

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 FA0289384 - ANN BISTRO		Site Address 2611 SENTER RD 126, SAN JOSE, CA 95111		Inspection Date 05/31/2022	
Program PR0433815 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name ANN BISTRO INC		Inspection Time 11:20 - 12:50
Inspected By GUILLERMO VAZQUEZ	Inspection Type ROUTINE INSPECTION	Consent By TIFFANIE V.		FSC Not Available	

Placard Color & Score
RED
61

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	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	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	X	
K39 Thermometers provided, accurate	X	
K40 Wiping cloths: properly used, stored	X	
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

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

Inspector Observations: Shelled eggs are left out at ambient temperature and measured at 69°F. Per PIC they were placed in metal tray at 8AM when they opened.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS] Eggs have been VCD by PIC.

Follow-up By
06/03/2022

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

Inspector Observations: Multiple live cockroaches found in the back area where 3-Compartment sink is located.

[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.

Follow-up By
06/03/2022

Minor Violations

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

Inspector Observations: Unable to provide a food manger certification at the time of inspection.

[CA] Obtain a new food manger certification within 60-days.

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: All hand wash stations within facility have no soap within soap dispensers.

[CA] All hand wash stations must be fully stocked at all times.

[SA] Facility has hand pump soaps next to hand wash stations.

Follow-up By
06/03/2022

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

Inspector Observations: Hot/warm water at hand wash and 3-compartment sink in the back area was measured at 72°F.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at hand wash sinks (100°F).

[SA] Facility has a 3-Compartment sink and hand wash in the front of store that is reaching minimum requirements.

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

Inspector Observations: Sanitizer (Chlorine) solution at 3-Compartment sink was measured at 200PPM.

[CA] Sanitizer solution must not exceed 100PPM of chlorine.

[COS] Adjusted to 100PPM

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: Unable to provide test strips at the time of inspection.

[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitation method used during manual or mechanical ware washing.

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

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Inspector Observations: Facility has a gas powered stove in the back of facility that is not under a hood system. Facility does not have a hood system and must not be cooking anything on site until an approved hood system is installed.

[CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors. Discontinue cooking at facility and remove unapproved equipment from facility.

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

Inspector Observations: Unable to provide a food probe thermometer at the time of inspection.

[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.

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

Inspector Observations: Multiple wiping cloths around facility out of sanitizer solution.

[CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).

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

Inspector Observations: Heaving staining of walls in front of prep area and back storage area.

[CA] Walls and/or floors in food preparation area shall be kept clean.

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

Inspector Observations: Facility is operating without a valid health permit, the facility has gone through a change of ownership back in September 2021. Our department was not notified of such changes. **[CA]** Submit the change of ownership packet to this department within 3-business days, failure to comply my result in closure of facility.

Performance-Based Inspection Questions

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

Measured Observations

Item	Location	Measurement	Comments
Eggs	Reach in	41.00 Fahrenheit	
Hot water	3-Compartment (2nd sink)	72.00 Fahrenheit	Adjust to 120°F minimum.
Shelleed eggs	Metal tray	69.00 Fahrenheit	VCD
Sanitizer (Chlorine)	3-Compartment	200.00 PPM	Adjusted to 100PPM
Milk	Reach in	40.00 Fahrenheit	
Warm water	Hand wash	100.00 Fahrenheit	
Hot water	3-Compartment	120.00 Fahrenheit	
Sausage	Under counter refrigeration	40.00 Fahrenheit	
Warm water	Hand wash (2nd sink)	72.00 Fahrenheit	Adjust to 100°F minimum.
Ambient	Freezer Chest	5.00 Fahrenheit	

Overall Comments:

- The facility is herby closed by this department due to vermin activity within facility. Contact Guillermo V. (408)918-7114 once facility is ready for a follow up inspection.

- Facility is operating without a valid health permit, the facility has gone through a change of ownership back in September 2021. Our department was not notified of such changes. Submit the change of ownership packet to this department within 3-business days, failure to comply my result in closure of facility. Sent a change of ownership packet to the new owner.

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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 **6/14/2022**. 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



Received By: Tiffanie V.
Owner
Signed On: May 31, 2022