

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 FA0208038 - DZUI'S CAKES & DESSERTS		Site Address 2451 ALVIN AV, SAN JOSE, CA 95121		Inspection Date 12/16/2022	
Program PR0306682 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name THAI, TRAN		Inspection Time 11:00 - 13:00
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By DUY	FSC Duy Thai 05/14/2024		

Placard Color & Score
GREEN
68

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						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						
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				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						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	X	
K31 Consumer self service does prevent contamination		
K32 Food properly labeled and honestly presented		
K33 Nonfood contact surfaces clean	X	
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use	X	
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	X	
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: Numerous savory and sweet pastries containing PHF items (cream cheese, cheese, mayonnaise, protein, etc.) maintained inside hot holding case by the front hand was station measured between 110F to 115F. Per manager, items were prepared and placed inside the unit approximately one hour prior.

Six to-go containers of protein filled dumplings maintained inside hot holding display case by the refrigerated displays during the initial walk-through of the facility. Employees relocated to-go containers to the two-door upright refrigerators in the kitchen. Per manager, food is not maintained inside the hot holding display case because it is inoperable. Dumplings measured at 65F. Manager stated that items were prepared within the hour.

Two trays of baked bread with cream cheese and cheese maintained on rolling rack measured at 65F. Manager stated that items were baked approximately an hour prior and is maintained out and is reheated upon order.

Numerous containers of baked bread rolls with dried pork, mayonnaise, ham, cheese, and scallions maintained out in ambient temperature. Per manager, items were usually sold within two hours. Any remaining bread is pulled from display and is replaced. Old items are donated.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Baked savory pastries inside the hot holding case will be maintained on time as public health control for an additional three hours and is to be sold, immediately consumed, or discarded. Dumplings shall be maintained inside the upright refrigerator to immediately cool. Trays of baked breads on the rolling racks were relocated into the upright refrigerator to cool.

Minor Violations

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

Inspector Observations: Employee's restroom hand wash station lacked paper towels inside dispensers. Towels were maintained on shelf across from the sink. [CA] Paper towels shall be stored inside the dispenser to prevent potential contamination.

Hand wash station inside kitchen observed extremely slow to drain. [CA] All food facilities shall provide an operable handwashing station. Investigate cause for back-up. [SA] Utilize hand sink in front service area temporarily until hand sink adequately drains.

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: Tapioca pearls maintained out in ambient temperature subjected to time as public health control (TPHC) had a blanket label with three different times in four hour intervals. TPHC written procedures were reviewed during the inspection. [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.

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

Inspector Observations: Customer restroom hand sink lacked warm water. [CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

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

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Inspector Observations: Heavy accumulation of rodent droppings observed in the following areas:

- On floor underneath the metal rack by the ice machine.
- On floor along the wall of the dry storage area.
- On floor underneath storage rack by the back door of the facility.

Per manager, pest control services facility once per month. Pest control reports were unavailable for review. [CA] Clean and sanitize area of dead cockroaches or old droppings.

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

Inspector Observations: Numerous cases of food and food containers stored directly on floor inside the dry storage room. [CA] Food or food related equipment shall be stored at least 6 inches above the floor to prevent contamination.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Heavy accumulation of food and debris observed on equipment and food preparation tables throughout kitchen. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: Ice scoop stored inside ice machine with handle of scoop in direct contact with ice. [CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

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

Inspector Observations: Heavy build up of dust, dirt, food debris, and food residue observed on wall and floors throughout facility. Especially underneath equipment. [CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.

K46 - 2 Points - Unapproved private home/living/sleeping quarters; 114285, 114286

Inspector Observations: Observed hammock inside dry storage room. [CA] No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.

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

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Inspector Observations: --48 HOUR NOTICE--

**Follow-up By
12/20/2022**

Facility is currently operating without a valid health permit.

Our records indicate this facility has a delinquent account and is operating without a valid permit.

Total account balance due is \$986.25.

Payment must be made within 48 hours (2 business days) to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

**Previous written notification of account balance was provided in a Delinquent Permit Letter.
The right to an administrative hearing was waived for failure to respond to the Delinquent Permit Letter.**

A re-inspection will not be conducted if your account is paid in full by the Comply By date. The facility shall remain open and a new valid permit will be mailed after payment has been received.

If your account has not been paid in full by the Comply By date, a re-inspection will be performed and the facility owner may be billed at the current hourly rate per County Ordinance Code B11-8.

Non-payment of permit fees within 48 hours will result in additional legal actions up to and including facility closure.

[CA] A food facility shall not be open for business without a valid health permit.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - Time as a public health control; procedures & records.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Warm water	Hand wash sink	108.00 Fahrenheit	Front service area
Uncooked dumplings	Refrigerated display	40.00 Fahrenheit	
Milk	Food preparation refrigerator	41.00 Fahrenheit	
Durian pastry	Refrigerated display	39.00 Fahrenheit	
Flan	Preparation refrigerator	41.00 Fahrenheit	
Cooked quail egg	Two-door upright refrigerator	41.00 Fahrenheit	
Chlorine sanitizer	Three-compartment sink	100.00 PPM	
Coconut milk	Food preparation refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	138.00 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 **12/30/2022**. 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.

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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: Duy Thai
Manager

Signed On: December 16, 2022