

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 FA0207734 - BANH MI OVEN (DOWNTOWN)		Site Address 221 E SAN FERNANDO ST, SAN JOSE, CA 95112		Inspection Date 04/08/2026	
Program PR0301011 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DINH BROS, INC		Inspection Time 12:50 - 14:30
Inspected By ALEXANDER ALFARO	Inspection Type RISK FACTOR INSPECTION		Consent By OANH	FSC Not Available	

Placard Color & Score
RED
N/A

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						
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						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		X
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		X
K47 Signs posted; last inspection report available		

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K48 Plan review		X
K49 Permits available		X
K58 Placard properly displayed/posted		

Comments and Observations

Major Violations

K14 - 8 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:

Staff were observed washing dishes in the prep sink and skipping the sanitizing step.

[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

[COS] Staff moved dishes to the three compartment sink and began setting up sanitizer solution.

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations:

The mop sink and floor sink where the walk in cooler discharges liquid waste were both backing up.

[CA] Food facility shall not operate if there is sewage overflowing or backing up in the food facility. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized.

Minor Violations

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

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

Inspector Observations:

The staff restroom toilet has been replaced with a makeshift shower.

[CA] Toilet facilities shall be maintained clean and in good repair.

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

Inspector Observations:

The dry storage room has been converted to living quarters that open directly to the food prep area.

[CA] No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations:

Facility has submitted for the addition of equipment and plans have not been approved for installation and use. A change of ownership has not been conducted to issue a valid permit.

[CA] Cease and desist all operations, until final plan check approval has been received from this department.

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

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Inspector Observations:

Facility lacks a valid health permit to operate.

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

CEASE AND DESIST ALL ACTIVITIES.

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.

Performance-Based Inspection Questions

N/A

Measured Observations

N/A

Overall Comments:

This is a risk factor inspection to verify permit status. Facility has changed ownerships and submitted to our plan check unit for a remodel. Plans have not been approved and a change of ownership inspection has not been completed. Facility shall close immediately for the following reasons.

- Lack of a valid Environmental Health Permit

- An active sewage back up

Facility is to cease operation until either plan check submittal is approved or change of ownership process is completed. Any food facility shall not vend, prepare, store, distribute, or otherwise operate a food operation without an environmental health permit.

Facility has not met the requirements to obtain an Environmental Health permit.

Contact our office at 1555 Berger Dr Building 2, Suite 300, San Jose, CA during regular business hours Monday - Friday from 7:30 am - 4:30 pm. You may also visit our website at www.ehinfo.org.

After discussion with Supervising REHS, S. Lew, facility may submit for a change of ownership on the condition a restricted menu is submitted that will not require the unapproved equipment already installed. Facility must also provide documentation on where menu ingredients will be sourced as there is no approved cooking equipment in the facility.

PIC Contact Information:

Name: Quan Nguyen

Email: quan9916523@gmail.com

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 **4/22/2026**. 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: Quan Nguyen
Owner

Signed On: April 08, 2026