

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 FA0302801 - BANH MI OVEN		Site Address 1143 STORY RD 196, SAN JOSE, CA 95122	Inspection Date 02/17/2025
Program PR0452650 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10		Owner Name BANH MI OVEN INC	Inspection Time 09:30 - 10:45
Inspected By HENRY LUU	Inspection Type FOLLOW-UP INSPECTION	Consent By THUONG	

Placard Color & Score

YELLOW
N/A

Comments and Observations

Major Violations

Cited On: 02/17/2025

K03 - 8 Points - Discharge observed from eyes, nose, and/or mouth; 113974

Inspector Observations: Food preparation employee observed sniffing during active food preparation. When questioned, employee stated that the runny nose was due to the cold weather.

[CA] Food employees found to have communicable diseases shall be excluded from working with exposed food, clean equipment, clean utensils or linens.

[COS] Instructed owner to send employee home.

Cited On: 02/11/2025

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

This violation found not in compliance on 02/17/2025. See details below.

Cited On: 02/17/2025

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: The only kitchen employee present observed blowing nose and then attempted to re-use gloves that was removed in order to use cellphone to call for a PIC.

[CA] Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) Immediately after using the toilet room and again when returning into the kitchen.
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat foods.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.

Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.

[COS] Instructed employee to properly wash hands before donning on new gloves.

Cited On: 02/17/2025

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: The only hand wash station in unit 196 and 198 where food preparation is being conducted obstructed with step ladder placed in front.

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

[COS] Obstruction was removed.

Cited On: 02/11/2025

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

This violation found not in compliance on 02/17/2025. See details below.

Cited On: 02/11/2025

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

This violation found not in compliance on 02/17/2025. See details below.

Cited On: 02/11/2025

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

This violation found not in compliance on 02/17/2025. See details below.

Cited On: 02/17/2025

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

Inspector Observations: At time of follow-up inspection, observed employee conducting food preparation in unit 196/198.

As stated in the previous routine inspection reports:

- Facility is to immediately cease and desist conducting food preparation (including assembly of sandwiches) in unit 196/198 until final inspection from plan check and approval has been granted.

Facility's permit was approved with the condition that unit 196/198 was strictly for the point of sale for prepackaged foods only and 192 was for all food preparation.

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

[COS] Food preparation refrigerators and equipment necessary for the operation was relocated into unit 192 to continue operating.

Minor Violations

Cited On: 02/17/2025

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: Observed employee washing herbs at the bar-style three-compartment sink in unit 196/198.

[CA] Utilize sinks for their designated purpose. All food preparation shall be conducted only at the food preparation sink.

*** unit 196/198 does have approval to conduct any food preparation. Additionally, unit 196/198 lacks food preparation sink.**

Cited On: 02/17/2025

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

Inspector Observations: Observed employee utilizing single butane burner to boil water. Facility lacks ventilation hood.

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

Cited On: 02/11/2025

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

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Cited On: 02/17/2025

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

Inspector Observations: Owner has not provided contractual agreement between adjacent food facility (Tasty Pot) for the usage of their restroom as previously agreed upon between owner and this Division.

Employees are required to utilize the plaza's restrooms which are located on the second floor and accessible to all units of the plaza.

[CA] Restrooms shall be provided and conveniently located and accessible for use by employees during all hours of operation.

Cited On: 02/11/2025

K48 - 2 Points - Plan review unapproved; 114380

This violation found not in compliance on 02/17/2025. See details below.

Cited On: 02/17/2025

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: Facility has not completed plan check process in order to conduct food preparation in unit 196/198. Upon investigation, facility has only obtained a pre-final inspection.

[CA] Cease and desist all operations in unit 196/198, until final plan check approval has been received from this department.

[SA] Facility is to relocate any food preparation equipment necessary for the operation of the business into unit 192 as it was originally approved.

Measured Observations

Item	Location	Measurement	Comments
Hot water	Three-compartment sink	120.00 Fahrenheit	
Warm water	Hand wash sink	110.00 Fahrenheit	

Overall Comments:

- On-site for follow-up inspection after facility earned a conditional pass during a routine inspection and complaint investigation.
- Facility has earned a second conditional pass. See violations above.
- A follow-up inspection will be conducted to verify compliance of all major violations.
- Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/hour, minimum two hours, during non-business hours, and upon inspector availability.
- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

***** Owner requested to have second follow-up inspection after receiving final inspection from plan check.**

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 **3/3/2025**. 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: Vu
Owner
Signed On: February 17, 2025