

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 10/22/2025	
Program PR0382245 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name HA, DUNG		Inspection Time 12:40 - 14:20
Inspected By MARCELA MASRI	Inspection Type ROUTINE INSPECTION		Consent By JENNIE HA	FSC Not Available	

Placard Color & Score
YELLOW
63

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			N
K08 Time as a public health control; procedures & records		X		X			N
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						S
K15 Food obtained from approved source		X		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		
K27 Food separated and protected		
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	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		
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing	X	
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

Major Violations

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

Inspector Observations: FOUND THE SHELLED EGGS AT 76F STORED ON THE COUNTER IN THE KITCHEN. FOUND THE BEAN SPROUTS AT 70F STORED ON THE COUNTER IN THE KITCHEN. FOUND FISH CAKE AT 54F STORED ON THE TOP OF THE INSERTS IN THE SERVICE REFRIGERATOR. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. OWNER STATES THAT THE FOOD HAS BEEN OUT FOR LESS THAN ONE HOUR. THE FOOD WAS RETURNED TO THE REFRIGERATOR.

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: FOUND TAPIOCA PEARLS WITH NO DATE AND TIME MARKINGS TO BE USED WITH TIME AS A PUBLIC HEALTH CONTROL. [CA] MUST USE DATE AND TIME TO KEEP THE FOOD SAFE UP TO 4 HRS. SEE VC&D

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: FOUND YOGURT BEING MAKE ON LOCATION AND RETAILED. [CA] MUST STOP MAKING YOGURT AND RETAILING AS YOU NEED A CDFA LICENSE TO DO SO. REMOVE THE YOGURT FROM SALE.

Minor Violations

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

Inspector Observations: THE FOOD SAFETY CERTIFICATE FOR MANAGERS HAS EXPIRED. [CA] PROVIDE A CURRENT FOOD SAFETY CERTIFICATE.

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

Inspector Observations: FOUND MULTIPLE POTS AND BOXES WITH FOOD STORED ON THE FLOOR IN THE WALK IN COOLER AND WALK IN FREEZER. [CA] STORE FOOD 6 INCHES ABOVE THE FLOOR.

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: FOUND A TRASH PLASTIC BAG COVERING THE CHICKEN, FOUND NEWSPAPER COVERING THE ONIONS. FOUND A BLACK TRASH BAG LINING A LARGE NON FOOD GRADE CONTAINER AND USING IT TO STORE THE COOKED BEEF BONES IN THE WALK IN COOLER. [CA] USE ONLY FOOD GRADE COVERINGS AND TO STORE FOOD.

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

Inspector Observations: FOUND A WIPING CLOTH STORED ON THE COUNTER IN THE FRONT SERVICE AREA. [CA] STORE WIPING CLOTH IN A SANITIZER SOLUTION WHILE NOT IN USE.

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 3 GLASSES WITH JUICE STORED ON THE FOOD PREPARATION TABLES. [CA] USE CONTAINERS WITH A LID AND STRAW IN THE FOOD PREPARATION AND FOOD STORAGE AREAS FOR EMPLOYEES.

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

Inspector Observations: FOUND MOLD ON THE WALL ABOVE THE 3 COMPARTMENT SINK. [CA] REMOVE THE MOLD.

Performance-Based Inspection Questions

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Needs Improvement - Time as a public health control; procedures & records.
Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
PHO	WALK IN FREEZER	12.00 Fahrenheit	
BEAN SPROUTS	IN THE KITCHEN	70.00 Fahrenheit	
CRAB	SERVICE REFRIGERATOR	40.00 Fahrenheit	
RICE	HOT HOLDING	171.00 Fahrenheit	
CHLORINE SANITIZER	WARE WASHER	100.00 PPM	
JUICES	FRONT DISPLAY REFRIGERATOR	38.00 Fahrenheit	
SHRIMP	SERVICE REFRIGERATOR	40.00 Fahrenheit	
EGGS	ON THE COUNTER	76.00 Fahrenheit	
CHICKEN	WALK IN FREEZER	4.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
SHRIMP	WALK IN FREEZER	4.00 Fahrenheit	
FISH CAKE	SERVICE REFRIGERATOR	54.00 Fahrenheit	
BEEF	WALK IN COOLER	40.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
WHIPPING CREAM	DESSERT REFRIGERATOR	39.00 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 **11/5/2025**. 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



Received By: JENNIE HA
PIC

Signed On: October 22, 2025