

# 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 FA0209287 - PHO TICK TOCK		Site Address 399 N CAPITOL AV, SAN JOSE, CA 95133		Inspection Date 01/31/2024	
Program PR0302814 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name PHO TICK TOCK CORP		Inspection Time 14:00 - 15:45
Inspected By YUEN IP	Inspection Type ROUTINE INSPECTION	Consent By NGOC	FSC Not Available		

Placard Color & Score
<b>GREEN</b>
<b>81</b>

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				N
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						S
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		
K34 Warewash facilities: installed/maintained; test strips		
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		
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	X	

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K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

No major violations were observed during this inspection.

### Minor Violations

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

**Inspector Observations: Food safety manager certificate and food safety handler card are not available on site. Per employee, facility recently has remodel in the front and owner brought all document back home.**

**[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. Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.**

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

**Inspector Observations: Hand soap dispenser is not working in the front. Another hand wash station located in kitchen.**

**[CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

**Inspector Observations: Boba measured at 75F at the time of inspection. Per employee, boba was made at noon and discard at 3pm. Second batch made at 3pm, discard at 6pm. No boba served after 6pm. Only crystal boba which stored in prep fridge in front is served at 6pm.**

**[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.**

**[COS] Employee provide time label for boba.**

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, 14125(b), 114141

**Inspector Observations: Black mold like substance built up in the interior panel of ice machine.**

**[CA] Clean and maintain equipment.**

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

**Inspector Observations: Beef pho was served with raw or undercooked beef.**

**[CA] Provide consumer warning for the sale of raw or undercooked animal-derived foods.**

**Consumer advisory statement:**

**Consuming raw or undercooked meats, POULTRY, seafood, shellfish, or EGGS may increase your risk of foodborne illness, especially if you have certain medical conditions.**

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

**Inspector Observations: Missing ventilation filter for hood. A gap observed between filter.**

**[CA] All hood ventilation filters shall be in place and in good repair. Filters shall be fitted in the mechanical exhaust ventilation over cooking equipment, provide spacer or correct sized filters.**

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

**Inspector Observations: Health permit is not posted in conspicuous place.**

**[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.**

### Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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## Measured Observations

Item	Location	Measurement	Comments
Noodle	Rice cooker	172.00 Fahrenheit	
Boba	Container in front	75.00 Fahrenheit	
Cooked chicken	Ready to serve on plate	168.00 Fahrenheit	
Water	3 compartment sink	142.00 Fahrenheit	
Rice	Rice cooker	180.00 Fahrenheit	
Beef soup	Induction stove	202.00 Fahrenheit	
Soup	Walk-in fridge	41.00 Fahrenheit	Internal
Bean sprouts	Open top veggie fridge	41.00 Fahrenheit	
Water	Hand wash sink	110.00 Fahrenheit	Cold water available
Chlorine	Dishmachine	50.00 PPM	
Beef tendon	Open top fridge	41.00 Fahrenheit	
Water	1 compartment sink	124.00 Fahrenheit	
Beef soup	Stove	187.00 Fahrenheit	
Water	Hand wash sink	102.00 Fahrenheit	

## Overall Comments:

**Observed hand sink plumbing in the back kitchen near mop sink without hand wash station. Per employee, the plumbing was there since business started. 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](http://www.ehinfo.org) to obtain plan check requirements. Facility may be asked to put back the hand wash station if previous plan check review indicated a hand wash sink was installed.**

**TPHC written procedures handout provided at the time of inspection. Submit to this office after complete.**

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 **2/14/2024**. 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




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**Received By:** Ngoc Le  
Employee

**Signed On:** January 31, 2024