

# 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 FA0207139 - KIM'S SANDWICH		Site Address 1816 TULLY RD 182, SAN JOSE, CA 95122		Inspection Date 07/09/2025	
Program PR0304004 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DANG, DUNG		Inspection Time 14:30 - 15:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By DUNG D.	FSC Dung Dang 06/07/2025	

Placard Color & Score
<b>GREEN</b>
<b>65</b>

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						
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		X			N
K09 Proper cooling methods					X		S
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	X	
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	X	
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	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	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

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Numerous prepackaged PHF items; various types of spring rolls, various types of rice rolls, steamed corn, steamed egg cake, sticky rice wrapped in banana leaves, fried crispy sticky rice with meat, pork belly, etc. maintained out in ambient temperature subjected to time as a public health control (TPHC) lacked labels.**

**[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.**

**[COS] All prepackaged items were labeled with colored stickers.**

**\*\* Repeat violation. If violation is observed on the next routine inspection, usage of TPHC will be revoked; all PHF items will be subjected to temperature control.**

### Minor Violations

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

**Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate is expired. [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.**

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

**Inspector Observations: Hand wash sink inside the restroom partially obstructed with equipment covered in black plastic bag placed on the floor in front of the sink.**

**[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.**

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

**Inspector Observations: Facility prepares Vietnamese mayonnaise using raw eggs. A disclosure statement is provided above the banh mi menu, however a consumer advisory warning is not provided.**

**[CA] Consumer advisory shall be provided on menus, brochures, deli case, label statements, table tents, placards, or other effective written means with a disclosure and reminder.**

**(1) Disclosure: clearly written statement that includes either a description of the animal-derived foods, such as "oysters on the half shell (raw oysters), or identification of animal derived foods marked by an asterisk (\*) directing to a footnote that items are served raw or undercooked, or contain raw or undercooked ingredients**

**(2) Reminder: clearly written statement that identifies animal-derived foods by asterik that marks a food note includes one of the following: "Written information regarding the safety of these food items is available upon request " or "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of foodborne illness, especially if you have certain medical conditions.**

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 not provided at the hand wash sink in the kitchen.**

**[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.**

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

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**Inspector Observations: Observed numerous live flies throughout the front service area and inside the kitchen.**  
**[CA] Use any and all approved methods to abate live flies. Keep doors closed at all times.**

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: Observed aluminum tray of individually wrapped flatten sticky rice maintained on the shelf inside the restroom.**

**Owner stated that item was prepared in the morning and was allowed to cool. Employee had forgotten to relocate item into the refrigerator.**

**Observed basket of peanuts maintained directly on newspaper.**

**[CA] All food shall be separated and protected from possible contamination. Discontinue storing any food or food equipment inside restroom. Discontinue using newspaper as food protecting barrier; utilize food grade/safe material.**

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

**Inspector Observations: Opened bulk bag of sugar maintained behind the cook line.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

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

**Inspector Observations: Prepackaged food items offered for sale for customer self-service lacked labels.**

**[CA] Food prepackaged in a food facility shall bear a label with the following: 1) common name of the food, 2) list of ingredients in descending order of predominance by weight, 3) quantity of contents, 4) name and place of business of the manufacturer, packer, or distributor.**

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

**Inspector Observations: Observed build up of grime and/or dust on refrigeration door handles, light switches, and shelving throughout the facility.**

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

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: Ice scoop maintained inside ice machine with handle in direct contact with consumable ice.**

**[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.**

**Observed aluminum can used as scoop for bulk sugar.**

**[CA] Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with food.**

**Observed numerous knives maintained on top of cardboard boxes inside the restroom.**

**[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. Discontinue storing food equipment/utensils inside the restroom.**

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

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**Inspector Observations: Heavy accumulation of food debris and grime observed:**

- Floor beneath the two-compartment ware wash sink, around the grease trap.
- Floor underneath shelving in the kitchen.
- Floor underneath the cook line/food preparation table.
- Floor underneath counter of the front service area.
- Wall in the kitchen, by ware wash sink, above the janitorial sink, etc. \

**[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.**

**Performance-Based Inspection Questions**

- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Time as a public health control; procedures & records.

**Measured Observations**

Item	Location	Measurement	Comments
Sliced BBQ pork	Food preparation refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	120.00 Fahrenheit	
Pate	Food preparation refrigerator	41.00 Fahrenheit	
Ambient	Chest freezer	15.00 Fahrenheit	
Roast pork	Merchandiser refrigerator	41.00 Fahrenheit	
Cooked shrimp	Two-door reach-in refrigerator	34.00 Fahrenheit	
Sliced fancy pork	Food preparation refrigerator	41.00 Fahrenheit	
Vietnamese dessert cups	Merchandiser refrigerator	40.00 Fahrenheit	
Warm water	Hand wash sink - front service	102.00 Fahrenheit	
Grilled pork	Food preparation 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 **7/23/2025**. 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




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**Received By:** Dung D.  
Owner

**Signed On:** July 09, 2025