

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 FA0206999 - PHO CUONG		Site Address 1739 BERRYESSA RD A, SAN JOSE, CA 95133		Inspection Date 04/08/2024	
Program PR0302775 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name NGUYEN, HONG HA		Inspection Time 10:12 - 14:23
Inspected By ANABELLE GARCIA	Inspection Type ROUTINE INSPECTION	Consent By SON	FSC Son Nguyen 09/30/2027		

Placard Color & Score
RED
55

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		X			
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods					X		N
K10 Proper cooking time & temperatures					X		N
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					

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	X	
K29 Toxic substances properly identified, stored, used		
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		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use	X	
K39 Thermometers provided, accurate	X	
K40 Wiping cloths: properly used, stored	X	
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

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

Inspector Observations: 1. Bean sprouts stored in ice chest cooler measured between 44-50F. Operator stated that sprouts were previously stored in walk in cooler and placed in chest cooler at 10am.

2. Beef and chicken broth (concentrate) stored on stove measured at 86F. Per operator, both beef and chicken concentrate were removed from walk in cooler at 10am.

3. Spicy beef broth stored on stove measured at 108F. Operator stated that spicy beef broth was removed from temperature control at 10am.

4. Cooked shrimp and pork in prep fridge insert measured at 48F. Per operator, food items were removed from walk in cooler at 10am.

[CA] Potentially hazardous foods shall be held at 41°F or below or at 135°F or above.

[SA]

1. Bean sprouts were relocated to walk in cooler to properly cool to 41F or below.

2. Beef and chicken (concentrate) were reheated and measured at 200F.

3. Spicy beef broth was reheated and measured at 180F.

4. Cooked shrimp and pork were relocated to walk in cooler.

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

Inspector Observations: 1. 15+ live cockroaches in different stages of life observed throughout kitchen on glue boards along with 20+ dead cockroaches, also in different stages of life. (7 total glue boards in kitchen)

2. One live cockroach was observed on a wooden spoon next to rice warmer. Food employee abated cockroach.

[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.

In order to reopen facility, the following criteria must be met:

- Pest control service
- Seal gap below back door
- Clean and sanitize kitchen: floors, walls, shelves, etc.
- No evidence of live or dead cockroaches shall be observed

Minor Violations

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

Inspector Observations: Multiple food employees in facility lacking food handler certificates.

[CA] All food handlers shall maintain a valid food handler certificate. Ensure food handler certificates are readily available for review at all times.

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

Inspector Observations: Paper towels at handwash sink observed not stored in a dispenser.

[CA] Ensure paper towels are properly stored and protected in a dispenser to avoid contamination.

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: In ice machine, buildup was observed on interior panel.

[CA] Ensure ice machine is routinely cleaned and sanitized to prevent contamination of ice.

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: 1. Multiple containers of sugar observed uncovered in dry storage room.

2. Raw meat and raw shell eggs observed stored above ready to eat food.

[CA]

1. All food shall be protected from possible contamination. Ensure all food container are properly covered with tight fitting lids. raw

2. Ensure all food is separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.

K28 - 2 Points - Fruits and vegetables not washed; 113992

Inspector Observations: Bean sprouts stored in ice chest were not properly washed for food service.

[CA] Produce shall be thoroughly washed in potable water to remove soil and other contaminants before being served or offered for human consumption.

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

Inspector Observations: Container of cooked beef observed on walk in cooler floor.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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

Inspector Observations: Accumulation of dust and food debris observed throughout the facility on shelving, cooking equipment, and refrigerator doors.

[CA] Frequently clean and maintain non-food contact areas.

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: In kitchen area, observed cardboard being used to line cook line floor.

[CA] Discontinue use of unapproved materials to line the floor.

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

Inspector Observations: Accumulation of grease on kitchen exhaust hood.

[CA] Routinely clean mechanical exhaust hood and/or filters of grease accumulation.

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

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Inspector Observations: Facility is lacking a probe thermometer to properly measure temperatures of potentially hazardous foods.

[CA] Provide a metal probe thermometer and have it readily available at all times.

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

Inspector Observations: In the kitchen area, several wet wiping cloths were stored on counter top.

[CA] Wiping cloths shall be stored in sanitizing solution of an approved concentration when not in use. (100ppm – chlorine)

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: Back door of facility was left open. Operator was instructed to maintain back door closed at all times. When door was closed towards the end of the inspection, a gap greater than 1/4 " was observed below door.

[CA] Ensure back door remains closed at all times. Eliminate gap under door greater than 1/4" to prevent the entrance and harborage of vermin.

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

Inspector Observations: Accumulation of food debris observed on floors throughout kitchen. Multiple stains on walls in kitchen area.

[CA] Ensure floors and walls of kitchen are routinely cleaned and sanitized.

Performance-Based Inspection Questions

- Needs Improvement - Proper cooling methods.
- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Proper cooking time & temperatures.

Measured Observations

Item	Location	Measurement	Comments
water	prep sinks	120.00 Fahrenheit	
white rice	rice warmer	185.00 Fahrenheit	
water	3 comp sink	120.00 Fahrenheit	
raw beef	prep fridge	38.00 Fahrenheit	
raw shrimp	prep fridge	41.00 Fahrenheit	
water	handwash sink	100.00 Fahrenheit	
beef broth	stove	200.00 Fahrenheit	
raw beef	walk in cooler	41.00 Fahrenheit	
raw shell eggs	walk in cooler	40.00 Fahrenheit	IR
chicken broth	stove	218.00 Fahrenheit	
chlorine	3 comp sink	100.00 PPM	

Overall Comments:

Subsequent follow-up inspections after the initial follow-up inspection will be billed at \$290/hr, minimum of one hour, during regular business hours. (Monday - Friday, 7:30 AM to 4:30 PM)

A facility 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 posted placard is property of 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.

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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 **4/22/2024**. 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.

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: Son Nguyen
Owner

Signed On: April 08, 2024