

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 FA0205656 - COM TAM THANH		Site Address 1150 STORY RD, SAN JOSE, CA 95122		Inspection Date 12/15/2023	
Program PR0305458 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name COM TAM THANH INC		Inspection Time 13:30 - 14:40
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By VY N.	FSC Peter Phan 08/27/2027		

Placard Color & Score
RED
71

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

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

Inspector Observations: Kitchen employee observed taking out trash and then returned into facility, donned on gloves, and attempted to continue onto food preparation without washing hands.

Follow-up By
12/19/2023

Kitchen employee was instructed to abate live cockroach observed during the inspection. After abatement, employee donned on gloves without washing hands.

[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 employee to remove gloves and properly wash hands before food preparation.

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

Inspector Observations: At time of inspection, food subjected to time as a public health control were not labeled with time.

Follow-up By
12/19/2023

[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 4 hours, and written procedures shall be readily available for review.

[COS] Employee provided time labels.

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: One live adult cockroach observed in-between metal shelving above the one-door reach-in refrigerator.

Follow-up By
12/19/2023

One dead cockroach nymph observed on wall above the hand wash sink.

20+ cockroach egg sacs observed on the drain pan beneath the water heater.

One dead cockroach observed on floor by the undercounter dish machine.

Observed multiple sticky monitoring traps inside the garbage can, recently thrown away by employee with 5+ live and dead cockroaches.

Per PIC, facility is serviced monthly by licensed pest control company. Last service was conducted on 12/5/2023. Pest control report was provided upon request.

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[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

Minor Violations

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

Inspector Observations: Large plastic containers of soup cooling with sides touching. Soups measured between 117F to 137F.

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

- Cool foods using approved containers which facilitate heat transfer, such as metal.
- Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids.
- When cooling PHF's, stir frequently to facilitate rapid cooling.
- Properly store cooling foods in such a way to allow proper air flow.

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

Inspector Observations: Numerous gaps of missing grout between floor tiles and coved-base tiles below the hand wash station in the kitchen.

[CA] The floor surfaces shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

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

Measured Observations

Item	Location	Measurement	Comments
Raw pork chop	One-door food preparation refrigerator	40.00 Fahrenheit	
Cooked chicken	One-door upright refrigerator	37.00 Fahrenheit	
Fancy pork	One-door upright refrigerator	36.00 Fahrenheit	
Chlorine sanitizer	Undercounter dish machine	50.00 PPM	
Cooked chicken leg quarter	One-door food preparation refrigerator	40.00 Fahrenheit	
Shrimp paste on sugar cane	One-door food preparation refrigerator	39.00 Fahrenheit	
Grilled pork	Grill	162.00 Fahrenheit	
Soup	Cook line	173.00 Fahrenheit	
Over-easy egg	Cook line	158.00 Fahrenheit	
Pork blood	One-door upright refrigerator	37.00 Fahrenheit	
Cooked egg cake	Merchandiser refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	
Raw comminuted pork	Merchandiser refrigerator	41.00 Fahrenheit	

Overall Comments:

- Facility is hereby closed due to the presence of vermin.
- Facility is to remain closed until there is no longer evidence of a vermin infestation.
- Facility shall:
 - Obtain service/treatment from licensed pest control company. Provide pest control report upon follow-up inspection.
 - Eradicate all live and dead cockroaches from facility. Sanitize all affected areas.
 - Seal any and all holes, gaps, cracks, and/or crevices to prevent harborage of vermin.
- Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours

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(Monday - Friday, 7:30 AM to 4:30 PM), and \$629/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.

- A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

CLOSURE / PERMIT SUSPENSION NOTICE

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 **12/29/2023**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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: Peter Phan
Manager
Signed On: December 15, 2023