

# 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 FA0207170 - PHO HOA RESTAURANT @ 1834		Site Address 1834 TULLY RD, SAN JOSE, CA 95122		Inspection Date 06/14/2023	
Program PR0303403 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name AUREFLAM CORP		Inspection Time 10:00 - 11:20
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By RICHARD W.	FSC Richard Wang 09/20/2023	

Placard Color & Score
<b>GREEN</b>
<b>72</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						S
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
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						
K07 Proper hot and cold holding temperatures			X				
K08 Time as a public health control; procedures & records			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						
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	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		
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		
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		
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:** *Employee observed cleaning and sweeping floors and then immediately handled food utensils. When instructed employee to wash hands, employee removed gloves and attempted to done on new gloves. This Division instructed employee again to wash hands. Employee began washing hands using the gooseneck spray at the ware washing area.*

**[CA]** *Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:*

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.*
- (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.*
- (3) Immediately after using the toilet room and again when returning into the kitchen.*
- (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.*
- (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.*
- (6) After handling soiled equipment or utensils.*
- (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.*
- (8) When switching between working with raw food and working with ready-to-eat foods.*
- (9) Before initially donning gloves for working with food.*
- (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.*
- (11) After engaging in other activities that contaminate the hands.*

*Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.*

**[COS]** *This Division instructed employee a third time to properly wash hands at the hand wash sink.*

### Minor Violations

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations:** *Numerous PHF items (cooked pork, cooked shrmip, cooked salmon, cooked calamari) maintained inside the under-counter reach-in refrigerator measured between 49F to 50F. PIC stated that all items inside the unit are removed nightly and that the currently items inside were removed from the walk-in refrigerator in the morning, approximately one hour prior.*

*Ambient temperature of the refrigerator measured at between 59F to 60F, via DEH probe, IR, and facility's refrigerator thermometer.*

*All PHF items maintained inside the walk-in refrigerator measured between 45F to 47F. PIC stated that the elevated temperature may be due to employees constantly going in and out, or maintaining the door opened during the opening rush hour.*

*Ambient temperature measured between 48F to 49F via IR. Thermometer displayed outside of the walk-in refrigerator measured at 50F.*

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

**[COS]** *All PHF items inside the reach-in refrigerator were relocated into the walk-in refrigerator to immediately cool. Thermostat inside the walk-in refrigerator was set to lower temperature.*

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

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**Inspector Observations:** *Fried eggs, subjected to TPHC according to written procedures, were found inside the walk-in refrigerator. All other items were maintained out in ambient temperature and were properly tracked via digital timer.*

**[CA]** *Food subjected to TPHC shall not be returned to temperature control and is to be discarded after 4 hours.*

**[COS]** *PIC removed fried eggs from walk-in refrigerator.*

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

**Inspector Observations:** *Two one-gallon milk jugs maintained inside ice machine at the Jazen tea station.*

**[CA]** *Employee shall not store beverages in consumable ice.*

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

**Inspector Observations:** *Old rodent droppings observed at bottom corner cabinet at the Jazen tea area. No signs of live activity observed. No contamination of food or food contact surfaces. Facility is serviced by pest control once per week. Pest control reports were provided and reviewed.*

**[CA]** *Clean and sanitize area of dead cockroaches or old droppings.*

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

**Inspector Observations:** *Bag of beef tripe thawing in container of standing water in ambient temperature. 5+ plastic tubs of frozen PHF thawing in ambient temperature. [CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.*

**[COS]** *Beef tripe was relocated to the two-compartment food preparation sink and kept under running water.*

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:** *Tubs of food maintained directly on the floor:*

- *Inside walk-in refrigerator.*
- *Inside walk-in freezer.*
- *At the cook line as employee is conducting food preparation.*

**[CA]** *Food shall be stored at least 6 inches above the floor to prevent contamination.*

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:** *Ambient temperature of the one-door reach-in refrigerator outside of the walk-in refrigerator measured between 59F to 60F.*

*Ambient temperature of the walk-in refrigerator measured between 48F to 49F.*

**[CA]** *Refrigeration must be capable of maintaining PHFs at 41°F or below.*

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:** *Employees' personal belongings observed stored in food preparation areas:*

- *Cell phone placed cutting board of the food preparation refrigerator at the pho preparation line.*
- *Cell phone and glasses placed on food preparation table behind meat slicer.*
- *Purse placed on the underside of the food preparation table next to restaurant food.*

**[CA]** *No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects (cell phone, car keys, and jackets) shall be stored in employee lockers or other designated areas for employee storage.*

## Performance-Based Inspection Questions

Needs Improvement - Time as a public health control; procedures & records.

Needs Improvement - Hands clean/properly washed/gloves used properly.

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## Measured Observations

Item	Location	Measurement	Comments
Raw sliced beef	Food preparation refrigerator	41.00 Fahrenheit	Top insert
Raw sliced beef	Food preparation refrigerator	37.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Warm water	Hand wash sinks	101.00 Fahrenheit	
Cooked popcorn chicken	Three-door upright refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	120.00 Fahrenheit	
Red bean topping	Food preparation refrigerator	39.00 Fahrenheit	Jazen tea
Pho broth	Food preparation line	153.00 Fahrenheit	Actively cooling

## 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 **6/28/2023**. 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: Richard Wang  
Manager  
Signed On: June 14, 2023