

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 FA0230408 - MALA TOWN		Site Address 438 BARBER LN, MILPITAS, CA 95035		Inspection Date 06/04/2026		Placard Color & Score YELLOW 17		
Program PR0330421 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name MALA TOWN MILPITAS LLC		Inspection Time 13:35 - 16:25			
Inspected By MAVERICK CHIN		Inspection Type ROUTINE INSPECTION		Consent By ROCHA				FSC Not Available

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				N
K02	Communicable disease; reporting/restriction/exclusion	X						N
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		X			N
K06	Adequate handwash facilities supplied, accessible		X		X			S
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		X			
K14	Food contact surfaces clean, sanitized		X		X			N
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				S
K22	Sewage and wastewater properly disposed		X		X			
K23	No rodents, insects, birds, or animals			X				S

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties	X	
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	X	
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean	X	
K34	Warewash facilities: installed/maintained; test strips	X	
K35	Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36	Equipment, utensils, linens: Proper storage and use	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use	X	
K39	Thermometers provided, accurate	X	
K40	Wiping cloths: properly used, stored		
K41	Plumbing approved, installed, in good repair; proper backflow devices		
K42	Garbage & refuse properly disposed; facilities maintained	X	
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:

REPEAT VIOLATION

Follow-up By
06/09/2026

Employee observed handling raw beef with gloved hands, stood up, then began chopping tofu.

Employee observed lifting his shirt up, scratched his chest, then did not wash hands thereafter. Same employee observed scratching his crotch area on the outside of his pants, then proceeded to handle a clean bowl before being stopped and instructed to wash hands. Employee was later observed throwing his gloves into the floor sink at the cook-line.

Employees observed collecting soiled dishes, then proceeded to serve ready-to-eat bowls of food to customers.

[CA] Employees shall wash their hands in all of the following scenarios:

- (1) Immediately before engaging in food preparation, including working with nonprepackaged 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) After using the toilet room.*
- (4) After caring for or handling any animal allowed in a food facility 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 food.*
- (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.*

[COS] Tofu was voluntarily discarded due to cross contamination. Bowl was taken to the three compartment sink to be re-washed.

Employees properly washed hands.

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

REPEAT VIOLATION

Follow-up By
06/09/2026

Of the two hand sinks in the kitchen:

Both hand sinks lacked any form of soap.

- At the hand sink near the three compartment sink, wash basin observed filled with a mixer placed inside.*
- Hand sink near the cook-line is incapable of dispensing any hot water. Handle observed turned off.*

Hand sink at the dining area was partially obstructed by chairs placed directly in front.

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

Handwashing facility shall be clean, unobstructed, and accessible at all times.

[SA] Pump bottle of soap provided. Obstructions removed.

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

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Inspector Observations:***REPEAT VIOLATION*****Follow-up By
06/09/2026**

On a lower prep table shelving unit to the left of the cook-line, observed the following:

- Raw beef measured 67F while maintained in a plastic tub in ambient air. Per staff, beef had been left out frozen since last night in ambient to thaw.*
- Beef tripe measured 74F while maintained in a plastic tub in ambient air. Per staff, tripe had had been taken out of refrigeration yesterday and maintained in ambient overnight.*
- Beef in plastic packages mixed with beef blood, maintained in a plastic tub measured 61F. Per staff, beef had been taken out of refrigeration 2 hours prior.*

In the clear-door cooler near the two preparation sinks, four bags of bean sprouts measured 51F, and noodles measured 50F. Ambient of the unit measured 50F via probe. Per staff, items had been maintained in the unit overnight.

In the second to the right customer self-service refrigerator at the self-service line (oriented facing the dining area), tea egg in soy sauce measured 62F, quail eggs measured 62F, and tofu measured 61F. Ambient of the lower portion of the unit measured 56F. Per staff, items had been placed into the unit 2 hours prior.

In the third to the right customer self service refrigerator at the self-service line, tofu puffs measured 47F and rice cake measured 46F. Ambient of the lower portion of the unit measured 45F via probe.

At right-end of the cook-line, on a dunnage rack, four pots of beef bone soup, chicken soup, tomato soup, and tom yum soup measured between 84F and 87F. Per staff, the meat soups are prepared using ground bones, and all soups use condensed milk and/or coconut milk. Per staff, items had been cooked 2 hours prior.

At the other end of the cook-line, observed an additional 4 pots of the same soup. Soups measured between 83F and 87F.

Per staff, the owners have instructed them not to keep the soups hot because it ruins the quality.

However, owner arrived on-site and clarified: He states employees are supposed to utilize intermittent hot holding during which they rotate stock pots of soup on and off the burners, and the time the soup is at ambient should not exceed 45 minutes.

Tofu measured 61F while maintained on a prep table to the right of the cook-line. Per staff, tofu had been taken out of refrigeration less than 2 hours prior.

Raw beef measured 57F while maintained in a tub on a cart in ambient near the open side door to the facility. Flies observed swarming around the beef.

[CA] Potentially hazardous foods shall be held at 41F or below, or at 135F or above to prevent the growth of bacteria.

[COS] Raw beef and beef tripe maintained in ambient since yesterday was voluntarily discarded into the trash. Noodles and bean sprouts were voluntarily discarded into the trash. All other potentially hazardous foods relocated to alternate refrigeration units, or served or else discarded at the end of lunch service. Beef subjected to fly contamination was voluntarily discarded (See K13M).

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

Inspector Observations:

A cloud of flies observes swarming around a tub of beef maintained on a cart in ambient temperature nearest the open side door of the facility. Observed two flies land directly on the raw beef.

**Follow-up By
06/09/2026**

[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] Beef was voluntarily discarded into the trash.

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, 114125(b), 114141

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Inspector Observations:***REPEAT VIOLATION*****Follow-up By****06/09/2026**

Employee observed warewashing using chlorine sanitizer that measured 0 ppm. Employee observed warewashing in the following order from right to left: Sanitizing with 0 ppm chlorine, washing (with soap), then rinsing in the left compartment.

[CA] Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM). Ensure dishes are manually ware washed in order of wash, rinse, and sanitize.

[COS] Employee added bleach. Chlorine sanitizer remeasured 100 ppm. Affected bowls were re-washed, rinsed, and sanitized.

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations:***REPEAT VIOLATION*****Follow-up By****06/09/2026**

Observed wastewater discharged from the drain pipe of the three compartment sink overflowing onto the floor of the kitchen during manual warewashing. Floor sink strainer and floor sink observed clogged. Per an employee present, the drain pipe underneath the floor sink often gets clogged because it is too narrow to accommodate the amount of water and food waste. Employee states that dishwashing employees have repeatedly brought the issue to the attention of the owners, but they have refused to take any action.

[CA] Food facility shall not operate if there is sewage overflowing or backing up in the food facility. Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

[COS] Employees cleaned out floor sink. Most of the wastewater observed capable of being discharged through the floor sink without overflowing onto the floor.

Minor Violations

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

Inspector Observations:*A valid food safety certificate could not be provided.**Food handler cards could not be provided for most staff members.*

[CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

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.

Employees could not answer various questions pertaining to food safety.

[CA] All food employees shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations:*Hand sink to the immediate right of the cook-line is incapable of dispensing any hot water.**Water measured at a maximum of 81F from the faucet in the men's restroom.*

[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

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Inspector Observations:

Approximately 15 flies observed flying around the kitchen.

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

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

Inspector Observations:

Manager was not present. Per staff, the old manager left a few months ago, and the current manager had not shown up today. Facility has failed to enact active managerial control.

[CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation.

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

Inspector Observations:

Raw, frozen beef observed thawing in ambient.

[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:

Raw chicken stored above raw beef in the walk-in cooler.

[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. Animal products shall be stored in order of progressive cooking temperature from top to bottom.

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

Inspector Observations:

Containers of food stored on the floor throughout the entirety of the facility.

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

K31 - 2 Points - Consumer self service does not prevent contamination; 114063, 114065

Inspector Observations:

Food items offered for consumer self service lack sneeze guards, or any method of preventing sneeze/splash contamination.

[CA] Food on display shall be protected from contamination by the use of packaging, counter, service line, or sneeze guards that intercept a direct line between the consumer's mouth and the food being displayed, containers with tight-fitting securely attached lids, display cases, mechanical dispensers, or other effective means.

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

Inspector Observations:

Accumulation of debris in floor sinks throughout the facility.

[CA] Nonfood contact surfaces shall be maintained clean.

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:

Chlorine test strips could not be provided.

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

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

Inspector Observations:

Self-service refrigerator second to the right, self-service refrigerator third to the right (oriented facing into the dining area), and upright clear-door cooler in the kitchen area are incapable of maintaining potentially hazardous foods at 41F or below.

See K07M.

[CA] Refrigeration shall be capable of maintaining potentially hazardous foods at 41F or below.

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:

1. Clean pots stored directly on the floor.

[CA] Equipment contacting food shall be stored in a sanitary location.

2. In the ice machine, ice scoop handle observed stored in direct contact with ice.

[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

3. Insufficient numbers of tongs provided for customer self-service. Customers observed utilizing the same tongs to handle a variety of animal products.

[CA] Provide separate tongs to prevent cross contamination.

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

Inspector Observations:

Heavy accumulation of grease on hood screens above the cook-line.

[CA] Clean routinely to allow for the adequate ventilation of heat/grease/vapors.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

Inspector Observations:

Multiple refrigeration units lack operable internal thermometers.

[CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

Inspector Observations:

Dumpster lids maintained open.

[CA] Keep lids closed to prevent the attraction of vermin.

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:

1. Employee jacket stored hanging on top of dry storage rack in contact with clean equipment.

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

2. All doors maintained open.

[CA] Keep doors closed to prevent the intrusion of vermin.

Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.
 Needs Improvement - Communicable disease; reporting/restriction/exclusion.
 Needs Improvement - Proper hot and cold holding temperatures.
 Needs Improvement - Demonstration of knowledge; food manager certification.
 Needs Improvement - Hands clean/properly washed/gloves used properly.
 Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Measured Observations

Item	Location	Measurement	Comments
raw sliced beef	self service cooler - far left	39.00 Fahrenheit	
peanut sauce	two-door under-counter cooler - kitchen entrance	39.00 Fahrenheit	
frozen aorta	walk-in freezer	8.00 Fahrenheit	
bean sprouts	self service cooler - far right	41.00 Fahrenheit	
chlorine sanitizer	three compartment sink	0.00 PPM	corrected to 100ppm
hot water	three compartment sink	120.00 Fahrenheit	
ambient	clear-door cooler - kitchen	50.00 Fahrenheit	
imitation crab	self service cooler - second to left	40.00 Fahrenheit	
sliced tomatoes	self service cooler - far right	40.00 Fahrenheit	
beef tendon balls	two-door upright cooler - front service - left	39.00 Fahrenheit	
tofu puffs	self service cooler - third to right	47.00 Fahrenheit	
imitation crab	two-door upright cooler - front service right	40.00 Fahrenheit	
frozen tripe	walk-in cooler	27.00 Fahrenheit	
peanut sauce	upright cooler - facing kitchen entrance	48.00 Fahrenheit	no PHF inside unit
raw chicken	walk-in cooler	38.00 Fahrenheit	
tofu puffs	two-door upright cooler - front service - right	39.00 Fahrenheit	
lobster balls	two-door upright cooler - front service - left	39.00 Fahrenheit	
tea eggs in soy sauce	self service cooler - second to right	62.00 Fahrenheit	
warm water	hand sink - dishwashing area	100.00 Fahrenheit	
hot water	prep sinks	120.00 Fahrenheit	

Overall Comments:

Facility has received multiple conditional passes in a row during routine inspections conducted. Repeat major violations have been documented multiple times. Facility lacks a manager or person in charge during operation. Manager was not present. Per staff, the old manager left a few months ago, and the current manager had not shown up today. Facility has failed to enact active managerial control. Facility owner(s) may be subject to additional enforcement action, including but not limited to an in-person office hearing and additional fines. Further evaluation shall follow. Business card provided

Facility owner, Eric Gao, arrived on-site at the end of the inspection. Discussed violations and corrections. Owner states that he will take full responsibility.

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Two or more major violations were cited during the routine inspection.

A follow-up inspection will be conducted in the next 1 to 5 business days to verify compliance with all of the cited major violations.

Subsequent follow-up inspections after the first shall be billed at \$298/hour, one hour minimum, during normal business hours (7:30 AM to 4:30 PM), or \$645 for a minimum of 2 hours, during non-business hours and in accordance with the inspector's availability.

The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered with, camouflaged, or copied. Failure to comply may result in a fine and enforcement action as per county ordinance 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 **6/18/2026**. 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: YANG GAO
OWNER

Signed On: June 04, 2026