

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 FA0209227 - TOFOO COM CHAY		Site Address 388 E SANTA CLARA ST, SAN JOSE, CA 95113		Inspection Date 12/06/2024		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW 65 </div>		
Program PR0301035 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name BANH, BENJAMIN		Inspection Time 11:35 - 12:35			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By BENJAMIN BANH				FSC Benjamin Banh 03/15/2027

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

Comments and Observations

Major Violations

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

Inspector Observations:

In the kitchen area, at the only hand wash sink in the facility, the sink is not draining properly rendering it inoperable.

Follow-up By
12/07/2024

[CA] All food facilities shall provide an operable handwashing station. Correct within 24 hours.

[SA] Staff are to wash their hands in the first compartment of the three compartment sink.

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

Inspector Observations:

In the kitchen area two bags of noodles were observed to be stored out of temperature control and measured at 60°F at around 12:00 pm. Per staff they placed them in the kitchen at 8:00 am.

Follow-up By
12/11/2024

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

[COS] Items were VC&D. See VC&D report.

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, 114125(b), 114141

Inspector Observations:

Chlorine concentration measured at 0 PPM while actively manually ware washing.

Follow-up By
12/11/2024

[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.

[COS] Staff adjusted the concentration to 100 PPM and resanitized the dishes.

Minor Violations

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

Inspector Observations:

1. In the only hand wash sink a dead cockroach was found.

Follow-up By
12/11/2024

2. In the dry storage room near the kitchen and the larger dry storage room in the back of the facility numerous amounts of rodent droppings were observed.

[CA] Clean and sanitize area of dead cockroaches or old droppings.

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:

Facility lacks the 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.

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

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Inspector Observations:

REPEAT VIOLATION: Facility was actively cooking with the exhaust hood off.

[CA] Mechanical exhaust ventilation shall be on while cooking is taking place.

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:

The back storage area has an accumulation of debris, is unorganized, and is dirty.

Follow-up By
12/11/2024

[CA] Storage room 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.

K58 - 2 Points - Placard not properly displayed/posted

Inspector Observations:

Facility had the green "PASS" placard obstructed by an open sign.

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

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Curry Sauce	Stover	119.00 Fahrenheit	TPHC
Soy Milk	Upright Cooler	40.00 Fahrenheit	
Water	Three Compartment Sink	120.00 Fahrenheit	
Water	Hand Wash Sink	100.00 Fahrenheit	
Chlorine - Sanitizer	Three Compartment Sink	0.00 PPM	Remeasured at 100 PPM
Fried Rice	Counter	60.00 Fahrenheit	TPHC
Bean Sprouts	Upright Cooler	36.00 Fahrenheit	
Frozen Veggies	Upright Freezer	-12.00 Fahrenheit	
Seitan	Display cooler	41.00 Fahrenheit	
Fried Rolls	Display Cooler	41.00 Fahrenheit	

Overall Comments:

A follow up inspection will be conducted within 3 business days to verify compliance with major violations. 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 7:30am to 4:30pm or \$645/hour minimum two 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 **12/20/2024**. 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: Benjamin Banh
Owner

Signed On: December 06, 2024