

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 FA0207154 - PHO PASTEUR | | Site Address 1818 TULLY RD 132, SAN JOSE, CA 95122 | | Inspection Date 08/03/2023 | | Placard Color & Score <div style="background-color: green; color: white; padding: 10px; text-align: center;"> GREEN 77 </div> | | |
| Program PR0304175 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | | | Owner Name NGUYEN, NGOC HAO T | | Inspection Time 13:35 - 14:50 | | | |
| Inspected By HENRY LUU | | Inspection Type ROUTINE INSPECTION | | Consent By HAO | | | | FSC Peter Lai 05/04/2028 |

| 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 | | | | |
| K05 | Hands clean, properly washed; gloves used properly | X | | | | | | |
| K06 | Adequate handwash facilities supplied, accessible | | | X | | | | N |
| 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 | | | | | | |
| 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 | | |
| 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 | 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 | | |
| 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 | | |
| 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

Major Violations

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

Inspector Observations: Numerous plastic bucket of pho broth maintained inside the walk-in refrigerator measured at 50F. Manager stated that soup broth was prepared the day before.

Plastic tub of cooked red rice maintained inside the walk-in refrigerator measured at 50F. Manager stated that rice was prepared the day before.

Numerous plastic buckets of pho broth just prepared cooling kept covered with plastic wrap.

[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F or below within 2 hours and from 70°F to 41°F or below within an additional 4 hours.

- Use containers that facilitate heat transfer (ex. stainless steel). Discontinue use of plastic equipment to cool PHF items.
- Use an ice bath and stir frequently.
- Use ice sticks/paddles/wands
- Provide enough space around containers for cold air to circulate. Discontinue storing buckets on top and close to each other.

[COS] Buckets of soup were VC&D for improper cooling.

**** Repeat violation.

Minor Violations

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

Inspector Observations: Employee's personal food observed stored on meat slicer.

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

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

Inspector Observations: Hand wash station lacked hand soap. Soap bottle was maintained at the food preparation sink. Hot water faucet observed heavily soiled at the base and required force in-order to turn on faucet. Hand wash station was also partially obstructed with large metal pot on the left side of the wash basin and numerous buckets of cooling soup maintained on the floor in front.

[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times. Handwashing cleanser shall be provided in dispensers. Install hand soap dispenser.

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Numerous PHF items, soup broths from numerous days prior, cooked rice, raw shelled eggs, prepackaged flour cake, etc., maintained inside the walk-in refrigerator measured between 42F to 45F.

At time of inspection, numerous pots of soup were actively cooling inside refrigerator.

Manager suspects the rise in temperature may be due to employees constantly opening the refrigerator.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

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)

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Inspector Observations: Numerous bags and boxes of produce maintained outside on the side of the facility.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility.

Numerous flats of raw shelled eggs maintained directly above ready-to-eat soups.

[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.

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: Ambient temperature of the walk-in refrigerator measured between 45F to 50F.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

Cardboard used to line shelves inside the walk-in refrigerator.

[CA] Discontinue the use of cardboard boxes to line shelves/flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.

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: Observed employees conducting hand washing at the food preparation sink. [CA] Utilize sinks for their designated purposes. All hand washing shall be conducted at the hand wash sink.

Buckets previously used to store sauces and food now used to store soup broths. [CA] Single use food container (e.g. soy sauce container, milk carton, apple juice container, can food, wine bottle) shall not be reused to store food.

Performance-Based Inspection Questions

Needs Improvement - Proper cooling methods.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

| Item | Location | Measurement | Comments |
|---------------------|-------------------------------|-------------------|----------------------|
| Hot water | Three-compartment sink | 120.00 Fahrenheit | |
| Cooked beef brisket | Walk-in refrigerator | 34.00 Fahrenheit | |
| Chlorine sanitizer | Mechanical dish machine | 50.00 PPM | Facilities in common |
| Raw beef | Drawer refrigerator | 32.00 Fahrenheit | |
| Raw beef | Food preparation refrigerator | 40.00 Fahrenheit | |
| Pho broth | Cook line | 187.00 Fahrenheit | |
| Sliced beef flank | Food preparation refrigerator | 41.00 Fahrenheit | |
| Hot water | Spray sink | 136.00 Fahrenheit | Facilities in common |

Overall Comments:

Note: Facility has additional freezer unit located in room on the left of the entrance to the dance hall within the food court plaza.

- At time of inspection:

- Other facilities within the food court with additional storage units - all labeled with facility name and locked.

- Per plaza dishwashers, two dogs on leash roaming around the area belonged to customer of the plaza.

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 **8/17/2023**. 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.

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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: Hao N.
Manager

Signed On: August 03, 2023