

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

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|--|---------------------------------------|---|-------------------------------------|-------------------------------|----------------------------------|
| Facility FA0240199 - PHO KHANG | | Site Address 2207 TASMAN DR, SANTA CLARA, CA 95054 | | Inspection Date 02/24/2026 | |
| Program PR0340232 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | | | Owner Name PHO KHANG CORPORATION | | Inspection Time 13:30 - 17:30 |
| Inspected By JOSHUA LUCES | Inspection Type ROUTINE INSPECTION | | Consent By MINH | FSC Linh Thuy Vu 8/11/28 | |

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|-----------------------|
| Placard Color & Score |
| RED |
| 61 |

| 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 | | | | | | |
| K06 Adequate handwash facilities supplied, accessible | X | | | | | | |
| K07 Proper hot and cold holding temperatures | | X | | X | | | |
| K08 Time as a public health control; procedures & records | | | | | | 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 | | | | | | 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 | | | | | 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 | | |
| K33 Nonfood contact surfaces clean | | |
| K34 Warewash facilities: installed/maintained; test strips | X | |
| 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 | | X |
| K40 Wiping cloths: properly used, stored | | |
| K41 Plumbing approved, installed, in good repair; proper backflow devices | | X |
| 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 | | X |
| 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

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

Inspector Observations:

1. Measured multiple foods in the walk in cooler out of compliance at their respective temperatures:

- Peanut sauce at 45F
- Noodles at 53F
- Sprouts at 53F
- Pho at 51F
- Tofu at 44F

The person in charge stated that the cooler would lower its temperature after about 30 minutes of measurement. At the time of measurement, the ambient temperature of the unit was 61F (thermapen). After approximately 1 hour, the ambient temperature of this unit via thermopen measured at 39F.

[CA] Re-evaluate the unit so that the defrost cycle does not impeded on regular operations and that all potentially hazardous foods are maintained at 41F or below.

2. Measured the following foods at their respective temperatures in the small preparation cooler at the main preparation area:

- Mayonnaise at 50F placed in the unit approximately 3 hours prior
- Sprouts at 51F placed in the unit approximately 3 hours prior
- Sprouts in the cold top insert at 55F placed in the unit less than 1 hour prior

The preparation cooler was determined to be inoperable at the time of this inspection and unable to maintain potentially hazardous foods at or below 41F. The ambient temperature taken via Thermopen measured at 54F.

[CA] PHFs shall be held at 41°F or below while cold holding.

[COS] The above food items were relocated to an operable reach in cooler.

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

Inspector Observations:

1. Observed Vermin activity at the following locations:

- One live adult cockroach in the electrical outlet behind the small preparation cooler near the kitchen entrance
- One live adult cockroach on the preparation table between the small preparation cooler and preparation sink
- One dead adult cockroach on the preparation table between the small preparation cooler and preparation sink
- One dead adult cockroach on the upper shelf of the small preparation cooler
- One live adult cockroach on the floor below the small preparation cooler near the kitchen entrance
- One live adult cockroach in the electrical outlet at the back storage area

2. Photographs: Taken for documentation purposes.

3. Supervisor Notified: S. Lew

4. Notification: The person in charge during inspection and owner Linh Vu, have 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.

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| Follow-up By 02/25/2026 |
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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.

Minor Violations

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

Inspector Observations:

Not all food handlers possess a valid food handler card.

[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.

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

Inspector Observations:

1. Measured one container of cooked tofu in a cold top preparation insert at the main preparation cooler at 112F. The person in charge stated the tofu was cooked and subsequently placed into the cold top insert approximately 1 hour prior.

[CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

[COS] The violation was corrected by relocating the tofu to the walk in cooler to rapidly cool.

2. Observed one large pot of pho cooling at ambient temperature in front of the walk in cooler (measured at 176F).

[CA] Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 3 inches for liquids.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations:

Observed the floor sink below the mechanical dishmachine and preparation sink to be slowly draining, where wastewater was being discharged onto the floors after running a partial cycle of the dish machine.

[CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system. Ensure the floor sink is able to drain properly when running the dish machine.

[SA] Discontinue using the dish machine until the floor sink has the capacity to fully drain without discharging water onto the floors. Only conduct manual warewashing until repaired. The three compartment sink was set up for manual warewashing at this time.

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

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Inspector Observations:

1. Test strips were unavailable for measuring chlorine sanitizer were not available at the time of inspection.

[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.

2. The faucet for the three compartment sink was unable to reach all compartments. A bucket was required to fill the third compartment of the sink.

[CA] Maintain the faucet so that it is capable of filling all compartments of the three compartment sink.

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:

Repeated Violation

1. The small preparation cooler at the main preparation line near the kitchen entrance was determined to be unable to maintain potentially hazardous foods at or below 41F.

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

2. Discontinue using cardboard to line shelving.

[CA] Maintain equipment durable, nonabsorbent, and easily cleanable.

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:

Repeated Violation

Observed knives wedged between the preparation tables and cold top coolers.

[CA] Store equipment and utensils in a sanitary manner to prevent cross contamination.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

Inspector Observations:

A probe thermometer was not available at the facility at the time of inspection.

[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.

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

Inspector Observations:

Repeated Violation

Observed a leak below the middle compartment of the three compartment sink and at the mechanical dish machine

[CA] Repair plumbing fixture and maintain in clean and good repair.

Observed the waste water pipe outlet for the preparation sink and the drain line for the ice machine at the front service area to sit below the rim of the floor sink.

[CA] Provide an air gap of 1 inch or twice the diameter of the piping above the pipe outlet and rim of the floor sink.

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

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Inspector Observations:

1. Observed missing outlet cover plates at the main food preparation area and at the back dry storage area which is contributing to the harborage of vermin.

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[CA] Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.

2. Observed the front door propped open at the beginning of this inspection.

[CA] Keep door closed at all times to prevent the entrance and harborage of vermin.

3. Observed a jacket hung at the dry food storage rack and a purse stored on the upper shelf above the food preparation table.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

4. Observed an uncovered personal beverage stored on the slicer

[CA] Stored personal beverages covered and in an area to prevent cross contamination of food or equipment.

Repeated Violation

5. Observed an inoperable ice machine at the back preparation area.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.

6. Observed cardboard installed on the back door.

[CA] Install a doorsweep or similar device to eliminate the gap below the back screen door.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations:

1. Remove/clean the accumulation of grime from the floors at the following areas:

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| Follow-up By 02/25/2026 |
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- Below the preparation coolers
- Below the dry storage shelving
- Below the three compartment sink

[CA] Walls and/or floors in food preparation area shall be kept clean.

2. Observed missing ceiling tiles around the exhaust hood.

[CA] Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Proper cooling methods.

Needs Improvement - Food contact surfaces clean, sanitized.

Needs Improvement - No rodents, insects, birds, or animals.

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Measured Observations

| Item | Location | Measurement | Comments |
|-------------------------|---------------------------|-------------------|---------------------|
| Water | Three compartment sink | 124.00 Fahrenheit | |
| Water | Preparation sink | 120.00 Fahrenheit | |
| Water | Front hand washing sink | 108.00 Fahrenheit | |
| Beef Ribs | Stove | 177.00 Fahrenheit | Cooking temperature |
| Tofu | Middle preparation cooler | 41.00 Fahrenheit | |
| Sliced chicken | Middle preparation cooler | 38.00 Fahrenheit | |
| Sanitizer Concentration | Three compartment sink | 100.00 PPM | Chlorine |

Overall Comments:

A joint inspection was conducted today with G. Gonzalez, REHS, and J. Luces, REHS. This report was generated by J. Luces.

This facility shall remain closed until all major violations (Cockroach infestation) have been verified corrected by this department.

Facility is to immediately cease and desist all operations, including but not limited to food preparation, service, handling, distribution, and sale.

- 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 all affected area(s) and equipment*
- Dispose of all food items that have been adulterated/contaminated*
- Seal holes (e.g. in walls and ceilings, repair coved 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 after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (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. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

If this facility is 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.

The menu indicates "Consuming undercooked eggs, rare steak, may increase risk of food borne illness." It is required to explicitly include the following statement:

"Consuming raw or undercooked meats, POULTRY, seafood, shellfish, or EGGs may increase your risk of foodborne illness, especially if you have certain medical conditions."

Observed sunnyside egg being served as a menu item without being disclosed that it is served raw/undercooked.

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CLOSURE / PERMIT SUSPENSION NOTICE

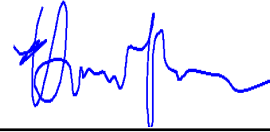
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **3/10/2026**. 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: hien pham
Person in charge
Signed On: February 24, 2026