

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 FA0302801 - BANH MI OVEN		Site Address 1143 STORY RD 196, SAN JOSE, CA 95122	Inspection Date 10/21/2025
Program PR0452650 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10		Owner Name BANH MI OVEN INC	Inspection Time 11:00 - 12:20
Inspected By HENRY LUU	Inspection Type FOLLOW-UP INSPECTION	Consent By NHI	

Placard Color & Score

RED
N/A

Comments and Observations

Major Violations

Cited On: 10/14/2025

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

Compliance of this violation has been verified on: 10/17/2025

Cited On: 10/14/2025

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

This violation found not in compliance on 10/21/2025. See details below.

Cited On: 10/14/2025

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Compliance of this violation has been verified on: 10/17/2025

Cited On: 10/14/2025

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

This violation found not in compliance on 10/21/2025. See details below.

Cited On: 10/21/2025

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

Inspector Observations: Observed Vermin:

- Live cockroach crawling on wall by the entrance door along Story rd.
- Live cockroach crawling on decorative wall on the customer facing side of the counter (crawling into the crevices).

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

1. Email the signed and completed Reopening Checklist to the assigned inspector.
2. Submit a copy of the pest control report from a licensed provider.

Cited On: 10/21/2025

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

Inspector Observations: 1. Observed Vermin:

- Live cockroach crawling on wall directly below the electrical breaker box and thermostat controller.
- Live cockroach crawling on the ordering kiosk by the cash register.
- Live cockroach crawling on floor from the three-compartment sink to the wooden cabinets.
- Live cockroach nymph inside the food preparation refrigerator closes to the cash register.
- Live cockroaches in the crevices of all three top door hinges of the food preparation refrigerator against the wall.

Follow-up By
10/23/2025

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- Dead cockroaches observed on the sales floor by the white shelves for dried goods, on floor in the food preparation area, on cob webs underneath the cashier area.

- 2. Photographs: Taken for documentation purposes.**
- 3. Supervisor S. Lew was notified of the closure.**
- 4. Notification: The person in charge during inspection, Nhi, has been informed that the facility must remain closed.**

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

- 1. Email the signed and completed Reopening Checklist to the assigned inspector.**
- 2. Submit a copy of the pest control report from a licensed provider.**

**** Please note that pest control treatments for rodents or insects may require a sufficient amount of contact time for these to be effective. Consult with pest control company for guidelines on eliminating harborage, entryways, and food/water sources.**

Cited On: 10/21/2025

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

Inspector Observations: Upon this Division's arrival into the parking lot of the plaza, observed customer entering into the closed facility. Approximately 1-2 minutes after, customer exited facility with employee who then handed the customer two paper bags of food that were kept in the backseats of the employee's personal vehicle.

**Follow-up By
10/23/2025**

When approached by this Division and questioned about the food, employee stated that the food was prepared and picked up from their downtown location on their way to the current facility and that the customer had requested for pick up to be here. Employee stated that the food was maintained inside their vehicle for approximately 30 minutes.

Upon further investigation, online ordering system shows facility is still active (<https://pos.chowbus.com>).

Consulted with supervisor regarding food being handed to customer while facility's health permit is suspended.

[CA] A food facility shall not be open for business without a valid health permit.

CEASE AND DESIST ALL ACTIVITIES. * Online ordering system for the facility shall also be disabled *****

Facility is prohibited from all food service activities which include, but not limited to: preparation, service, handling, distribution, and sale.

A permit shall be issued by this department when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements set forth by this department.

Cited On: 10/21/2025

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

Inspector Observations: During a drive by of the facility, observed facility's doors (door and gate by the sidewalk along Story road as well as the entrance door from the plaza side) opened with the "open" business signs on both sides lit up. Before entering facility, observed employee using domestic insecticide spray can, spraying along the interior base boards of the facility and through the food preparation area.

Upon entering facility, this Division inquired whether the facility is opened and operating, in which the employee said, "yes."

Observed the ordering kiosk fully functional and allowing this Division to an place order, new containers of precut

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meats placed inside the preparation refrigerators, container of garlic butter maintained on the storage rack by the two-door upright merchandiser refrigerator, bread being toasted in the oven, food service gloves on preparation tables, and bread maintained inside totes. Employee stated that the bread is old.

Facility was ordered to immediately cease and desist operating on 10/14/2025, due to evidence of a vermin infestation. Operator scheduled follow-ups were conducted on 10/17/25, 10/18/25, and again this morning on 10/21/25, however, facility maintained closed due to evidence of vermin activity.

[CA] A food facility shall not be open for business without a valid health permit.

CEASE AND DESIST ALL ACTIVITIES.

- 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.

Minor Violations

Cited On: 10/14/2025

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

This violation found not in compliance on 10/21/2025. See details below.

Measured Observations

N/A

Overall Comments:

- On-site for a operator scheduled follow-up inspection after facility was closed due to evidence of a vermin infestation and lack of hot water.*
 - Facility was initially closed on 10/14/2025, and remained closed during the two subsequent operator requested follow-up inspections on 10/17/25 and 10/18/2025.*
- Facility is to remain closed.*
 - See violation above.*
- Vermin infestation shall be completely abated prior to scheduling for follow-up inspection.*
 - Operator will be summoned for charged office hearing if vermin activity is observed during the next operator scheduled follow-up.*
- Consulted with supervisor regarding facility handing food to customer on a cease and desist order.*
 - See K49 violation above.*
 - Notice of Violation to follow.*
- 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 for a minimum of 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.*

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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 **11/4/2025**. 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.

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: Nhi
Employee
Signed On: October 21, 2025