

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 FA0255906 - BUON ME CAFE		Site Address 1111 STORY RD 1003, SAN JOSE, CA 95122		Inspection Date 09/19/2024	
Program PR0374286 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BUON ME CAFE CORP		Inspection Time 15:10 - 17:20
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By NGOC B.	FSC Obtain by 10/15/2024		

Placard Color & Score
YELLOW
59

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						S
K04 Proper eating, tasting, drinking, tobacco use			X				N
K05 Hands clean, properly washed; gloves used properly		X		X			N
K06 Adequate handwash facilities supplied, accessible			X				N
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods			X				N
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						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	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	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		
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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Employees observed consuming food and then attempted to continue onto food preparation without first washing hands.

Follow-up By
09/24/2024

Dish washing employee observed handing clean and sanitized dishes after handling soiled utensils.

[CA] Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) Immediately after using the toilet room and again when returning into the kitchen.
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat foods.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.

Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.

[COS] Instructed employees to properly wash hands as required.

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

Inspector Observations: Four pots of soup at the cook station measured between 94F to 117F. Manager stated that soup is being hot held for service and has been there for approximately 2 hours.

Follow-up By
09/24/2024

Two flats and a plastic container of raw shelled eggs maintained at the cook line measured between 78F to 81F. Manager stated that eggs have been out for approximately 2 hours and is rapidly used for service.

Metal container of hot link sausages and sliced fancy pork maintained at the cook line measured at 80F. Employee stated that items were sliced less than 2 hours prior, and is rapidly used for service.

Roast pork, approximately 5-10 lbs, maintained out in ambient temperature at the banh mi preparation area measured at 76F. Manager stated that roast pork was purchased in the morning at approximately 9-10:00 AM.

Two colanders of cooked vermicelli maintained out in ambient temperature measured at 70F. Manager stated that vermicelli was prepared about two hours prior and is usually used quickly.

Metal container of cooked boba maintained out in ambient temperature at the beverage preparation area measured at 60F. Employee stated that items have been kept out since the morning, at around 9-10:00 AM.

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

[COS/SA]

- Pots of soup were reheated to 165F prior to hot holding at 135F.
- Raw shelled eggs and container of sausages and fancy pork were relocated into preparation refrigerators to

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immediately cool.

- Roast pork and boba was VC&D into the trash for time and temperature abuse.
- Vermicelli placed on time as a public health control (TPHC) and will be served for an additional two hours (5:30 PM). After 5:30 PM, maximum 4 hours, vermicelli shall be VC&D.

**** This Division recommends utilizing TPHC for vermicelli, boba, and items that are rapidly use.**

- 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 4 hours, and written procedures shall be readily available for review.
- TPHC written procedures review and provided to manager.

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

Inspector Observations: Observed kitchen employee place colander on floor and then placed colander on top of raw pork gizzards thawing at the food preparation sink.

[CA] No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils. 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] Top portion of gizzards were VC&D.

Follow-up By
09/24/2024

Minor Violations

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

Inspector Observations: Observed employees in the beverage preparation area consuming food in areas of food preparation.

Observed employees' personal beverages stored in areas of food preparation, food storage, and food contact surfaces:

- container of lemon water placed on top of serving plate.

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

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

Inspector Observations: Hand wash station by the food preparation refrigerator in the ware washing area completely obstructed with a serving bowl in the wash basin and rolling cart with food.

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

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Numerous PHF items: cooked macaroni, cooked pork meatballs, cooked sliced pork, cooked pork liver, etc. maintained inside the two-door upright refrigerator measured between 50F to 70F.

Employees stated that all items were prepared at various times in the morning, after cooking, items are cooled in ambient temperature for an hour before placing inside plastic bags to continue cooling inside the refrigerator.

[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F and below within 2 hours and from 70°F to 41°F and below within an additional 4 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.

Discontinue cooling PHF items inside plastic bags.

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

Inspector Observations: Raw chicken and raw pork gizzards thawing in standing water at the food preparation sink.

[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)

Inspector Observations: Observed numerous flats of raw shelled eggs stored above containers of milk tea. Observed containers and/or bags of raw foods stored above ready-to-eat food items inside upright and preparation refrigerators.

[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.

Observed cardboard placed on top of trash can with containers of condiments and utensils placed on top as a makeshift preparation surface at the banh mi preparation area.

[CA] Food utensil (i.e. cutting board, baking pan, platters) shall not be used on top of a trash can to prevent cross contamination.

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 rice cooker in use placed on the floor.

[CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.

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: Side door of the facility directly leading into the kitchen maintained opened during the inspection.

[CA] Keep door closed at all times to prevent the entrance and harborage of vermin.

Employees personal belongings observed stored in areas of food preparation, food storage, and/or utensil storage.

[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.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Needs Improvement - Food contact surfaces clean, sanitized.

Needs Improvement - Proper cooling methods.

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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Measured Observations

Item	Location	Measurement	Comments
Cooked vegetarian	Hot holding unit	136.00 Fahrenheit	Banh mi preparation area
Warm water	Hand wash station	100.00 Fahrenheit	
Warm water	Hand wash station - restroom	102.00 Fahrenheit	
Hot water	Three-compartment sink	131.00 Fahrenheit	Kitchen
Pate	Food preparation refrigerator - cook line	41.00 Fahrenheit	
Rice flour cake	Two-door upright refrigerator	40.00 Fahrenheit	
Sliced fancy pork	Food preparation refrigerator - banh mi prep	41.00 Fahrenheit	
Sausages	Food preparation refrigerator - cook line	40.00 Fahrenheit	
Sliced ham	Food preparation refrigerator - banh mi prep	41.00 Fahrenheit	
Cooked sliced pork	Food preparation refrigerator	40.00 Fahrenheit	
Cooked calamari	Two-door upright refrigerator	40.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Milk	Reach-in refrigerator - bar	41.00 Fahrenheit	
Marinated quail eggs	Food preparation refrigerator	41.00 Fahrenheit	
Meatballs	Hot holding unit	135.00 Fahrenheit	Banh mi preparation area
Raw eggroll meat	Two-door upright refrigerator	40.00 Fahrenheit	
Cooked pork gizzards	Food preparation refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	120.00 Fahrenheit	Bar
Sliced tomato	Food preparation refrigerator - cook line	41.00 Fahrenheit	
Cooked macraoni	Food preparation refrigerator	41.00 Fahrenheit	
Pate	Food preparation refrigerator - banh mi prep	40.00 Fahrenheit	
Raw beef	Food preparation refrigerator - cook line	40.00 Fahrenheit	
Raw marinated chicken	Food preparation refrigerator	40.00 Fahrenheit	

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 \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/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. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.**

Notes:

- **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.**
- **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. Obtain FSC by 10/15/2024.**

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 **10/3/2024**. 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.

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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: Ngoc B.
Manager

Signed On: September 19, 2024