

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 FA0262969 - BANH XEO NGON		Site Address 3005 SILVER CREEK RD #176, SAN JOSE, CA 9512		Inspection Date 11/03/2020	
Program PR0387284 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name NGUYEN, DUYN		Inspection Time 11:40 - 13:00
Inspected By LAWRENCE DODSON	Inspection Type RISK FACTOR INSPECTION	Consent By DAISY		FSC Not Available	

Placard Color & Score RED N/A
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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						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					
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					
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		
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

Social Distancing Protocol

01 - Signage Violation

Compliance of this category has been verified.

02 - Face Covering Violation

Inspector Observations: Observed customers not wearing face coverings [CA] Face coverings are required by everyone inside the facility. Exceptions to the face coverings requirement include very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired. Face coverings may be removed to eat or drink, while seated at a table outdoors.

03 - Social Distance Violation

Compliance of this category has been verified.

04 - Clean and Sanitize Violation

Compliance of this category has been verified.

05 - General Violation

Compliance of this category has been verified.

Major Violations

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

Inspector Observations: Cooked pork, pork/crab balls and raw beans sprouts measured >41F,<135F,<2hrs. [CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Pork/crab balls reheated to 165F for hot holding at 135F. Raw beans sprouts moved to a refrigerator measuring 41F. Cooked ground pork held in an insert in the preparation refrigerator was moved to a refrigerator measuring 41F for rapid cooling.

Follow-up By
11/06/2020

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: Sanitizer concentration at mechanical dishwasher measured at 0PPM.[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.

Follow-up By
11/06/2020

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

Inspector Observations: Observed 5 live cockroaches of various generations on the food preparation refrigerator and under the food preparation sink. Observed 6+ dead cockroaches behind tape on wall in the warewash area. [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.

Follow-up By
11/06/2020

Minor Violations

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

Inspector Observations: FSC expired 1/2020.[CA] Food facilities that prepare, handle, or serve nonprepackaged foods shall have a valid FSC available for review at all times. Food handler cards are not available for review at time of inspection.[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.

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K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Maximum water temperature at 3 compartment sink measured 115F.[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
hot water	hand wash sink	100.00 Fahrenheit	
cooked rice	rice cooker	143.00 Fahrenheit	
pork and crab meatball	preparation table	87.00 Fahrenheit	Reheated to 165F for hot holding at 135F.
Bean sprouts	preparation table	71.00 Fahrenheit	
hot water	3 compartment sink	115.00 Fahrenheit	
raw shrimp	food preparation sink	51.00 Fahrenheit	defrosting
pork meatball	insert food preparation refrigerator	84.00 Fahrenheit	moved to standing refrigerator for rapid cooling.
preparation refrigerator	kitchen	36.00 Fahrenheit	
standing refrigerator	kitchen	37.00 Fahrenheit	
sanitizer concentration	mechanical dishwasher	0.00 PPM	less than 25PPM

Overall Comments:

THIS FACILITY IS HERBY CLOSED DUE TO THE PRESENCE OF COCKROACHES THAT CREATE AN UNACCEPTABLE HEALTH RISK. ONCE THE VIOLATIONS ARE CORRECTED CONTACT L.DODSON AT (408)918-3438 OR (408)918-3400 TO SCHEDULE A RE-INSPECTION. SEE VIOLATION COMMENTS FOR MORE INFORMATION

After hours inspections are billed at \$493 per hour.

2nd re-inspection/Owner initiated re-inspections are billed at \$219 per hour minimum 2 hours.

Consulted with Supervising Environmental Health Specialist P.Mark.

Official inspection report emailed to dbangnhi@yahoo.com

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 **11/17/2020**. 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: _____

Signed On: November 03, 2020