

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 FA0209287 - PHO TICK TOCK		Site Address 399 N CAPITOL AV, SAN JOSE, CA 95133		Inspection Date 02/01/2021	
Program PR0302814 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name PHO TICK TOCK CORP		Inspection Time 12:35 - 13:35
Inspected By HELEN DINH	Inspection Type ROUTINE INSPECTION		Consent By JACINDA	FSC Jacinda Do 7/14/21	

Placard Color & Score
RED
78

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						
K06 Adequate handwash facilities supplied, accessible	X						S
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					N
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		
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

Social Distancing Protocol

01 - Signage Violation

Compliance of this category has been verified.

02 - Face Covering Violation

Inspector Observations: 1. Observed employees not wearing face coverings [CA] Face coverings are required by everyone inside the facility. Exceptions to the face coverings requirement include very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired. 2. Observed employee improperly wearing face covering [CA] - Face covering shall cover mouth and nose.

03 - Social Distance Violation

Compliance of this category has been verified.

04 - Clean and Sanitize Violation

Compliance of this category has been verified.

05 - General Violation

Compliance of this category has been verified.

06 - Customer Screening Violation

Compliance of this category has been verified.

Major Violations

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

Inspector Observations: Major:

Measured 2 containers of cooked brisket holding between 49F - 52F in the 2 door cold top. Per operator, PHFs placed in unit less than 4 hours. [CA] Maintain all PHFs cold held at or below 41F. [COS] Operator directed to relocate PHFs to walk-in-cooler.

Follow-up By
02/04/2021

Minor:

Measured the following PHFs in the 2 door cold top/reach in: bo vien at 46F, tendons at 45F and noodles at 49F for less than 4 hours. [CA] Maintain all PHFs cold held at or below 41F. [COS] Operator directed to relocate PHFs to walk-in-cooler.

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: Found sewage backed up at floor sink located at cooks line. Observed grey water unable to drain properly, water removed via a cup and a bucket. Note: Operator in the process of calling a plumber. [CA] Food facility shall not operate if there is sewage overflowing or backing up in the food facility. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized.

Follow-up By
02/04/2021

****Facility is hereby closed due to sewage backup.****

Minor Violations

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

Inspector Observations: Found a container of raw meat thawing near the prep table in the back area without cold running 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.

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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: Found 3 unapproved butane gas stove on the counter near the entrance of kitchen area. [CA] Discontinue the use of butane stove top, remove from facility.

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 the back entrance screen door with a large gap. Observed wire line going through the screen door. [CA] Seal all holes, gaps and crevices to prevent the entrance of vermins.

Note: Facility is currently using a generator.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
 Needs Improvement - Sewage and wastewater properly disposed.

Measured Observations

Item	Location	Measurement	Comments
chlorine	dish machine	50.00 PPM	
chicken	walk-in	40.00 Fahrenheit	
noodles	2 door reach in	49.00 Fahrenheit	
brisket	2 door cold top	49.00 Fahrenheit	between 49F - 52F for less than 4 hours. COS - relocate.
hot water	warewash	120.00 Fahrenheit	
warm water	handsink (prep)	100.00 Fahrenheit	
tendons	2 door cold top	45.00 Fahrenheit	
bo vien	2 door cold top	46.00 Fahrenheit	
broth	stove	203.00 Fahrenheit	
ambient	2 door reach in	41.00 Fahrenheit	
beef	walk-in	40.00 Fahrenheit	

Overall Comments:

****Facility is hereby closed due to sewage back up at the front kitchen's cooks line. Once the violation warranting the closure has been corrected, contact district Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for follow up inspection.**

*****Facility shall cease and desist all sales.*****

A follow up inspection shall be conducted.

*****Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.*****

Consulted with Suzanne Lew.

Signature not obtained. A copy of this report will be emailed to the operator.

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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 **2/15/2021**. 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: _____

Signed On: February 01, 2021