

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 FA0253939 - LA K-BANA		Site Address 1632 STORY RD, SAN JOSE, CA 95122		Inspection Date 01/24/2023	
Program PR0370015 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name MARIA CABRERA		Inspection Time 11:30 - 13:10
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By MIGUEL	FSC Miguel Cabrera 02/28/2027	

Placard Color & Score
RED
78

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						S
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		X			S
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	X	
K36 Equipment, utensils, linens: Proper storage and use		
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		
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

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

Inspector Observations: Metal container of chili verde cooled the night before measured at 49F. Per manager, items were first cooled inside an ice bath and then placed inside the walk-in refrigerator.

Follow-up By
01/27/2023

Ambient temperature of the walk-in refrigerator measured at 45F at the right side and 48F on the left side.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Container of chili verde was discarded due to improper holding temperature for more than 4 hours. Salsas, rice, proteins, seafood, and any PHF prepared this morning were all relocated into the food preparation refrigerators to immediately cool.

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

Inspector Observations: Cockroach activity observed in the following areas:

Follow-up By
01/27/2023

- Three dying cockroaches observed in the following areas:

- On rolling cart next to waffle makers.
- On floor by the wheels of the rolling cart.

- Two live nymphs with heavy accumulation of cockroach feces observed on the bottom right corner of the wall mounted shelf directly above the three-compartment sink.

- One dying cockroach observed on the floor crawling in front of the three-compartment sink.

- One dead cockroach on the floor under the three-compartment sink.

- One dead cockroach observed in-between drain pipe going into the floor from the grease trap.

- Numerous live adults with accumulation of cockroach feces observed in-between conduit and wall directly above storage rack next to three-compartment sink.

- Accumulation of cockroach feces observed near gaps and holes between the ceiling panels and walls directly above the three-compartment sink.

Facility receives monthly pest control services. Facility was treated last night. Recent pest control report was reviewed during the inspection.

[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

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

Inspector Observations: Ambient temperature of the walk-in refrigerator measured between 45F and 48F. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Ensure refrigerator is able to maintain PHF at 41F below prior to placing PHF inside.

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

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Inspector Observations: Thermometer directly above the walk-in refrigerator displayed temperature at below 40F. Ambient temperature of the walk-in measured via probe thermometer at 44F, and between 45F to 48F via IR. [CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

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

Inspector Observations: Numerous damaged and/or missing ceiling panels throughout the kitchen. [CA] Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

Numerous gaps, cracks, and/or crevices observed

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Cooked shrimp	Food preparation refrigerator	39.00 Fahrenheit	Top insert - in front of cook line
Cooked chicken	Food preparation refrigerator	38.00 Fahrenheit	In front of cook line
Chlorine sanitizer	Undercounter dish machine	50.00 PPM	
Cooked octopus	Food preparation refrigerator	38.00 Fahrenheit	Top insert - in front of three-comp sink
Raw steak	Food preparation refrigerator	38.00 Fahrenheit	Top insert - in front of cook line
Cooked shrimp	Food preparation refrigerator	38.00 Fahrenheit	Top insert - in front of three-comp sink
Cooked rice	Steam table	155.00 Fahrenheit	
Diced tomato	Food preparation refrigerator	37.00 Fahrenheit	Top insert - in front of three-comp sink
Hot water	Three-compartment sink	126.00 Fahrenheit	
Cut cantaloupe	Food preparation refrigerator	41.00 Fahrenheit	Top insert - in front of cook line
Diced tomato	Food preparation refrigerator	40.00 Fahrenheit	Top insert - in front of cook line
Beans	Steam table	156.00 Fahrenheit	

Overall Comments:

- Facility is hereby closed due to the presence of vermin.
- Facility is to remain closed until infestation has been completely abated.
- Provide pest control report upon follow-up inspection.
- Subsequent follow-up inspections shall be billed at \$219/hour during normal business hours, Monday - Friday 7:30 AM to 5:00 PM, or \$493/hour during non-business hours, and upon inspector availability.
- The posted placard is property of Santa Clara County of 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.
- Contact district inspector for re-opening inspection once vermin infestation has been completely abated.

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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 2/7/2023. 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: Miguel Cabrera
Owner

Signed On: January 24, 2023