

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 FA0260767 - THAI ELEPHANT EXPRESS RESTAURANT		Site Address 3005 SILVER CREEK RD 128, SAN JOSE, CA 95121		Inspection Date 10/07/2022	
Program PR0382287 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name VIETFOOD CORPORATION		Inspection Time 11:45 - 13:35
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By HUONG	FSC Not Available	

Placard Color & Score
RED
74

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							S
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		X			N
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						S
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	X	
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		
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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Employee observed sweeping floors throughout kitchen and then resuming with food preparation without removing gloves and washing hands. When instructed to wash hands, employee washed hands with gloves still donned on.

Follow-up By
10/11/2022

Numerous employees observed washing hands with gloves still donned on.

Employee observed wiping nonfood contact surfaces with damp cloth containing no sanitizer, and then continuing onto food preparation without washing hands.

**[CA] Ensure employees are properly washing hands as required. Remove gloves prior to hand washing.
[COS] Instructed employees to wash hands before conducting food preparation.**

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

Inspector Observations: Cockroaches observed in the following locations:

Follow-up By
10/11/2022

- One dying cockroach observed crawling on floor below the center food preparation table across from the wok line.
- Two live cockroaches observed on the underside lip of the food preparation refrigeration above the doors.
- Numerous live cockroaches observed in the crevices of the metal rack with wooden cutting board on the left of the food preparation refrigerator where bean sprouts and lemons are held.
- Numerous live cockroaches observed on the underside of the food preparation table directly across from the wok line at the corners of the legs.
- Numerous live cockroaches observed on the underside of the top shelf of the food preparation table directly across from the three-compartment sink.
- Numerous dead cockroaches observed on floor under the three-compartment sink.
- Numerous live cockroaches observed in-between the right side wall and crawling into the back space of the wok line.

Per manager, facility is serviced by pest control company monthly. Last service was conducted on 10/2/2022 and also two weeks prior. Pest control reports were unavailable for review.

[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.

*** Repeat violation - violation noted on 2/15/2022, 8/19/2021,**

Employees' 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.

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

Inspector Observations: Hot water at the three-compartment sink measured at 110F. Hot water at food preparation sink measured at 115F. [CA] Hot water shall be supplied at a minimum temperature of at least 120F measured from the faucet throughout facility except at handwash sinks.

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Frozen beef thawing in ambient temperature on the bottom of the food preparation table across from the three-compartment sink. [CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

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: Employees observed using three-compartment sink to conduct food preparation and food preparation sink to wash equipment. [CA] Utilize sinks for their designated purposes. Three-compartment sink shall be used only for ware washing. All food preparation shall be conducted at the food preparation sink.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

Item	Location	Measurement	Comments
Spicy basil chicken	Speed line	146.00 Fahrenheit	
Coconut soup	Stove	162.00 Fahrenheit	
Rice	Rice warmer	153.00 Fahrenheit	Back kitchen
Tamarind fish	Speed line	136.00 Fahrenheit	
Tofu eggplant	Speed line	139.00 Fahrenheit	
Cooked shrimp	Two-door upright refrigerator	41.00 Fahrenheit	
Raw basa fish fillet	Two-door upright refrigerator	70.00 Fahrenheit	Just prepared less than 2 hours prior
Cooked chicken	Wok line	172.00 Fahrenheit	
Tom yum soup	Stove	155.00 Fahrenheit	
Green curry	Speed line	156.00 Fahrenheit	
Rice	Rice warmer	159.00 Fahrenheit	Service line
Diced tofu	Two-door upright refrigerator	41.00 Fahrenheit	
Raw processed chicken	Two-door upright refrigerator	60.00 Fahrenheit	Just prepared less than 2 hours prior
Sticky rice	Two-door upright refrigerator	40.00 Fahrenheit	

Overall Comments:

- Facility is hereby closed due to the presence of vermin.
- Facility is to remain closed until there is no longer evidence of a vermin infestation and written authorization is provided by this Division to resume operations.
- Subsequent follow-up inspection after the first follow-up shall be billed at \$219 per hour, minimum one hour, during normal business hours, Monday through Friday 7:30 AM to 4:30 PM), and \$493 per hour, minimum one hour, during non-business hours, and upon inspector availability.

* Note: Any follow-ups during non-business hours are chargeable at \$493 per hour.

- Complaint investigation was conducted concurrently with routine inspection.

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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 **10/21/2022**. 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: Jason
Manager
Signed On: October 07, 2022