

# 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 FA0207734 - BANH MI OVEN (DOWNTOWN)		Site Address 221 E SAN FERNANDO ST, SAN JOSE, CA 95112		Inspection Date 02/04/2026	
Program PR0301011 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DINH BROS, INC		Inspection Time 11:25 - 13:40
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION		Consent By PHAN	FSC David Tran 01/29/2027	

Placard Color & Score
<b>YELLOW</b>
<b>44</b>

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						S
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		N
K06 Adequate handwash facilities supplied, accessible		X		X			N
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		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				

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	X	X
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	X	
K39 Thermometers provided, accurate	X	
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	X	
K47 Signs posted; last inspection report available		

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K48	Plan review	X
K49	Permits available	
K58	Placard properly displayed/posted	X

## Comments and Observations

### Major Violations

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

**Inspector Observations:**

**1. The customer restroom handwash station lacked soap in its dispenser.**

Follow-up By  
02/11/2026

**2. Both handwash station in the front of house and back of house lack soap dispensers and had pump bottles of soap available.**

**[CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**

**[COS] PIC restocked the soap.**

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

**Inspector Observations:**

**Pork was found on the counter and measured at 54F. Per PIC, they had been removed from the cooler about an hour prior.**

Follow-up By  
02/11/2026

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

**[COS] Items were moved back to the walk in cooler for rapid cool down.**

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:**

**Staff were observed washing dishes in the prep sink and skipping the sanitizing step of warewashing. Facility also lacked drain plugs and an adequate method to wash, rinse, and sanitize food contact surfaces.**

Follow-up By  
02/11/2026

**[CA] Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM).**

**[COS] Facility owner dropped a package of testing strips, drain plugs, and chlorine. PIC set up the three compartment sink and sanitized all the dishes that were in the drying rack at the prep sink.**

### Minor Violations

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

**Inspector Observations:**

**1. Two staff presented a non ANSI certified food safety manager certification acquired in Texas and distributed by Learn2Serve.**

**[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.**

**2. One of the facility staff members lacks food safety knowledge on handwashing and warewashing.**

**[CA] All food employees shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.**

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

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**Inspector Observations: 1. Observed Vermin: Documented in the following areas:**

**Follow-up By  
02/11/2026**

- Several dead cockroaches and hatched oothecae were observed falling from a folder holder food handler cards stored above the steam table.
- A couple dead cockroaches were found in the door of the left microwave.
- A dead cockroach was found under the steam table and another under the right microwaves.
- A sticky trap was found near the prep counter in the back of house that had dead cockroaches.
- Several dead cockroaches were observed caught in a spider's web near the sandwich making station. In the corner near the electrical panel.
- No live activity was observed. Latest pest control report was dated for 10/31/2025.

**[CA] Clean and sanitize area of dead cockroaches. Provide a pest control report by the follow up inspection.**

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:**

**Raw shelled eggs were found stored above sauces in the upright cooler.**

**[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:**

**An open bulk bag of sugar was found not in a container with a tight fitting lid.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

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

**Inspector Observations:**

**The doors of coolers, sides of coolers, and doors of microwaves have an accumulation of grease and food debris.**

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

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations:**

**1. Facility lacks testing materials for their choice of sanitizer, chlorine.**

**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

**[COS] Facility owner dropped a package of testing strips, drain plugs, and chlorine.**

**2. Facility lacks drain plugs to fill basins of three compartment sink.**

**[CA] Plugs/stoppers shall be available to fill up the warewashing sink.**

**[COS] Facility owner dropped a package of testing strips, drain plugs, and chlorine.**

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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, 114166, 114167, 114169, 114175, 114177, 114180, 114182

**Inspector Observations:**

**Facility has a non ANSI vegetable slicer and non ANSI convection oven at the sandwich building station.**

**[CA] 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 handle was in direct contact with ice meant for consumption.**

**[CA] Handle to ice scoop shall be stored so that it is not in direct contact with ice.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations:**

**A butane single burner range was found on the counter near the cookline by the sandwich making station.**

**[CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.**

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

**Inspector Observations:**

**Facility lacks a probe type thermometer.**

**[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.**

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

**Inspector Observations:**

**Facility has removed the toilet in the staff restroom and replaced it with a shower head.**

**[CA] Toilet facilities shall be maintained clean and in good repair. Reinstall the toilet.**

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:**

**1. Numerous personal effects (drinks, cellphones, lotion) were found on food prep surfaces of the prep cooler.**

**[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.**

**2. Several items unrelated to the operation were found stored in the back of house area.**

**[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.**

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

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**Inspector Observations:**

1. *The wall frame near the entrance to the back of house area is detaching.*
2. *The counter area has top set rubber coving.*
3. *The restroom door has been relocated and the interior wall is missing an approved finish. Observed dry wall.*
4. *The restroom lacks approved cove base.*
5. *The wall surrounding the outlet near the prep cooler is missing.*

**[CA] Ensure to maintain the floors, walls, and ceilings clean and in good repair. Provide approved finishes and ensure they are installed correctly.**

K46 - 2 Points - Unapproved private home/living/sleeping quarters; 114285, 114286

**Inspector Observations:**

*The back room has been converted to living quarters. The door does not fit tightly and opens directly into the back of house area near the walk in cooler and staff restroom.*

**[CA] No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.**

K58 - 2 Points - Placard not properly displayed/posted

**Inspector Observations:**

*The placard was removed from its original location and was placed on a flower pot, unable to be seen by patrons.*

**[CA] The placard shall be posted and clearly visible to the general public and patrons entering the food establishment.**

**Performance-Based Inspection Questions**

- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Hands clean/properly washed/gloves used properly.

**Measured Observations**

Item	Location	Measurement	Comments
Milk	Upright Cooler	40.00 Fahrenheit	
Pork	Prep Cooler - Bottom	40.00 Fahrenheit	
Water	Handwash Sink	100.00 Fahrenheit	
Pork	Prep Cooler	40.00 Fahrenheit	
Chlorine - Sanitizer	Three Compartment Sink	100.00 PPM	
Rice noodles	Upright Cooler	40.00 Fahrenheit	
Pork	Counter	54.00 Fahrenheit	
Pork	Walk in Cooler	37.00 Fahrenheit	
Chicken	Counter	50.00 Fahrenheit	
Water	Three Compartment Sink	120.00 Fahrenheit	

**Overall Comments:**

**Notes:**

*- Per PIC, facility is in process of a change of ownership that will take place in 2 weeks time. Ensure to notify this department when the facility changes ownership. As a reminder the Environmental Health Permit is non-transferable. New ownership must submit to our department.*

*- A follow up inspection will be conducted within 5 business days to verify compliance with major violations noted. The first follow up inspection is free of charge. Any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$298.00/hr, minimum of one hour, during normal business hours: Monday through Friday 7:30 AM to 4:30 PM, and \$645 for a minimum of two hours, during non-business hours, and upon inspector availability.*

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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 2/18/2026. 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:** Phan  
Manager

**Signed On:** February 04, 2026