

# 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

|                                                                                 |                                              |                                                                 |                                          |                                      |                                         |
|---------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------|------------------------------------------|--------------------------------------|-----------------------------------------|
| <b>Facility</b><br>FA0303316 - PHO 408                                          |                                              | <b>Site Address</b><br>5540 WINFIELD BL 180, SAN JOSE, CA 95123 |                                          | <b>Inspection Date</b><br>09/16/2026 |                                         |
| <b>Program</b><br>PR0445761 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 |                                              |                                                                 | <b>Owner Name</b><br>NGUYET NGUYEN       |                                      | <b>Inspection Time</b><br>11:50 - 14:15 |
| <b>Inspected By</b><br>JENNIFER RIOS                                            | <b>Inspection Type</b><br>ROUTINE INSPECTION | <b>Consent By</b><br>CHIEN PATTERSON                            | <b>FSC</b> Thi Bach Hue Vo<br>08/11/2031 |                                      |                                         |

|                                  |
|----------------------------------|
| <b>Placard Color &amp; Score</b> |
| <b>YELLOW</b>                    |
| <b>45</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  |       |       |        |     |     |     |
| 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      |     |     |     |
| K06                            | Adequate handwash facilities supplied, accessible                           |    | X     |       | X      |     |     |     |
| K07                            | Proper hot and cold holding temperatures                                    |    | X     |       | X      |     |     |     |
| K08                            | Time as a public health control; procedures & records                       |    |       |       |        |     | X   |     |
| K09                            | Proper cooling methods                                                      |    | X     |       | 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                                      |  |  |  |  | X   |     |
| 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                                  |  |  |  |  | X   |     |
| 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                    |  |  |  |  | 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                           |  |  |  |  |     |     |
| K43                   | Toilet facilities: properly constructed, supplied, cleaned                          |  |  |  |  | X   |     |
| 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                                      |  |  |  |  |     |     |

# OFFICIAL INSPECTION REPORT

|                                                                          |                                   |                                                          |                                  |
|--------------------------------------------------------------------------|-----------------------------------|----------------------------------------------------------|----------------------------------|
| Facility<br>FA0303316 - PHO 408                                          |                                   | Site Address<br>5540 WINFIELD BL 180, SAN JOSE, CA 95123 | Inspection Date<br>09/16/2026    |
| Program<br>PR0445761 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 |                                   | Owner Name<br>NGUYET NGUYEN                              | Inspection Time<br>11:50 - 14:15 |
| K48                                                                      | Plan review                       |                                                          |                                  |
| K49                                                                      | Permits available                 |                                                          |                                  |
| K58                                                                      | Placard properly displayed/posted |                                                          |                                  |

## Comments and Observations

### Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations:** *Hand wash sink next to cook-line covered by storage bins and handwash sink next to three compartment sink was full of bags of food. [CA] Hand wash sinks must be easily accessible and free of obstructions.*

**[COS] Storage bins/bags were removed from hand wash sink.**

Follow-up By  
09/22/2026

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

**Inspector Observations:** *Bean sprouts measured at 70F in container of water on preparation table, shrimp in two separate containers were double stacked in two preparation coolers measured at 49F and at 64F for less than 2 hours. [CA] Potentially hazardous food for cold holding must be at 41F or below. [COS] Double stacked shrimp was removed and placed in walk-in cooler.*

Follow-up By  
09/22/2026

**Egg noodles were measured at 126F for less than 2 hours. [CA] PHF for hot holding must be held at 135F or higher.**

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** *Rice noodles on counter measured 98F and 78F in two different containers. Per PIC, the noodles were cooked 2.5 hours prior to temperature measurement. [CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include:*

- 1) *Placing the food in shallow pans*
- 2) *Separating the food into thinner or smaller portions.*
- 3) *Using rapid cooling equipment (Ex. blast chiller)*
- 4) *Using containers that facilitate heat transfer (ex. stainless steel)*
- 5) *Adding ice as an ingredient.*
- 6) *Using ice paddles*
- 7) *Using an ice bath and stirring frequently*
- 8) *Accordance with a HACCP plan.*

*Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool. [COS] Noodles were VC&D.*

Follow-up By  
09/22/2026

**MINOR:** *Chicken next to cook line was measured at 64F, per PIC chicken was cooked 1.5 hours prior to temperature measurement. Egg rolls at cook line were measured at 82.4F, per PIC egg rolls cooked one hour prior to temperature measurement. [CA] PHF must be cooled from 135F to 70F with in the first two hours using active cooling methods.*

### Minor Violations

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations:** *Employees using one time use gloves working in different food prop areas. [CA] Employees handling food should be changing gloves when working with different foods or performing different tasks.*

Follow-up By  
09/22/2026

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 employee drying bowls with cloth towel. [CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.*

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 in rest room measured at 88F. [CA] Maintain warm water for handwashing at a minimum 100F.*

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K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

**Inspector Observations:** *There was no person in charge at the beginning of the inspection. The employee working agreed to be the PIC after speaking with the manager. [CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation.*

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

**Inspector Observations:** *Meat on floor was thawing at room temperature. Meat in 3 compartment sink was being thawed in standing water. [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:** *Food thawing on floor, observed food stored on floor in the dry storage area. [CA] Food must be stored six inches above the floor, on approved shelving.*

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

**Inspector Observations:** *Two cans of raid insecticide clearly labeled 'For residential use only.' [CA] Use only those insecticides that are approved for use in a food 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:** *Observed the following unapproved equipment: Ninja bread toaster, Microwave oven, ice maker, 3 upright residential freezers.*

**[CA] 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).**

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 bowls used as scoops in bulk sugar, MSG etc containers. [CA] Provide scoops with handle and store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.*

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

**Inspector Observations:** *Observed large gaps in ventilation filters. Also observed grease drips from filters and equipment. [CA] Clean mechanical exhaust hood and/or filters of grease accumulation. Filters shall be fitted in the mechanical exhaust ventilation over cooking equipment, provide spacer or correct sized filters.*

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

**Inspector Observations:** *Observed many soiled wiping cloths stored on preparation counters throughout preparation area. [CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

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:** *Faucet at handwash sink next to three compartment sink was leaking while water was shut off. [CA] Repair plumbing fixture and maintain in clean and good repair.*

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K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Observed restroom converted to a storage room, toilet had been removed. [CA] Restroom may not be converted to an office/storage space, resulting in a toilet facility that does not meet local building and plumbing ordinances. Remove all items and ensure that the restroom is used as a restroom only.**

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 employee purse stored on top of food containers and employee medication stored next to preparation areas. [CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.**

## Performance-Based Inspection Questions

N/A

## Measured Observations

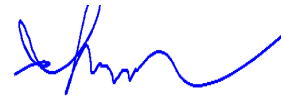
| Item                       | Location                        | Measurement       | Comments |
|----------------------------|---------------------------------|-------------------|----------|
| Shrimp                     | Prep cooler 1                   | 49.00 Fahrenheit  |          |
| Rice noodles               | Food prep line                  | 98.00 Fahrenheit  |          |
| Cooked Chicken             | Cook line                       | 64.00 Fahrenheit  |          |
| Egg noodles                | under counter at food prep line | 126.00 Fahrenheit |          |
| Cooked Beef                | Prep cooler 2                   | 41.00 Fahrenheit  |          |
| Cooked Shrimp              | Prep cooler 2                   | 64.00 Fahrenheit  |          |
| ambient air                | stainless steel freezer res 2   | 9.00 Fahrenheit   |          |
| Egg rolls                  | Cook line                       | 82.40 Fahrenheit  |          |
| Beef                       | Prep cooler 1`                  | 41.00 Fahrenheit  |          |
| Hot water                  | 3 compartmetn sink              | 139.00 Fahrenheit |          |
| ambient air                | 2 door under counter freezer    | 4.00 Fahrenheit   |          |
| Cooked Chicken for Skewers | Food prep line                  | 31.00 Fahrenheit  |          |
| ambient air                | White Res freezer               | 7.00 Fahrenheit   |          |
| Rice noodles               | food prep line                  | 78.00 Fahrenheit  |          |
| Beef                       | walk-in coooler                 | 45.00 Fahrenheit  |          |
| ambient air                | Stainless steel freezer res     | 2.00 Fahrenheit   |          |
| Cooked Chicken             | two door under counter cooler   | 38.00 Fahrenheit  |          |
| Sanitizer                  | wharewasher                     | 50.00 PPM         |          |
| ambient air                | 2 door under counter cooler     | 39.00 Fahrenheit  |          |
| Bean sprouts               | food prep line                  | 70.00 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 **9/30/2026**. 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: Chien Patterson  
Server  
Signed On: September 16, 2026