

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 FA0207960 - CHEERS RESTAURANT		Site Address 2376 SENTER RD, SAN JOSE, CA 95112		Inspection Date 10/26/2022	
Program PR0304487 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name HUYEN PHUONG THI NGUYE		Inspection Time 18:00 - 19:15
Inspected By GUILLERMO VAZQUEZ	Inspection Type ROUTINE INSPECTION	Consent By VINH H.	FSC Not Available		

Placard Color & Score
RED
69

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						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						
K06 Adequate handwash facilities supplied, accessible		X					N
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						S
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		
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		
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	X	
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: Only hand wash station within facility has a damaged drain line.

[CA] Repair hand wash station properly.

[SA] Facility will be using prep sink to wash hands until facility can repair hand wash.

Follow-up By
10/31/2022

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot water and warm water within facility was measured between 70-71°F at the time of inspection. Per PIC the hot water heater was damaged and contractor is working on fixing it.

[CA] An approved, adequate, protected, pressurized, potable supply of hot water and cold water shall be provided.

Facility is hereby closed by this department until water heater is repaired.

Follow-up By
10/31/2022

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Major:

One live nymph cockroach within the dinning room area on seating tables.

Follow-up By
10/31/2022

[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

Minor:

Multiple dead cockroaches in the following locations:

- Behind reach in and on side.
- Under second reach in
- Within dry storage area on side of walls
- In gaskets of refrigeration

[CA] Clean and sanitize area of dead cockroaches or old droppings.

Minor Violations

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

Inspector Observations: Unable to provide food manger certification at the time of inspection and food handler cards for employees.

[CA] Obtain new food manger certification within 60-days and food handler cards within 30-days.

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

Inspector Observations: Damaged floor tile within the kitchen area.

[CA] Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

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Inspector Observations: Facility has gone through a change of ownership and our department has not been notified. Per PIC, they went through a change of ownership 1-year ago. Facility is now called Cheers Restaurant. [CA] A food facility shall not be open for business without a valid health permit. A permit shall be issued by this department when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements set forth by this department. Please contact local health department at 408-918-3400 to obtain a valid health permit. Facility must submit paper work to department within 2-weeks. Failure to comply will result in closure of facility for operating without a valid health permit.

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.
Needs Improvement - Adequate handwash facilities: supplied or accessible.

Measured Observations

Item	Location	Measurement	Comments
Rice	Hot holding	200.00 Fahrenheit	
Raw shrimp	Prep table	39.00 Fahrenheit	
Oysters	Reach in #2	39.00 Fahrenheit	
Warm water	Restroom	71.00 Fahrenheit	
Hot water	3-Compartment	71.00 Fahrenheit	
Raw chicken	Reach in #2	39.00 Fahrenheit	
Raw steak	Prep table	39.00 Fahrenheit	
Raw steak	Reach in #3	39.00 Fahrenheit	
Warm water	Hand wash	71.00 Fahrenheit	
Milk	Reach in	39.00 Fahrenheit	

Overall Comments:

Facility is hereby closed by this department for not having hot water available and evidence of live vermin within facility. Contact Guillermo V. (408) 918-7114 once hot water and major violations have been addressed.

- Facility is not allowed to re-open until written authorization by this department.

- Facility has gone through a change of ownership as well. Per PIC, they went through a change of ownership 1-year ago. Facility is now called Cheers Restaurant. Facility must submit paper work to department within 2-weeks. Failure to comply will result in closure of facility for operating without a valid health permit.

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 **11/9/2022**. 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.

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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: Vinh H.
PIC

Signed On: October 26, 2022