

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 FA0206999 - PHO CUONG		Site Address 1739 BERRYESSA RD A, SAN JOSE, CA 95133	Inspection Date 04/12/2024
Program PR0302775 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11		Owner Name NGUYEN, HONG HA	Inspection Time 10:00 - 11:00
Inspected By HENRY LUU	Inspection Type FOLLOW-UP INSPECTION	Consent By SON N.	

Placard Color & Score RED N/A

Comments and Observations

Major Violations

Cited On: 04/10/2024

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

This violation found not in compliance on 04/12/2024. See details below.

Cited On: 04/11/2024

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Cited On: 04/12/2024

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Inspector Observations: Cockroach activity observed in the following areas:

Follow-up By
04/16/2024

- One live nymph crawling on food preparation surface of the preparation refrigerator.
- 4+ live cockroaches observed in-between crevice of the flexible conduit and makeshift 90 degree angled support beams directly above the one-compartment food preparation sink and center island food preparation refrigerator.
- 1+ live cockroach with heavy accumulation of cockroach feces observed inside electrical panel box near the condenser of the center island food preparation refrigerator.
- Heavy accumulation of cockroach feces observed on the underside of the center island food preparation refrigerators and attached shelving, especially at the corners.
- One live nymph crawling on floor outside of the walk-in refrigerator.
- One live cockroach observed crawling on the electrical wire of the unused domestic dish water under the three-compartment ware wash sink.
- Numerous dead cockroaches observed on floor around and behind the water heater.
- Numerous dead cockroaches observed on the bottom of the two-door upright freezer across from the water heater.
- One live cockroach observed in-between wall and black mounting bracket for the fire extinguisher at the two-compartment sink in the back of the kitchen.

Facility was serviced by licensed pest control company on 4/11/2024. Pest control report was provided for review upon request.

[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). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer 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.

- Clean and sanitize all areas of the facility (floors, walls, etc.) to remove all food sources (standing water, food debris, grease, etc.).
- Seal all holes, gaps, cracks, and/or crevices to prevent harborage.
- This Division recommends to have additional pest control treatment.

Minor Violations

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Cited On: 04/10/2024

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

Compliance of this violation has been verified on: 04/11/2024

Measured Observations

N/A

Overall Comments:

- On-site for operator scheduled follow-up inspection after facility was closed during a routine inspection on 04/08/2024, and during follow-up inspections on 4/10/2024, and 4/11/2024.

- Current inspection shall be billed at \$290/hour, minimum one hour.

- Facility is to remain closed until vermin infestation is completely abated. See violation above.

- Subsequent follow-up inspection shall be billed at \$290/hour, minimum one hour, during normal business hour, Monday - Friday 7:30 AM to 4:30 PM, and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.

- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

- A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

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 **4/26/2024**. 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.

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: Son N.
PIC
Signed On: April 12, 2024