

# 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 FA0252416 - NAM GIAO RESTAURANT		Site Address 2066 TULLY RD, SAN JOSE, CA 95122		Inspection Date 01/15/2025	
Program PR0367405 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name QOLOR LLC		Inspection Time 13:15 - 15:15
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By LINH	FSC Not Available		

Placard Color & Score
<b>YELLOW</b>
<b>48</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						
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		X			
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records		X		X			N
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						
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	X	
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		
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		
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		
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		
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	X
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

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

**Inspector Observations: Men's restroom hand wash sink lacked hand soap.**

Follow-up By  
01/20/2025

**Hand wash station at the server station outside of the kitchen on the right side of the facility lacked hand soap.**

**The only hand washing kitchen at the right side of the kitchen was obstructed with a bucket of water placed inside the wash basin. Station was also partially obstructed by a stool placed in front of the hand sink.**

**[CA] Handwashing facilities shall be equipped with warm water, handwashing cleanser, and single-use sanitary towels in dispensers. Handwashing facility shall be clean, unobstructed, and accessible at all times.**

**[COS] Hand soap was provided at hand wash stations. Obstructions were removed.**

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

**Inspector Observations: Numerous PHF items maintained inside the walk-in refrigerator on the right side of the kitchen measured as follows:**

Follow-up By  
01/20/2025

- Portioned yellow sticky rice - 50F.
- Cooked portioned chicken legs - 48F.
- Three 4-5 gallon plastic containers of soup - 46F.
- Plastic container of pickled pork ears - 47F.
- Ground shrimp - 47F.
- Cooked beef - 46F.

**Employee stated that all items were transferred from the walk-in refrigerator from the left side of the facility approximately 45 minutes to one hour prior.**

**Ambient temperature of the walk-in refrigerator measured between 46F to 50F.**

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

**[COS] Instructed employees to relocate all PHF items from the right kitchen walk-in refrigerator back to the left kitchen walk-in refrigerator to immediately cool.**

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

**Inspector Observations: PHF items, banh beo (water fern cake), banh loc (tapioca dumplings, and rice noodles at the right kitchen subjected to time as a public health control (TPHC) were not documented on the time logs maintained at the wall of the kitchen.**

Follow-up By  
01/20/2025

**Employee stated that all items were prepared about 2 hours prior. When questioned about the item, employee placed items inside the walk-in refrigerator.**

**[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.**

**Items subjected to TPHC shall not be returned to temperature control.**

**[COS] Employee filled out time logs for items subjected to TPHC.**

### Minor Violations

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

**Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazardous foods shall have a valid Food Safety Certificate available for review at all times.**

**Employees' three-year food handler cards unavailable for review.**

**[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.**

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

**Inspector Observations: Cooked beef brisket observed cooling inside the walk-in refrigerator kept tightly covered. Item measured at 90F. Employee stated that beef was cooked approximately one hour prior.**

**[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. When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.**

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: Observed steady leak below the waste drain of the two-compartment sink.**

**[CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.**

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

**Inspector Observations: Rodent droppings observed in the following areas:**

- On floor behind the entire cookline of the right kitchen.
- On floor underneath storage racks in the dry storage area of the right kitchen.
- On window ledge along the right side of the kitchen.
- On ledge below and around the water filter directly above the stock pot on the left kitchen.

Follow-up By  
01/20/2025

**At time of inspection, no contamination of food or food contact surfaces observed.**

**One dead American cockroach observed on floor at the corner behind the cookline at the right kitchen.**

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

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

**Inspector Observations: Manager or PIC not present at time of inspection.**

**[CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation.**

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: Containers and boxes of food stored directly on the floor.**

**[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.**

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

**Inspector Observations: Accumulation of grime observed on refrigerator door handles.**

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

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

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**Inspector Observations:** Ambient temperature of the walk-in refrigerator measured between 46F to 50F.  
**[CA]** Refrigeration must be capable of maintaining PHFs at 41°F or below. Investigate cause and repair in an approved manner.  
**[SA]** Discontinue use of the right kitchen walk-in refrigerator until unit has been repaired and is able to maintain PHF at 41F or below. Temporarily utilize preparation units and or left kitchen walk-in refrigerator.

Numerous domestic equipment observed in use; microwaves, air fryers, etc.  
**[CA]** Make plans to replace domestic equipment with commercial equipment. 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:** Observed ice scoops maintained inside ice machine with handle in directly contact with consumable ice.  
**[CA]** Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Observed numerous knives inside the left kitchen stored wedged in-between the inoperable one-door food preparation table and food preparation table.  
**[CA]** Properly store utensils and equipment in a clean and sanitary manner.

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

**Inspector Observations:** Walk-in refrigerator lack thermometers.  
**[CA]** A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

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:** Employees' cellphone observed stored in areas of food preparation and/or food storage. Observed employees jacket placed on top of the mechanical dish machine.  
**[CA]** Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

**Inspector Observations: --48 HOUR NOTICE--**

Follow-up By 01/17/2025
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Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$ 1,975.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at [www.Ehinfo.org](http://www.Ehinfo.org).

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

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.

## Performance-Based Inspection Questions

- Needs Improvement - Time as a public health control; procedures & records.
- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Proper cooling methods.
- Needs Improvement - Proper hot and cold holding temperatures.

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## Measured Observations

Item	Location	Measurement	Comments
Cooked chicken drumstick	Right kitchen - food preparation refrigerator	40.00 Fahrenheit	
Beef tendon	Right kitchen - cook line - hot holding	168.00 Fahrenheit	
Beef soup	Right kitchen - cook line	188.00 Fahrenheit	
Cooked shrimp	Right kitchen - food preparation refrigerator	40.00 Fahrenheit	
Hot water	Right kitchen - two compartment ware wash sink	121.00 Fahrenheit	
Fried tofu	Right kitchen - food preparation refrigerator	41.00 Fahrenheit	By server station
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Cooked sliced beef	Right kitchen - food preparation refrigerator	40.00 Fahrenheit	
Cooked beef tendon	Right kitchen - food preparation refrigerator	41.00 Fahrenheit	
Cooked calamari	Right kitchen - food preparation refrigerator	40.00 Fahrenheit	
Cooked shrimp	Left kitchen - walk-in refrigerator	41.00 Fahrenheit	
Cooked pork belly	Right kitchen - food preparation refrigerator	40.00 Fahrenheit	By server station
Cooked spareribs	Right kitchen - food preparation refrigerator	40.00 Fahrenheit	
Soup	Left kitchen - walk-in refrigerator	41.00 Fahrenheit	
Warm water	Right kitchen - hand wash sink	100.00 Fahrenheit	
Hot water	Left kitchen - three-compartment sink	123.00 Fahrenheit	
Warm water	Left kitchen - hand wash sink	101.00 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.**
- **At time of inspection:**
  - **Heavy sewage odor observed throughout kitchen facility and dining room.**
  - **Odor observed more prominent around grease trap and floor drains, however, no back-up of sewage was observed.**
  - **Investigate cause for odor.**

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 **1/29/2025**. 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



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**Received By:** Linh  
Employee

**Signed On:** January 15, 2025