

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 FA0208596 - PHO PASSION & MINT TEA CO		Site Address 301 E SANTA CLARA ST A, SAN JOSE, CA 95113		Inspection Date 02/12/2025		Placard Color & Score YELLOW 46		
Program PR0304852 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MHTA CORPORATION		Inspection Time 15:10 - 17:10			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By TRI				FSC KymHuynh Pham 05/03/2028

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						
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	X			
K06	Adequate handwash facilities supplied, accessible		X		X			
K07	Proper hot and cold holding temperatures		X		X			
K08	Time as a public health control; procedures & records		X		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		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	X	
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	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	X	
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	X	
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		X
K49	Permits available		
K58	Placard properly displayed/posted		

Comments and Observations

Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

1. In the kitchen area, at the only hand sink, there were no paper towels available.

2. In the kitchen area, at the only hand sink, there was no soap or soap dispenser available.

3. In the kitchen area, at the only hand sink, the basin was blocked off by dirty dishes, dish soap, and a metal scrubber.

[CA] Handwashing facility shall be clean, fully stocked, unobstructed, and accessible at all times.

[SA] Staff were able to remove the obstructions, refill the paper towel dispenser, and provided a pump bottle of soap for use.

4. REPEAT VIOLATION: In the front service area there is no soap or paper towel dispenser available. A pump bottle of soap and a stack of paper towels were available.

[CA] Provide handwashing cleanser in dispenser at handwash stations at all times. Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.

Follow-up By 02/17/2025

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

Inspector Observations:

In the kitchen area, on the lower shelf of a table, raw eggs were measured at 64F. Per staff, it was placed there about an hour prior.

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

[COS] Eggs were moved to the walk in cooler to rapidly cool.

Follow-up By 02/17/2025

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations:

Facility is using TPHC for their bean sprouts but they were not time marked. There is a written procedure for their bean sprouts.

[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.

[SA] Items were measured at 59F. Per staff they were removed from refrigeration about 20 minutes prior. Items were moved to the cooler.

Follow-up By 02/17/2025

K14 - 8 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, 114125(b), 114141

Inspector Observations:

Staff were observed skipping the sanitizing step of ware washing when manually washing a small wok and spoon.

[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

[COS] Inspector instructed to sanitize the pan in the dishwasher.

Follow-up By 02/17/2025

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Minor Violations

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

Inspector Observations:

Staff were observed changing gloves to change task without washing their hands.

[CA] Properly wash hands with soap, warm water and dry using single use paper towels as required prior to putting on gloves.

[COS] Inspector instructed staff to wash their hands prior to changing gloves.

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

Inspector Observations:

1. Under the service counter there were rodent droppings.

2. Near the water heater rodent droppings were observed.

3. On the shelf near the rice cooker rodent droppings were observed.

4. On the shelf near the restrooms a dead cockroach was observed. No other evidence of cockroaches were observed.

[CA] Clean and sanitize area of dead cockroaches or old droppings. Provide pest control as required.

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

Inspector Observations:

Facility was found thawing chicken and pork at ambient temperatures.

[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.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations:

1. In the walk in freezer, beef was found stored on the floor.

2. Upon entering the kitchen area observed chicken and pork thawing on the floor. Raw chicken was thawing under the drain pipe of the hand sink.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination. Cease storing food under drain lines.

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

Inspector Observations:

REPEAT VIOLATION: The sides of the deep fryer have an accumulation of grease and food debris.

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

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

Follow-up By
02/17/2025

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Inspector Observations:

REPEAT VIOLATION: Facility lacks the testing materials for their choice of sanitizer, chlorine.

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

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations:

Light bulbs in the kitchen area lack covers.

[CA] Light bulbs shall be shielded, coated or otherwise shatter-resistant in areas where there is unpackaged foods, clean equipment, utensils, linens, or unwrapped single use articles.

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:

The drain pipe to the hand sink in the kitchen lacks an air gap.

[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.

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

Inspector Observations:

The left restroom door lacks a self closer.

[CA] Toilet rooms shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations:

Facility has recently remodeled its restrooms to change the layout and finishes. Per PIC, they completed work about 3 weeks ago and knocked down a wall in the process.

[CA] 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 to obtain plan check requirements.

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
Egg Rolls	Upright Freezer	10.00 Fahrenheit	
Bean Sprouts	Prep Cooler - Top	41.00 Fahrenheit	
Eggs	Counter	64.00 Fahrenheit	
Chicken - Raw	Floor	32.00 Fahrenheit	
Rice	Rice Cooker	160.00 Fahrenheit	
Water	Hand Sink	100.00 Fahrenheit	
Chicken - Cooked	Prep Cooler - Top	41.00 Fahrenheit	
Chlorine - sanitizer	Dishwasher	50.00 PPM	
Water	Three Compartment Sink	120.00 Fahrenheit	
Beef	Prep Cooler	40.00 Fahrenheit	
Beef	Prep Cooler - Top	40.00 Fahrenheit	
Water	Rice Spoon Container	66.00 Fahrenheit	

Overall Comments:

Notes:

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- A follow up inspection shall be conducted within 3 business days to determine compliance with violations noted. The first follow up inspection is free of charge. Any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$298.00/hr, minimum of one hour, during normal business hours: Monday through Friday 7:30am to 4:30pm or \$645/hour minimum two hour during non business hours, and upon inspector availability.

- Facility uses rice noodles from Rice Valley, a non-PHF.

- Per PIC, they wish to stop using TPHC and maintain the bean sprouts cold in the prep cooler.

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 2/26/2025. 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: Hong Pham
Owner
Signed On: February 12, 2025