

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 01/16/2025	
Program PR0361013 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name GM PHO 90 DEGREE CORP		Inspection Time 13:40 - 16:35
Inspected By GLENCIJOY DAVID	Inspection Type ROUTINE INSPECTION		Consent By VAN	FSC Chau Huynh 07/30/2028	

Placard Color & Score
RED
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				N
K06 Adequate handwash facilities supplied, accessible	X						
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		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					N

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

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

Inspector Observations: *REPEAT VIOLATION*

Measured:

- egg roll at 70F on shelf
- shrimp at 51F in prep cooler
- bean sprouts at 69F on shelf
- tomatoes at 66F and pasta at 58F on counter
- tofu at 53F in inserts
- vermicelli noodles at 63F and pork at 84F in three door cooler

Per employees, food has been out for about 2-3 hours.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[SA] All foods that have been out longer than two hours will be discarded. All other foods will be placed into coolers.

Follow-up By
01/17/2025

K14 - 8 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: Employee washed blender container with soap and water. Employee did not sanitize prior to putting blender away. [CA] Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM). [COS] Employee was directed to wash, rinse, and sanitize.

Follow-up By
01/17/2025

Minor: Measured chlorine at 25 ppm in warewash machine. [CA] Maintain chlorine in mechanical warewash machine at 50 PPM.

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

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

Inspector Observations: Several live cockroaches found: two at cook line near window, one in middle of prep area across walk in freezer, one on floor next to rice cookers. Several (over 20) dead cockroaches found: 1) near prep cooler for spring rolls, 2) on floor next to rice cookers, 3) on underside and underneath two compartment sink next to ice machines, 4) underneath both handwash sinks, 5) in front of three door cooler, 6) in front of two door cooler, 7) on floor between walk in cooler and walk in freezer, 8) in containers underneath three compartment sink, 9) on containers of sanitizer and detergent underneath warewash machine, 10) in storage room 11) underside and underneath warewash machine. [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). Facility shall no longer have 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.

Follow-up By
01/17/2025

FOOD FACILITY SHALL CEASE AND DESIST FOOD SALES

Minor Violations

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Employee washed gloved hands. [CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. Gloves shall be properly used and changed when required.

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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 pork were covered with a lid. [CA] When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: Three compartment sink is leaking from drain line. Containers are stored underneath three compartment sink for leaking water. [CA] Repair plumbing fixture to ensure liquid waste be disposed of through the approved plumbing system and shall discharge into the public sewerage.

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: Eggs stored above ready to eat noodles 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.

Food stored directly on the floor throughout prep area. [CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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

Inspector Observations: Accumulation of debris on shelving and 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

Inspector Observations: *REPEAT VIOLATIONS*

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

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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.

Cooking equipment (pans, pots, sheet trays) stored directly on floor. [CA] Properly store utensils and equipment in a clean and sanitary manner in a clean, dry location where they are not exposed to splash, dust, or other contamination.

Tongs that are used for egg rolls are stored on bottom shelf near floor. [CA] Multi-use utensils will be stored in a way that the working part of the utensil may not become contaminated.

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: Accumulation of debris on floors, walls, and ceilings. [CA] Floors, walls, and ceilings in food preparation area shall be kept clean.

Performance-Based Inspection Questions

- Needs Improvement - No rodents, insects, birds, or animals.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper cooling methods.
- 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>
spicy broth	walk in cooler	47.00 Fahrenheit	cooling
bean sprouts	walk in cooler	44.00 Fahrenheit	prep
steak	prep cooler - left	41.00 Fahrenheit	
red rice	rice cooker	135.00 Fahrenheit	
shrimp	prep cooler - side - reach in	41.00 Fahrenheit	
tomato	counter	66.00 Fahrenheit	
broth	walk in cooler	119.00 Fahrenheit	cooling
tofu	inserts	53.00 Fahrenheit	
hot water	three compartment sink	120.00 Fahrenheit	
bean sprouts	shelf	69.00 Fahrenheit	
bean sprouts	shelf - next to walk in cooler	41.00 Fahrenheit	
chicken	two door freezer	8.00 Fahrenheit	IR
hot water	prep sink	120.00 Fahrenheit	
jelly	prep cooler - drink area	41.00 Fahrenheit	
jelly	upright clear door cooler	41.00 Fahrenheit	
meat	walk in freezer	12.00 Fahrenheit	IR
broth	stove	187.00 Fahrenheit	
egg roll	shelf	70.00 Fahrenheit	
chlorine	warewash machine	25.00 PPM	
hot water	handwash sinks	100.00 Fahrenheit	
chicken	prep cooler - right	44.00 Fahrenheit	prep
shrimp	prep cooler - side	51.00 Fahrenheit	
beef	walk in cooler	41.00 Fahrenheit	
bean sprouts	prep cooler - side	41.00 Fahrenheit	
ground pork	walk in cooler	38.00 Fahrenheit	
pork	prep cooler - left	41.00 Fahrenheit	
pork	three door cooler	84.00 Fahrenheit	cooling
eggs	three door cooler	41.00 Fahrenheit	
vermicelli noodles	three door cooler	63.00 Fahrenheit	
pasta	counter	58.00 Fahrenheit	
pork blood	prep cooler - left	41.00 Fahrenheit	

Overall Comments:

Facility is closed due to presence of live cockroaches.

****Facility shall cease and desist all sales.****

Contact DEH main line at 408-918-3400 or district specialist, Glencijoy David, for re-opening.

Any evidence of continued cockroach infestation upon re-opening will result in facility remaining closed or a subsequent charged follow-up.

*****Any subsequent follow up inspection after first follow up will be billed at \$298.00/hr during business hours and \$645/hr (minimum of 2 hours) during nonbusiness hours upon availability.*****

Facility is requesting a follow-up inspection tomorrow.

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CLOSURE / PERMIT SUSPENSION NOTICE

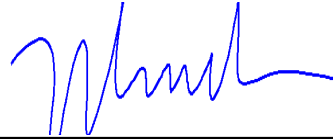
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than 1/30/2025. 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.

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: Phuc
PIC

Signed On: January 16, 2025