

**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 FA0201933 - VIET'S CORNER		Site Address 15466 LOS GATOS BL 110, LOS GATOS, CA 95032	Inspection Date 10/13/2022
Program PR0302987 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10		Owner Name ANH LE	Inspection Time 15:10 - 16:40
Inspected By MELISSA HUERTA	Inspection Type FOLLOW-UP INSPECTION	Consent By ANH LE	

Placard Color & Score
<b>YELLOW</b>
<b>N/A</b>

**Comments and Observations**

**Major Violations**

Cited On: 10/05/2022

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Compliance of this violation has been verified on: 10/06/2022**

Cited On: 10/13/2022

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Measured container of cooked shrimp and beef at 45F stored above other containers in cold prep unit insert. Also, measured cooked chicken at 48F in cold prep unit and pho in soup kettle at 125F. [CA] Maintain PHFs either cold at or below 41F OR hot at or above 135F. [COS/SA] Cooked chicken was discarded due possibility of chicken out of temperature for more than 4 hours. Cooked shrimp and beef were placed back in refrigeration unit since out of temperature for less than an hour per PIC. Pho broth will not be served to customers and will be eaten by employees. PIC labeled kettles of soup with "EMPLOYEE" marking.**

Follow-up By  
10/18/2022

Cited On: 10/13/2022

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

**Inspector Observations: Rice noodles and boba are not time marked with time removed from temperature control. Per PIC, foods are left out at room temperature for 4 hours and then discarded, however no SOPs available for review. PIC also stated boba was removed from temperature control at 3:00pm and rice noodles have been left out since received from vendor today at 12:00pm.**

Follow-up By  
10/18/2022

**[CA] If time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption, the following shall occur:**

- (1) The food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control.**
- (2) The food shall be cooked and served, served if ready-to-eat, or discarded within four hours from the point in time when the food is removed from temperature control.**
- (3) The food in unmarked containers or packages or marked to exceed a four-hour limit shall be discarded.**
- (4) Written procedures shall be maintained in the food facility and made available to the enforcement agency upon request, that ensure compliance with this section and Section 114002, for food that is prepared, cooked, and refrigerated before time is used as a public health control.**

**[COS] PIC time marked boba from 3:00 to 7:00pm. Rice noodles were discarded**

Cited On: 10/13/2022

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations: Measured cooked chicken at 56F and cooked pork at 68F in cold prep unit inserts. Per PIC, foods were once hot either by receiving as cooked from vendor or reheated in microwave and cooling in prep unit. No temperatures were taken for either receiving or reheating and PIC stated foods have been sitting in unit since 10:00AM.**

Follow-up By  
10/18/2022

**[CA] Foods must be RAPIDLY cooled from 135F to 70°F, within 2 hours, and then from 70°F to 41 °F, within 4 hours using an approved rapid, cooling method. Facility has not been approved for rapid cooling and foods must come from vendor cold at or below 41F since there is no hot holding equipment. [COS] Foods discarded, see VC&D.**

**Minor Violations**

Cited On: 10/05/2022

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

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**This violation found not in compliance on 10/13/2022. See details below.**

Cited On: 10/05/2022

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

**This violation found not in compliance on 10/13/2022. See details below.**

Cited On: 10/13/2022

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: \*\*REPEAT**

**Two unapproved single burner units stored in food prep area. Per PIC, propane stove is used for cooking of employee meals, tea and boba. There is no Type I hood in the rear food facility. Also, observed wooden slab on shelving and wooden table has metal finish drilled on top of wood. [CA] Equipment shall be approved with NSF/ANSI/ETL/UL certification that meet sanitation standards. Facility must remove unapproved burners and wood equipment from facility.**

**Follow-up By  
10/18/2022**

Cited On: 10/05/2022

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

**This violation found not in compliance on 10/13/2022. See details below.**

Cited On: 10/13/2022

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: Container of cooked rice observed in food prep area. Per PIC, rice was made and brought from home for EMPLOYEES ONLY. [CA] Employee foods and other personal items shall be stored in designated location away from food and food prep areas. Employee items, such as food, shall be properly labeled to indicate employees items.**

**Follow-up By  
10/18/2022**

**Measured Observations**

Item	Location	Measurement	Comments
cooked shrimp and beef	cold prep unit 2 - insert	45.00 Fahrenheit	above insert
cooked pork	cold prep unit 2 - insert	68.00 Fahrenheit	
cooked soup (pho)	tea kettle	125.00 Fahrenheit	
cooked chicken	cold prep unit 2 - insert	48.00 Fahrenheit	container 1
cooked chicken	cold prep unit 2 - insert	56.00 Fahrenheit	container 2
bean sprouts on ice	cold prep unit 1 - insert	39.00 Fahrenheit	
cooked pork	cold prep unit 2 - door	38.00 Fahrenheit	

**Overall Comments:**

**Follow-up inspection conducted for limited inspection dated 10/05/2022 for violations, such as improper temperatures, inadequate handsink facilities, and unapproved equipment in facility.**

**Observations:**

**\*K07: Food temperatures in cold prep unit across from food prep sinks were adequate, bean sprouts measured at 39F in ice water. However, prep unit across from microwaves had food temperatures between 41-70F (see measured observations and K09). After talking with PIC and employee who was translated by another employee, foods were cooked/reheated earlier today and placed in cold prep unit. Temperatures of reheating/cooking temperature was unknown due to lack of measuring temperature with thermometer probe. It was concluded that the foods were in the temperature danger zone due to improper cooling and foods were discarded (see VC&D).**

**\*K06/41: Handsink was draining properly with papertowels inside permanently secured dispenser. VIOLATION CORRECTED.**

**\*K35: Observed one propane single burner on wooden slab with metal finish on one side and another single burner propane observed on floor under shelving in rear food prep area. Owner was verbally told twice to remove wooden slab and wooden table, however owner drilled in metal finish over one side. See violation K35.**

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***\*PIC stated rice was purchased from COM TAN THANH restaurant, however could not produce invoice. Until facility purchases NSF rice cooker, facility must produce invoice from vendor for cooked rice that is purchased daily.***

***Major violations and other minor violations have not been corrected. Due to findings of two major violations, placard has been changed to yellow, conditional pass. Follow-up inspection will be conducted within 3 business days to follow up on all violations noted on this report (see above). Ensure all violations are corrected and kept in compliance. Failure to comply will result in an additional inspection charged at \$219/hr for a minimum 1 hour charge, billed to facility. Do not remove, discard, cover-up or tamper with yellow placard. Failure to comply will result in enforcement actions. Contact district specialist at (408) 712-8802 to schedule follow-up inspection.***

***NOTE: Next follow up inspection will be a charged inspection since it will be a subsequent inspection.***

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 **10/27/2022**. 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:** ANH LE  
OWNER

**Signed On:** October 13, 2022