

# 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 FA0200100 - LE QUY		Site Address 1461 W CAMPBELL AV, CAMPBELL, CA 95008		Inspection Date 02/26/2024	
Program PR0307817 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name NGUYEN, HUONG		Inspection Time 14:30 - 17:15
Inspected By PETER ESTES	Inspection Type ROUTINE INSPECTION		Consent By PHONG BUI	FSC Duy Bui 3/31/2028	

Placard Color & Score
<b>RED</b>
<b>49</b>

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						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						S
K06 Adequate handwash facilities supplied, accessible			X				S
K07 Proper hot and cold holding temperatures		X		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				
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					N
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		
K33 Nonfood contact surfaces clean	X	
K34 Warewash facilities: installed/maintained; test strips	X	
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	X	
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored	X	
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	X	
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available	X	

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K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Bean sprouts measured at 54F. [CA] Cold potentially hazardous foods must be held at or below 41F.[COS] Food disposed of in trash.**

Follow-up By  
02/29/2024

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: Floor sink under dishwasher does not drain and is overflowing onto floor. 3 compartment sink and dishwasher are connected to floor sink. [CA] Food facility shall not operate if there is sewage overflowing or backing up in the food facility. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized. Facility is closed due to this violation and until a re-inspection can occur.**

Follow-up By  
02/27/2024

### Minor Violations

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

**Inspector Observations: Food handler cards are not available at facility. [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.**

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

**Inspector Observations: Paper towels stored outside of dispensers at hand sinks. [CA] Provide paper towels in enclosed dispensers.**

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: Observed containers stacked while still wet. [CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.**

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: 1) Towels covering food in prep areas, prep units, and walk in. [CA] Provide a food grade material covering food.**

**2) Food stored in trash bags in walk in. [CA] Store food in a food grade container to store food.**

**3) Food stored in to-go grocery bags. [CA] Store food in a food grade container to store food.**

**4) Cardboard box previously for produce used to store cooked egg rolls. [CA] Provide a food grade container to store food.**

**5) Food stored in uncovered containers. [CA] Cover all food with a food grade material, except cooling food.**

**6) Bag of onions stored on ground by back door. [CA] Store all food at least 6" off ground.**

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

**Inspector Observations: 1) Mission tortilla crate used to store bulk rice. [CA] Provide a food grade bulk food storage container with a tight fitting lid and label container.**

**2) Open bags of bulk foods stored in dry storage area. [CA] Provide a food grade bulk food storage container with a tight fitting lid and label container.**

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

**Inspector Observations: Observed an accumulation of dust on fan guards and condenser of walk in. [CA] Clean and sanitize fan guards and condenser.**

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations: No chlorine sanitizer test strips at facility. [CA] Provide chlorine sanitizer test strips at facility.**

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

**Inspector Observations: 1) Observed an accumulation of ice buildup in walk in freezer. [CA] Remove ice buildup and repair walk in freezer.**

**2) First prep unit holding food at 45F. [CA] Repair unit to ensure cold potentially hazardous foods are held at or below 41F.**

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: 1) Observed 5 gallon soy sauce containers being reused to store food. [CA] Provide a food grade reusable container to store food. Discontinue reusing 5 gallon soy sauce containers to store food.**

**2) Observed containers with no handle used as scoops for bulk foods. [CA] Provide scoops with handles and store scoop with handle out of food.**

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

**Inspector Observations: Missing light covers to lights in back prep area/warewash area. [CA] Provide shatterproof light covers.**

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

**Inspector Observations: Observed wiping cloths stored on prep counters. [CA] Store wiping cloths in sanitizer measuring 100 ppm chlorine.**

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: 1) Drain pipes from 3 compartment sink are leaking. [CA] Repair drain pipes and remove all leaks.**

**2) Drain line from beer tap unit plumbed to plastic bottle. [CA] Must plumb drain line to floor sink.**

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 lettuce on ground outside near back door in dirt. Owner stated that worker wanted to compost the lettuce. [CA] Must dispose of all food waste in compost bins or dumpster.**

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: Mop stored inside full mop bucket. [CA] Must hang mop and dispose of wastewater from mop bucket in janitorial sink.**

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

**Inspector Observations: Broken tile in walk in freezer. [CA] Repair broken tiles.**

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

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**Inspector Observations:** Last inspection report is not available at facility. [CA] A copy of the most recent routine inspection report conducted to assess compliance with this part shall be maintained at the food facility and made available upon request.

## Performance-Based Inspection Questions

Needs Improvement - Sewage and wastewater properly disposed.  
Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

Item	Location	Measurement	Comments
chicken	prep	30.00 Fahrenheit	
pork	prep unit	45.00 Fahrenheit	
bean sprouts	prep	54.00 Fahrenheit	
soup	walk in	43.00 Fahrenheit	
walk in freezer	walk in	20.00 Fahrenheit	
meat	walk in	43.00 Fahrenheit	
beef	prep	40.00 Fahrenheit	
hot water	3 compartment	120.00 Fahrenheit	
shrimp	prep	36.00 Fahrenheit	

## Overall Comments:

**This food facility is closed due to violation FP22. Correct the violation and contact Monica Huato at (408)918-3400 to schedule the re-inspection to re-open the facility.**

**Operator refused to sign inspection report.**

## **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 **3/11/2024**. 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

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**Received By:** Phong Bui  
Refused to sign

**Signed On:** February 26, 2024