

# 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 FA0282826 - THANH'S PRODUCE		Site Address 1816 TULLY RD 166, SAN JOSE, CA 95122		Inspection Date 09/02/2025	
Program PR0424250 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name NGUYEN, BINH		Inspection Time 15:40 - 16:50
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By QUYEN	FSC Not Available		

Placard Color & Score
<b>RED</b>
<b>57</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
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				N
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		X			N
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					N

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	X	
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	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	X	
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	X
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

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

**Inspector Observations: The only hand wash station in the kitchen area lacked hand soap and paper towels. Respective dispensers not provided.**

Follow-up By  
09/04/2025

**[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers.**

**Hand wash station in the restroom lacked cold water. Cold water faucet observed inoperable.**

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

**Inspector Observations: Observed five Vietnamese rice cake logs maintained on the sales floor next to items for customers to purchase. Per owner over the phone, items were prepared from a home setting and for personal use.**

Follow-up By  
09/04/2025

**[CA] Food must be from an approved source or properly documented.**

**[COS] Items were removed from the facility.**

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

**Inspector Observations: 1. Live cockroaches of various life stages observed in the following areas:**

- Inside the crevices of the white wooden tables use to display fruits and vegetables.
- Crawling on floor in front of the restroom by the cash register.
- Crawling on floor inside the restroom.
- Inside the crevice between the wooden plank to support the wall mounted shelf above the three-compartment sink.
- 20+ observed crawling in and out of the electrical panel box.
- 5+ observed crawling on and around the food dehydrator.

Follow-up By  
09/04/2025

**2. Photographs: Taken for documentation purposes.**

**3. Supervisor was notified of the closure.**

**4. Notification: The person in charge during inspection, Nancy (via phone), has been informed that the facility must close immediately.**

**[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.**

**Requirements Before Reopening:**

- 1. Email the signed and completed Reopening Checklist to the assigned inspector.**
- 2. Submit a copy of the pest control report from a licensed provider.**

**Numerous live ants observed on the tables to display vegetables.**

**[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.**

### Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

**Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.**

**Employees' three-year food handler cards unavailable for review.**

**[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.**

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K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Cold water not provided at the hand wash sink in the restroom. Cold water faucet observed inoperable.**

**[CA] An approved, adequate, protected, pressurized, potable supply of hot water and cold water shall be provided.**

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

**Inspector Observations: Dried fruits and other prepackaged snacks offered for sale without proper labels.**

**[CA] Food prepackaged in a food facility shall bear a label with the following: 1) common name of the food, 2) list of ingredients in descending order of predominance by weight, 3) quantity of contents, 4) name and place of business of the manufacturer, packer, or distributor.**

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: Unapproved cooking equipment observed maintained inside the facility - propane burner and propane tank.**

**[CA] All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Removed unapproved equipment.**

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

**Inspector Observations: Observed propane tank and propane powered burner inside the back of the facility with large pot and residual peanuts that were boiled.**

**Facility does not have a dedicated 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.**

**Cease and desist any type of cooking inside the food preparation.**

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 mop and mop buckets maintained outside of the facility. Facility's janitorial sink observed obstructed with equipment.**

**[CA] At least one curbed cleaning facility or janitorial sink equipped with hot and cold water and drain shall be provided. After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies. Maintain equipment inside facility. Mop water shall be disposed of in the janitorial sink.**

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

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**Inspector Observations: --48 HOUR NOTICE--**

Follow-up By <b>09/04/2025</b>
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Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$815.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at [www.Ehinfo.org](http://www.Ehinfo.org).

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

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.

**\*\* Invoice provided to facility.**

## Performance-Based Inspection Questions

- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - No rodents, insects, birds, or animals.
- Needs Improvement - Food obtained from approved source.

## Measured Observations

Item	Location	Measurement	Comments
Warm water	Hand wash sink	102.00 Fahrenheit	
Hot water	Three-compartment sink	125.00 Fahrenheit	

## Overall Comments:

- Facility is hereby closed due to evidence of a vermin infestation.
- Facility is to immediately cease and desist all operations.
  - Facility is prohibited from all food service activities which include, but not limited to: preparation, service, handling, distribution, and sale.
  - Facility shall remain closed until vermin infestation is completely abated and authorization is provided by this Division.
- Facility shall:
  - Provide pest control report from a licensed pest control company that indicates the type of control measures taken and that the facility has been treated.
  - Eradicate all live and dead rodents and insects from the facility.
  - Clean and sanitize the affected area(s) and equipment.
  - Dispose of all food items that have been adulterated/contaminated.
  - Seal holes (e.g. in walls and ceilings, repair cove base), and entryways (e.g. weather-stripping around doors); keep exterior doors closed; screen openable windows.
  - Eliminate harborage inside and outside of the facility - remove unused/cast-off equipment, contributory vegetation, etc.)
  - Eliminate food and water sources inside and outside the facility.
  - Properly store items (e.g. at least 6 inches above floor in sealed rodent-proof/insect-proof containers; organize overly packed and disorganized storage areas).
  - Properly store and dispose of garbage and other waste (e.g. bagged wastes, keep dumpster lids closed, frequent removal).

**\*\* Please note that pest control treatments for rodents or insects may require a sufficient amount of contact time for these to be effective. Consult with pest control company for guidelines on eliminating harborage, entryways, and food/water sources.**

- Subsequent follow-up inspection shall be billed at \$298/hour, minimum one hour, during normal business hour, Monday - Friday 7:30 AM to 4:30 PM, and \$645 for a minimum of 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 red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

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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 **9/16/2025**. 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:

Employee

Signed On:

September 02, 2025