

# 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 FA0207161 - NHA TRANG RESTAURANT		Site Address 1820 TULLY RD, SAN JOSE, CA 95122		Inspection Date 01/25/2023	
Program PR0303357 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name PHU, HOANG		Inspection Time 15:45 - 17:25
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By QUI	FSC Minh Nguyen 01/11/2027	

Placard Color & Score
<b>RED</b>
<b>47</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						
K05 Hands clean, properly washed; gloves used properly		X		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		X			
K09 Proper cooling methods					X		
K10 Proper cooking time & temperatures					X		
K11 Proper reheating procedures for hot holding					X		N
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					N
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		
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		
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		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

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

**Inspector Observations: Employee observed washing hands with gloves still donned on. [CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. Remove gloves prior to washing hands and donning on new gloves. [COS] Instructed employee to remove gloves and wash hands.**

Follow-up By  
01/31/2023

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

**Inspector Observations: Large pot of braised pork belly maintained at the cook line measured at 90F.**

Follow-up By  
01/31/2023

**Large pot of tomato soup maintained at the cook line measured at 120F.**

**Numerous containers of cooked rice previously served to customers maintained at the rolling rack commingled with empty rice containers and next to the rice cooker. Rice measured between 65F to 70F.**

**Employee stated that items are reheated in the morning and is hot held. Temperature is set slow to prevent degradation of quality of food.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Items maintained at the cook line were reheated and shall be properly cooled. Containers of rice were VC&D.**

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

**Inspector Observations: Numerous PHF items subjected to TPHC ambiguously labeled on TPHC log - "soup, veggies, claypot." Numerous pots of soups, claypots, and a variety of different vegetables are maintained out at ambient temperature. Numerous items subjected to TPHC not previously identified on approved TPHC written procedures. [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  
01/31/2023

**\*\* Repeat violation. TPHC logs will be revised to properly identify PHFs.**

**Container of steamed chicken maintained under the food preparation table subjected to TPHC maintained pass the four hour duration.**

**[CA] PHFs utilizing time as a public health control (TPHC) shall be discarded within 4 hours from the point in time when food is removed from temperature control. [COS] Chicken was VC&D.**

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

**Inspector Observations: Large tub of roasted diced peanuts maintained at the bottom of the food preparation refrigerator observed contaminated with rodent droppings. [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] Tub of roasted peanuts was VC&D.**

K18 - 8 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

**Inspector Observations: Facility conducts ROP of dehydrated fish.**

Follow-up By  
01/31/2023

**Per approved variance from California Department of Public Health:**

- The requested variance - ROP of dehydrated fish without the required freeze before, during, and after packaging.
- Hazard Analysis Critical Control Plan shall be submitted to CDPH and available at all times for review.
- On-going testing to verify mitigation of hazard.

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- **Standard Operating Procedures provided with HACCP.**
- **Record keeping.**
- **Training program.**

**Observed fish currently being dehydrated and numerous ROP fish frozen inside the three-door upright refrigerator. Approved HACCP plan unavailable for review. Variance approval letter from CPDH available for review. A scanned copy was taken during the inspection.**

**[CA] Facility shall provide a written HACCP plan to the Department and shall follow its written HACCP plan. Maintain HACCP plan with records at facility for review at all times.**

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

**Inspector Observations: Rodent droppings observed in the following areas:**

Follow-up By  
01/31/2023

- **On rolling cart where rice cooker and containers to serve rice to customers are stored.**
- **On wooden shelves behind microwaves directly above open colanders of vermicelli.**
- **On shelves of the food preparation refrigerator.**
- **On top of food preparation refrigerator next to open food (refrigerated top inserts).**
- **Inside open container of roasted diced peanuts.**
- **Throughout counter at the front service area where beverages are prepared.**
- **On shelves inside the dry storage area left of the front service counter.**
- **On storage shelf where clean utensils are stored, by crustacean holding tank.**
- **On wooden shelf between the food dryer in the janitorial area.**
- **On top of unopened cans in the upstairs dry storage area.**

**Facility was serviced by pest control at the beginning of the month. Pest control noted excessive food debris and rodent droppings observed.**

**[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. Clean and sanitize area of dead cockroaches or old droppings.**

## Minor Violations

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

**Inspector Observations: Large colander and other utensils observed stored inside wash basin of the hand wash sink. [CA] A handwashing facility shall not be used for purposes other than handwashing. Remove obstructions.**

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 wide opened. Side door of facility maintained opened. [CA] Keep doors closed at all times to prevent the entrance and harborage of vermin.**

## Performance-Based Inspection Questions

- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Compliance with variance/ROP/HACCP Plan.
- Needs Improvement - Proper reheating procedures for hot holding.

## Measured Observations

Item	Location	Measurement	Comments
Hot water	Two-compartment sink	125.00 Fahrenheit	
Parcooked chicken	Walk-in refrigerator	39.00 Fahrenheit	
Raw meatballs	Walk-in refrigerator	38.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Cooked rice	Rice warmer	146.00 Fahrenheit	
Raw fish	Walk-in refrigerator	38.00 Fahrenheit	

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## Overall Comments:

- Facility is hereby closed due to the presence of vermin.
  - Facility is to remain closed until infestation has been completely abated and affected areas have been cleaned and sanitized.
  - Provide pest control report upon follow-up inspection.
  - Subsequent follow-up inspections shall be billed at \$219/hour during normal business hours, Monday - Friday 7:30 AM to 5:00 PM, or \$493/hour during non-business hours, and upon inspector availability.
  - The posted placard is property of Santa Clara County of 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.
  - Contact district inspector for re-opening inspection once vermin infestation has been completely abated and all affected areas have been cleaned and sanitized.
- \*\*\*\* Two Bench Foods Dehydrator in use inside the janitorial room. Submitted plans for food facility and/or consultation with plan check will be conducted to verify approval of addition of equipment. If no plans were submitted and approved by DEH: A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at [www.ehinfo.org](http://www.ehinfo.org) to obtain plan check requirements.

## 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 **2/8/2023**. 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.

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



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Received By: Tom  
Manager  
Signed On: January 25, 2023