

# 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 FA0288669 - LA BARRIQUE RESTAURANT		Site Address 969 STORY RD 6090, SAN JOSE, CA 95122		Inspection Date 10/12/2023	
Program PR0432910 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name LA BARRIQUE RESTAURANT		Inspection Time 13:00 - 14:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By ANTHONY	FSC Harrison Nguyen 02/25/2027	

Placard Color & Score
<b>YELLOW</b>
<b>73</b>

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						
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		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			

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	X	
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		
K42 Garbage & refuse properly disposed; facilities maintained		
K43 Toilet facilities: properly constructed, supplied, cleaned		X
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

K18 - 8 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

**Inspector Observations: Observed facility utilizing reduced-oxygen packaging (ROP) for raw meats and sauces. Approximately 5-6 vacuumed sealed bags were date labeled for 10/9. Per employee, all items are used within 2-3 days.**

Follow-up By  
10/17/2023

**Observed numerous ROP bags of meat inside the walk-in refrigerator without any type of date labels. Employee stated that all items were prepared and sealed the day before.**

**Bags observed used are non-OTR (oxygen permeable) and are vacuum bags for chamber machine.**

**[CA] The food facility shall obtain a Hazard Analysis Critical Control Point (HACCP) plan approval prior to packaging PHFs using a reduced-oxygen packaging method.**

**\*\*\* Note: ROP activities at food facility do not require a HACCP plan if all conditions below are satisfied:**

- 1) Food is labeled with produce date AND time.
- 2) Food is held at 41F or lower during refrigeration storage.
- 3) Food is removed from its package in the food facility within 48-hours after packaging.

**\*\*\* Provide standard operating procedures (SOP) to DEH or HACCP plan and approval letter from CDPH, if facility continues to ROP PHF.**

**[COS] Five bags of ROP meats date labeled from 10/9 were VC&D. All other items sealed from the day before were labeled.**

**\*\*\*\*\* Repeat violation**

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

**Inspector Observations: Two dead American cockroaches observed inside floor drain and on floor by the two-door upright refrigerator outside the walk-in refrigerator.**

Follow-up By  
10/17/2023

**5+ dead American cockroaches and one dead mouse observed on sticky trap on floor at the bar area.**

**No other dead or live activity was observed.**

**Per PIC, the facility is serviced at the same as their other facility on the other side of the plaza.**

**[CA] Clean and sanitize affected areas.**

**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.**

**[COS] Employee discarded trap and began to clean and sanitize area.**

### Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

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**Inspector Observations: Observed employee eating inside kitchen area where vegetables are being washed.**  
**[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.**

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations: Observed 5-6 ROP bags of raw marinated meat thawing in ambient temperature.**  
**[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Entrance into restroom observed completely obstructed and not accessible. Per manager, all employees utilize restroom at their other facility on the other side of the plaza. [CA] Restrooms shall be provided and conveniently located and accessible for use by employees during all hours of operation.**

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: Observed dining room converted into storage unit for boxes of food utensils and numerous large kitchen equipment. [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.**

**Observed employee's personal belongings stored in areas of food storage and/or equipment storage.**  
**[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.**

**Side-door of facility observed opened during time of inspection. [CA] Keep door closed at all times to prevent the entrance and harborage of vermin.**

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

**Inspector Observations: Heavy accumulation of debris observed on floors throughout kitchen, especially underneath equipment.**  
**[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

Item	Location	Measurement	Comments
Raw beef rib	Walk-in refrigerator	40.00 Fahrenheit	
ROP raw beef rib	Walk-in refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	123.00 Fahrenheit	
Raw shelled eggs	Two-door reach-in refrigerator	41.00 Fahrenheit	
ROP raw beef for shaken beef	Walk-in refrigerator	41.00 Fahrenheit	
Raw beef bone	Walk-in freezer	5.00 Fahrenheit	

## Overall Comments:

- Facility has been renamed to *Pho Ha Noi Elite* and is currently not opened to the public.
- Dining room has been converted to storage area for restaurant equipment and utensils to be used for owner's other restaurants.
- Kitchen is currently still in use as a support kitchen for food preparation for owner's other restaurants.

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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 **10/26/2023**. 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.

## 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:** Anthony B.  
Manager

**Signed On:** October 12, 2023