026

Minor Violations

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

Inspector Observations: FOUND THE FOOD HANDLER'S CARDS EXPIRED. [CA] PROVIDE CURRENT FOOD HANDLER'S CARDS.

K14 - 3 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: FOUND THE CHLORINE SANITIZER CONCENTRATION AT THE 3 COMPARTMENT SINK AT 25 PPM. [CA] PROVIDE CONCENTRATION AT 100 PPM.

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

Inspector Observations: FOUND PREPACKAGED BACK CHOI IN BRINE WITH NO LABEL. . [CA] PROVIDE THE FOLLOWING ON THE LABEL:

1. **NAME OF THE FOOD**
2. **CONTENTS OF THE FOOD (IE. OZ OR #)**
3. **INGREDIENTS**
4. **NAME AND ADDRESS OF THE MANUFACTURER**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations: FOUND THE HOOD BAFFLES WITH EXCESSIVE GREASE. [CA] CLEAN THE BAFFLES MORE OFTEN.

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

Inspector Observations: FOUND A COUPLE OF WIPING CLOTHS STORED ON THE FOOD PREP TABLES IN THE KITCHEN. [CA] STORE WIPING CLOTHS IN A SANITIZER SOLUTION WHILE NOT IN USE.

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: FOUND A SPRAY BOTTLE OF RAID FOR INSECTS ON THE SHELF IN THE BACK. [CA] THERE SHALL NOT BE ANY STORAGE OF INSECT SPRAY IN THE PREMISES.

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

Inspector Observations: FOUND FOOD DEBRIS ON THE FLOOR IN THE BACK ROOM WHERE THE REACH IN REFRIGERATORS ARE. [CA] CLEAN THE FLOORS MORE OFTEN.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
BEEF	SERVICE REFRIGERATOR	35.00 Fahrenheit	
PORK	REACH IN FREEZER	-9.00 Fahrenheit	
BEEF	REACH IN FREEZER	17.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
CUSTURD	FRONT DISPLAY REFRIGERATOR	35.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
TOFU	REACH IN REFRIGERATOR	40.00 Fahrenheit	
CHLORINE SANITIZER	3 COMPARTMENT SINK	25.00 PPM	
EGGS	REACH IN REFRIGERATOR	40.00 Fahrenheit	
CREAMER	SERVICE REFRIGERATOR	35.00 Fahrenheit	

Overall Comments:

1. FOUND DEAD COCKROACHES IN THE FOLLOWING AREAS: FOUND 2 DEAD COCKROACHES ON THE SIDE OF THE 3 COMPARTMENT SINK, 2 DEAD COCKROACHES AT THE FOOD PREPARATION SINK, ONE DEAD COCKROACH AT THE FOOD PREPARATION TABLE AND 2 DEAD COCKROACHES BY THE REACH IN FREEZER.

2. PHOTOGRAPHS: TAKEN FOR DOCUMENTATION PURPOSES.

3. SUPERVISOR NOTIFIED; ANJANI SIRCAR

4. NOTIFICATION: THE PERSON IN CHARGE DURING INSPECTION, DAN NGUYEN, OWNER, HAS BEEN INFORMED THAT THE FACILITY MUST CLOSE IMMEDIATELY.

THE PREMISES OF EACH FOOD FACILITY MUST BE MAINTAINED FREE OF VERMIN. A FACILITY CANNOT OPERATE IF THERE IS A VERMIN INFESTATION THAT LEADS TO CONTAMINATION OF FOOD CONTACT SURFACES, PACKAGING, UTENSILS, FOOD EQUIPMENT, OR ADULTERATION OF FOOD. THE FACILITY IS REQUIRED TO CEASE OPERATIONS IMMEDIATELY AND MUST REMAIN CLOSED UNTIL ALL CORRECTIVE ACTIONS ON THE PROVIDED CHECKLIST ARE COMPLETED.

REQUIREMENTS BEFORE REOPENING:

- 1. EMAIL THE SIGNED AND COMPLETED REOPENING CHECKLIST TO THE ASSIGNED INSPECTOR.**
- 2. SUBMIT A COPY OF THE PEST CONTROL REPORT FROM A LICENSED PROVIDER.**

NOTE: CONTINUE WORKING ON REPAIRING THE FIRST SERVICE REFRIGERATOR.

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 **3/18/2026**. 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.

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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: DAN NGUYEN
OWNER

Signed On: March 04, 2026