

# 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 FA0283089 - PHO & BUN SAN JOSE		Site Address 1150 MURPHY AV C, SAN JOSE, CA 95131		Inspection Date 05/27/2025	
Program PR0424668 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name PHO & BUN CORP		Inspection Time 11:50 - 14:00
Inspected By MINDY NGUYEN	Inspection Type ROUTINE INSPECTION		Consent By KENNY	FSC LONG NGUYEN 1/27/2030	

Placard Color & Score
<b>GREEN</b>
<b>70</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						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				N
K07 Proper hot and cold holding temperatures		X		X			N
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				

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		
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	X	
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		

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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:** *Inside a pot on one of the rear Changbert hotplates: measured internal temperature of broth to be 128F. PIC stated broth was being kept warm, and that it had been held since just a few minutes prior.*

*(minor violation) At the front prep unit: measured internal temperature of cooked shrimp and raw bean sprouts to be 45-47F. PIC stated food had been held since 11am today.*

**[CA]** *Keep potentially hazardous foods at 41F and below or 135F and above.*

**[COS]** *PIC immediately increased the temperature of the hotplate to reheat the broth.*

### Minor Violations

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

**Inspector Observations:** *In the front prep area: observed a bowl of clean utensils were stored next to the handwash sink, which lacked a splashguard.*

**[CA]** *Store clean equipment away from handwash sinks (or install an approved splashguard) to prevent cross-contamination.*

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:** *Measured chlorine in dishwasher to be 10-25ppm.*

**[CA]** *When using a dishwasher, chlorine must measure 50ppm.*

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

**Inspector Observations:** *Observed the menu offered rare wagyu steak, but no "Reminder" statement was on the menu.*

**[CA]** *If a menu offers undercooked animal product, a consumer advisory must be provided on the menu. The consumer advisory consists of BOTH:*

- 1) **"Disclosure":** *Clearly indicate WHICH menu items contain undercooked animal products. AND*
- 2) **"Reminder":** *The following statement in writing on the menu: "Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions."*

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

**Inspector Observations:** *Observed approximately 10 flies in the kitchen.*

**[CA]** *Keep facility clear of flies/vermin.*

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

**Inspector Observations:** *Observed several containers of broth were thawing at ambient room temperature on the floor in the rear storage area.*

**[CA]** *Frozen potentially hazardous food shall be thawed using one of the following methods:*

- 1) *Under refrigeration*
- 2) *Completely submerged under cold running water of sufficient velocity to flush loose particles*
- 3) *In a microwave oven*
- 4) *During the cooking process*

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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: Inside a rear upright refrigerator: observed raw meat was stored on a shelf above vegetables.**

**[CA] Store raw animal products below/away from ready-to-eat foods.**

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

**Inspector Observations: Throughout the kitchen and rear storage area: observed approximately 10 large plastic containers of broth, and a bag of onions were stored directly on the floor.**

**[CA] Store food on approved shelving, at least 6 inches above the floor to prevent contamination and to facilitate easy cleaning.**

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: 1) Observed unapproved sugar cane juicer in the front area was in use. \*REPEAT VIOLATION\***

**2) Observed 3-4 unapproved hotplates in the kitchen area stored outside of the hood. See notes below.**

**[CA] All equipment must be NSF/ANSI etc. approved and obtain Plan Check approval. Remove items from facility immediately, or submit plans to Plan Check for the hotplates outside of the hood and the sugarcane juicer by 7/27/25. Failure to comply may result in enforcement action. See notes below.**

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: Under the 2-compartment prep sink: observed multiple drain pipes extended into the floor sink.**

**[CA] Maintain a minimum one inch air gap between the drain pipe and the floor sink rim to prevent wastewater backflow.**

## Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

Item	Location	Measurement	Comments
COOKED SHRIMP, BEAN SPROUTS	PREP INSERTS, FRONT PREP AREA	45.00 Fahrenheit	
SLICED BEEF, MEATBALLS	PREP INSERTS, REAR PREP AREA	41.00 Fahrenheit	
HOT WATER	2-COMPARTMENT PREP SINK, 3-COMPARTMENT SINK	120.00 Fahrenheit	
BROTHS, THAWING	FLOOR, REAR STORAGE AREA	41.00 Fahrenheit	
BROTH	POT, ON CHANGBERT HOTPLATE OUTSIDE OF HOOD	123.00 Fahrenheit	
WARM WATER	HANDWASH SINK	100.00 Fahrenheit	
BROTHS	FLOOR, REAR PREP AREA	180.00 Fahrenheit	
MILK	UPRIGHT REFRIGERATOR	40.00 Fahrenheit	
BUN BO HUE BROTH	POT ON FLOOR	180.00 Fahrenheit	
CHLORINE	DISHWASHER	25.00 PPM	

## Overall Comments:

**Facility had submitted an SOP for the cooking, cooling, delivery, and reheating of soup broths and meats from the Milpitas location to this location. Today, several large containers of broth were observed thawing at ambient room temperature on the floor in the rear area. The approved SOPs state the broths shall be thawed under refrigeration overnight. PIC stated that any leftover broth at this facility is discarded.**

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**\*\*\*Repeat violations of the approved SOP will result in revocation of the approval to serve the proposed menu.\*\*\***

**PLAN CHECK INFORMATION:**

*For general inquiries or to schedule a consultation, site assessment, or plan check inspection, please email us at [dehplanchek@deh.sccgov.org](mailto:dehplanchek@deh.sccgov.org) or call us at (408) 918-3400 Monday through Friday between 7:30am and 4:30pm. To assist you with technical questions, a Plan Checker is available by phone during these hours on a first come-first served basis Monday through Friday.*

*Observed 4 hotplates outside of the hood and an unapproved sugar cane juicer were in use. Per the facility's permit condition, only the Wells dualplate and one Changbert hotplate are approved conditionally under the ventless hood. Only one other hotplate was mentioned during the previous inspection report, for blanching noodles; however, Plan Check approval of this hotplate could not be verified.*

*Failure to remove unapproved equipment or submit plans by 7/27/25 may result in further enforcement action, including equipment impoundment and applicable fees. Send all updates to [mindy.nguyen@deh.sccgov.org](mailto:mindy.nguyen@deh.sccgov.org)*

*Ensure the food safety manager certificate and food handler cards are stored together in one place at the facility for review.*

*Due to technical difficulties, this report will be emailed to the 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 **6/10/2025**. 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




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**Received By:** Kenny Nguyen  
Store Manager

**Signed On:** May 27, 2025