

# 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<br>FA0208157 - CAO-NGUYEN RESTAURANT                            |                                       | Site Address<br>2549 S KING RD 16, SAN JOSE, CA 95122 |                            | Inspection Date<br>08/04/2021  |                                  |
| Program<br>PR0308019 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 |                                       |   | Owner Name<br>TRAN, JOSEPH |                                | Inspection Time<br>10:50 - 12:20 |
| Inspected By<br>LAWRENCE DODSON  | Inspection Type<br>ROUTINE INSPECTION |   | Consent By<br>J. TRAN      | FSC Not Available<br>7/11/2021 |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>RED</b>            |
| <b>78</b>             |

| 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                                  | X   |     |
| 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                                 | X   |     |
| 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 |     | X   |
| 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

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

**Inspector Observations: 8 live cockroaches of various generations found in the dry storage, dishstation, cook line, rear door and hand wash sink. Large amount of dead cockroaches and 3 egg sacks found in the facility.**

**[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  
08/07/2021

### Minor Violations

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

K14 - 3 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: Dead cockroach found on rice cooker. [CA] Maintain equipment clean and in good repair.**

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

**Inspector Observations: Home type pest control found stored in the facility. [CA] Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.**

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: Clean knives stored wedged between food preparation tables. [CA] Clean equipment and utensils shall be covered or inverted to prevent contamination of the food contact surface.**

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: Used Cardboard and items necessary to the operation, found stored in the facility. [CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.**

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

**Inspector Observations: Food/debris found accumulated on floor near the back door and under equipment.[CA] Regularly clean under cooking equipment to prevent accumulation of debris.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

### Measured Observations

| Item                    | Location                 | Measurement       | Comments |
|-------------------------|--------------------------|-------------------|----------|
| raw eggs                | walk-in refrigerator     | 39.00 Fahrenheit  |          |
| sanitizer concentration | mechanical dishwasher    | 50.00 PPM         |          |
| walk-in refrigerator    | storage                  | 38.00 Fahrenheit  |          |
| bean sprouts            | walk-in refrigerator     | 40.00 Fahrenheit  |          |
| hot water               | hand wash sink           | 100.00 Fahrenheit |          |
| cooked pork             | preparation refrigerator | 40.00 Fahrenheit  |          |
| hot water               | 3 compartment sink       | 120.00 Fahrenheit |          |

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## Overall Comments:

**Facility will remain closed at this time and will not reopen until a follow up inspection is conducted.**

**\*If professional pest control services are obtained during the closure, please provide the pest control report from service during re-inspection.**

**Do not remove, cover-up, or relocated red placard. Failure to comply may result in enforcement actions.**

**If a second follow-inspection is conducted, there will be a \$219/hr charge at a minimum one-hour charge. Weekend/After hours charges**

**For after hour inspections (after 6pm Monday through Friday and on weekends) there will be a \$493 charge/hour.**

**Contact your district inspector at (408) 918-3438, Main line (408)918-3400 to schedule a follow up inspection.**

## 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 **8/18/2021**. 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 |



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Received By: Joe Tran  
owner  
Signed On: August 04, 2021