

# 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 FA0266475 - DAI LOI NOODLES		Site Address 1969 TULLY RD 70, SAN JOSE, CA 95122		Inspection Date 01/17/2024		<b>Placard Color &amp; Score</b>  <span style="font-size: 2em; font-weight: bold; color: red;">RED</span>  <span style="font-size: 3em; font-weight: bold;">64</span>
Program PR0393429 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name LUONG, LOAN		Inspection Time 10:10 - 11:40	
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By CAM	FSC Cuong Luong 12/27/2024			

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						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					N
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		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	X	
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	X	
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		
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	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

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

**Inspector Observations: Numerous prepackaged steamed rice sheets with pork, plain steamed rice sheets, fine vermicelli sheets of varying sizes and weights, rice cakes, to-go containers of marinated cooked pork, maintained at the front service area for customer self-service subjected to time as a public health control (TPHC), lacked time labels.**

Follow-up By  
01/19/2024

**[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.**

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

**Inspector Observations: Multiple bags of styrofoam trays stored on wall mounted shelf above the food preparation room and on shelf next to the food preparation sink observed with dead and live cockroaches inside. [CA] Ensure all food contact surfaces are clean, sanitized, and protected from contamination. Single-use articles shall be kept in original protective package or otherwise protected from contamination until used.**

Follow-up By  
01/19/2024

**[COS] Entire bag of styrofoam trays were VC&D due to contamination.**

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

**Inspector Observations: 4+ live cockroaches observed crawling along wall in-between crevice of the wall mounted shelves directly above the food preparation one. One cockroach observed crawling inside crevice between the FRP panel and wall.**

Follow-up By  
01/19/2024

**Numerous dead/dying cockroaches and one cockroach egg sac observed on floor below rolling rack below the wall mounted shelves.**

**Numerous dead and live cockroaches observed inside bags holding styrofoam to-go trays.**

**One live cockroach observed on the underside of the food preparation table/reach-in refrigerator at the corner.**

**Dead cockroaches observed in the following areas:**

- On floor below the hand wash station at the front of the kitchen.
- On floor by the three-door upright reach-in refrigerator.

**Per manager, facility was last serviced in September 2023. Pest control report was provided for review.**

**[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

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

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**Inspector Observations:** *Hand wash station in the middle of the kitchen obstructed with rolling cart used for food preparation and also lacked hand soap.*

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

**[COS]** *Manual pump hand soap dispenser was provided at the hand wash station at the front of the kitchen.*

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

**Inspector Observations:** *Minor leak observed at the waste drain pipe below the hand wash sink at the front of the kitchen. Waste water was being caught using a flower vase. [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. Investigate cause and repair in an approved manner.*

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

**Inspector Observations:** *Can of insecticide spray observed stored on the leg of the floor mixer. [CA] Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens. Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.*

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

**Inspector Observations:** *Heavy build up of food residue and food debris observed on cooking equipment. Build up 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.*

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations:** *Observed a standalone gas-powered three-burner range stored outside of the ventilation hood system. [CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors. There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment.*

*Heavy build up of grease observed on the ventilation hood system behind hood filters. Manager stated that the hood filters were removed for cleaning. [CA] Clean mechanical exhaust hood and/or filters of grease accumulation.*

## Performance-Based Inspection Questions

Needs Improvement - Time as a public health control; procedures & records.

## Measured Observations

Item	Location	Measurement	Comments
Raw shrimp	Three-door upright refrigerator	40.00 Fahrenheit	
Raw marinated pork	Walk-in refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	
Mung bean	Three-door upright refrigerator	41.00 Fahrenheit	

## Overall Comments:

- **Facility is hereby closed due to the presence of vermin.**
- **Facility is to remain closed until there is no longer evidence of a vermin infestation.**
  
- **Facility shall:**
  - **Obtain service/treatment from licensed pest control company. Provide pest control report upon follow-up inspection.**
  - **Eradicate all live and dead cockroaches from facility. Sanitize all affected areas.**
  - **Seal any and all holes, gaps, cracks, and/or crevices to prevent harborage of vermin.**
  
- **Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours**

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(Monday - Friday, 7:30 AM to 4:30 PM), and \$629/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.

- 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.

## 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 1/31/2024. 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: Cuong L.  
Manager  
Signed On: January 17, 2024