

**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><br>FA0207153 - BANH CUON THIEN HUONG                             |  | <b>Site Address</b><br>1818 TULLY RD 218, SAN JOSE, CA 95122 |                                | <b>Inspection Date</b><br>05/05/2022 |   |
| <b>Program</b><br>PR0305405 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |  |  | <b>Owner Name</b><br>VU, NHUNG |                                      | <b>Inspection Time</b><br>13:45 - 15:15 |
| <b>Inspected By</b><br>HENRY LUU   |  | <b>Inspection Type</b><br>ROUTINE INSPECTION                 |                                | <b>Consent By</b><br>LY              |   |
| <b>FSC</b> Quang Huynh<br>09/28/2025   |  |  |                                |                                      |   |

**Placard Color & Score**  
**YELLOW**  
**46**

| 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  |       |       |        |     |     | S   |
| 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      |     |     | N   |
| K08 Time as a public health control; procedures & records                       |    | X     |       | X      |     |     | N   |
| K09 Proper cooling methods  |    | X     |       | 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  |       |       |        |     |     |     |
| 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                                      |     |     |
| 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  |     |     |
| 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                                 |     |     |
| 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                                    |     |     |
| 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:** *Multiple PHF items (raw shrimp, sugarcane wrapped shrimp paste, calamari, fancy pork, fish paste, etc), stored inside the preparation refrigerator and the reach-in refrigerator across from the cook line measured between 49F to 57F. Ambient temperature of both refrigerators measured at 51F.*

Follow-up By  
05/10/2022

*Bean sprouts stored in water in ambient temperature measured at 65F.*

**[CA]** *PHFs shall be held at 41F or below or at 135F or above. [COS] All PHF items relocated to walk-in refrigerators to immediately cool.*

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations:** *Multiple PHF items, rice noodle rolls (banh cuon), fancy pork (cha), at the front service counter subjected to TPHC lacked time labels. Employee observed mixing old batch of food with new batch of food items just brought out. [CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within four hours, and written procedures shall be readily available for review. [COS] Old batch of food items were immediately served. Labels were provided for new items.*

Follow-up By  
05/10/2022

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** *Multiple pots of soup and porridge (chao) stored on the rack next to the stove measured between 60F to 80F. Per manager items are reheated in the morning and is cooled in ambient temperature prior to relocating into the walk-in refrigerator. Items are also left out for a couple hours and is reheated upon ordering, and left to cool again. Items have been out for three to four hours. [CA] After heating or hot holding, PHFs shall be cooled rapidly from 135F to 70F or below within two hours and from 70F to 41F or below within an additional four hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool. [COS] Items were reheated to restart cooling process.*

Follow-up By  
05/10/2022

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

**Inspector Observations:** *Sliced cucumbers and chives maintained on the preparation table observed with fruit flies all over cucumbers. [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] Tray of cucumbers and chives were VCD.*

Follow-up By  
05/10/2022

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, 14125(b), 114141

**Inspector Observations:** *Employee washed and rinsed multi-use utensils and stored wet utensils stacked on the storage rack. Per employee, utensils are just washed and rinsed. Sanitizer is used once or twice a week to sanitize the utensils. [CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds. All utensils washed shall be sanitized after. Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing. [COS] Instructed employee to rewash and sanitize utensils.*

Follow-up By  
05/10/2022

**Build up of food debris encrusted on the meat slicer. Meat slicer was not in active use during time of inspection. [CA] Meat slicer shall be washed, rinsed and sanitized every four hours or less after initial use.**

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## Minor Violations

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

**Inspector Observations: 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.**

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

**Inspector Observations: Employee's opened beverage cup stored along with cups of tea for customers. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Store employee's foods and beverages separated and away from restaurant food, food contact, and food storage areas. Utilize cups with lids and straws.**

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: Two cardboard boxes lined with newspaper on the bottom used to store deep fried food items. [CA] All food shall be separated and protected from possible contamination. Discontinue use of cardboard boxes and newspaper to store food items. Utilize approved containers.**

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

**Inspector Observations: Multiple containers of food items stored directly on floor inside main kitchen, dry storage area, and inside both walk-in refrigerator and walk-in freezers. [CA] Food shall be stored at least six-inches above the floor to prevent contamination.**

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 preparation refrigerator and reach-in refrigerator across from cook line measured at 50F to 51F. [CA] Refrigeration must be capable of maintaining PHFs at 41F or below.**

**Preparation refrigerator's left door is not fastened to the hinges and falls off when opened. [CA] Repair in an approved manner.**

**Multiple domestic rice cookers and crock pot in 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 domestic equipment with certified equipment when they fail.**

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 items stored in or around food preparation areas. [CA] Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage.**

## Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Time as a public health control; procedures & records.

Needs Improvement - Food contact surfaces clean, sanitized.

Needs Improvement - Proper hot and cold holding temperatures.

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## Measured Observations

| <u>Item</u>                                   | <u>Location</u>                  | <u>Measurement</u> | <u>Comments</u> |
|---|----------------------------------|--------------------|-----------------|
| Cooked ground pork with black fungus mushroom | Walk-in refrigerator             | 32.00 Fahrenheit   |                 |
| Egg rolls                                     | Hot holding unit                 | 136.00 Fahrenheit  |                 |
| Cooked egg cake                               | Walk-in refrigerator             | 29.00 Fahrenheit   |                 |
| Hot water                                     | Two-compartment ware wash sink   | 131.00 Fahrenheit  |                 |
| Rice  | Walk-in refrigerator             | 41.00 Fahrenheit   |                 |
| Hot water                                     | Two-compartment preparation sink | 130.00 Fahrenheit  |                 |
| Meat sauce                                    | Crock pot                        | 146.00 Fahrenheit  |                 |
| Cooked beef tongue                            | Walk-in refrigerator             | 41.00 Fahrenheit   |                 |

## Overall Comments:

***Two or more major violations were observed during the inspection. A follow-up inspection will be conducted in two to three business days to verify compliance of all major violations. Subsequent follow-up inspection after first follow-up shall be billed \$219 per hour during normal business hours, and \$493 per hour during non-business hours, and upon inspector availability.***

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 **5/19/2022**. 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.

## 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




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**Received By:** Nhung  
Owner

**Signed On:** May 05, 2022