

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 07/16/2026		Placard Color & Score RED 72		
Program PR0304852 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MHTA CORPORATION		Inspection Time 13:55 - 15:15			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By SARAH				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						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						S
K06	Adequate handwash facilities supplied, accessible			X				S
K07	Proper hot and cold holding temperatures		X		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							
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		
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	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	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		

OFFICIAL INSPECTION REPORT

Facility FA0208596 - PHO PASSION & MINT TEA CO	Site Address 301 E SANTA CLARA ST A, SAN JOSE, CA 95113	Inspection Date 07/16/2026
Program PR0304852 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MHTA CORPORATION	Inspection Time 13:55 - 15:15
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:

Rice was found stored in the rice cooker and measuring at 100F. The rice cooker was unplugged.

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

[COS] Staff disposed of rice.

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

Inspector Observations:

1. Observed Vermin: Documented in the following areas:

- rodent droppings under the display case beverage cooler at the front of house.
- rodent droppings behind the ice machine.
- rodent droppings by the water heater.
- numerous rodent droppings under the three compartment sink and heavier accumulation under the undercounter dishwasher.
- heavy accumulation of rodent droppings and evidence of urination in the storage room/office.

2. Photographs: Taken for documentation purposes.

3. Supervisor Notified: [Supervisor's Name].

4. Notification: The person in charge during inspection, [Name], has been informed that the facility must close immediately.

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

1. Email the signed and completed Reopening Checklist to the assigned inspector.
2. Submit a copy of the pest control report from a licensed provider.

Minor Violations

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

Inspector Observations:

Food handler cards for some staff are expired or unavailable.

[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.

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

Inspector Observations:

Repeat Violation: The front service area handwash station lacks a dispenser for the paper towels and soap.

[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers.

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

OFFICIAL INSPECTION REPORT

Facility FA0208596 - PHO PASSION & MINT TEA CO	Site Address 301 E SANTA CLARA ST A, SAN JOSE, CA 95113	Inspection Date 07/16/2026
Program PR0304852 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MHTA CORPORATION	Inspection Time 13:55 - 15:15

Inspector Observations:

Surfaces of the microwave and convection oven are dirty.

[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

Inspector Observations:

Third Repeat Violation: Facility lacks testing materials for their choice of sanitizer at the three compartment sink and dishwasher, chlorine.

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

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:

The rice spoon was in a heated element that was turned off and measured at 97F.

[CA] Utensils shall be stored in the following manner: 1) in the food with their handles above the top of the food and the container, 2) in running water, 3) in a container of water at 135°F or above, 4) at room temperature if washed within 4 hours of initial use.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Water	Handwash Sink	100.00 Fahrenheit	
Pho	Walk in Cooler	40.00 Fahrenheit	
Potsticker	Upright Freezer	10.00 Fahrenheit	
Beef	Walk in Cooler	39.00 Fahrenheit	
Water	Three Compartment Sink	120.00 Fahrenheit	
Bean Sprouts	Prep Cooler	46.00 Fahrenheit	Just rinsed in water; cooler was at 40F
Chlorine - Sanitizer	Undercounter Dishwasher	50.00 PPM	
Bean Sprouts	Walk in Cooler	40.00 Fahrenheit	
Chicken	Prep Cooler	40.00 Fahrenheit	
Chicken Wing	Walk in Cooler	40.00 Fahrenheit	

Overall Comments:

Facility is hereby closed due to evidence of a vermin infestation.

- Facility shall:

- Provide pest control report from a licensed pest control company that indicates the type of control measures taken and that the facility has been treated.
 - Eradicate all live and dead rodents and insects from the facility.
 - Clean and sanitize the affected area(s) and equipment.
 - Dispose of all food items that have been adulterated/contaminated.
 - Seal holes (e.g. in walls and ceilings, repair coved base), and entryways (e.g. weather-stripping around doors); keep exterior doors closed; screen openable windows.
 - Eliminate harborage inside and outside of the facility - remove unused/cast-off equipment, contributory vegetation, etc.)
 - Eliminate food and water sources inside and outside the facility.
 - Properly store items (e.g. at least 6 inches above floor in sealed rodent-proof/insect-proof containers; organize overly packed and disorganized storage areas).
 - Properly store and dispose of garbage and other waste (e.g. bagged wastes, keep dumpster lids closed, frequent removal).
- ** Please note that pest control treatments for rodents or insects may require a sufficient amount of contact time for these to be effective. Consult with pest control company for guidelines on eliminating harborage, entryways, and food/water sources.**

OFFICIAL INSPECTION REPORT

Facility FA0208596 - PHO PASSION & MINT TEA CO	Site Address 301 E SANTA CLARA ST A, SAN JOSE, CA 95113	Inspection Date 07/16/2026
Program PR0304852 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MHTA CORPORATION	Inspection Time 13:55 - 15:15

- **Subsequent follow-up inspection shall be billed at \$282/hour, minimum one hour, during normal business hour, Monday - Friday 7:30 AM to 4:30 PM, and \$645 for a minimum of two hours, during non-business hours, and upon inspector availability.**

- **Send completed checklist for reopening, a copy of the pest control report, and proof of corrections to Alexander.Alfaro@deh.sccgov.org and dehweb@deh.sccgov.org.**

CLOSURE / PERMIT SUSPENSION NOTICE

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 **7/30/2026**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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: Sarah Dang
Manager
Signed On: July 16, 2026