

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 FA0207944 - NEW DONG PHUONG TOFU		Site Address 2359 MCKEE RD, SAN JOSE, CA 95116		Inspection Date 01/30/2023	
Program PR0304190 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DONG, DOUNG HUE		Inspection Time 09:40 - 11:40
Inspected By HELEN DINH	Inspection Type ROUTINE INSPECTION	Consent By HUYEN (M), VIEN (S) & DUONG (O)	FSC Vien Tu 11/27/27		

Placard Color & Score YELLOW 60

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						S
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		X			N
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		X			N

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	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	X	
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored		
K41 Plumbing approved, installed, in good repair; proper backflow devices	X	
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		
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: Lacking single use paper towel at ONLY hand wash station in back prep area. [CA] Single-use sanitary towels shall be provided in dispensers. [COS] Operator restocked.

Follow-up By
02/09/2023

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

Inspector Observations: Major:

1. Measured a container of bean sprouts holding at 58F for less than 4 hours near prep area.
 2. Measured a container of hu tieu holding at 127F at hot holding for less than 4 hours.
 3. Measured a container of tofu holding at 64F in 2 door cold top. Observed container of tofu not directly inserted in unit.
- [CA] Maintain all PHFs cold held at or below 41F or hot held at or above 135F. [COS] Operator directed to add ice to PHFs, relocate PHFs to another unit and reheat PHFs to 165F.**

Follow-up By
02/09/2023

Minor:

1. Measured a container of PHFs holding at 46F in 2 door reach in for less than 4 hours. [CA] Maintain all PHFs cold held at or below 41F.

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

Inspector Observations: Major: Found approximately 5 LIVE cockroaches on sticky trap under microwave near cooks line. [CA] Eliminate all evidence of LIVE cockroaches. Clean and sanitize all effected areas. Provide approved pest control services.

Follow-up By
02/09/2023

Minor:

1. Found OLD rodent droppings in small storage room and on containers in dry storage area.
 2. Found DEAD cockroach on wall near dry storage.
- [CA] Eliminate all evidence of OLD rodent droppings and DEAD cockroach. Clean and sanitize all effected areas. Provide approved pest control services.**

Minor Violations

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

Inspector Observations: Lacking employee food handlers card. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: Lacking time marks for food items sitting on counter top. Per operator, PHFs under time as a public health control (TPHC). [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. [COS] Operator time marked PHFs.

Follow-up By
02/09/2023

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

Inspector Observations: Found accumulated food debris on handles of refrigeration units, sinks and microwave. [CA] Routinely clean.

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

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Inspector Observations: 1. Found a food scoop handle in direct contact with mushroom soup in walk-in-cooler.

[CA] Handle to scoop shall be stored so that it is not in direct contact with food items.

2. Found multiple single use containers being reused for storage of other food items in walk-in-cooler. [CA] Single use food container (e.g. soy sauce container, milk carton, apple juice container, can food, wine bottle) shall not be reused to store food.

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

Inspector Observations: Found a gap between filters at mechanical exhaust hood. [CA] Filters shall be fitted in the mechanical exhaust ventilation over cooking equipment, provide spacer or correct sized filters.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: 1. Found leaking faucet at 3 compartment sink (left) and leaking knob (middle).

2. Found leaking drain line under 1-compartment sink. Observed a bucket under drain line to capture water.

[CA] Secure leak.

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

Inspector Observations: Found accumulated food debris under cooking equipment. [CA] Routinely clean.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - No rodents, insects, birds, or animals.

Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
hu tieu (noodle)	hot holding	127.00 Fahrenheit	for less than 4 hours. COS-reheat.
beansprouts	counter (prep area)	58.00 Fahrenheit	for less than 4 hours. COS=add ice
warm water	handsink (front, prep & RR)	100.00 Fahrenheit	
chlorine	sani bucket	100.00 PPM	
fried tofu with onion	display	60.00 Fahrenheit	under TPHC
bitter melon	hot holding	146.00 Fahrenheit	
PHFs	(3) chest	1.20 Fahrenheit	between 1.2F - 5.6F
tofu	warmer	161.00 Fahrenheit	
tofu	2 door cold top	64.00 Fahrenheit	for less than 4 hours. COS- relocate
hot water	warewash/1-comp	120.00 Fahrenheit	
meat	2 door upright freezer	4.90 Fahrenheit	
PHFs	2 door reach in	46.00 Fahrenheit	
ambient	2 door reach in/cold top	41.00 Fahrenheit	
fried tofu	display	67.00 Fahrenheit	under time as a public health control (TPHC)
ham	2 door cold top	54.00 Fahrenheit	process of cooling
tofu	walk-in	41.00 Fahrenheit	
mi (noodles)	hot holding	147.00 Fahrenheit	
tofu	hot holding	141.00 Fahrenheit	
noodles	walk-in	41.00 Fahrenheit	
mushroom soup	walk-in	41.00 Fahrenheit	

Overall Comments:

A follow-up inspection shall be conducted.

*****Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.*****

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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 2/13/2023. 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



Received By: Huyen Nguyen
Manager

Signed On: January 30, 2023