

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 FA0202618 - NEW PHO SAIGON 2 NOODLE & GRILL RESTAU		Site Address 242 SERRA WY, MILPITAS, CA 95035		Inspection Date 12/15/2020		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW 64 </div>		
Program PR0305674 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NEW PHO SAIGAN CORPOR		Inspection Time 14:40 - 15:40			
Inspected By GLENCIJOY DAVID		Inspection Type ROUTINE INSPECTION		Consent By DON				FSC Don Chan 05/11/2024

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						
K06	Adequate handwash facilities supplied, accessible		X		X			
K07	Proper hot and cold holding temperatures	X						
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						
K23	No rodents, insects, birds, or animals		X		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	X	
K36	Equipment, utensils, linens: Proper storage and use	X	
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		
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		X
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

Compliance of this category has been verified.

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.

Major Violations

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

Inspector Observations: No soap at only handwash sink in prep area. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times. [COS] Soap was provided to handwash sink.

**Follow-up By
12/23/2020**

Minor: Paper towels not stored in dispenser at only handwash sink in service area. [CA] Single-use sanitary towels shall be provided in dispensers at all times.

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Three live cockroaches found on unused cooker at cook line.
Dead cockroaches throughout facility:**

- 1) one dead on package of noodles
- 2) two dead on plastic to-go bags
- 3) over five dead near mop sink
- 4) over seven dead on floors underneath storage racks
- 5) over five dead on floor near back door
- 6) one dead underneath handwash sink in service area
- 7) one dead in floor sink
- 8) one dead near couch

[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). Facility shall no longer have evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved. [SA] Live cockroaches were killed. Pest control was on site during inspection. All areas with presence of cockroaches will be cleaned and sanitized.

**Follow-up By
12/23/2020**

Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Broth cooling in deep, plastic buckets in walk in cooler. [CA] Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids. Cool foods using approved containers which facilitate heat transfer, such as metal.

K14 - 3 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

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Inspector Observations:

REPEAT VIOLATIONS

Knives in use are stored between fridges. [CA] Equipment in use shall be stored in a sanitary manner to prevent contamination of food contact surfaces.

Clean, wet plastic containers are stacked directly on top of one another and stored in a way that does facilitate air drying. [CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.

Accumulation of black mold-like substance on interior of ice machine. [CA] Clean and sanitize interior of ice machine regularly.

Accumulation of debris on equipment in storage. [CA] The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

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

Inspector Observations: Box of pork and box of chicken thawing on floors.

[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)

Inspector Observations: Raw eggs stored above lettuce in walk in cooler. [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.

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

Inspector Observations:

REPEAT VIOLATION

Bulk foods are stored in open containers. [CA] Store open bulk foods in approved NSF containers with tight fitting lids.

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: *REPEAT VIOLATIONS*

Bowl with no handle used as scoop for bulk foods. [CA] Provide scoop with handle and store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Several single-use food containers are reused to store food. [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.

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: Cloth towel used in direct contact with food. [CA] Linen shall not be used in contact with food.

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

Inspector Observations:

REPEAT VIOLATION

Accumulation of grease and debris on hood and hood filters. [CA] Clean mechanical exhaust hood and filters of accumulations.

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K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: Accumulation of debris on floors underneath cooking equipment and underneath shelving. [CA] Floors in food preparation area shall be kept clean.

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
egg roll	walk in cooler	40.00 Fahrenheit	
beef ball	walk in freezer	29.00 Fahrenheit	
pork	prep cooler - left	41.00 Fahrenheit	
broth	walk in cooler	41.00 Fahrenheit	
pork	walk in cooler	93.00 Fahrenheit	cooling
shrimp	prep cooler - right	41.00 Fahrenheit	
hot water	three compartment sink	120.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
chicken	prep cooler - right	39.00 Fahrenheit	
broth	walk in cooler	50.00 Fahrenheit	cooling
beef ball	prep cooler - right	41.00 Fahrenheit	
chicken	prep cooler - right	41.00 Fahrenheit	
crab	walk in freezer	29.00 Fahrenheit	
beef	prep cooler - right	41.00 Fahrenheit	
bean sprouts	prep cooler - service area	41.00 Fahrenheit	
half and half	drink cooler	36.00 Fahrenheit	

Overall Comments:

ANY EVIDENCE OF COCKROACH INFESTATION AT FOLLOW-UP INSPECTION WILL RESULT IN FACILITY CLOSURE.

At follow-up inspection, presence of live or dead cockroaches will result in enforcement actions, including but not limited to, facility closure or charged follow-up inspections.

Report e-mailed to facility.

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 **12/29/2020**. 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 Chan PIC
Signed On:	December 17, 2020
Comment:	Report e-mailed to facility.