

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 FA0260735 - PHO TAU BAY		Site Address 3005 SILVER CREEK RD 168, SAN JOSE, CA 95121		Inspection Date 08/27/2026		Placard Color & Score RED 53		
Program PR0382245 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name HA, DUNG		Inspection Time 12:20 - 15:45			
Inspected By MARCELA MASRI		Inspection Type ROUTINE INSPECTION		Consent By JACQUELINE HA				FSC JACQUELINE HA 5-15-31

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						S
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		S
K06	Adequate handwash facilities supplied, accessible			X				N
K07	Proper hot and cold holding temperatures		X		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						
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	X	
K30	Food storage: food storage containers identified	X	
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	X	
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored	X	
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: *THE FOLLOWING FOOD WAS FOUND BETWEEN 47F AND 52F F STORED IN THE WALK IN COOLER FOR OVER 4 HRS.: RICE POURIDGE 52F, TOMATO SAUCE 47F, ORANGE SAUCE 48F. FOUND THE BEAN SPROUTS AT 77F STORED ON THE SHELF IN THE KITCHEN. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. NOTE: THE REST OF THE FOOD HAS BEEN IN THE REFRIGERATOR FOR LESS THAN 4 HRS, PER OPERATOR.*

THE FOOD WAS RELOCATED TO A WORKING REFRIGERATOR/FREEZER.

FOUND THE COOKED CHICKEN IN THE SERVICE REFRIGERATOR TO INSERT AT 42F AND THE SHRIMP AT 45F. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW.

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

Inspector Observations: *FOUND 2 DEAD COCKROACHES IN THE FOLLOWING AREAS: ON THE FLOOR NEAR THE WALK IN FREEZER IN THE KITCHEN, NEAR THE BACK DOOR BY A SHELF WITH DRY FOOD AND PAPER GOODS NEAR THE RESTROOM. [CA] FOOD FACILITIES SHALL NOT HAVE ANY COCKROACHES ON THE PREMISES. REMOVE THE COCKROACHES, CLEAN THE FACILITY, MOVE THE EQUIPMENT TO CHECK AND SEAL ANY GAPS OR CREVICES ON THE WALLS, FLOORS AND CEILINGS WHERE THE COCKROACHES MAY BE ENTERING THE BUILDING. DISCARD ANY FOOD THAT MAY BE CONTAMINATED BY THE COCKROACHES. REMOVE ANY UNUSED EQUIPMENT OR CLUTTER. REMOVE ANY ENCRUSTED FOOD ON THE FOOD PREPARATION TABLES, UNDER EQUIPMENT, ON THE FLOORS AND WALLS. CLEAN AND SANITIZE ALL SURFACES PRIOR TO CONTACTING THE DEPARTMENT. NOTE: ONE RE-INSPECTION WILL BE FREE OF CHARGE, IF ADDITIONAL RE-INSPECTIONS ARE NEEDED FOR THE SAME ISSUE, THEY WILL BE CHARGED AT \$282 PER HOUR DURING BUSINESS HOURS, MINIMUM ONE HOUR OR \$645/2-HOUR MINIMUM DURING NON-BUSINESS HOURS, AND UPON INSPECTOR AVAILABILITY. CALL MARCELA AT 408-687-3451 WHEN READY FOR A RE-INSPECTION.*

Minor Violations

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

Inspector Observations: *THE FOOD HANDLER'S CARDS HAVE EXPIRED. [CA] PROVIDE CURRENT FOOD HANDLER'S CARDS.*

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

Inspector Observations: *FOUND 2 BUCKETS STORED IN FRONT OF THE HAND WASH SINK. [CA] KEEP THE HAND WASH SINK ACCESSIBLE AT ALL TIMES.*

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations: *MISSING THE CONSUMER WARNING SIGN EITHER POSTED IN PUBLIC VIEW OR IN THE MENU REFERENCING THE RAW FOOD. [CA] PROVIDE CONSUMER WARNING.*

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: *FOUND SEVERAL FOODS UNCOVERED IN THE WALK IN FREEZER AND WALK IN COOLER. [CA] COVER FOOD.*

FOUND RAW CHICKEN STORED NEXT TO BAGGED SHRIMP AND PRODUCE IN THE WALK IN FREEZER. [CA] STORE CHICKEN BELOW SHRIMP.

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

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Inspector Observations: *FOUND THE CONCENTRATION OF CHLORINE SANITIZER AT 200PPM. [CA] PROVIDE 100 PPM. COS*

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: *FOUND A CONTAINER WITH SUGAR AND HONEY STORED ON THE FLOOR IN THE SMALL ROOM NEXT TO THE KITCHEN. FOUND SEVERAL FOOD CONTAINERS STORED ON THE FLOOR IN THE WALK IN COOLER AND WALK IN FREEZER. [CA] STORE FOOD 6 INCHES ABOVE THE FLOOR.*

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

Inspector Observations: *FOUND THE EXTERIOR SIDE OF THE BULK CONTAINERS WITH FOOD DEBRIS THROUGHOUT THE KITCHEN. [CA] CLEAN THE CONTAINERS MORE OFTEN.*

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: *THE WALK IN COOLER IS UNABLE TO KEEP THE POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. [CA] REPAIR/ADJUST THE WALK IN COOLER SO THAT IT CAN KEEP THE POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW.*

Follow-up By
09/02/2026

FOUND THE SERVICE REFRIGERATOR ACROSS THE COOK RANGE WITH WATER BUILD UP. [CA] REPAIR THE REFRIGERATOR.

FOUND CARDBOARD LINING SOME SHELVES IN THE KITCHEN. [CA] DISCONTINUE LINING THE SHELVES WITH CARDBOARD.

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: *FOUND THE ORIGINAL TIN CANS BEING USED TO STORE FOOD IN THE SERVICE REFRIGERATOR. [CA] USE FOOD GRADE WASHABLE CONTAINERS.*

FOUND PREPACKAGED CHILI CONTAINERS STORED IN THE SANITIZER BUCKET. [CA] DO NOT STORE FOOD IN THE SANITIZER BUCKETS.

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

Inspector Observations: *FOUND A LAYER OF ALUMINUM FOIL WRAPPED AROUND THE EDGE OF THE HOOD. [CA] REMOVE THE FOIL.*

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

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: *FOUND A LEAK AT THE FOOD PREPARATION SINK NEAR THE WALK IN FREEZER.[CA] REPAIR THE LEAK.*

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: *FOUND AN EMPLOYEE'S CUP STORED ON TOP OF THE SLICER. [CA] STORE PERSONAL ITEMS SEPARATE AND AWAY FROM FOOD OR FOOD RELATED ITEMS. COS*

FOUND THE MOP INSIDE THE BUCKET. [CA] HANG THE MOP TO AIR DRY.

FOUND CLUTTER BELOW THE DRY STORAGE/TOWELS SHELF NEAR THE BACK DOOR. [CA] REMOVE THE CLUTTER.

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

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Inspector Observations: *FOUND A CREVICE ON THE WALL BY THE WALK IN COOLER. [CA] SEAL ALL CREVICES TO DENY VERMIN HARBORAGE.*

FOUND THE FLOORS IN THE KITCHEN, WALK IN COOLER AND WALK IN FREEZER WITH FOOD DEBRIS. [CA] CLEAN THE FLOORS MORE OFTEN.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Measured Observations

Item	Location	Measurement	Comments
RICE POURIDGE	WALK IN COOLER	52.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
CHICKEN	WALK IN COOLER	20.00 Fahrenheit	
ORANGE SAUCE	WALK IN COOLER	48.00 Fahrenheit	
BEEF	WALK IN COOLER	18.00 Fahrenheit	
PORK BLOOD	IN ICE	36.00 Fahrenheit	
HOT WATER	FOOD PREP SIN	120.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
TOMATO SAUCE	WALK IN COOLER	47.00 Fahrenheit	
CHICKEN	HOT HOLDING	160.00 Fahrenheit	
CHICKEN	INSERT	42.00 Fahrenheit	
CHLORINE SANITIZER	SANITIZER BUCKET	200.00 PPM	
PORK	HOT HOLDING	155.00 Fahrenheit	
CHLORINE SANITIZER	WARE WASHER	100.00 PPM	
CHICKEN	COOKING TEMP	195.00 Fahrenheit	

Overall Comments:

- 1. FOUND DEAD COCKROACHES IN THE FOLLOWING AREAS: ON THE FLOOR NEAR THE WALK IN FREEZER IN THE KITCHEN, NEAR THE BACK DOOR BY A SHELF WITH DRY FOOD AND PAPER GOODS NEAR THE RESTROOM.**
- 2. PHOTOGRAPHS: TAKEN FOR DOCUMENTATION PURPOSES.**
- 3. SUPERVISOR NOTIFIED; ANJANI SIRCAR**
- 4. NOTIFICATION: THE PERSON IN CHARGE DURING INSPECTION, JACQUELINE HA, HAS BEEN INFORMED THAT THE FACILITY MUST CLOSE IMMEDIATELY.**

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.

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.**

NOTE: ENSURE TO CLEAN THE SLICER EVERY 4 HRS MINIMUM.

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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 **9/10/2026**. 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: JACQUELINE HA
MANAGER
Signed On: August 27, 2026