

# 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>FA0207363 - EM QUYEN CAFE                                    |  | <b>Site Address</b><br>1998 TULLY RD 20, SAN JOSE, CA 95122 |                               | <b>Inspection Date</b><br>02/20/2024 |   | <b>Placard Color &amp; Score</b><br><div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b><br/> <b>77</b> </div> |  |                          |
| <b>Program</b><br>PR0305498 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09 |  |   | <b>Owner Name</b><br>VU, ANNA |                                      | <b>Inspection Time</b><br>14:30 - 15:20 |  |  |                          |
| <b>Inspected By</b><br>HENRY LUU  |  | <b>Inspection Type</b><br>ROUTINE INSPECTION                |                               | <b>Consent By</b><br>ALINA T.        |   |  |  | <b>FSC</b> Not Available |

  

| 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  |       |       |        |     |     |     |
| K04                            | Proper eating, tasting, drinking, tobacco use                               |    |       | X     |        |     |     | N   |
| K05                            | Hands clean, properly washed; gloves used properly                          | X  |       |       |        |     |     |     |
| K06                            | Adequate handwash facilities supplied, accessible                           |    | X     |       | X      |     |     |     |
| K07                            | Proper hot and cold holding temperatures                                    | X  |       |       |        |     |     |     |
| 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     | 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  |     |     |
| 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  |     |     |
| K34                   | Warewash facilities: installed/maintained; test strips                              | X   |     |
| 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                                    |     | 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

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

**Inspector Observations:** *The only hand wash station in the kitchen area lacked paper towels and is obstructed with a step ladder. In order to wash hands, employees are required to reach under ladder and in-between steps.*

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

*Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers.*

**[COS]** *PIC provided paper towels.*

**\*\* Repeat violation.**

### Minor Violations

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

**Inspector Observations:** *Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [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.*

*Employees' three-year food handler cards unavailable for review.*

**[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.*

**\*\*\* Repeat violation.**

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

**Inspector Observations:** *Kitchen employee's food observed stored on storage rack inside kitchen.*

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

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, 114125(b), 114141

**Inspector Observations:** *Chlorine sanitizing solution at the three-compartment sink measured at 50 PPM.*

**[CA]** *Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.*

**[COS]** *Kitchen employee added more chlorine. Solution measured at 100 PPM.*

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:** *Facility lacks test strips.*

**[CA]** *Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.*

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:** *Inoperable ice machine observed in kitchen.*

**[CA]** *The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.*

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 staining of coffee residue observed on wall across from the three-compartment sink.

Heavy build up of coffee grounds observed on floor throughout the kitchen area.

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

Observed numerous holes on wall throughout kitchen. Observed FRP at the janitorial sink and below the water heater coming off of the wall.

[CA] Repair the wall with a durable, smooth, nonabsorbent, and easily cleanable surface. Secure FRP. Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.

## Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

## Measured Observations

| Item               | Location                  | Measurement       | Comments  |
|--------------------|---------------------------|-------------------|-----------|
| Hot water          | Three-compartment sink    | 151.00 Fahrenheit |           |
| Milk               | Merchandise refrigerator  | 40.00 Fahrenheit  |           |
| Warm water         | Hand wash sink            | 110.00 Fahrenheit |           |
| Chlorine sanitizer | Three-compartment sink    | 100.00 PPM        | After COS |
| Warm water         | Hand wash sink - restroom | 100.00 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 **3/5/2024**. 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:

|        |                                 |
|--------|---------------------------------|
| [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: Alina T.  
PIC  
Signed On: February 20, 2024