

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 09/16/2019	
Program PR0387284 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name NGUYEN, DUYEN		Inspection Time 14:30 - 17:00
Inspected By HELEN DINH	Inspection Type ROUTINE INSPECTION		Consent By THUY & DUYEN (DAISY)	FSC Mekong Nguyen 1/14/20	

Placard Color & Score RED 72

RISK FACTORS AND INTERVENTIO	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						
K06 Adequate handwash facilities supplied, accessible		X		X			N
K07 Proper hot and cold holding temperatures		X		X			N
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		X			N

GOOD RETAIL PRACTICE	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		X
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		
K48 Plan review		
K49 Permits available		
K58 Placard properly displayed/posted		

OFFICIAL INSPECTION REPORT

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Comments and Observations

Major Violations

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

Inspector Observations: Found the ONLY hand wash station in the prep area blocked access by a container of cooked noodles. [CA] Ensure hand wash sink is accessible at all times. [COS] Operator relocated container of food to the prep table.

Follow-up By
09/19/2019

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

Inspector Observations: 1. Measured the following PHFs sitting on the counter tops/prep tables near the cookline: bean sprouts holding between 53F - 56F and a container of cooked meats holding at 60F for less than 4 hours.
2. Measure a container of snail meat holding at 52F in the 2 door cold top for less than 4 hours.
[CA] Maintain all PHFs cold held at or below 41F or hot held at or above 135F. [COS] Operator directed to relocate all PHFs to 3 door upright refrigerator.

Follow-up By
09/19/2019

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

Inspector Observations: Major: Found several LIVE cockroaches in the following areas: around/under hand wash station, under the paper towel dispenser at hand wash station at the prep area, around/under the 3 compartment sink, prep sink, dish machine, side of the ice machine, on the handle of fire extinguisher, near the prep table of the rice cooker, on the cove base near the exterior door, near the 2 door upright freezer cove base. [CA] Eliminate all evidence of LIVE cockroach. Clean and sanitize all effected areas. Provide approved pest control services.

Follow-up By
09/19/2019

Minor:

1. Found DEAD cockroaches in the following areas: under 3-compartment sink. under ice machine, fire extinguisher handles, under prep table, near mop sink, under prep sink and under hand wash station.
2. Found one cockroach egg sac on the meat slicer near the prep sink.
3. Found several OLD rodent droppings on the meat slicer near the prep sink.
4. Found cockroach dropping on the walls above the 2 door upright freezer.
[CA] Eliminate all evidence of rodent and vermin. Clean and sanitize all effected areas. Provide approved pest control services.

Minor Violations

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: Found the last compartment of the 3-compartment sink leaking water onto the floor. [CA] Secure leak.

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

Inspector Observations: 1. Found cracks/holes in the cove base tiles in the following areas: near the exterior door, near the 2 door upright upright freeze and throughout the facility.
2. Found a gap under the paper towel dispenser at the hand wash station in the prep area.
[CA] Seal all holes, gaps and crevices to prevent the entrance and harborage of vermin.

Performance-Based Inspection Questions

Needs Improvement - No rodents, insects, birds, or animals.
Needs Improvement - Adequate handwash facilities: supplied or accessible.
Needs Improvement - Proper hot and cold holding temperatures.

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Measured Observations

Item	Location	Measurement	Comments
hot water	3-comp	125.00 Fahrenheit	
meats	2 door cold top	40.00 Fahrenheit	
meats	3 door upright	40.00 Fahrenheit	
chlorine	dish machine	50.00 PPM	
bean sprouts	counter/prep table	53.00 Fahrenheit	between 53F - 56F for less than 4 hours. relocate.
sliced tomatoes	2 door cold top	39.00 Fahrenheit	
broth	stove top	197.00 Fahrenheit	
tofu	2 door cold top	40.00 Fahrenheit	
cooked meats	counter near cooks line	60.00 Fahrenheit	for less than 4 hours. relocate.
warm water	handsink (prep & RR)	100.00 Fahrenheit	
snail meat	2 door cold top	52.00 Fahrenheit	

Overall Comments:

****Facility is hereby closed due to LIVE infestation of cockroach. Once the violation warranting the closure has been corrected, contact the district inspector Lawrence Dodson at 408/918-3438 or 408/918 3400 for follow-up inspection.**

*****Facility shall cease and desist all sales. *****

A follow-up inspection shall be conducted.

*****Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.*****

Consulted with Priscilla Mark.

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 **9/30/2019**. 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: Duyen Nguyen
 Manager
Signed On: September 16, 2019