

**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> FA0207153 - BANH CUON THIEN HUONG		<b>Site Address</b> 1818 TULLY RD 218, SAN JOSE, CA 95122		<b>Inspection Date</b> 04/02/2024	
<b>Program</b> PR0305405 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> VU, NHUNG		<b>Inspection Time</b> 11:20 - 13:20
<b>Inspected By</b> HENRY LUU		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> HUONG V.	
				<b>FSC</b> Quang Huynh 09/28/2025	

**Placard Color & Score**  
**YELLOW**  
**67**

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						
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		X			N
K08 Time as a public health control; procedures & records		X		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		
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		
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		
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	
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:** Large tub of bean sprouts in water at the preparation table along with other containers of herbs measured at 65F. Employee added a block of ice to the container upon this Division's arrival. Temperature bean sprouts measured at 55F after.

Smaller container of bean sprouts maintained at the food preparation table for the preparation of plates measured at 66F.

Employees stated that bean sprouts have been kept out for approximately one hour.

Two colanders of cooked rice noodles and vermicelli maintained out in ambient temperature measured at 70F. Employee stated that noodles were prepared and cooled approximately one hour prior.

Container of cooked beef and/or pork skewers maintained out in ambient temperature measured at 59F. Employee stated that items are usually grilled in batches and used within 30 minutes to an hour. Employees observed frequently reheating the skewers on the grill to 150F to 160F prior to service. At time of initial measurement, employee stated that skewers were grilled approximately an hour prior.

Plate with portioned grilled pork spring rolls maintained out in ambient temperature measured at 80F. Employee stated the items were prepared approximately 50 minutes prior and is usually sold out within 30 minutes to an hour during the lunch rush.

Numerous medium sized pots of soup maintained out in ambient temperature next to the stoves measured between 95F to 120F.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. Use only small portions of food during preparation so that it does not exceed the maximum amount of time allowed for diligent prep.

This Division recommends utilizing time as a public health control (TPHC) for items that are rapidly used during the lunch rush.

[COS] Bean sprouts, noodles, grilled skewers, and spring rolls were placed on TPHC and shall be discarded at 3:00 PM. Pots of soup were either reheated to 165F to hot hold at 135F, or were relocated into the walk-in freezer to immediately cool.

Follow-up By  
04/04/2024

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

**Inspector Observations:** Various rice noodle rolls, fancy pork rolls, bean sprouts, and fried items maintained inside the hot holding display case subjected to time as a public health control (TPHC) were not labeled during initial walkthrough of the facility.

Follow-up By  
04/04/2024

[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] Employee placed color coded stickers on items.

\*\*\* Repeat violation - as noted in previous inspection report on 8/16/2023, TPHC usage shall be revoked if violation is observed.

- After discussion with owner, facility will be granted one more chance to show compliance. The usage of color code stickers will be removed. Facility is required to provide written times for items subjected to TPHC.

- TPHC usage will be revoked if violation is observed at the follow-up inspection.

### Minor Violations

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

**Inspector Observations: Employee at the front service line observed handling money and then conducted food preparation (used gloved hands to grab bean sprouts and herbs) without washing hands.**

**[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.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations: Bags of steamed egg cake cooling inside the walk-in refrigerator kept covered.**

**[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F or below within 2 hours and from 70°F to 41°F or below within an additional 4 hours. When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.**

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

**Inspector Observations: Observed numerous fruit flies and/or drain flies throughout kitchen, especially hovering around preparation area for plates.**

**[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.**

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 maintained directly on the floor - food in preparation outside of the walk-in refrigerator, food stored inside both walk-in refrigerator and freezer.**

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

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

**Inspector Observations: Numerous opened bulk ingredient bags maintained inside dry storage room.**

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

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: Cardboard boxes for bean sprouts lined with paper towels used to store deep fried shrimp chips and fried mung bean cakes. [CA]**

**[CA] All utensils and equipment shall be approved, installed properly, & meet applicable standards. Provide food grade containers to store food.**

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: Employees' purses stored on top shelf of food preparation areas next to to-go containers.**

**[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

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Needs Improvement - Time as a public health control; procedures & records.  
 Needs Improvement - Hands clean/properly washed/gloves used properly.  
 Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

Item	Location	Measurement	Comments
Cooked diced pork with wood ear mushroom	Walk-in refrigerator	40.00 Fahrenheit	
Shrimp sauce for spring rolls	Crock pot	151.00 Fahrenheit	
Chicken porridge	Walk-in refrigerator	41.00 Fahrenheit	
Fried shrimp paste in tofu skin	Deep fryer	200.00 Fahrenheit	
Chlorine sanitizer	Share dish pit	100.00 PPM	
Cooked pork hock	Walk-in refrigerator	41.00 Fahrenheit	
Hot water	Two-compartment ware wash sink	143.00 Fahrenheit	
Fried shrimp chip	Walk-in refrigerator	41.00 Fahrenheit	
Shrimp paste on sugarcane	Deep fryer	155.00 Fahrenheit	
Rice	Rice cooker	176.00 Fahrenheit	
Cooked chicken	Walk-in refrigerator	41.00 Fahrenheit	
Raw marinated meat skewers	Walk-in refrigerator	40.00 Fahrenheit	
Cooked calamari	Food preparation refrigerator	41.00 Fahrenheit	Top insert
Cooked fish	Food preparation refrigerator	41.00 Fahrenheit	Top insert
Cooked coagulated pork blood	Food preparation refrigerator	40.00 Fahrenheit	
Steamed egg cake	Food preparation refrigerator	40.00 Fahrenheit	
Cooked steamed egg cake	Walk-in refrigerator	40.00 Fahrenheit	

## Overall Comments:

- **Two or more major violations were observed during the routine inspection.**
- **A follow-up inspection will be conducted to verify compliance of all major violations.**
- **Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.**
- **The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.**

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 **4/16/2024**. 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.

## Legend:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control




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**Received By:** Nhung V.  
Owner

**Signed On:** April 02, 2024