

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 FA0208042 - DI VANG RESTAURANT		Site Address 2455 ALVIN AV, SAN JOSE, CA 95121		Inspection Date 12/13/2022	
Program PR0306691 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name NGUYEN, TRANG NGOC		Inspection Time 14:10 - 15:20
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By KIM	FSC Not Available	

Placard Color & Score
GREEN
79

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						
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				
K07 Proper hot and cold holding temperatures	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						

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		
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	X	
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	X	

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

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

Inspector Observations: Manager's five-year Food Safety Certificate (FSC) unavailable for review. [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. Provide within 60 days.

Employees' three-year food handler card unavailable for review . [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.

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employee's personal food stored on top of chest freezer.

Observed tobacco use inside facility - patrons actively smoking, cigarette butts found on floor in kitchen area.

[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Customers may not smoke inside facility per county ordinance.

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

Inspector Observations: Hand wash station by the three-compartment sink completely obstructed with utensils stored inside the wash basin and mop bucket stored in front. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times. Clear obstructions.

Men's restroom lacked hand soap. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times.

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

Inspector Observations: PIC not present at time of inspection. [CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation.

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: Domestic rice cooker in active use. [CA] All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Make plans to replace with commercial equipment once unit fails.

Metal can observed used as scoop inside bulk ingredient container. [CA] Equipment and utensils shall be designed and constructed to be durable and retain characteristic qualities under normal use conditions. Provide scoops with handles.

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: Scoops maintained inside bulk food ingredient containers stored with handles in direct contact with food ingredient. [CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Waitress observed using the food preparation sink to wash hands. Kitchen employee observed using the three-compartment sink to wash utensils. [CA] Utilize sinks for their designated purpose. All hand washing shall be conducted at the hand wash sink. Food preparation sink shall be used only for the preparation of food.

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: Employee's personal belongings (jacket, medicine) stored on top of boxes of food containers and other equipment on the table across from the three-compartment sink. [CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

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

Inspector Observations: Heavy build up of food residue observed on walls by the ware washing area. Heavy build up of dust and debris observed below equipment.[CA] Walls and/or floors in kitchen shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.

K58 - 2 Points - Placard not properly displayed/posted

Inspector Observations: Posted health placard by the cashier completely obstructed by decoration. Placard relocated to window by front entrance. [CA] The placard shall be posted and clearly visible to the general public and patrons entering the food establishment.

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Fish ball	Food preparation refrigerator	38.00 Fahrenheit	
Cooked pork hock	Two-door merchandiser	38.00 Fahrenheit	
Cooked vermicelli noodles	Two-door merchandiser	39.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	40.00 Fahrenheit	
Cooked rice	Rice warmer	145.00 Fahrenheit	
Hot water	Three-compartment sink	129.00 Fahrenheit	
Chlorine sanitizer	Three-compartment sink	100.00 PPM	
Hot water	Food preparation sink	132.00 Fahrenheit	
Raw beef	Three-door merchandiser	39.00 Fahrenheit	
Raw clams	Three-door merchandiser	37.00 Fahrenheit	
Milk	Three-door merchandiser	41.00 Fahrenheit	
Raw beef	Food preparation refrigerator	37.00 Fahrenheit	

Overall Comments:

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 **12/27/2022**. 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.

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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: Kim Che
Waitress

Signed On: December 13, 2022