

# 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<br>FA0254409 - RONG BIEN RESTAURANT                              |                                       | Site Address<br>1111 STORY RD 1080, SAN JOSE, CA 95122 |                                       | Inspection Date<br>06/02/2022 |                                  |
| Program<br>PR0371087 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |                                       |  | Owner Name<br>RONG BIEN RESTAURANT LI |                               | Inspection Time<br>09:30 - 11:30 |
| Inspected By<br>HENRY LUU   | Inspection Type<br>ROUTINE INSPECTION |  | Consent By<br>BECKY NGUYEN            | FSC Becky Nguyen<br>3/22/2027 |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>RED</b>            |
| <b>70</b>             |

| 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  |       |       |        |     |     | S   |
| K03 No discharge from eyes, nose, mouth   | X  |       |       |        |     |     | S   |
| 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  |       |       |        |     |     |     |
| 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     |        |     |     |     |
| 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                              |    |       |       |        |     |     |     |
| 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                                    |     |     |
| 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                                | X   |     |
| K39 Thermometers provided, accurate   | X   |     |
| 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

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

**Inspector Observations: Numerous live cockroaches nymphs and juveniles observed in the following areas:**  
**- In-between cracks on the grout between the cove base tiles and under the metal lip of the stainless steel wall over the cove base tiles.**

Follow-up By  
06/06/2022

**Facility was treated by pest control the night prior, and is serviced bi-weekly.**

**[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 harborage have been resolved.**

**- Seal all holes, gaps, cracks, and/or crevices to prevent harboring of vermin.**

### Minor Violations

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

**Inspector Observations: Employee's opened beverage cup stored on food preparation counter across from cook line. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Utilize cups with lids and straws. Provide designated location for employee's personal food and beverages.**

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: Multiple knives and cleavers stored inside condensate catch basin behind M3 two-door upright freezer. Knives and cleavers appeared cleaned and not yet used. [CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.**

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Food preparation sink lacks hot water. [CA] Hot water shall be supplied at a minimum temperature of at least 120F measured from the faucet throughout facility except at handwash sinks.**

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: Condensate from the upright M3 two-door reach-in freezer leaking into a catch basin which is leaking onto the food preparation table behind the freezer. [CA] Condensation from refrigerator shall drain into an approved plumbing system.**

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: Opened and uncovered raw beef stored directly on shelves and on cardboard containers of other food items inside the M3 upright two-door freezer.**

**Raw eggs stored above ready-to-eat food items inside the walk-in refrigerator.**

**[CA] All food shall be separated and protected from cross-contamination and/or contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

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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, 114166, 114167, 114169, 114175, 114177, 114180, 114182

**Inspector Observations: Observed heavily scored and stained cutting boards throughout kitchen. [CA] Make plans to replace cutting boards.**

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

**Inspector Observations: Observed heavy grease and char build up on ventilation hood and hood filter slats. [CA] Clean mechanical exhaust hood and/or filters of grease accumulation to prevent potential fire and to promote proper ventilation.**

Follow-up By  
07/02/2022

**Mechanical dish machine lacks ventilation hood above. [CA] Provide approved exhaust hood ventilation over equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and/or vapors.**

**\*\* A food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at [www.ehinfo.org](http://www.ehinfo.org) to obtain plan check requirements. Submit plans within 30 days.**

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

**Inspector Observations: Cooking thermometer used to measure hot holding temperatures. Observed temperature range on thermometer above 100F. [CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.**

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: Back door of facility maintained opened during inspection. [CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.**

**Mop bucket with dirty water and mops stored outside in refuse area. [CA] Maintain cleaning equipment inside facility. [CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

| Item               | Location                            | Measurement       | Comments                    |
|--------------------|-------------------------------------|-------------------|-----------------------------|
| Raw clams          | Walk-in refrigerator                | 33.00 Fahrenheit  |                             |
| Cooked red rice    | Three-door upright refrigerator     | 40.00 Fahrenheit  |                             |
| Chlorine sanitizer | Mechanical ware wash                | 50.00 PPM         |                             |
| Soup               | Three-door upright refrigerator     | 41.00 Fahrenheit  |                             |
| Raw fish           | Three-door upright refrigerator     | 40.00 Fahrenheit  |                             |
| Warm water         | Hand washing sink                   | 118.00 Fahrenheit |                             |
| Quaternary ammonia | Three-compartment sink              | 300.00 PPM        |                             |
| Pork bones in soup | cook line                           | 187.00 Fahrenheit |                             |
| Ground pork        | Three-door preparation refrigerator | 41.00 Fahrenheit  | Across upright refrigerator |
| Raw shrimp         | Three-door preparation refrigerator | 36.00 Fahrenheit  | Across upright refrigerator |
| Hot water          | Three-compartment sink              | 129.00 Fahrenheit |                             |
| Raw beef           | Walk-in refrigerator                | 40.00 Fahrenheit  |                             |
| Cooked pork offals | Three-door preparation refrigerator | 40.00 Fahrenheit  | Across upright refrigerator |
| Cooked white rice  | Three-door upright refrigerator     | 41.00 Fahrenheit  |                             |
| Bean sprouts       | Ice bath                            | 36.00 Fahrenheit  |                             |
| Raw chicken        | Three-door preparation refrigerator | 40.00 Fahrenheit  | Across wok line             |

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## Overall Comments:

- *On-site for Change of Ownership inspection.*
- *Change of ownership not processed.*
- *Facility is hereby closed due to the presence of vermin.*
  - *Remove all live and dead cockroaches.*
  - *Clean and sanitize all affected areas.*
  - *Seal all holes, gaps, cracks, and/or crevices to prevent harboring of vermin.*
- *Facility shall remain closed until written authorization is provided by this Division to resume operations.*
- *Subsequent follow-up inspections after the first follow-up inspection will be chargeable at \$219 per hour, minimum one hour, during normal business hours, and \$493 per hour, minimum one hour, during non-business hours and upon inspector availability.*

## 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 **6/16/2022**. 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.

### 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: Becky Nguyen  
Manager

Signed On: June 02, 2022