

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 FA0286058 - BANH CUON ONG TA		Site Address 999 STORY RD 9030, SAN JOSE, CA 95122		Inspection Date 12/17/2025	
Program PR0428900 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name PHAM, LY		Inspection Time 10:30 - 11:50
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By THU	FSC Not Available	

Placard Color & Score
RED
56

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
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			N
K07 Proper hot and cold holding temperatures		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						
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	X	
K27 Food separated and protected	X	
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	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		
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		
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: The only hand wash sink in the kitchen was obstructed with garbage can and food defrosting inside the wash basin.

**[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.
[COS] Obstructions were removed.**

Follow-up By
12/22/2025

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

Inspector Observations: Numerous PHF items maintained out in ambient temperature at the preparation table across from the three-door upright freezer:

- Sliced fancy pork rolls and fried fancy pork rolls - 82F.
- Sliced fermented pork - 64F.

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

Follow-up By
12/22/2025

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: PHF items at the cook line subjected to time as a public health control (TPHC) were not properly documented. The provided time label on the rack where PHF items are stored stated a time between 1:00 PM to 4:00. Current time of the inspection was 11:00 AM.

[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, and written procedures shall be readily available for review.

Follow-up By
12/22/2025

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: 1. Observed Vermin:

- Sticky trap below the preparation table behind the cashier with 5+ live and dead German cockroaches.
- Live cockroaches observed in the following areas:
 - 5+ on the undersides at the corner of the shelves of the food preparation table between the upright refrigerators.
 - 5+ on the top left hinge of the food preparation refrigerator across from the cook line.
 - Crawling on floor underneath the upright warming unit.
 - Crawling on floor at the corner of the cookline against the wall.
 - In-between the crevices of the steel railing on the ceiling throughout the food preparation and ware washing area.
 - 5+ in the crevices of the stainless steel wall directly above the hand wash sink in the kitchen.
 - On sticky monitoring trap in the upstairs dry storage area.
 - In-between the crevices of the floor and ceiling material when going upstairs into the attic space.
 - On sticky rodent trap above the water heater.
- Rodent droppings observed on the floor throughout the upstairs storage area.

2. Photographs were taken for documentation purposes.
3. Supervisor S. Lew was notified of the closure.
4. Notification: The person in charge during inspection, Thu, has been informed that the facility must close immediately.

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or

Follow-up By
12/22/2025

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adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

1. **Email the signed and completed Reopening Checklist to the assigned inspector.**
2. **Submit a copy of the pest control report from a licensed provider.**

Minor Violations

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

Inspector Observations: Five year food manager certificate unavailable for review.

[CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

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

Inspector Observations: Colander of cooked ground pork and wood ear mushroom cooling kept covered with a plastic bag.

[CA] 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. Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 3 inches for liquids. When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Observed food thawing out in ambient temperature inside the hand wash sink basin.

Observed shrimp thawing in standing water used to wash vegetables.

Observed bag of food thawing inside the food warmer.

[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: Numerous buckets of soup and/or flour batter maintained directly on the floor.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

Observed numerous bags of food items thawing inside the left most basin of the three-compartment sink while employee was actively washing dishes. No contamination of food was observed.

[CA] All food shall be separated and protected from possible contamination. Food preparation shall only occur in approved areas.

Observed food preparation equipment with signs of food preparation being conducted in the upstairs storage area. Storage area does not have approved flooring, walls, nor equipment (hand sinks, food preparation sink, etc.).

[CA] Food preparation shall only occur in approved areas.

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

Inspector Observations: Heavy accumulation of food debris/food residues, and/or grime observed on refrigerator surfaces and door handles.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

Performance-Based Inspection Questions

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- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Time as a public health control; procedures & records.
- Needs Improvement - Demonstration of knowledge; food manager certification.

Measured Observations

Item	Location	Measurement	Comments
Cooked ground pork with shrimp & wood ear mushroom	Hot holding unit	139.00 Fahrenheit	Range 139F to 155F.
Hot water	Three-compartment sink	126.00 Fahrenheit	
Cooked ground pork with wood ear mushroom	Hot holding unit	137.00 Fahrenheit	Range 137F to 158F.

Overall Comments:

- **Complaint investigation was conducted concurrently with routine inspection.**
 - **Facility is hereby closed due to evidence of a vermin infestation.**
 - **Facility is to immediately cease and desist all operations.**
 - **Facility is prohibited from all food service activities which include, but not limited to: preparation, service, handling, distribution, and sale.**
 - **Facility shall remain closed until vermin infestation is completely abated and authorization is provided by this Division.**
 - **Facility shall:**
 - **Provide pest control report from a licensed pest control company that indicates the type of control measures taken and that the facility has been treated.**
 - **Eradicate all live and dead rodents and insects from the facility.**
 - **Clean and sanitize the affected area(s) and equipment.**
 - **Dispose of all food items that have been adulterated/contaminated.**
 - **Seal holes (e.g. in walls and ceilings, repair cove base), and entryways (e.g. weather-stripping around doors); keep exterior doors closed; screen openable windows.**
 - **Eliminate harborage inside and outside of the facility - remove unused/cast-off equipment, contributory vegetation, etc.)**
 - **Eliminate food and water sources inside and outside the facility.**
 - **Properly store items (e.g. at least 6 inches above floor in sealed rodent-proof/insect-proof containers; organize overly packed and disorganized storage areas).**
 - **Properly store and dispose of garbage and other waste (e.g. bagged wastes, keep dumpster lids closed, frequent removal).**
 - **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 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.**
 - **A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**
- ** Please note that pest control treatments for rodents or insects may require a sufficient amount of contact time for these to be effective. Consult with pest control company for guidelines on eliminating harborage, entryways, and food/water sources.**

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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 **12/31/2025**. 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.

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.

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: Kaylee P.
Owner

Signed On: December 17, 2025