

# 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>FA0258809 - SAIGON KITCHEN                                    |                                       | Site Address<br>1111 STORY RD 1005, SAN JOSE, CA 95122 |                              | Inspection Date<br>10/07/2025 |                                  |
| Program<br>PR0379077 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |                                       |  | Owner Name<br>TUYEN VO       |                               | Inspection Time<br>13:50 - 16:10 |
| Inspected By<br>HENRY LUU   | Inspection Type<br>ROUTINE INSPECTION | Consent By<br>TRIET                                    | FSC Triet M Ho<br>12/09/2025 |                               |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>RED</b>            |
| <b>29</b>             |

| RISK FACTORS AND INTERVENTIONS  | IN | OUT   |       | COS/SA | N/O | N/A | PBI |
|---|----|-------|-------|--------|-----|-----|-----|
|   |    | Major | Minor |        |     |     |     |
| K01 Demonstration of knowledge; food safety certification                       | X  |       |       |        |     |     | S   |
| K02 Communicable disease; reporting/restriction/exclusion                       | X  |       |       |        |     |     |     |
| K03 No discharge from eyes, nose, mouth   | X  |       |       |        |     |     |     |
| K04 Proper eating, tasting, drinking, tobacco use                               |    |       | X     |        |     |     | N   |
| K05 Hands clean, properly washed; gloves used properly                          |    | X     |       |        |     |     | N   |
| K06 Adequate handwash facilities supplied, accessible                           |    |       | 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     |       | 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                                    | X   |     |
| 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                                 | X   |     |
| K37 Vending machines  |     |     |
| K38 Adequate ventilation/lighting; designated areas, use                                |     |     |
| K39 Thermometers provided, accurate   |     |     |
| K40 Wiping cloths: properly used, stored  | X   |     |
| 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 | X   |     |
| 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

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

**Inspector Observations:** Kitchen employee observed eating and then continuing onto food preparation without washing hands. Observed kitchen employee returning from smoke break outside, and continuing onto food preparation without properly washing hands.

Follow-up By  
10/09/2025

**[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.

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

**Inspector Observations:** Cooked vermicelli maintained at the hot holding unit at the cook line measured at 123F. Manager stated that the vermicelli was cooked approximately 30 minutes prior and is usually kept hot. At the time, manager stated that an employee might have lowered the temperature of the hot holding unit.

Follow-up By  
10/09/2025

Numerous pots of soup maintained at the cook line measured at 110F. Manager stated that the soups are brought to a rolling boil every two hours.

Tray of raw large prawns maintained out in ambient temperature at the food preparation sink in the middle of the kitchen measured at 55F. Food item was not in active preparation. Manager stated that the item was just delivered and is being prepared.

One bowl of red rice maintained at the cook line measured at 70F.

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

**[COS]** All cold items were relocated into the walk-in refrigerator to immediately cool. Hot holding items were reheated to 165F prior to hot holding at 135F. Rice was VC&D.

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** Large tub of cooked fried rice maintained inside the food preparation refrigerator measured at 87F. Plastic bowl of cooked noodles also maintained inside the preparation refrigerator measured at 80F. Manager stated that items were prepared at 10 AM and were placed inside the preparation refrigerator to cool; an elapsed time of 5 hours.

Follow-up By  
10/09/2025

Two large tubs of cooked chicken quarters maintained out in ambient temperature measuring at 80F. Manager stated that chicken was prepared about an hour thirty minutes prior and is cooling.

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*Tub of cooked quail maintained out in ambient temperature measuring at 70F. Manager stated that quail was prepared about an hour thirty minutes prior.*

*Large container of grilled beef wrapped in betel leaf maintained out in ambient temperature measuring at 80F. Manager stated that the beef was grilled about an hour thirty minutes prior.*

*Two rolling racks filled with cooked catfish maintained out in ambient temperature measuring at 70F. Manager stated that the fish was prepared about an hour prior and is cooling.*

*[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] Rice and noodles were VC&D into the garbage can due to improper cooling. All other items were relocated into the walk-in refrigerator to immediately cool.*

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

*Inspector Observations: Raw oxtail thawing inside the two-compartment food preparation sink in the back of the kitchen by the rear door observed with dead cockroach floating inside the water.*

Follow-up By  
10/09/2025

*Container of opened sugar maintained inside the dry storage room in the front of the kitchen observed with a cockroach egg sac inside.*

*[CA] 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] Both items were VC&D into the trash.*

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

*Inspector Observations: 1. Observed Vermin:*

Follow-up By  
10/09/2025

- 20+ live and dead German cockroaches of various life stages observed in the hallway and janitorial corridors
  - On top and underneath the spray hoses.
  - On and inside the crevices of the orange step ladder laying on the floor.
  - From the mop buckets.
  - On from the water heater.

*- 2+ live cockroaches observed on the underside of the scale placed on top of the wall mounted shelf above the two-compartment food preparation sink in the back of the kitchen.*

*- 5+ live and dead cockroaches observed in the crevices where the stainless steel and wall meet right before the stairwell leading to the upstairs storage area.*

*- 2+ live and dead cockroaches observed running along the steps of the stairwell.*

*- 2+ live cockroach observed inside the electrical outlet by the two-compartment food preparation sink in the back.*

*- One live cockroach observed on the door jamb of the small dry storage room in the front of the kitchen.*

*- 5+ live and dead cockroaches observed on floors in the dry storage room in the front of the kitchen.*

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**- Rodent droppings observed on floor in the bar area behind the black shelf holding soda cans.**

**Manager stated that the facility is serviced monthly. Last service was conducted on 9/29/2025 with vermin activity observed and numerous opened items that need to be addressed.**

**2. Photographs: Taken for documentation purposes.**

**3. Supervisor S. Lew was notified of closure.**

**4. Notification: The person in charge during inspection, Triet, 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 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.**

**Heavy presence of fruit flies and drain flies throughout the facility - around the dish washing area, by the food preparation sink in the back of the kitchen.**

**[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.**

## **Minor Violations**

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations: Employee observed eating and drinking while conducting food preparation.**

**[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.**

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: Hand wash sink in the back of the kitchen obstructed with logs of raw beef and pork thawing in ambient temperature.**

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

K14 - 3 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: Observed heavy build up of food debris on meat slicer.**

**[CA] Meat slicer shall be washed, rinsed and sanitized every 4 hours or less after initial use.**

K16 - 3 Points - Not in compliance with shell stock tags, condition; 114039-114039.5

**Inspector Observations: Shellstock tags are not maintained for 90 days.**

**[CA] The identity of the source of shellstock that are sold or served shall be maintained for 90 calendar days from the dates of harvest by using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date or dates the shellstock are sold or served.**

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

**Inspector Observations: Observed floor drain outside of the walk-in refrigerator and freezer slow to drain.**

**[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.**

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

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**Inspector Observations: Numerous food items thawing in ambient temperature:**

- 5-6 logs of raw ground beef - at the hand sink, by the oven, below the food preparation table.
- 2 baskets of raw shrimp at the three-compartment sink.
- 1 slab of raw pork bellies at the three-compartment sink.
- Raw oxtail and raw chicken at the food preparation sink in the back of the kitchen.

**[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: Observed raw food items maintained above ready-to-eat food items in majority of refrigerators throughout the facility.**

**[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

**Observed numerous containers of foods maintained directly on the floor inside the walk-in refrigerator and walk-in freezer.**

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

**Observed food preparation (shrimp and pork belly) thawing inside the middle and left basin of the three-compartment sink with soiled dishes and dirty water in the right basin. [CA] All food shall be separated and protected from possible contamination. Food preparation shall only occur in approved areas.**

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

**Inspector Observations: Observed bulk ingredients poured into containers without any labels or covers.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

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

**Inspector Observations: Heavy accumulation of grime observed on refrigerator door handles. Heavy accumulation of grime and food residues observed on and inside refrigerator racks. Heavy accumulation of grime observed on the sides in-between equipment.**

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

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 using bare hand to handle raw marinated beef from inside the walk-in refrigerator.**

**[CA] Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with food.**

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

**Inspector Observations: Wiping cloths maintained throughout the facility observed used for employee to wipe soiled hands and nonfood contact surfaces.**

**[CA] Wiping cloths that are in use for cleaning food spills shall not be used for any other purpose. Wiping cloths shall be free of food debris and visible soil. Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).**

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

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**Inspector Observations: Employees' personal phones and belongings observed stored in areas of food preparation, food storage, and/or food contact surfaces.**

**[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.**

**Observed unused slide door hot holding unit at the front of the kitchen with one dead cockroach and build up of food debris inside.**

**[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.**

**Wet mops stored inside mop buckets.**

**[CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.**

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

**Inspector Observations: Heavy accumulation of grime and food debris observed on floors throughout the facility:**

- warewashing/food preparation area.
- Below the cook line.
- Below preparation refrigerators.
- Underneath refrigeration units at the bar.
- Underneath undercounter dish washer at the bar.

**[CA] Walls and/or floors in food preparation area shall be kept clean.**

**Broken and missing coved base tiles observed below the ware wash sink. Broken and missing coved base tiles observed at the step of the walk-in freezer.**

**[CA] The juncture of the floor and wall shall be coved with a 3/8-inch minimum radius coving and shall extend up the wall at least 4 inches.**

**Numerous missing ceiling panels.**

**[CA] Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.**

## Performance-Based Inspection Questions

- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Proper cooling methods.

## Measured Observations

| Item                                | Location                | Measurement       | Comments |
|-------------------------------------|-------------------------|-------------------|----------|
| Chlorine sanitizer                  | Mechanical dish machine | 50.00 PPM         |          |
| Raw shucked oysters                 | Walk-in refrigerator    | 40.00 Fahrenheit  |          |
| Cooked rice                         | Walk-in refrigerator    | 41.00 Fahrenheit  |          |
| Cooked beef wrapped in betel leaves | Walk-in refrigerator    | 41.00 Fahrenheit  |          |
| Raw chicken                         | Walk-in refrigerator    | 40.00 Fahrenheit  |          |
| Hot water                           | Three-compartment sink  | 132.00 Fahrenheit |          |
| Meat ball in soup                   | Hot holding unit        | 159.00 Fahrenheit |          |
| Cooked red rice                     | Walk-in refrigerator    | 41.00 Fahrenheit  |          |

## Overall Comments:

- 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:

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**- 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 covered 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).

**\*\* 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.**

**- 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.**

## 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 **10/21/2025**. 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:** Triet H.  
Manager

**Signed On:** October 07, 2025