

# 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 FA0253553 - BAYLEAF TEA		Site Address 367 CYPRESS DR 120, MILPITAS, CA 95035		Inspection Date 05/29/2025	
Program PR0369170 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name BAYLEAF-TEA LLC		Inspection Time 10:00 - 11:30
Inspected By GLENCIJOY DAVID	Inspection Type RISK FACTOR INSPECTION		Consent By HUE	FSC	

Placard Color & Score
<b>GREEN</b>
<b>N/A</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						
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		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		
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		
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	X
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: Measured boba at 101F on counter. Per PIC, boba was cooked at 9:30AM but timer for four hours on phone was forgotten. [CA] PHFs shall be held at 41°F or below or at 135°F or above. [SA] Boba was time marked with timer and will be served or discarded by 1:30PM.**

### Minor Violations

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

**Inspector Observations: Soap dispenser at back handwash sink is not available. Pump bottle of dish soap was available nearby. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Fly present in prep area. [CA] Food facility shall be kept free of insects, flies, weevils, ants, gnats, and fruit flies.**

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

**Inspector Observations: \*NOTICE\***

**Facility does not have a valid health permit.**

**Facility will have until the end of business tomorrow (May 30, 2025 at 4:30PM) to submit a complete facility evaluation packet, including fees.**

Follow-up By  
05/30/2025

**Due to operating without a valid health permit, facility will incur a 25% penalty of annual permit fee.**

**Failure to comply 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.**

**[CA] A food facility shall not be open for business without a valid health permit.**

**[SA] Facility will submit completed facility evaluation packet by May 30, 2025 at 4:30PM.**

### Performance-Based Inspection Questions

N/A

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## Measured Observations

Item	Location	Measurement	Comments
ambient air	reach in cooler - across prep cooler	41.00 Fahrenheit	
hot water	three compartment sink	120.00 Fahrenheit	
whipping cream	reach in cooler	50.00 Fahrenheit	prep
lychee jelly	prep cooler	40.00 Fahrenheit	
almond milk	reach in cooler - across prep cooler	45.00 Fahrenheit	prep
ambient air	reach in cooler	41.00 Fahrenheit	
boba	counter	101.00 Fahrenheit	
milk	upright cooler	41.00 Fahrenheit	
meat patty	two door upright cooler	41.00 Fahrenheit	
hot water	prep sink	120.00 Fahrenheit	
milk	reach in cooler	45.00 Fahrenheit	prep
hot water	handwash sink	100.00 Fahrenheit	
mango	reach in cooler	50.00 Fahrenheit	prep
mango topping	prep cooler	40.00 Fahrenheit	
passion fruit	reach in cooler - across prep cooler	48.00 Fahrenheit	prep

## Overall Comments:

***Bayleaf is no longer in operation.***

***Brew and Banh Mi Cafe has opened since yesterday, May 28.***

***Owner states that person who takes care of paperwork may have submitted to the City and not the county.***

***Provided owner application and reviewed process.***

***Owner states that no food is cooked from raw. Owner uses Beastea location, same owner, to cook food and food is brought to this location for banh mi.***

***Induction cooker is only used for boba and toaster is used for bread. Microwave is used to warm cooked meats for service.***

***Facility added a self-service pastry case.***

***Facility has an induction cooker for boba and will be using a tayaki maker.***

***Facility does not appear to have remodeled any sinks or equipment.***

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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 **6/12/2025**. 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.

## Legend:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control




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**Received By:** Hue  
Owner

**Signed On:** May 29, 2025