

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 FA0207944 - NEW DONG PHUONG TOFU		Site Address 2359 MCKEE RD, SAN JOSE, CA 95116		Inspection Date 03/19/2024	
Program PR0304190 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DONG, DOUNG HUE		Inspection Time 14:15 - 16:15
Inspected By YUEN IP	Inspection Type ROUTINE INSPECTION	Consent By VIEN TU	FSC Vien Tu 11/27/2027		

Placard Color & Score
YELLOW
57

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						
K02 Communicable disease; reporting/restriction/exclusion	X						
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		X			
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods			X	X			N
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						N
K15 Food obtained from approved source		X		X			N
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		
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	X
K36 Equipment, utensils, linens: Proper storage and use		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use	X	
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored		
K41 Plumbing approved, installed, in good repair; proper backflow devices	X	
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	
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: REPEAT VIOLATION

The only hand wash sink in back kitchen is blocked by a cart and a water bucket in the hand wash sink.

[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.

[COS] PIC relocate cart and removed water bucket

Follow-up By
03/22/2024

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

Inspector Observations: Mam chung Chay and Tuong Hot measured at 62F and 68F at room temperature in the front counter. Per PIC, items were placed at 3 room temperature for 3 hours. No time marked for food items.

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

[SA] PIC time labeled product and discard after 1 hour. Education of TPHC is provided. Explained the differences between cooling and TPHC to operator.

Follow-up By
03/22/2024

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: 3 boxes of vegies cracker with label, "made in USA". No manufacturing information on label. Per PIC, vegies crackers were made in sister's house. Sister's house does not have permit for food preparation.

[CA] Food must be from an approved source or properly documented.

[COS] PIC removed food from facility.

Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: A big pot of Bun Bo Hue soup measured at 46F internal in walk-in fridge at the time of inspection.

Per PIC, it's cooked this morning.

[CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

[COS] PIC separated Bun Bo Hue Soup into separate containers for cooling.

Follow-up By
03/22/2024

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

Inspector Observations: Mop sink is clogged. 1 compartment sink draining to mop sink was not draining. Other sinks (hand wash sink, 3 compartment sink, restroom) appeared draining properly.

[CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

Follow-up By
03/22/2024

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

Inspector Observations: Rodent droppings observed in on the floor near cookline and on the hood surfaces. No active rodent activity observed at the time of inspection. Pest control report is not available.

[CA] Clean and sanitize area of dead cockroaches or old droppings. Provide latest pest control report for next reinspection.

Follow-up By
03/22/2024

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

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Inspector Observations: Containers of white powders at food prep table were not labeled. Per PIC, those containers are MSG.

[CA] Working containers holding food or food ingredients that are removed from their original packages shall be identified with the common name of the food if not easily recognizable.

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

Inspector Observations: Cardboards were used to line flooring at cookline.

[CA] Discontinue the use of cardboard boxes to line shelves/flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.

[COS] PIC discarded cardboards.

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

Inspector Observations: Heavy grease built up on the hood filter

[CA] Clean mechanical exhaust hood and/or filters of grease accumulation.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: REPEAT VIOLATION

Heavy leakage from the draining pipe of 1 compartment sink at the back. A bucket is placed under drain line to capture waste water. Bucket was full.

[CA] Secure leak and repair drainage pipe.

Follow-up By
03/22/2024

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

Inspector Observations: Floor tiles throughout facility is disrepair. Heavy grease built up on the floor near fryer.

[CA] Walls and/or floors in food preparation area shall be kept clean. Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Food obtained from approved source.
- Needs Improvement - Proper cooling methods.

Measured Observations

Item	Location	Measurement	Comments
Tofu	Steam table	170.00 Fahrenheit	
Water	1 compartment sink	120.00 Fahrenheit	Leaking
Water	Restroom	114.00 Fahrenheit	Cold water available
Vermicelli	Steam table	138.00 Fahrenheit	
Chlorine	Sanitizer bucket	100.00 PPM	
Tuong Hot	In front counter	68.00 Fahrenheit	
Tomato soup	Walk-in fridge	41.00 Fahrenheit	
Water	Hand wash sink	110.00 Fahrenheit	Cold water available
Rice	Rice cooker	151.00 Fahrenheit	
Water	3 compartment sink	121.00 Fahrenheit	
Bun Bo Hua	A big container in Walk-in fridge	46.00 Fahrenheit	
Mam Chung Chay	Wrapped in front counter	62.00 Fahrenheit	
Tofu	Walk-in fridge	38.00 Fahrenheit	

Overall Comments:

A follow up inspection will be conducted on 3/22/2024. The first follow-up inspection is free of charge. Subsequent follow up inspections after first follow up shall be billed \$290/hr during business hours and \$629/hr during non business hours (after 4:30pm Monday through Friday, county holidays and weekends) upon availability. Failure to comply may result in enforcement action.

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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 **4/2/2024**. 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: Vien Tu
Owner's wife

Signed On: March 19, 2024