

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 FA0299392 - COM TAM THIEN HUONG V		Site Address 909 STORY RD 100, SAN JOSE, CA 95122		Inspection Date 02/12/2025	
Program PR0439373 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HIEN NGUYEN		Inspection Time 13:45 - 15:10
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By QUYNH N.	FSC Yen Dang 10/02/2025		

Placard Color & Score
GREEN
71

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		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						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	X	
K27 Food separated and protected	X	
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	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	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

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

Inspector Observations: Dish washing employee observed handling cleaned and sanitized utensils after handling soiled utensils.

Employee on Trung Nguyen Legend Cafe side observed blowing nose, and then attempting to handle waffles. Same employee was observed washing hands with gloves still donned on.

[CA] Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) Immediately after using the toilet room and again when returning into the kitchen.
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat foods.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.

Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.

[COS] Instructed employees to properly wash hands.

Minor Violations

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

Inspector Observations: Numerous food handler cards were expired.

[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.

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

Inspector Observations: Observed employees drinking in areas of food preparation. Employees' opened personal beverages and food stored in areas of food preparation and food storage.

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

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

Inspector Observations: Hand wash sink that was previously installed outside the ware washing area by the entrance into the kitchen has been completely removed.

[CA] Provide sufficient number and conveniently locate handwash sinks near food prep area or warewashing area. Reinstall hand wash sink.

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

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Inspector Observations: *Observed numerous bags of frozen comminuted meats thawing in ambient temperature on the metal wire rack at the ed of the kitchen.*

[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.*

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: *Tub of food maintained directly on floor inside the walk-in refrigerator.*

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

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

Inspector Observations: *Heavy accumulation of sauces on grill.*

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

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: *Side door of the kitchen observed propped opened during time of inspection.*

[CA] *Keep door closed at all times to prevent the entrance and harborage of vermin.*

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: *Owner has expanded operations and remodeled unit 110 to be a coffee shop - Trung Nguyen Legend Cafe.*

- This Division observed hand wash station, ice bins, ice machine, espresso machine, and waffle maker, which were not previously observed.

[CA] *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.*

** Provide previously approved plans for facility. Failure to provide plans indicating that no changes have been made to the facility will result in enforcement action, up to, but not including impoundments of equipment and closure of Trung Nguyen Legend Cafe.*

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

Inspector Observations: *Owner has expanded operations and constructed a separate facility with two points of sales:*

- Com Tam Thien Huong V - 909 Story Rd., Unit 100.*
- Trung Nguyen Legend Cafe - 909 Story Rd., Unit 110.*

Per employees, owner is the same for both facilities. Kitchen and restrooms are shared between the two. Customers cannot order food from one facility for the other.

[CA] *A food facility shall not be open for business without a valid health permit.*

A permit shall be issued by this department when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements set forth by this department.

Please contact local health department at 408-918-3400 to obtain a valid health permit.

**** Submit permit application by comply-by date.**

Follow-up By 02/19/2025

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Performance-Based Inspection Questions

- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Time as a public health control; procedures & records.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked chicken rice	Walk-in refrigerator	40.00 Fahrenheit	
Warm water	Hand wash sink	102.00 Fahrenheit	
Cooked rice	Rice warmer	149.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Milk	Walk-in refrigerator	42.00 Fahrenheit	
Bowls of cooked red rice	Food preparation refrigerator	41.00 Fahrenheit	Middle of kitchen
Steamed egg cake	Three-door upright refrigerator	41.00 Fahrenheit	
Cooked rice	Rice cooker	184.00 Fahrenheit	
Steamed shrimp	Walk-in refrigerator	40.00 Fahrenheit	
Cooked beef brisket - whole	Food preparation refrigerator	41.00 Fahrenheit	Middle of kitchen
Cooked red rice	Walk-in refrigerator	41.00 Fahrenheit	
Raw beef	Food preparation refrigerator	39.00 Fahrenheit	Pho preparation side
Milk	Reach-in refrigerator	40.00 Fahrenheit	Trung Nguyen Legend Cafe
Hot water	Three-compartment sink	127.00 Fahrenheit	
Steamed egg cake	Walk-in refrigerator	40.00 Fahrenheit	
Bean sprouts	Walk-in refrigerator	41.00 Fahrenheit	
Raw marinated pork	Walk-in refrigerator	38.00 Fahrenheit	
Cooked beef tendon	Food preparation refrigerator	36.00 Fahrenheit	Pho preparation side
Raw marinated pork chop	Two-door reach-in refrigerator	41.00 Fahrenheit	
Bowls of rice	Food preparation refrigerator	41.00 Fahrenheit	Middle of kitchen
Broiled chicken	Food preparation refrigerator	41.00 Fahrenheit	Middle of kitchen
Raw shrimp	Two-door reach-in refrigerator	41.00 Fahrenheit	

Overall Comments:

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 **2/26/2025**. 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: Quynh N.
Employee

Signed On: February 12, 2025