

# 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<br>FA0207734 - BANH MI OVEN (DOWNTOWN)                          |                                       | Site Address<br>221 E SAN FERNANDO ST, SAN JOSE, CA 95112 |                              | Inspection Date<br>03/20/2025 |                                  |
| Program<br>PR0301011 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 |                                       |   | Owner Name<br>DINH BROS, INC |                               | Inspection Time<br>13:20 - 14:40 |
| Inspected By<br>HENRY LUU  | Inspection Type<br>ROUTINE INSPECTION |   | Consent By<br>NHI            | FSC David Tran<br>01/29/2027  |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>GREEN</b>          |
| <b>67</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  |       |       |        |     |     | S   |
| 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     |       | 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                                     |    |       |       |        |     |     |     |
| 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  | 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  | X   |     |
| 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                          |     | X   |
| 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

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

**Inspector Observations: Cooked pork maintained inside the hot holding unit measured between 120F at the top to 134F at the bottom.**

**[CA] PHFs shall be held at 135°F or above. Ensure employees are routinely stirring food to maintain hot holding temperatures throughout.**

**[COS] Instructed employee to either maintain PHF items subjected to time as a public health control and/or reheat to 165F prior to hot holding at 135F.**

### Minor Violations

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

**Inspector Observations: Employees present at time of inspection lacked food handler cards. Owner stated that one employee is new, and the other employee is in the process of obtaining her food handler cards.**

**Numerous food handler cards provided were expired.**

**[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.**

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

**Inspector Observations: Hand wash sink in the front of the service line lacked hand soap dispenser. Hand soap is provided inside large squeeze bottle.**

**Hand wash sink in the back of the kitchen between the food preparation sink and three-compartment sink obstructed with food service equipment and observed with heavy accumulation of food residue. Hand sink also lacked paper towels, hand soap, and hand soap dispenser. Hand wash sink in the front service area is less than 10 feet from each other.**

**Customer's restroom lacked paper towels.**

**\* Employee dedicated restroom available in the kitchen.**

**[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Ensure warm water, hand soap, and paper towels are readily available at all times. Handwashing facility shall be clean, unobstructed, and accessible at all times.**

**\* Provide wall mounted hand soap dispensers.**

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

**Inspector Observations: Observed numerous fruit flies and/or dry flies throughout the kitchen.**

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

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: Numerous containers of food stored directly on the floor:**

- Large totes used to store baguettes in the front service area.
- Buckets of pickled vegetables inside the walk-in refrigerator.

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

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

**Inspector Observations: Numerous opened bulk bags of ingredients stored directly on the floor inside the dry storage room.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids. Food shall be stored at least 6 inches above the floor to prevent contamination.**

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

**Inspector Observations: Observed accumulation of grime on yellow lids of the non-food grade totes used to store baguettes.**

**[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.**

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: Facility utilizes numerous domestic food equipment - air fryer and toaster ovens.**

**[CA] Make plans to replace with commercial equipment. New and/or replacement food 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: Ice scoop maintained inside the food preparation refrigerator for beverage preparation observed with handle in direct contact with consumable ice.**

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

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Observed toilet in the customer restroom clogged.**

**[CA] Toilet facilities shall be maintained clean and in 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 4+ bins of facility maintenance tools throughout the kitchen and areas of food storage.**

**Observed numerous equipment, white one-door upright refrigerator, two-door upright refrigerator, numerous paper towel dispensers, stored directly outside of the entrance into the kitchen.**

**[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used. Maintain maintenance equipment/tools in designated area away from food preparation areas.**

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 debris and food residues observed on floors and walls throughout the facility:**

- On floor and on walls behind the large floor mixer is the front service area.
- On floor and walls in the cook line area.

**Observed some standing water by the oven and below the three-compartment sink.**

**\* Note: observed no leaks below the three-compartment sink.**

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

## Performance-Based Inspection Questions

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|   |  |   |
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All responses to PBI questions were satisfactory.

## Measured Observations

| Item                  | Location                              | Measurement       | Comments   |
|-----------------------|---------------------------------------|-------------------|------------|
| Hot water             | Food preparation sink - front service | 124.00 Fahrenheit |            |
| Sliced ham            | Walk-in refrigerator                  | 40.00 Fahrenheit  |            |
| Roast pork            | Food preparation refrigerator         | 41.00 Fahrenheit  |            |
| Vietnamese mayonnaise | Food preparation refrigerator         | 41.00 Fahrenheit  | Top insert |
| Hot water             | Food preparation sink - kitchen       | 121.00 Fahrenheit |            |
| Sliced headcheese     | Food preparation refrigerator         | 40.00 Fahrenheit  |            |
| Hot water             | Three-compartment sink                | 125.00 Fahrenheit |            |
| Cooked chicken        | Hot holding unit                      | 137.00 Fahrenheit |            |
| Vietnamese mayonnaise | Walk-in refrigerator                  | 41.00 Fahrenheit  |            |
| Sliced fancy pork     | Walk-in refrigerator                  | 41.00 Fahrenheit  |            |
| Sliced headcheese     | Walk-in refrigerator                  | 37.00 Fahrenheit  |            |
| Warm water            | Hand wash sinks                       | 101.00 Fahrenheit |            |
| Pate                  | Food preparation refrigerator         | 41.00 Fahrenheit  | Top insert |
| Cooked shrimp         | Food preparation refrigerator         | 41.00 Fahrenheit  |            |

## Overall Comments:

- **At time of inspection, sewage odor was present near the grease trap.**
- **Sewage back-up was not observed.**
- **This Division suggests maintaining grease traps.**

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 **4/3/2025**. 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:** Vu D.  
Owner

**Signed On:** March 20, 2025