

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 FA0250669 - PHO 90 DEGREE		Site Address 222 GREAT MALL DR, MILPITAS, CA 95035		Inspection Date 02/22/2023	
Program PR0361013 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name GM PHO 90 DEGREE CORP		Inspection Time 13:15 - 16:00
Inspected By GLENCIJOY DAVID		Inspection Type ROUTINE INSPECTION		Consent By VAN	
FSC Not Available					

Placard Color & Score
YELLOW
55

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		X			N
K06 Adequate handwash facilities supplied, accessible		X		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				N
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				N
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		
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		
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		
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36 Equipment, utensils, linens: Proper storage and use	X	
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	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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations:

REPEAT VIOLATION

Employee touched raw beef with hands and proceeded to touch raw, ready-to-eat vegetables when preparing a bowl of pho.

Employee wiped fingers on cloth towel and proceeded to touch pork with same fingers without washing their hands.

[CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. Bare hand and arm contact with non-prepackaged ready-to-eat foods shall be minimized by using utensils such as scoops, tongs, gloves, paper wrappers, or other implements.

[COS] Pork that was touched with contaminated fingers was voluntarily discarded into garbage. Bowl of pho with contaminated vegetables had pho broth poured over and had vegetables cooked to the same temperature as the beef. Employee was directed to wash hands and use tongs for food preparation.

Follow-up By
03/06/2023

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

REPEAT VIOLATION

No soap at handwash sink next to two compartment sink and ice machine. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times. [COS] Bottle of soap was provided to handwash sink.

Minor: Handwash sink near walk in cooler and two compartment sink was partially blocked with a box of vegetables in front of sink. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.

Follow-up By
03/06/2023

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

Inspector Observations:

REPEAT VIOLATION

Measured:

- rice noodles at 77F in bin
 - bean sprouts at 61F in prep cooler
 - cooked shrimp at 83F and tomatoes at 60F in inserts
 - eggs at 47F in reach in cooler
 - boba at 65F and half and half at 51F in drink prep cooler
 - steak at 50F, pork filling at 50F, short rib at 50F, pho broth at 53F, pork at 50F in walk in cooler
 - shrimp at 45F, pasta at 44F, eggs at 43F, tofu at 85F in three door cooler.
- Per employees and PIC, food was left out for less than two hours and walk in cooler was working less than two hours prior.*
- [CA] PHFs shall be held at 41°F or below or at 135°F or above.*
- [COS] Foods that were out of temperature in coolers were left in coolers. Rice noodles were used within two hours. Ice was added to tomatoes and shrimp inserts.*

Follow-up By
03/06/2023

Minor Violations

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

Inspector Observations:

REPEAT VIOLATION

No Food Safety Certificate (FSC) available. [CA] Food facilities that prepare, handle, or serve nonprepackaged foods shall have a valid FSC available for review at all times.

Majority of Food Handler cards are expired. [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 and shall be available for review at all times.

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K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations:

REPEAT VIOLATION

Pork is cooling in a deep, plastic container. [CA] Cool foods using approved containers which facilitate heat transfer, such as metal. Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids.

Cooling pork was tightly wrapped in plastic. Containers of cooling crab meat were covered with lids. Container of beef ribs was tightly covered in plastic. [CA] When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.

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:

REPEAT VIOLATION

Accumulation of black mold-like substance on white panel of ice machine. [CA] Clean and sanitize interior of ice machine regularly.

Employee used clean cloth towel to wipe plates and bowls. [CA] Discontinue use of cloth towel to dry equipment and utensils. Equipment and utensils shall be allowed to adequately drain of sanitizer before reuse and must be air dried or properly stored to facilitate drying after sanitizing.

Clean, wet plastic containers are stacked directly on top of one another and stored in a way that does not facilitate air drying. [CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.

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: Broken piece of plastic present on top of container of frozen passion fruit juice. [CA] All food shall be separated and protected from possible contamination.

Eggs stored above vegetables in three door cooler. [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.

Box of vegetables stored on floor directly in front of handwash sink where they are exposed to splash from handwashing. [CA] All food shall be separated and protected from possible contamination.

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

Inspector Observations:

REPEAT VIOLATION

Accumulation of debris on exterior of cooking equipment and refrigeration. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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

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Inspector Observations:

REPEAT VIOLATIONS

Measured ambient air at 52F in walk in cooler. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. [SA] Ambient air of walk in cooler decreased.

Follow-up By
03/06/2023

Plastic "to-go" bags are used to store meats and vegetables. [CA] Equipment and utensils shall be designed and constructed to be durable and retain characteristic qualities under normal use conditions.

Single use containers are reused to store food. [CA] Food containers intended for single use shall not be reused.

Cardboard used to line shelving throughout prep area and floor at cook line. [CA] Discontinue the use of cardboard boxes to line shelves and flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.

Sugar cane extractor does not appear to be ANSI/NSF certified. [CA] All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).

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:

REPEAT VIOLATIONS

Scoop handles stored in direct contact with bulk foods. Cups and bowls with no handles used as scoops for bulk foods. [CA] Provide scoop with handle and store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Cloth towel used in direct contact with food. [CA] Linen shall not be used in contact with food.

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

Inspector Observations:

REPEAT VIOLATION

Heavy accumulation of grease and debris on hood and hood filters. Ceilings around hoods are stained from what appears to be smoke. [CA] Clean mechanical exhaust hood and filters of accumulations. Ensure hood is working properly.

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

Inspector Observations:

REPEAT VIOLATION

Accumulation of water and debris on floors. [CA] Floors in food preparation area shall be kept clean.

Performance-Based Inspection Questions

- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper cooling methods.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Food contact surfaces clean, sanitized.

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Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
half and half	prep cooler - drink	51.00 Fahrenheit	
tendon	walk in freezer	28.00 Fahrenheit	
tomatoes	inserts	60.00 Fahrenheit	
steak	walk in cooler	50.00 Fahrenheit	
boba	prep cooler - drink	65.00 Fahrenheit	
beef	reach in cooler	41.00 Fahrenheit	
frozen passion fruit juice	reach down freezer	5.00 Fahrenheit	IR
broth	burner	173.00 Fahrenheit	
rice noodles	bin	77.00 Fahrenheit	
beef	prep cooler - left	41.00 Fahrenheit	
shrimp	prep cooler - spring rolls	33.00 Fahrenheit	
beef bone	prep cooler - left	41.00 Fahrenheit	
pork	walk in cooler	50.00 Fahrenheit	
pork filling	walk in freezer	47.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
pork	prep cooler - right	41.00 Fahrenheit	
shrimp	prep cooler - left	41.00 Fahrenheit	
blood cubes	prep cooler - right	47.00 Fahrenheit	prep
pork filling	walk in cooler	50.00 Fahrenheit	
eggs	three door cooler	43.00 Fahrenheit	
ground pork	walk in cooler	41.00 Fahrenheit	
shrimp	inserts	40.00 Fahrenheit	
pork	walk in freezer	22.00 Fahrenheit	
rare steak	prep cooler - left	40.00 Fahrenheit	
flat noodles	counter	67.00 Fahrenheit	Rice Valley
pork filling	walk in cooler	41.00 Fahrenheit	
jelly	clear door cooler	41.00 Fahrenheit	
fish ball	two door freezer	21.00 Fahrenheit	
blood cubes	prep cooler - right	41.00 Fahrenheit	
hot water	three compartment sink	120.00 Fahrenheit	
crab meat	three door cooler	156.00 Fahrenheit	cooling
egg	griddle	172.00 Fahrenheit	
fish	walk in freezer	27.00 Fahrenheit	
pasta	three door cooler	44.00 Fahrenheit	
spicy broth	burner	203.00 Fahrenheit	
chicken, shredded	prep cooler - right	46.00 Fahrenheit	cooling
shrimp	prep cooler - spring rolls	41.00 Fahrenheit	
pork filling	walk in freezer	21.00 Fahrenheit	
beef ball	prep cooler - left	41.00 Fahrenheit	
beef patty	reach in cooler	41.00 Fahrenheit	
bean sprouts	prep cooler - spring rolls	61.00 Fahrenheit	
short rib	walk in cooler	50.00 Fahrenheit	
egg roll	heat lamp	150.00 Fahrenheit	
papaya	prep cooler - drink	33.00 Fahrenheit	
beef rib	three door cooler	101.00 Fahrenheit	cooling
eggs	reach in cooler	47.00 Fahrenheit	
hot water	two compartment sink	120.00 Fahrenheit	
beef	prep cooler - left	41.00 Fahrenheit	
pork	counter	128.00 Fahrenheit	cooling
chicken, cut	prep cooler - right	47.00 Fahrenheit	cooling
chicken	prep cooler - right	43.00 Fahrenheit	prep
sliced pork	prep cooler - right	41.00 Fahrenheit	
cooked shrimp	inserts	83.00 Fahrenheit	
rare steak	prep cooler - right	40.00 Fahrenheit	
rare steak	prep cooler - left	41.00 Fahrenheit	
ambient air	walk in cooler	52.00 Fahrenheit	
pho broth	walk in cooler	53.00 Fahrenheit	
tofu	three door cooler	85.00 Fahrenheit	
sliced pork	prep cooler - right	41.00 Fahrenheit	
egg roll	prep cooler - spring rolls	39.00 Fahrenheit	

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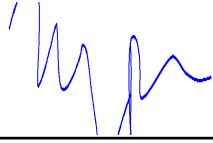
shrimp	three door cooler	45.00 Fahrenheit
agar boba	prep cooler - drink	33.00 Fahrenheit
fish balls	inserts	40.00 Fahrenheit
tendon	prep cooler - left	39.00 Fahrenheit
shrimp	two door freezer	28.00 Fahrenheit
chicken	prep cooler - right	48.00 Fahrenheit cooling
chlorine	warewash machine	50.00 PPM
pork	grill	165.00 Fahrenheit
pork	three door cooler	41.00 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 **3/8/2023**. 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: Ngoc Bui
Owner

Signed On: February 22, 2023