

# 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

<b>Facility</b> FA0207293 - TUU QUAN RESTAURANT		<b>Site Address</b> 1939 ALUM ROCK AV H, SAN JOSE, CA 951162000		<b>Inspection Date</b> 12/05/2024		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>67</b> </div>		
<b>Program</b> PR0303578 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> NGUYEN, PHUNG		<b>Inspection Time</b> 19:10 - 20:10			
<b>Inspected By</b> HENRY LUU		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> ANGIE (VIA PHONE)				<b>FSC</b> 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				
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		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	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		
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	

## Comments and Observations

### Major Violations

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

**Inspector Observations:** *Dead mouse observed inside sticky trap between wall and alter behind the bar/DJ area.*

**Rodent dropping observed in the following areas:**

- On floor behind sound system equipment.
- On floor behind chest freezers at the DJ area.
- On floor underneath the water heater in the kitchen.

**[CA]** Clean and sanitize area of old droppings.

*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]** Kitchen employee discarded trap.

### Minor Violations

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

**Inspector Observations:** *Five-year Food Safety Certified (FSC) manager certificate 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.*

**\*\* Repeat violation. Further enforcement action may be taken on facility for failure to comply.**

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

**Inspector Observations:** *The only hand wash station was partially obstructed with garbage can placed in front. Employee is required to lean and reach over in order to conduct hand washing.*

**[CA]** Handwashing facility shall be clean, unobstructed, and accessible at all times.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations:** *Minor leak observed at the waste drain pipe below the left side basin of the two-compartment food preparation sink. Waste water is collected using a large bus tub.*

**[CA]** 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.

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

**Inspector Observations:** *No manager or person in charge 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.

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

**Inspector Observations:** *Bowl of frozen chicken wings observed thawing in ambient temperature.*

**[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.

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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: Containers and boxes of raw shelled eggs maintained above ready-to-eat food items inside the three-door upright refrigerator.**

**[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.**

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

**Inspector Observations: Bulk ingredient bins lacked labels identifying item.**

**[CA] Working containers holding food or food ingredients that are removed from their original packages shall be identified with the common name of the food if not easily recognizable.**

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: Ambient temperature of the three-door upright refrigerator fluctuates between 41F to 43F. PHF items maintained inside the refrigerator measured at 41F and below.**

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. This Division suggests lowering thermostat of refrigerator.**

**Numerous domestic cooking equipment observed in use - rice cooker, air fryer, microwave.**

**[CA] Make plans to replace with commercial equipment. 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).**

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: Observed microfiber cloth used to cover food.**

**[CA] Linen shall not be used in contact with food unless they are used to line a container for the service of foods and are replaced each time the container is refilled for a new consumer and laundered prior to reuse.**

**Observed bowls used as scoops maintained inside bulk ingredient containers.**

**[CA] Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with 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: Large gap observed below the metal screen door at the side of the kitchen. Door was maintained opened at time of inspection.**

**[CA] Eliminate gap greater than 1/4" 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

**Inspector Observations: Heavy build up of grease observed on floors behind the cook line.**

**[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under cooking equipment to prevent accumulation of debris.**

## Performance-Based Inspection Questions

N/A

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## Measured Observations

Item	Location	Measurement	Comments
Cooked rice	Three-door upright refrigerator	41.00 Fahrenheit	
Sliced tomatoes	Three-door upright refrigerator	47.00 Fahrenheit	Employee stated that item was just cut.
Raw chicken wings	Three-door upright refrigerator	33.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	
Warm water	Hand wash sink - restrooms	100.00 Fahrenheit	
Raw shelled eggs	Three-door upright refrigerator	42.00 Fahrenheit	
Warm water	Hand wash sink - kitchen	101.00 Fahrenheit	
Raw oysters	Two-door upright freezer	5.00 Fahrenheit	
Prepackaged tofu	Three-door upright refrigerator	41.00 Fahrenheit	
Portioned raw beef	Three-door upright refrigerator	40.00 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 **12/19/2024**. 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: Ut Dao  
Employee  
Signed On: December 05, 2024