

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 12/02/2024		Placard Color & Score GREEN 74		
Program PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BUI, NGOC		Inspection Time 13:15 - 14:25			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By PHUC				FSC Chau Huynh 07/30/2028

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification	X						S
K02	Communicable disease; reporting/restriction/exclusion	X						
K03	No discharge from eyes, nose, mouth	X						
K04	Proper eating, tasting, drinking, tobacco use			X				N
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				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						
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	X	
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	X	
K34	Warewash facilities: installed/maintained; test strips		
K35	Equipment, utensils: Approved, in good repair, adequate capacity		
K36	Equipment, utensils, linens: Proper storage and use	X	
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	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: Observed container of bean sprouts maintained out in ambient temperature measured at 56F. Methods were not in place to maintain proper holding temperatures nor time control. Employee stated that bean sprouts were just brought out less than one hour prior.

Numerous bowls of cooked PHF items (cooked ground pork, pork small intestines, pork kidney, quail eggs, etc.) maintained stacked on top of the top inserts of the food preparation refrigerator. Items measured between 46F to 59F. Employee stated that all items were either prepared in the morning, about 2 hours prior and is cooling.

Small bag of bean sprouts maintained out in ambient temperature by the spring roll preparation station. Bean sprouts measured at 64F. In the same area container of grilled fermented pork was maintained out in ambient temperature measuring at 75F. Employee stated that all times were prepared approximately an hour prior.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. Discontinue storing bowls on-top of the top inserts. Utilize containers intended for the food preparation refrigerator.

[COS] Water and ice was added into container of bean sprouts to immediately cool bean sprouts. Bag of bean sprouts and fermented grilled pork was relocated into the walk-in refrigerator to immediately cool.

Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Observed employee consuming beverage at station where herbs are stored and staged for service. Employees' opened beverages observed stored in areas of food preparation and food storage.

[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

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

Inspector Observations: Observed cooked pork and cooked beef bones cooling on top of the food preparation refrigerator kept tightly covered.

[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F and below within 2 hours and from 70°F to 41°F and below within an additional 4 hours. When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Whole vacuumed sealed beef maintained out in ambient temperature thawing by the cook line.

[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

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

Inspector Observations: Heavy accumulation of grime observed on door handles of refrigerators. Heavy accumulation of grime observed on storage rack inside the walk-in refrigerator. Heavy accumulation of food debris observed on top of the grease disposal bin.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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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: Ice scoop observed stored inside ice machine with handle in direct contact with consumable ice.

[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Observed knives and cleavers stored wedged in-between the food preparation refrigerators.

[CA] Properly store utensils and equipment in a clean and sanitary manner.

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: Warm water not available at the hand wash sink in the kitchen. Hot water faucet was inoperable.

[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds. All plumbing and plumbing fixtures shall be installed in compliance with applicable local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair.

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: Observed gap below the metal gate on the side of the facility.

[CA] Eliminate gap 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: Heavy accumulation of grease and food debris observed on floors throughout the facility, especially underneath storage racks and cooking equipment.

[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - Proper eating, tasting, drinking, tobacco use.
Needs Improvement - Proper cooling methods.

Measured Observations

Item	Location	Measurement	Comments
Cooked whole beef brisket	Walk-in refrigerator	41.00 Fahrenheit	
Cooked shrimp	Two-door upright refrigerator	35.00 Fahrenheit	
Warm water	Hand wash station - restroom	101.00 Fahrenheit	
Raw beef	Walk-in refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	121.00 Fahrenheit	
Chicken rice	Rice warmer	163.00 Fahrenheit	
Milk	Upright refrigerator - beverage prep area	38.00 Fahrenheit	
Cooked white beans	Upright refrigerator - beverage prep area	39.00 Fahrenheit	
Sliced been flank meat	Food preparation refrigerator	41.00 Fahrenheit	
Cooked beef tripe	Food preparation refrigerator	41.00 Fahrenheit	
Sliced beef brisket	Food preparation refrigerator	41.00 Fahrenheit	
Warm water	Hand wash station - beverage prep area	100.00 Fahrenheit	
Cooked beef balls	Food preparation refrigerator	41.00 Fahrenheit	
Raw beef	Food preparation refrigerator	39.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Pho broth	Cook line	198.00 Fahrenheit	

Overall Comments:

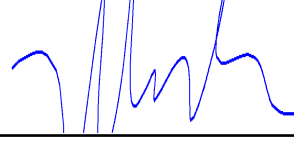
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When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed 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 **12/16/2024**. 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.

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 T.
Manager
Signed On: December 02, 2024