

# 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<br>FA0302801 - BANH MI OVEN                                     | Site Address<br>1143 STORY RD 196, SAN JOSE, CA 95122 | Inspection Date<br>04/15/2026    |
| Program<br>PR0452650 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 | Owner Name<br>BANH MI OVEN INC                        | Inspection Time<br>15:35 - 16:15 |
| Inspected By<br>HENRY LUU                                                | Inspection Type<br>FOLLOW-UP INSPECTION               | Consent By<br>NGOC               |

Placard Color & Score

**YELLOW**  
**N/A**

### Comments and Observations

#### Major Violations

Cited On: 04/15/2026

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

**Inspector Observations: Observed employee picking up dropped jalapeños from the floor and then continued onto preparing a sandwich without changing gloves nor washing hands.**

Follow-up By  
04/20/2026

**[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 remove gloves and wash hands prior to handling food.**

Cited On: 04/15/2026

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

**Inspector Observations: Upon entry into the facility, observed employee drop jalapeños onto the floor. Employee proceeded to pick up jalapeños from the floor and then placed into container with other cut jalapeños. The container was then stored inside the merchandiser refrigerator.**

Follow-up By  
04/20/2026

**Observed employee pick up food from the floor and then proceeded to prepare sandwich without washing hands.**

**[CA] No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils. Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately.**

**[COS] Container of jalapenos was VC&D. Prepared sandwich was VC&D.**

Cited On: 04/13/2026

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

**This violation found not in compliance on 04/15/2026. See details below.**

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|                                                                          |                                                       |                                  |
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## Minor Violations

Cited On: 04/15/2026

K48 - 2 Points - Plan review unapproved; 114380

**Inspector Observations:** Facility lacks dedicated food preparation sink. Owner had stated that all food is provided from an approved facility and that facility does not conduct any type of food preparation besides the assembly of sandwiches. During the routine inspection on 4/13/2026, facility was found washing and cutting vegetables within the facility using the bar-style three-compartment sink.

Follow-up By  
04/22/2026

Facility was ordered to immediately cease and desist all food preparation and to submit plans for a food preparation sink.

Facility was found again conducting food preparation on a cease and desist order.

[CA] Cease and desist ALL food preparation. Facility shall immediately submit plans for the installation of a food preparation sink.

A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at [www.ehinfo.org](http://www.ehinfo.org) to obtain plan check requirements.

\*\*\* Submit plans for a food preparation sink by 4/22/2026. Failure to submit plans will result in further enforcement action, including, but not limited to office hearing.

Cited On: 04/13/2026

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

**This violation found not in compliance on 04/15/2026. See details below.**

Cited On: 04/15/2026

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

**Inspector Observations:** Facility is currently operating without a valid health permit.

48-hour notice to pay was issued to facility on 4/13/2026.

[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.

[COS] Payment was made at time of inspection.

Receipt #: 3919792332

## Measured Observations

N/A

## Overall Comments:

- Two or more major violations were observed during the routine inspection.
- 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 \$282/hour, minimum one hour, during normal business hours

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*(Monday - Friday, 7:30 AM to 4:30 PM), and \$645 for a minimum of 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.**

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 **4/29/2026**. 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.

## **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 |



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**Received By:** Vu D.  
Owner

**Signed On:** April 15, 2026