

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 FA0209910 - PHO BOWL | | Site Address 5316 MONTEREY HY, SAN JOSE, CA 95111 | | Inspection Date 02/22/2024 | |
| Program PR0302686 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | | | Owner Name BLUE PEPPER INC. | | Inspection Time 14:00 - 15:00 |
| Inspected By GUILLERMO VAZQUEZ | Inspection Type ROUTINE INSPECTION | Consent By NGUYEN THI KIM HA | FSC Not Available | | |

| |
|----------------------------------|
| Placard Color & Score |
| RED |
| 65 |

| 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 | | | | | N |
| K06 Adequate handwash facilities supplied, accessible | X | | | | | | S |
| K07 Proper hot and cold holding temperatures | | X | | | | | |
| K08 Time as a public health control; procedures & records | | | | | | 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 | | | | | | S |
| 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 | X | |
| 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 | | 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

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

Inspector Observations: Observed employee eating upon entry of facility and went to the back of house to put food away. Did not wash hands when returning to the back prep area.

[CA] Properly wash hands with soap, warm water and dry using single use paper towels as required.

[SA] Instructed employee to wash hand before returning back to work in the kitchen area.

Follow-up By
02/27/2024

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

Inspector Observations: Bean sprouts within a plastic tray were measured at 68°F at the time of inspection. Per cook, the bean sprouts have been out since 10AM-11AM.

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

[SA] Facility has VCD the food into the garbage. VCD form provided.

Follow-up By
02/27/2024

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

Inspector Observations: MAJOR:

1. Multiple live coach roaches of different life cycles noted within the gaskets of the prep table:

[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

2. Multiple dead coach roaches within the following areas:

- Around the water heater
- Under the 3-Compartment sink
- On top of the prep table unit by the cook line

[CA] Clean and sanitize area of dead cockroaches or old droppings.

Follow-up By
02/27/2024

Minor Violations

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

Inspector Observations: Unable to provide a food manger certification and food handler cards at the time of inspection.

[CA] Obtain a new food manger certification within 60-days and food handler cards within 30-days.

REPEAT VIOLATION. Failure to comply may result in enforcement action.

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: 1. Fan guards within the walk in are missing at the time of inspection.

[CA] Obtain a new fan guard for the walk in refrigeration.

2. Multiple damaged gasket noted within the prep table. This issue is providing harborage to vermin.

[CA] Replace the gaskets within the prep table.

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

Inspector Observations: Heavy grease build up on the hood filters noted at the time of inspection.

[CA] Ventilation hood filters shall be maintained clean and good repair.

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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: Multiple pieces of equipment within the facility that do not seem to be in use or no longer working. Facility has a large back room with unused equipment.

[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.

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

Inspector Observations: Multiple damaged floor tiles noted around the kitchen area at the time of inspection.

[CA] Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

| Item | Location | Measurement | Comments |
|---------------|------------------------------------|-------------------|----------|
| Cooked shrimp | Prep table | 39.00 Fahrenheit | |
| Rice | Hot holding | 139.00 Fahrenheit | |
| Bean sprouts | Plastic tray | 68.00 Fahrenheit | VCD. |
| Hot water | 3-Compartment | 120.00 Fahrenheit | |
| Ambient | Walk in freezer | 5.00 Fahrenheit | |
| Noodles | Prep table | 39.00 Fahrenheit | |
| Warm water | Hand wash | 100.00 Fahrenheit | |
| Raw steak | Walk in | 38.00 Fahrenheit | |
| Tendon | Prep table #2 (cook line) | 39.00 Fahrenheit | |
| Milk | Reach in (next to cashier station) | 39.00 Fahrenheit | |
| Warm water | Restroom | 100.00 Fahrenheit | |
| Pho soup | Hot holding (cook line) | 165.00 Fahrenheit | |
| Meat balls | Prep table #2 (cook line) | 40.00 Fahrenheit | |

Overall Comments:

- Facility is herby closed by this department until vermin has been abated and a follow up inspection conducted. Contact Guillermo V. (408)918-7114 guillermo.vazquez@deh.sccgov.org

- Provide the most recent pest control to specialist for review.

- All operations within the facility must cease and desist. Until a follow up inspection is conducted.

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 **3/7/2024**. 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.

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.

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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: Nguyen Thi Kim Ha
Owner

Signed On: February 22, 2024