

County of Santa Clara
Department of Environmental Health
Consumer Protection Division

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 Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0252416 - NAM GIAO RESTAURANT		Site Address 2066 TULLY RD, SAN JOSE, CA 95122		Inspection Date 08/24/2023	
Program PR0367405 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name QOLOR LLC		Inspection Time 09:30 - 11:35
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By TINO	FSC Not Available		

Placard Color & Score
YELLOW
44

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		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		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		
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	X	
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

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

Inspector Observations: *Hand wash station in the right kitchen lacked paper towels and paper towel dispenser. Paper towel dispenser was located above the food preparation sink which was located about 10 feet away. Paper towel roll was maintained at the cook line.*

Follow-up By
09/05/2023

[CA] *Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers at all times. Paper towels shall be stored inside the dispenser to prevent potential contamination.*

[COS] *Paper towel rolls were maintained by the hand wash sink.*

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

Inspector Observations: *PHF items maintained out in ambient temperature measured as follows:*

- *Numerous steamed rice flour cakes measured between 90F to 110F. Per employee, items were just steamed less than one hour prior.*

- *Numerous containers and colanders of cooked yellow noodles and vermicelli measured between 70F to 80F. Employee stated that items were cooked fresh daily in the morning and is portioned. Upon order, items are reheated and then served. Employee also stated that items are usually finished within 3 or 4 hours. Any left over is usually discarded and a fresh batch is made.*

- *No time as a public health control written procedures and or time labels provided.*

- *Container of soup broth maintained at the cook line measured at 71F. Employee stated that container is kept out and is used to refill the main pot that is ready for service.*

Follow-up By
09/05/2023

[CA] *PHFs shall be held at 41°F or below or at 135°F or above.*

[COS] *All items were relocated into refrigeration units to immediately cool.*

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

Inspector Observations: *Observed container of prepackaged dried herbs and spices maintain in the dry storage hallway in the right side kitchen with rodent droppings on top and inside box. Observed no gnaw marks on on items.*

Follow-up By
09/05/2023

[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] *Instructed employee to inspect items, and to discard any with gnaw marks. All items prepackaged items will be cleaned and sanitized.*

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

Inspector Observations: *Observed rodent droppings throughout right side kitchen:*

Follow-up By
09/05/2023

- *On floor underneath ware washing area.*
- *On shelf below the drainboards of the ware washing area left of the mechanical dish machine.*
- *On floors underneath dry storage racks in the dry storage areas.*
- *On floor behind the cook line.*

Employee was unsure whether facility has pest control services.

[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.*

Minor Violations

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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.

Employees' three-year food handler cards 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.

**Information on a Food Safety Certificate and Food Handler cards are available at <https://www.sccgov.org/sites/cpd/programs/fsp/Pages/FSC.aspx>.
<https://cpd.sccgov.org/sb-602-food-handler-cards>**

***** Repeat violation**

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

Inspector Observations: Employees observed eating and/or drinking inside kitchen where food preparation is being conducted.

[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

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

Inspector Observations: Hand wash station in the left side kitchen lacked hot water. Per PIC, faucet is inoperable. [CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

Hot water at the three-compartment sink in the left side kitchen measured at 110F.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

Cold water not provided at the three-compartment sink in the left side kitchen.

[CA] Adequate supply of hot and cold water shall be provided at all sinks.

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

Inspector Observations: Observed condensate being collected in a plastic tub placed below the refrigeration unit in the walk-in refrigerator on the right side of the kitchen.

[CA] Condensation line from walk-in refrigerator shall drain into an approved plumbing system.

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

Inspector Observations: Manager of "person in charge," unavailable 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: Container of raw shrimp thawing in container of standing water out in ambient temperature in the right side kitchen.

[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)

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Inspector Observations: Numerous containers of food stored directly on floor throughout kitchen and walk-in refrigerators and freezers.

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

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: Observed steady leak at the spray sink left of the mechanical dish machine in the right side kitchen.

Hot water faucet at the hand wash station in the left side kitchen inoperable.

Cold water faucet at the three-compartment sink in the left side kitchen inoperable.

[CA] Repair plumbing fixture and maintain in clean and good repair.

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: Observed employees' personal belongings, cellphones, medicine, jackets, purses, etc., stored in areas of food storage and/or food preparation.

[CA] No person shall store clothing or personal effects (cell phone, car keys, and jackets) in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects shall be stored in employee lockers or other designated areas for employee storage.

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

Inspector Observations: Heavy accumulation of debris observed on floors, especially underneath equipment in both sides of the kitchen.

[CA] Regularly clean under equipment to prevent accumulation of debris.

Heavy staining observed on walls in the left side kitchen.

[CA] Walls and/or floors in food preparation area shall be kept clean.

Numerous missing ceiling panels in the left side kitchen.

[CA] Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

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Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Cooked beef tendon	Right kitchen - cook line	211.00 Fahrenheit	Cooking
Quartered tomato	Left kitchen - Food preparation refrigerator	41.00 Fahrenheit	Top insert
Sliced fancy pork	Right kitchen - refrigerated top insert	41.00 Fahrenheit	
Soup	Left kitchen - walk-in refrigerator	40.00 Fahrenheit	
Raw shelled eggs	Right kitchen - walk-in refrigerator	41.00 Fahrenheit	
Cooked cornish hen	Right kitchen - walk-in refrigerator	41.00 Fahrenheit	
Quarted tomatoes	Right kitchen - refrigerated top insert	41.00 Fahrenheit	
Cooked portioned rice	Left kitchen - walk-in refrigerator	41.00 Fahrenheit	
Cooked pork hock	Right kitchen - cook line	164.00 Fahrenheit	
Hot water	Right kitchen - two compartment sink	120.00 Fahrenheit	
Raw beef	Right kitchen - refrigerated top insert	36.00 Fahrenheit	
Ground comminuted meat mixture	Right kitchen - 4-dr upright refrigerator	40.00 Fahrenheit	
Fried fish cake	Left kitchen - walk-in refrigerator	40.00 Fahrenheit	
Raw beef	Right kitchen - walk-in refrigerator	40.00 Fahrenheit	
Cooked beef brisket	Right kitchen - walk-in refrigerator	41.00 Fahrenheit	
Fancy pork rolls	Left kitchen - walk-in refrigerator	41.00 Fahrenheit	
Bean sprouts & herbs mixture	Left kitchen - walk-in refrigerator	40.00 Fahrenheit	
Steamed rice flour cakes	Left kitchen - walk-in refrigerator	41.00 Fahrenheit	
Warm water	Right kitchen - hand wash sink	103.00 Fahrenheit	
Sliced fermented pork	Left kitchen - Food preparation refrigerator	41.00 Fahrenheit	Top insert
Bean sprouts	Left kitchen - walk-in refrigerator	40.00 Fahrenheit	
Soups	Right kitchen - walk-in refrigerator	41.00 Fahrenheit	
Cooked pork blood	Right kitchen - cook line	139.00 Fahrenheit	
Sliced fancy pork	Left kitchen - Food preparation refrigerator	40.00 Fahrenheit	
Soup	Right kitchen - cook line	189.00 Fahrenheit	
Sliced fancy pork	Left kitchen - Food preparation refrigerator	41.00 Fahrenheit	Top insert

Overall Comments:

- **Two or more major violations were observed during the routine inspection.**
- **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 red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.**
- **Time as a public health control (TPHC) written procedures provided to operator.**
- **Spoke with PIC over the phone. Owners are still the same, however the management has changed.**
- **At time of inspection, this Division observed more than 5 employees currently working.**
 - **Facility's Program Element will be upgraded from FP11 (Food prep/food service operation 0-5 employee RC3) to FP14 (food prep/food service operation 6-25 employee RC3)**

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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 **9/7/2023**. 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



Received By: Tino
PIC
Signed On: August 24, 2023