

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 FA0202532 - VUNG TAU RESTAURANT		Site Address 1750 N MILPITAS BL, MILPITAS, CA 95035		Inspection Date 11/21/2022	
Program PR0307521 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HUYNH, VICTOR		Inspection Time 13:45 - 16:15
Inspected By FRANK LEONG	Inspection Type ROUTINE INSPECTION		Consent By VICTOR HUYNH	FSC VICTOR HUYNH 10/06/2023	

Placard Color & Score
RED
53

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					S
K06 Adequate handwash facilities supplied, accessible	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					N
K15 Food obtained from approved source	X						
K16 Compliance with shell stock tags, condition, display		X		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					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		
K34 Warewash facilities: installed/maintained; test strips	X	
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	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: *In the kitchen area, at the cookline, observed gloved employee handing raw pork slices and continuing to cook at the cookline without any form of handwashing. Operator handled clean plate with gloved hands and placed plate on counter to serve. [CA] Ensure hands are properly washed with warm water, hand soap, and paper towels when switching between tasks. Gloves shall be removed and swapped for a new pair when switching from any tasks that may contaminate hands.*

Follow-up By 11/23/2022

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

Inspector Observations: *In the kitchen area, in a bucket on the floor by the cookline, measured bean sprouts at 62F. Per operator, bean sprouts was placed in the area an hour prior. [CA] Ensure potentially hazardous foods are held cold at 41F or below or held hot at 135F or above. [SA] Operator placed ice in container of bean sprouts to facilitate proper holding temperatures.*

Follow-up By 11/23/2022

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

Inspector Observations: *In the kitchen area, by the cookline, observed employee cleaning pans in the prep sink and skipping the sanitizing step. [CA] Ensure all food containers for properly cleaned and sanitized in an applicable sanitizer.*

Follow-up By 11/23/2022

K16 - 8 Points - Not in compliance with shell stock tags, condition; 114039-114039.5

Inspector Observations: *In the kitchen area, in the 2 door reach in refrigerator, observed live clams stored without shell stock tag. [CA] The shellstock tag with 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. [SA] Operator provided a photocopy of shellstock tag for clams with harvest dates from 11/11/22 - 11/14/22. Physical copy of shellstock tag has been discarded. All future shellstock tags are to be held for a minimum of 90 calendar days.*

Follow-up By 11/23/2022

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

Inspector Observations: *In the kitchen area, observed multiple live cockroaches in the following areas: shelving across and around the cookline, on the floor underneath the handwash sink next to the 2 compartment prep sink, at the handwash sink in the back prep are, on the sides of the walk-in refrigerator by the 3 compartment sink, on and underneath the warewash area. Observed cockroach droppings and dead bodies embedded into FRP panels. [CA] Ensure facility is kept free of cockroach activity. A food facility shall not operate during a cockroach infestation. Seal all cracks and crevices to prevent continued harborage. Clean and sanitize all areas with activity to prevent possible cross contamination. Contact pest control to provide service for facility. Contact district inspector by email at frank.leong@deh.sccgov.org or by phone at (408) 918-1955. Any subsequent follow-up inspections after the first shall be charged at \$219.00 per hour. Contact district inspector when activity has been fully abated and no live activity is visible.*

Follow-up By 11/23/2022

Minor Violations

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

Inspector Observations: *In the kitchen area, in the 2 door undercounter refrigerator, measured a large amount of fried spring rolls cooling at 59F in a bowl. Per operator, fried spring rolls was prepared 30 minutes prior. [CA] All potentially hazardous foods shall be RAPIDLY cooled from 135F to 70F within 2 hours, and then from 70F to 41F within 4 hours. Cooling shall be facilitated by one or more of the following methods: in an ice bath; in a shallow container; and/or separated into smaller portions.*

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

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Inspector Observations: *In the kitchen area, observed use of wood to prop equipment, a wood floor cart for food storage, a wooden bench for food storage and the use of a piece of drywall to cover holes underneath the handwash sink. [CA] Ensure only approved equipment and approved materials are used such as stainless steel.*

Follow-up By 11/23/2022

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

Inspector Observations: *In the kitchen area, observed cracks and crevices underneath shelving, cracks and crevices between FRP panels, peeling paint on walls, holes in walls, and thinned grouting between floor tiles. [CA] Ensure all cracks and crevices are properly sealed to prevent harborage of vermin. Thinned grout on flooring shall be repaired to prevent standing water, accumulation of food debris, and potential harborage of vermin.*

Follow-up By 11/23/2022

Performance-Based Inspection Questions

- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - No rodents, insects, birds, or animals.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
fried spring rolls	2 door undercounter refrigerator	59.00 Fahrenheit	
cut tomatoes	counter-top ice bath container	43.00 Fahrenheit	+/-2
cut tomatoes	2 door prep unit	41.00 Fahrenheit	
live clams	2 door reach in refrigerator	40.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
flour cake	2 door reach in refrigerator	41.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
bean sprouts	container/bucket on floor	62.00 Fahrenheit	
marinated pork	2 door undercounter refrigerator	38.00 Fahrenheit	
marinated beef	2 door undercounter refrigerator	38.00 Fahrenheit	
bean sprouts	walk-in refrigerator	43.00 Fahrenheit	+/-2
sliced pork	2 door prep unit	43.00 Fahrenheit	+/-2
raw shelled eggs	walk-in refrigerator	43.00 Fahrenheit	+/-2
cooked shrimp	2 door prep unit	41.00 Fahrenheit	+/-2

Overall Comments:

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 **12/5/2022**. 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.

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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: VICTOR HUYNH
OWNER

Signed On: November 21, 2022