

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 FA0260735 - PHO TAU BAY		Site Address 3005 SILVER CREEK RD 168, SAN JOSE, CA 95121		Inspection Date 02/20/2024		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW 67 </div>		
Program PR0382245 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name HA, DUNG		Inspection Time 15:50 - 17:25			
Inspected By MARCELA MASRI		Inspection Type ROUTINE INSPECTION		Consent By DON HA				FSC JENNIE HA 6-20-24

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			S
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		X			S
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	X	
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	X	
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

Major Violations

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

Inspector Observations: FOUND THE BEAN SPROUTS AT 61F IN THE KITCHEN PREPARATION TABLE. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW.

FOUND THE LIVER 110F, GIZZARD 108F AND BEEF AT 108F AT THE STEAM TABLE. [CA] KEEP HOT POTENTIALLY HAZARDOUS FOOD AT 135 OR ABOVE.

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, 14125(b), 114141

Inspector Observations: FOUND NO CHLORINE BEING DISPENSED AT THE WARE WASHER. [CA] ENSURE THAT THE WARE WASHER DISPENSES 50-100 PPM OF CHLORINE. SA: SANITIZE THE DISHES IN THE 3 COMPARTMENT SINK WITH CHLORINE.

FOUND FOOD PREPARATION (NOODLES) BEING DONE AT THE 3 COMPARTMENT SINK. [CA] PROVIDE FOOD PREPARATION AT THE FOOD PREPARATION SINK.

Minor Violations

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

Inspector Observations: FOUND WASTE WATER IN THE MOP BUCKET. [CA] DISPOSE OF WASTE WATER IN THE SANITARY SEWER.

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

Inspector Observations: FOUND MEAT BEING THAWED IN STANDING WATER BY THE 3 COMPARTMENT SINK. [CA] [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 A 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)

Inspector Observations: FOUND A FEW CONTAINERS WITH FOOD UNCOVERED IN THE WALK IN COOLER. [CA] COVER THE FOOD IN THE WALK IN COOLER AFTER IS HAS BEEN COOLED.

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

Inspector Observations: FOUND SEVERAL POTS AND FOOD CONTAINERS STORED ON THE FLOOR IN THE WALK IN COOLER AND FREEZER. [CA] STORE FOOD 6 INCHES ABOVE THE FLOOR. NOTE IF THERE IS NOT ENOUGH SPACE TO ADEQUATELY STORE THE FOOD, THE MENU MUST BE REDUCED.

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: FOUND THE ICE SCOOP INSIDE THE ICE MACHINE WITH THE HANDLE TOUCHING THE ICE. [CA] STORE THE SCOOP OUTSIDE THE ICE MACHINE.

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

Inspector Observations: FOUND A FEW WIPING CLOTHS STORED ON THE FOOD PREPARATION COUNTERS IN THE KITCHEN. [CA]STORE WIPING CLOTHS IN A SANITIZER SOLUTION WHILE NOT IN USE.

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

Inspector Observations: BOTH RESTROOM DOORS DO NOT SELF CLOSE. [CA] PROVIDE SELF CLOSING DOORS.

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 MOP INSIDE THE MOP BUCKET. [CA] HANG THE MOP TO AIR DRY.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
GIZZARD	HOT HOLDING	108.00 Fahrenheit	
BEEF	HOT HOLDING	108.00 Fahrenheit	
LIVER	HOT HOLDING	110.00 Fahrenheit	
MEAT	SERVICE REFRIGERATOR	40.00 Fahrenheit	
BEAN SPROUTS	IN CONTAINER ON FOOD PREPARATION TABLE	62.00 Fahrenheit	
BEEF	WALK IN COOLER	41.00 Fahrenheit	
RICE	HOT HOLDING	152.00 Fahrenheit	
MEAT BALLS	WALK IN FREEZER	30.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
SHRIMP	WALK IN COOLER	41.00 Fahrenheit	

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 **3/5/2024**. 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: DON HA
PIC
Signed On: February 20, 2024