

# 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 FA0254409 - RONG BIEN RESTAURANT		Site Address 1111 STORY RD 1080, SAN JOSE, CA 95122		Inspection Date 11/29/2023	
Program PR0371087 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name RB DONG NAI CORPORATIO		Inspection Time 13:05 - 14:45
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By BECKY N.	FSC Becky Nguyen 03/22/2027	

Placard Color & Score
<b>YELLOW</b>
<b>62</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						S
K04 Proper eating, tasting, drinking, tobacco use	X						N
K05 Hands clean, properly washed; gloves used properly		X		X			N
K06 Adequate handwash facilities supplied, accessible			X	X			
K07 Proper hot and cold holding temperatures		X		X			
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			

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	X	
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		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: Wait staff employee using bare hands to handle ready-to-eat bean sprouts and herbs.**  
**\*\* Repeat violation**

Follow-up By  
12/05/2023

**Warewashing employee emptying trash containers and then continuing return clean and sanitized utensils without first washing hands.**

**[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.**

**Gloves shall be worn to minimize bare hand and arm contact with nonprepackaged food that is in a ready-to-eat form, or provide serving utensils.**

**[COS] Instructed employee to wash hands.**

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

**Inspector Observations: Container of raw catfish maintained on the bottom of the food preparation table across from the stoves measured at 54F. PIC stated that the employee had taken out the container of fish to prepare an order.**

Follow-up By  
12/05/2023

**Container of beef bone in soup maintained next to large pot of soup measured at 120F. PIC stated that beef bones are used for orders and is reheated inside the large pot first before serving. Beef bones maintained inside the large pot measured at 198F. PIC also stated that there was not enough space inside the small strainer holding the beef bones inside the pot.**

**Bean sprouts in ice water measured at 46F.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above. Use only small portions of food during preparation so that it does not exceed the maximum amount of time allowed for diligent prep.**

**[COS] More ice was added to the bean sprouts. Container of fish was relocated into the wash in refrigerator with ice added to immediately cool. Beef bones were relocated into the walk-in refrigerator to immediately cool.**

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

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**Inspector Observations: 4+ live cockroaches observed isolated inside the wood crevices of the preparation/storage table in the back storage area by the two upright freezers.**

**Follow-up By  
12/05/2023**

**3 dead cockroaches observed on floor below said table above.**

**5+ old rodent droppings observed on floors below dry storage shelves inside the dry storage room.**

**Facility is serviced every two weeks by licensed pest control service with the last treatment conducted on 11/20/2023. Service reports were provided for review upon request.**

**[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.**

**[COS] Entire table was removed from facility, PIC stated that table will be discarded. Affected area was cleaned and sanitized.**

## **Minor Violations**

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

**Inspector Observations: Men's restroom hand wash station lacked hand soap.**

**[CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**

**[COS] Employee provided hand soap.**

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

**Inspector Observations: Numerous large cans of pineapples and beans maintained inside the dry storage room observed with large dents on the sides and on the seals. [CA] Dents on the juncture seams and inseams of any hermetically sealed cans shall be discarded and/or returned to supplier.**

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

**Inspector Observations: Test strips observed to be old and did not register any sanitizer when used on solution confirmed with sanitizer.**

**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

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: Numerous employees observed washing hands at the three-compartment ware wash sink. [CA] Utilize sinks for their designated purposes. All hand washing shall be conducted only at the hand wash sink.**

**Observed knives and cleavers stored wedged between the crevices of the wall of the walk-in refrigerator and metal shelf storing sauces and condiments at the wok line.**

**[CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.**

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: Back door of facility maintained opened.**

**[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.**

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

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**Inspector Observations: Heavy accumulation of spilled over ingredients observed on floor below bulk ingredient bins and storage shelves in the dry storage area.**

**Numerous broken and/or missing cove based tiles throughout the kitchen.**

**Heavy accumulation of dust and oil on wall between the wokline and walk-in refrigerator.**

**[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris. The juncture of the floor and wall shall be covered with a 3/8-inch minimum radius coving and shall extend up the wall at least 4 inches.**

## Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

## Measured Observations

Item	Location	Measurement	Comments
Cooked rice	Rice cooker	162.00 Fahrenheit	
Raw pork	Walk-in refrigerator	40.00 Fahrenheit	
Catfish	Cookline	201.00 Fahrenheit	
Raw marinated beef	Three-door food preparation refrigerator	36.00 Fahrenheit	
Cooked sliced pork	Two-door food preparation refrigerator	41.00 Fahrenheit	
Calamari	Two-door food preparation refrigerator	37.00 Fahrenheit	
Beef bone soup	Cookline	198.00 Fahrenheit	
Parcooked prawns	Two-door food preparation refrigerator	41.00 Fahrenheit	
Cooked diced pork offals	Two-door food preparation refrigerator	41.00 Fahrenheit	
Cooked ground pork	Two-door food preparation refrigerator	40.00 Fahrenheit	
Raw marinated beef cubes	Three-door food preparation refrigerator	39.00 Fahrenheit	Across from wok line
Raw marinated chicken	Three-door food preparation refrigerator	40.00 Fahrenheit	Across from wok line
Milk	Merchandiser refrigerator	39.00 Fahrenheit	
Quail eggs	Walk-in refrigerator	41.00 Fahrenheit	
Parcooked prawns	Three-door food preparation refrigerator	41.00 Fahrenheit	Across from wok line
Quartered tomatoes	Three-door food preparation refrigerator	41.00 Fahrenheit	
Raw fish	Three-door upright refrigerator	39.00 Fahrenheit	
Hot water	Three-compartment sink	129.00 Fahrenheit	
Cooked pasta noodles	Three-door food preparation refrigerator	41.00 Fahrenheit	Across from wok line
Cooked shrimp	Two-door upright refrigerator	40.00 Fahrenheit	
Mussels	Three-door upright refrigerator	37.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Bean sprouts	Walk-in refrigerator	40.00 Fahrenheit	
Cooked chicken wings	Three-door food preparation refrigerator	38.00 Fahrenheit	
Quail eggs	Two-door food preparation refrigerator	41.00 Fahrenheit	
Hot water	Food preparation sink	132.00 Fahrenheit	
Raw fish	Two-door food preparation refrigerator	40.00 Fahrenheit	

## Overall Comments:

**- Two or more major violations were observed during the routine inspection.**

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**- 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 \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum 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 **12/13/2023**. 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




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**Received By:** Becky N.  
Manager

**Signed On:** November 29, 2023