

# 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 FA0206909 - PHO BANG RESTAURANT		Site Address 1705 TULLY RD, SAN JOSE, CA 95122		Inspection Date 01/17/2023	
Program PR0302401 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name LUCKY FORTUNE CORPORA		Inspection Time 11:05 - 12:35
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By LUIS GONZALEZ RODRIGUEZ	FSC Jung S Lee 07/21/2023		

Placard Color & Score
<b>GREEN</b>
<b>60</b>

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				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						N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods		X		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	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	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	X
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		
K34 Warewash facilities: installed/maintained; test strips	X	
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
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	X	
K42 Garbage & refuse properly disposed; facilities maintained	X	
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

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** Plastic container and large stock pot of red soup with meat maintained out in ambient temperature at the food preparation table across from the cook line measured between 80F to 105F. Per employee, item was prepared around 9:30 AM. At time measurement was taken, PHF item has been cooling for approximately one hour and thirty minutes. No additional cooling methods were used to expedite cooling process.

Two plastic containers (large three gallon tub, and small one gallon tub) of soup broth with meat maintained inside two-door merchandiser by the cook line measured between 65F to 73F. Per manager and employee, item was prepared the night before, has been kept inside the merchandiser, and was not removed from refrigeration.

**[CA]** After heating or hot holding, 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.

**[COS]** Containers of red soup with meat was combined with the stock pot to be reheated to 165F and to be properly cooled. Two plastic container of soup was VC&D due to improper cooling.

### Minor Violations

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

**Inspector Observations:** Employee's opened food/beverages stored on food preparation tables next to restaurant food - food preparation table by the cook line next to containers of sauces, food preparation table next to uncooked noodles and clean bowls.

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

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations:** Kitchen employee observed with long finger nails and visible black matter underneath.

**[CA]** All food employees shall keep their fingernails trimmed filed and maintained or use gloves.

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

**Inspector Observations:** Hand wash sink in-between food preparation sink and two-compartment sink lack splash guards. **[CA]** A minimum 6" high metal splash guard spanning the full length of the drainboard shall be installed if the handwash sink is installed less than 24" away from the warewash drainboard.

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

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**Inspector Observations: Bucket of uncut limes maintained inside bucket previously used for chemical sanitizer. [CA] Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately. Discontinue usage of containers previously used to store toxic chemicals.**

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: Mechanical dish machine failed to dispense any measurable sanitizer concentration. Dish machine observed not yet used today. [CA] Maintain chlorine in mechanical warewash machine at 50 PPM or per manufacturer specifications. [SA] Discontinue usage of dish machine until the minimum required sanitizer concentration is dispensed. Utilize two-compartment sink for manual ware washing.**

**[CA] Manual warewashing shall be accomplished where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM).**

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: Facility lacks dedicated janitorial sink. Employee stated that mop water was dumped in the storm drain located in the middle of the parking lot. [CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.**

Follow-up By 03/17/2023
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**\* Facility is temporarily approved to continue operation, but shall submit plans and obtain approval from department to have janitorial sink installed.**

**[SA] Discontinue disposing mop water through storm drain in parking lot. Temporarily discard mop water in toilet until mop sink is installed.**

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

**Inspector Observations: Bag of tripe thawing in container of standing water. [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. [COS] Manager relocated container to the food preparation sink and maintained under running water.**

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: Numerous containers of raw meats maintained above ready-to-eat food items. [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

**Basket of tomatillos and food equipment maintained outside in the back of the facility. [CA] Food or food related equipment shall be stored in an approved fully enclosed food facility.**

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

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**Inspector Observations:** Facility currently lacks three-compartment sink, but have two-compartment sink with dual integral drain boards. [CA] All food facilities that prepares food or multiservice utensils and equipment are used shall provide a three-compartment sink with two integral metal drain boards for manually washing, rinsing, and sanitizing equipment and utensils.

Follow-up By  
03/17/2023

\* Facility is temporarily approved to continue operation, but shall submit plans and obtain approval from department to have three-compartment sink installed.

Facility lacks test strips. [CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.

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:** Observed discharge pipes for upright dish machine deep inside floor drain. [CA] All equipment that discharges liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an airgap into a floor sink or other approved type of receptor.

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

**Inspector Observations:** Observed excess garbage around dumpster area with dumpsters maintained overfilled and opened.

[CA] Refuse containers shall be collected or cleaned frequently enough to minimize the development of objectionable odors or conditions that attract or harbor insects or rodents. Refuse containers shall be covered at all times when not in use.

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:** Heavy accumulation of unused equipment maintained outside of facility by the restroom and by the dumpster. [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.

Employee's personal belongings (purses, cellphones, etc.) maintained on/near areas of food preparation or utensils storage.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

Observed large gap underneath metal gate of the back door 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:** Observed ceiling panels inside kitchen area to be perforated/small grooves. [CA] Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

## Performance-Based Inspection Questions

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Needs Improvement - Proper cooling methods.

Needs Improvement - Proper hot and cold holding temperatures.

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## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked tripe	Two-door merchandiser	40.00 Fahrenheit	
Warm water	Hand wash sink	123.00 Fahrenheit	
Soup	Walk-in refrigerator	40.00 Fahrenheit	
Cooked Spanish rice	Two-door merchandiser	40.00 Fahrenheit	
Cooked shrimp	Walk-in refrigerator	38.00 Fahrenheit	
Cooked white rice	Walk-in refrigerator	40.00 Fahrenheit	
Raw fish	Center food preparation refrigerator	38.00 Fahrenheit	Top insert
Warm water	Hand wash sink	105.00 Fahrenheit	Restroom
Cooked octopus	Center food preparation refrigerator	38.00 Fahrenheit	Top insert
Cooked crab legs	Center food preparation refrigerator	41.00 Fahrenheit	Top insert
Cooked dumplings	Food preparation refrigerator	38.00 Fahrenheit	
Cooked pork chop	Walk-in refrigerator	40.00 Fahrenheit	
Menu do	Two-door merchandiser	40.00 Fahrenheit	
Cooked shrimp	Center food preparation refrigerator	41.00 Fahrenheit	Top insert
Hot water	Food preparation sink	135.00 Fahrenheit	
Raw steak	Center food preparation refrigerator	39.00 Fahrenheit	Top insert
Raw beef slices	Food preparation refrigerator	39.00 Fahrenheit	Top insert
Hot water	Two-compartment sink	144.00 Fahrenheit	
Cooked pork	Walk-in refrigerator	39.00 Fahrenheit	
Cooked sliced brisket	Food preparation refrigerator	41.00 Fahrenheit	Top insert
Cooked shrimp	Food preparation refrigerator	41.00 Fahrenheit	Top insert
Bean sprouts	Food preparation refrigerator	41.00 Fahrenheit	
Beef balls	Food preparation refrigerator	40.00 Fahrenheit	
Cooked chicken	Walk-in refrigerator	40.00 Fahrenheit	
Raw shrimp	Center food preparation refrigerator	40.00 Fahrenheit	Top insert
Cooked dumplings	Walk-in refrigerator	38.00 Fahrenheit	

## Overall Comments:

### OWNERSHIP CHANGE INFORMATION

**NEW FACILITY NAME:** Los Arcos

**NEW OWNER:** Luis Gonzalez Rodriguez

*The applicant has completed the change of ownership application process for an Environmental Health Permit.*

*The permit category for this facility is FP11. An invoice for the permit fee in the amount of \$1,227.00 will be mailed to the billing address on the application. Payment must be submitted within 10 days of receipt of the invoice. The owner is responsible for contacting our department if an invoice is not received and remit payment within 30 days.*

*The Environmental Health Permit will be effective: 02/01/2023 - 01/31/2024 This report serves as a temporary permit. However, the permit will be deemed invalid if the permit fee is not paid in full within 30 days from the date of this report. Okay to Operate.*

*An official permit will be mailed to the address on file and shall be posted in public view upon receipt.*

*\*Structural Review inspection conducted on 01/17/2023*

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***\*Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date.***

***\*\*\*\* Prior to making any changes to facility, contact plan review to submit plans and obtain approval. A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at [www.ehinfo.org](http://www.ehinfo.org) to obtain plan check requirements.***

***Plan check consultation is available Monday – Friday, from 7:30 a.m. to 10:00 a.m. in person, or by phone at 408-918-3400.***

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 1/31/2023. 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




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**Received By:** Luis Gonzalez Rodriguez  
Owner

**Signed On:** January 17, 2023