

# 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 FA0207153 - BANH CUON THIEN HUONG		Site Address 1818 TULLY RD 218, SAN JOSE, CA 95122		Inspection Date 08/16/2023	
Program PR0305405 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name VU, NHUNG		Inspection Time 10:30 - 12:00
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By NHUNG (VIA PHONE)	FSC Quang Huynh 09/28/2025		

<p>Placard Color &amp; Score</p> <p><b>YELLOW</b></p> <p><b>49</b></p>
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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				N
K05 Hands clean, properly washed; gloves used properly		X		X			N
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records		X		X			
K09 Proper cooling methods			X				N
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			N
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	X	
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	X	
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	X	
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	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	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations: Two employees observed washing hands with gloves still donned on.**

Follow-up By  
08/22/2023

**One employee observed washing hands using soap from residue spill over from the dish soap squeeze bottle maintained at the food preparation/hand wash sink. Employee also washed hands with gloves still donned on.**

**Cook line employee observed using personal cellphone and then continued onto food preparation without washing hands.**

**[CA] Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:**

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (3) Immediately after using the toilet room and again when returning into the kitchen.
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.
- (6) After handling soiled equipment or utensils.
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat foods.
- (9) Before initially donning gloves for working with food.
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.
- (11) After engaging in other activities that contaminate the hands.

**Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.**

**[COS] Instructed employees to properly wash hands.**

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

**Inspector Observations: Numerous PHF items maintained out in ambient temperature measured as follows:**

Follow-up By  
08/22/2023

- Colander of cooked bean sprouts measured at 70F.
- Tray of cooked rice rolls with diced shrimp and/or ground pork with wood ear mushroom measured at 87F.
- Numerous pots of soup maintained at the cook line measured at between 115F to 120F.
- Plastic bucket of bean sprouts in water measured at 60F.

**Per employee, items were prepared less than two hours prior for service.**

**Numerous PHF items maintained inside the preparation refrigerator across from the cook line measured between 50F to 60F.**

**Employees stated that all items were just placed inside the refrigerator and were either taken out to prepare an order or were just prepared.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above.**

**[COS] PHF items were either placed inside refrigeration units to rapidly cool and/or reheated to be hot held.**

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

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

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**Inspector Observations:** Numerous PHF items maintained at the front service line, various rice rolls, fancy pork, bean sprouts, fried savory pastries, subjected to time as a public health control (TPHC) did not have any time labels.

Follow-up By  
08/22/2023

**[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.

**[COS]** After initial walk-through of kitchen facility, employee had placed colored stickers on items.

**\*\*\*\* Repeat violation - TPHC usage shall be revoked if violation is observed during the next routine inspection. All PHF items will be subjected to temperature control only. \*\*\*\***

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:** Employee observed washing dishes at the food preparation sink with only soap and water. When questioned about dish washing procedures, employee stated that only soap and water is used.

Follow-up By  
08/22/2023

**Employee skipped final sanitization step during manual ware washing.**

**[CA]** Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

**[COS]** Instructed employee to sanitize utensils.

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

## Minor Violations

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

**Inspector Observations:** Employees observed drinking in areas of food preparation. Employees' opened beverage cups stored in areas of food preparation, food storage, and/or food contact surfaces.

**[CA]** No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Utilize cups with lids and straws. Provide designated location for employees to store personal food and beverages, separate and away from food preparation, food contact storage, and/or food storage areas.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** Large metal pots of soup and porridge maintained inside the walk-in refrigerator cooling. Both items measured above 160F and had not yet reached cooling temperatures.

**Numerous bags of cooked rice maintained inside walk-in refrigerator measured at 65F. Employee stated that items were prepared in the morning, two hours prior. Bags were tightly tied and stored pressed together inside a plastic container.**

**Plastic colander of cooked rice maintained inside the walk-in refrigerator measured at 68F. Colander was wrapped inside a plastic bag which was tightly tied shut.**

**[CA]** Ensure all PHF items are rapidly cooled from 135F to 70F or below within 2 hours, and from 70F to 41F or below within an additional 4 hours. Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids. When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling. Properly store cooling foods in such a way to allow proper air flow.

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

**Inspector Observations:** Numerous flies observed throughout kitchen facility. **[CA]** Use any and all approved methods to abate live flies.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

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**Inspector Observations:** *Container of parcooked coagulated pork blood maintained directly above ready-to-eat vermicelli noodles.*

**[CA]** *All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.*

**Numerous containers and tubs of food stored directly on the floor inside the walk-in refrigerator and freezer.**

**[CA]** *Food shall be stored at least 6 inches above the floor to prevent contamination.*

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

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

**Inspector Observations:** *Build up of grime observed on door handles of refrigeration units.*

**Heavy build up of oil, food debris/residue observed at the unused cook line in the back of the facility.**

**[CA]** *Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.*

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:** *Ambient temperature of the walk-in refrigerator measured between 49F to 50F.*

**[CA]** *Refrigeration must be capable of maintaining PHFs at 41°F or below.*

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

**Inspector Observations:** *Observed employee utilizing food preparation sink to conduct ware washing. [CA] Utilize sinks for their designated purpose. Two-compartment sink in rear of facility shall be dedicated to ware washing. Two-compartment sink in the front of the facility is dedicated for food preparation and hand washing only.*

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

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:** *Employees' personal belongings, cellphones and keys, maintained in areas of food preparation and/or food contact 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.*

## Performance-Based Inspection Questions

- Needs Improvement - Proper cooling methods.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Food contact surfaces clean, sanitized.

## Measured Observations

Item	Location	Measurement	Comments
Parcooked coagulated pork blood	Food preparation refrigerator	41.00 Fahrenheit	
Shrimp paste sauce	Crockpot	154.00 Fahrenheit	
Cooked pork hock	Food preparation refrigerator	139.00 Fahrenheit	
Cooked rice	Rice cooker	160.00 Fahrenheit	
Cooked sea snails	Food preparation refrigerator	40.00 Fahrenheit	
Parcooked calamari	Food preparation refrigerator	36.00 Fahrenheit	Top insert
Hot water	Ware wash sink	128.00 Fahrenheit	
Porridge	Stove	147.00 Fahrenheit	

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## Overall Comments:

- Two or more major violations were observed during the routine inspection.
- A follow-up inspection will be conducted to verify compliance of all major violations.
- Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (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 red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

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 **8/30/2023**. 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: Nhung V.  
Manager  
Signed On: August 16, 2023