

# 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 FA0207027 - NEM RESTAURANT		Site Address 175 S CAPITOL AV K & L, SAN JOSE, CA 95127		Inspection Date 03/14/2024	
Program PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NEM RESTAURANT INC		Inspection Time 13:30 - 15:00
Inspected By YUEN IP	Inspection Type ROUTINE INSPECTION		Consent By TRUET LE	FSC Not Available	

Placard Color & Score
<b>GREEN</b>
<b>87</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	
K09 Proper cooling methods	X						S
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				N
K15 Food obtained from approved source	X						
K16 Compliance with shell stock tags, condition, display	X						S
K17 Compliance with Gulf Oyster Regulations	X						S
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	X	
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	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		
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

# OFFICIAL INSPECTION REPORT

Facility FA0207027 - NEM RESTAURANT	Site Address 175 S CAPITOL AV K & L, SAN JOSE, CA 95127	Inspection Date 03/14/2024
Program PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NEM RESTAURANT INC	Inspection Time 13:30 - 15:00
K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

No major violations were observed during this inspection.

### Minor Violations

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

**Inspector Observations: Missing food safety manager certificate. Food handler cards available 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.**

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

**Inspector Observations: Emptied paper towel and inoperative hand soap dispenser at hand wash sink next to 3 compartment sink. Another hand wash sink/ prep sink in close proximity.**

**[CA] Provide handwashing cleanser in dispenser at handwash stations at all times. Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.**

K14 - 3 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: Mold like substance built up on the interior walls of ice machine.**  
**[CA] Empty ice machine, clean and sanitize walls.**

**Dishmachine final sanitizing step measured at 0ppm. No active warewash at the time of inspection.**  
**[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.**

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations: Missing chlorine test strip for testing chemical dishmachine and sanitizer.**  
**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

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

**Inspector Observations: Equipments such as fryer and stove were placed without 6 inches overhang of the hood.**  
**[CA] There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment.**

### Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.

### Measured Observations

Item	Location	Measurement	Comments
Clams	3 doors sliding fridge	41.00 Fahrenheit	
Raw beef	Counter fridge near cooline	41.00 Fahrenheit	
Eggs	reach-in fridge near entrance	38.00 Fahrenheit	
Chlorine	Dishmachine	0.00 PPM	
Clams	Open top fridge near cookline	39.00 Fahrenheit	
Water	Hand wash sink kitchen	100.00 Fahrenheit	
Water	3 compartment sink	122.00 Fahrenheit	
Water	Hand sink/ prep sink	120.00 Fahrenheit	Cold water available
Water	Hand wash sink female restroom	100.00 Fahrenheit	
Rice	Counter fridge near cookline	41.00 Fahrenheit	
Rice	Rice cooker	165.00 Fahrenheit	

# OFFICIAL INSPECTION REPORT

Facility FA0207027 - NEM RESTAURANT	Site Address 175 S CAPITOL AV K & L, SAN JOSE, CA 95127	Inspection Date 03/14/2024
Program PR0306364 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name NEM RESTAURANT INC	Inspection Time 13:30 - 15:00

## Overall Comments:

*Reviewed vegetable washing with prep table.*

*Reviewed cooling steps with chef.*

*Reviewed shell tags and oyster tags*

*Reviewed manual sanitizing steps with PIC.*

*A re-evaluation of program element may warrant a change from FP 14 to FP 11.*

---

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 **3/28/2024**. 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



---

**Received By:** Duong Trinh  
President

**Signed On:** March 14, 2024