

# 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 06/14/2022	
Program PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BUI, NGOC		Inspection Time 13:40 - 15:05
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By PHUC TRAN	FSC Ngoc Bui 12/05/2022	

Placard Color & Score
<b>GREEN</b>
<b>71</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						S
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly		X		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						S
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	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		
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	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		
K46 No unapproved private home/living/sleeping quarters	X	
K47 Signs posted; last inspection report available		

# OFFICIAL INSPECTION REPORT

Facility FA0271044 - PHO 90 DEGREES	Site Address 999 STORY RD 9090, SAN JOSE, CA 95122	Inspection Date 06/14/2022
Program PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name BUI, NGOC	Inspection Time 13:40 - 15:05
K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations: Ware wash employee observed handling soiled utensils and then handling clean and sanitized utensils without washing hands. [CA] Ensure employees are properly washing hands as required. Remove gloves prior to hand washing. [COS] Instructed employee to remove gloves and to wash hands prior to handling sanitized utensils.**

### Minor Violations

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

**Inspector Observations: Employees' food handlers are expired. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.**

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

**Inspector Observations: Tub of bean sprouts maintained in inadequate ice bath measured between 60F to 70F. Per employee, bean sprouts were just refilled.**

**Multiple PHF items maintained at the top inserts of the preparation refrigerator measured above 41F.**

- Cooked beef brisket measured between 44F - 47F.
- Beef balls measured at 45F.
- Beef tripe measured at 48F.
- Cooked chicken measured at 47F.
- Par cooked pork measured at 45F

**Cover of the preparation refrigerator was maintained opened during the lunch rush.**

**[CA] PHFs shall be held at 41F or below or at 135F or above. [COS] Employee added more ice and water to immediately cool bean sprouts. Employee closed the cover of the food preparation refrigerator to maintain cold holding temperatures.**

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Two dead cockroaches observed on wall near the ceiling at the beverage preparation area. Facility has pest control servicing facility once every two to three months. Last service was done at the end of March. Pest control reports were reviewed during the inspection. No live activity was observed during the inspection. [CA] Clean and sanitize area of dead cockroaches or old droppings. Frequently clean facility to remove food debris. Seal any and all holes, gaps, cracks, and/or crevices to prevent harboring of vermin.**

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

**Inspector Observations: Frozen chicken thawing in standing water at the three-compartment sink. [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.**

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)

# OFFICIAL INSPECTION REPORT

Facility FA0271044 - PHO 90 DEGREES	Site Address 999 STORY RD 9090, SAN JOSE, CA 95122	Inspection Date 06/14/2022
Program PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name BUI, NGOC	Inspection Time 13:40 - 15:05

**Inspector Observations:** *Observed three-compartment sink being utilized for food preparation and utensils were washing. Employee was utilizing the left drainboard to slice raw beef, while the right basin contained raw chicken thawing in standing water, and the right drain board had bus tub of cooked beef brisket actively cooling. The middle basin container cleaned pots and pans. [CA] All food and food contact surfaces shall be separated and protected from possible contamination.*

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:** *Ware wash employee observed washing hands at the food preparation sink. Three-compartment sink observed used for food preparation and ware washing of large utensils. [CA] Utilize sinks for their designated purposes. Hand washing shall be conducted only at the hand wash sink. Food preparation shall be conducted only at the food preparation sink. Due to space constraints, facility may utilize three-compartment sink for food preparation, only if the sink is washed and sanitized when switching in-between raw and ready-to-eat food items and ware washing.*

**Inspector Observations:** *Observed scoops with handles stored directly in contact with food ingredient inside bulk food containers at the preparation table outside of the walk-in refrigerator. [CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.*

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

**Inspector Observations:** *Wiping cloths maintained out on food preparation counters. [CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

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:** *Side door of facility maintained opened during inspection. [CA] Keep side door closed at all times to prevent the entrance and harborage of vermin.*

K46 - 2 Points - Unapproved private home/living/sleeping quarters; 114285, 114286

**Inspector Observations:** *Multiple beds and sleeping arrangements observed upstairs in storage rooms and attic. [CA] No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.*

## Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

## Measured Observations

Item	Location	Measurement	Comments
Raw beef	Preparation refrigerator	41.00 Fahrenheit	
Pho broth	Walk-in refrigerator	41.00 Fahrenheit	
Pork blood	Two-door upright refrigerator	41.00 Fahrenheit	
Pork blood	Preparation refrigerator	41.00 Fahrenheit	
Half-n-half milk	Two-door merchandiser	39.00 Fahrenheit	Beverage preparation area
Spicy beef broth (bun bo hue)	Cook line	189.00 Fahrenheit	Hot holding
Hot water	Three-compartment sink	120.00 Fahrenheit	
Chlorine sanitizer	Mechanical ware wash	50.00 PPM	
Pho broth	Cook line	201.00 Fahrenheit	Hot holding

## Overall Comments:

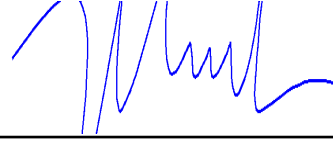
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **6/28/2022**. 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.

# OFFICIAL INSPECTION REPORT

<b>Facility</b> FA0271044 - PHO 90 DEGREES	<b>Site Address</b> 999 STORY RD 9090, SAN JOSE, CA 95122	<b>Inspection Date</b> 06/14/2022
<b>Program</b> PR0408946 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	<b>Owner Name</b> BUI, NGOC	<b>Inspection Time</b> 13:40 - 15:05

**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 Tran  
Manager

**Signed On:** June 14, 2022