

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 FA0271044 - PHO 90 DEGREES		Site Address 999 STORY RD 9090, SAN JOSE, CA 95122		Inspection Date 03/01/2023	
Program PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BUI, NGOC		Inspection Time 13:30 - 14:50
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By PHUC TRAN	FSC Not Available	

Placard Color & Score
GREEN
69

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			N
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				
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		
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

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

Inspector Observations: Large pot of soup broth maintained out in ambient temperature measured at 70F. Employee stated that the stock pot was removed from the refrigerator in the morning, approximately three hours prior, and will be reheated and hot held for service.

Tub of bean sprouts maintained in an inadequate ice bath measured at 50F. Numerous plates of preset bean sprouts and herbs maintained out in ambient temperature. Employee stated that plates are staged for immediate service.

Case of bean sprouts maintained out in ambient temperature on the bottom shelf of the herb plate staging area.

Numerous PHF items maintained inside the walk-in refrigerator measured as follows:

- Cooked beef tripe measured at 45F.
- Cooked beef tendon measured at 44F.
- Cooked ox tail measured at 45F.

Ambient temperature of the walk-in refrigerator measured at 47F.

Numerous PHF items maintained in the top inserts of the food preparation refrigerators measured between 45F to 47F.

- Sliced tomatoes, beef balls, beef tripe, beef tendon, raw beef, beef brisket, etc.

Items were stored above the load limit. A bowl of cooked chicken placed on top of the inserts, measured at 80F, was actively cooling, per employee.

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

[COS] Pot of soup was immediately reheated and to be hot held. Ice was added to the container of bean sprouts.

Case of bean sprout was relocated into the food preparation refrigerator to immediately cool.

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate is expired. [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. Provide valid FSC within 60 days.

Employees' three-year food handler cards are expired. [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.

****** Repeat violation.**

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

Inspector Observations: Hand wash station at the beverage preparation area partially obstructed with water pitcher inside the wash basin. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times. Remove obstructions so that hand wash station is easily accessible at all times.

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

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Inspector Observations: *Tapioca pearls and pandan jelly subjected to time as public health control, lacked labels. Items measured at 70F and were prepared two hours prior. Employees stated that items are discarded after three-hours and a new batch is prepared. [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.*

TPHC written procedures were provided and reviewed with PIC.

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

Inspector Observations: *Bowl of cooked chicken maintained at the top inserts of the food preparation refrigerator measured at 80F. Employee stated that chicken was cooked approximately one and a half hour prior. Bowl was tightly covered with plastic wrap.*

[CA] 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.

Discontinue cooling foods inside the top inserts of the food preparation refrigerator to prevent raising ambient temperature of the refrigerator.

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: *Build up of pink and orange growth matter on the plastic white baffle inside the ice machine. Soiled surface was not in contact with ice. [CA] Clean, sanitize, and maintain ice machine.*

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)

Inspector Observations: *Observed employee using the left side drain board of the three-compartment sink to conduct food preparation while middle basin was used to wash cooking utensils. [CA] Food preparation shall only occur in approved areas - at the food preparation sink. Discontinue food preparation while conducting utensils washing. Ware wash sink shall be cleaned and sanitized in-between uses if food production is to be conducted.*

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

Inspector Observations: *Heavy build up of grime, food residue, and/or food debris observed on storage racks throughout the facility, especially inside the walk-in refrigerator.*

Heavy build up of dust, dirt, and grime observed on the mechanical dish machine.

[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 at 47F. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Investigate cause and repair in an approved manner.*

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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: Employees' personal belongings, cellphones, earphones, beverage bottles stored on shelves above food preparation areas.

[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 hot and cold holding temperatures.
- Needs Improvement - Demonstration of knowledge; food manager certification.

Measured Observations

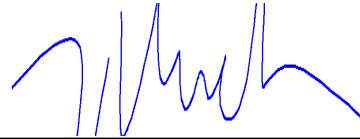
Item	Location	Measurement	Comments
Spicy beef broth	Stove	175.00 Fahrenheit	
Milk	Two-door upright refrigerator	38.00 Fahrenheit	
Cooked coagulated pork blood	Food preparation refrigerator	39.00 Fahrenheit	Top insert
Pho broth	Stove	189.00 Fahrenheit	
Raw beef	Food preparation refrigerator	40.00 Fahrenheit	40F at the bottom, 47F at top.
Warm water	Hand wash sink	103.00 Fahrenheit	Beverage prep area
Hot water	Three-compartment sink	127.00 Fahrenheit	
Kidney beans	Two-door upright refrigerator	39.00 Fahrenheit	Beverage prep area
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	

Overall Comments:

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 **3/15/2023**. 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



Received By: Phuc Tran
Manager

Signed On: March 01, 2023