

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 FA0302801 - BANH MI OVEN		Site Address 1143 STORY RD 196, SAN JOSE, CA 95122		Inspection Date 04/13/2026		Placard Color & Score GREEN 65		
Program PR0452650 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name BANH MI OVEN INC		Inspection Time 10:00 - 11:45			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By VU D.				FSC Not Available

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				N
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		N
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		
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		X			N
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	X	
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	X	
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	X	
K42	Garbage & refuse properly disposed; facilities maintained	X	
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		X
K49	Permits available		X
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: At time of inspection, facility lacked any type of sanitizer in facility. Utensils were observed drying on the drain board of the bar-style three-compartment sink

Follow-up By 04/15/2026

[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

[COS] Owner obtained bleach from their leased remote unit.

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.

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.

[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 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Numerous live flies observed in the facility.

[CA] Use any and all approved methods to abate live flies.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Observed food processing equipment and food storage containers maintained outside in the lawn of the facility.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility.

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

Inspector Observations: Lids of the storage bins for baked bread observed with grime and are heavily stained.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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

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Inspector Observations: Facility is utilizing various types of domestic equipment; toaster oven, air fryer, hot water kettle.

[CA] All utensils and equipment shall be approved, installed properly, & meet applicable standards. New and/or replacement food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Provide commercial use equipment.

Facility lacks dedicated food preparation sink. Owner stated that all food is provided by other approved facilities in the county. At time of inspection, observed washed vegetables and food processing equipment in use and/or previously used (shredded with carrot debris still observed inside the unit).

[CA] All permanent food facilities that wash, rinse, soak, thaw, or similarly prepare foods shall be provided with a food preparation sink.

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: Observed food storage containers maintained directly on the floor.

[CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: Observed steady leak at the faucet of the three-compartment sink.

[CA] Repair plumbing fixture and maintain in clean and good repair.

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

Inspector Observations: Observed garbage cans maintained outside in the lawn area with garbage still inside.

[CA] Refuse containers shall be covered at all times when not in use. Refuse containers shall be collected or cleaned frequently enough to minimize the development of objectionable odors or conditions that attract or harbor insects or rodents.

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: Observed heavy clutter of food preparation equipment, food storage containers, boxes of single-use cups, etc. maintained in the outside lawn of the facility.

Owner stated that their second location was closed and that all equipment is temporarily stored here, however, all will be removed within the week.

[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.

Observed mop stored inside mop bucket.

[CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

K48 - 2 Points - Plan review unapproved; 114380

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Inspector Observations: Facility lacks dedicated food preparation sink. Owner stated that all food, prepared vegetables and proteins, were provided by an approved facility within the county, Gio Cha Ngon. At the time of inspection, observed food processor recently used with cut carrots still inside. Observed garbage cans with carrot peels and cilantro. Cilantro was also observed inside the three-compartment sink basin.

Facility has also installed a small under counter ice machine by the three-compartment sink without prior approval.

[CA] Cease and desist ALL food preparation. Facility shall immediately submit plans for the installation of a food preparation sink.

A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at www.ehinfo.org to obtain plan check requirements.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

Inspector Observations: --48 HOUR NOTICE--

Follow-up By 04/15/2026

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$1,383.75. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

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.

Performance-Based Inspection Questions

- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Food contact surfaces clean, sanitized.

Measured Observations

Item	Location	Measurement	Comments
Cooked chicken	Food preparation refrigerator	38.00 Fahrenheit	
Cooked egg	Food preparation refrigerator	37.00 Fahrenheit	
Cooked beef	Food preparation refrigerator	39.00 Fahrenheit	
Fried fish cake	Food preparation refrigerator	40.00 Fahrenheit	
Pate	Food preparation refrigerator	32.00 Fahrenheit	
Cooked chicken	Two-door upright refrigerator	37.00 Fahrenheit	
Hot water	Janitorial sink	121.00 Fahrenheit	Located in unit 192
Liquid eggs	Two-door upright refrigerator	38.00 Fahrenheit	
Cooked pork	Two-door upright refrigerator	39.00 Fahrenheit	
Warm water	Hand wash sink	101.00 Fahrenheit	
Roast pork	Food preparation refrigerator	40.00 Fahrenheit	

Overall Comments:

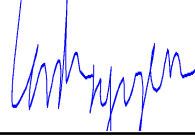
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When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed 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 **4/27/2026**. 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.

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: Linh N.
Employee
Signed On: April 13, 2026