

# 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 FA0281433 - PHO HA NOI		Site Address 969 STORY RD 6039, SAN JOSE, CA 95122		Inspection Date 08/14/2024	
Program PR0422570 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HANOI BISTRO INC		Inspection Time 13:15 - 14:30
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By MAI	FSC Harrison Nguyen 02/25/2027	

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				N
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible	X						
K07 Proper hot and cold holding temperatures			X				S
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						
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		
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	X	
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		X
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

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

**Inspector Observations: Numerous food items subjected to time as a public health control (TPHC) at the service lines were not documented or labeled with time at which item was removed from temperature control or time at which item is to be discarded.**

**[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.**

**[COS] All PHF items subjected to TPHC were labeled with stickers.**

### Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations: Employee observed drinking from beverage cup in area of food preparation. Employees' personal beverages stored in areas of food preparation and open food storage.**

**[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Provide designated location for employees to store personal food and beverages.**

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

**Inspector Observations: Numerous PHF items maintained inside the walk-in refrigerator in the back of the facility measured between 45F to 55F. Manager stated that all items were prepared today. Ambient temperature of the walk-in refrigerator by the dish washing area measured at 54F via IR. Internal thermometer placed inside measured a ambient temperature of 58F.**

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

**[COS/SA] All PHF items were relocated into separate refrigerators and external storage unit to immediately cool.**

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

**Inspector Observations: Observed cooked chicken cooling inside the walk-in refrigerator kept tightly covered. Observed two containers of cooked beef ribs cooling inside the walk-in refrigerator kept covered and stacked on top of each other.**

**Observed container of tomato rice cooling in ambient temperature in the back of the facility was the ovens kept covered.**

**[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.**

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

**Inspector Observations: Numerous live flies observed throughout the kitchen.**

**[CA] Use any and all approved methods to abate live flies.**

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:** Ambient temperature of the walk-in refrigerator at the rear of the facility by the dish washing area measured at 54F via IR. Internal thermometer placed inside measured a ambient temperature of 58F.

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Investigate cause and repair in an approved manner. Instructed employee to relocate all PHF items maintained inside to separate refrigerator to immediately cool.**

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:** Rice paddle observed stored inside rice warmer with handle in direct contact with sticky rice.

**[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.**

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

**Inspector Observations:** Observed numerous garbage/refuse containers maintained outside in the back of the facility on wooden pallets and on the back of trucks. Heavy presence of live flies observed in the area. Oil slick and accumulated water from garbage cans observed throughout the back area walkway and parking spaces. An odor was also observed from the accumulation of trash.

**[CA] Refuse containers shall be collected or cleaned frequently enough to minimize the development of objectionable odors or conditions that attract or harbor insects or rodents. Outside refuse area shall be kept clean and free of debris.**

**This Division recommends maintaining garbage cans inside facility or to immediately dispose of filled garbage cans at the shared dumpsters.**

**\*\* Repeat violation.**

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:** Side and back door of the facility maintained opened during the inspection.

**[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.**

## Performance-Based Inspection Questions

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

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

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## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Sliced pork	Two-door reach-in refrigerator	39.00 Fahrenheit	
Tomato rice	Rice warmer	164.00 Fahrenheit	
Milk	Four-door beverage refrigerator	39.00 Fahrenheit	
Marinated soft-boiled egg	Walk-in refrigerator - middle of kitchen	41.00 Fahrenheit	
White rice	Rice warmer	159.00 Fahrenheit	
Cooked beef rib	Walk-in refrigerator - middle of kitchen	54.00 Fahrenheit	Prepared in the morning
Chlorine sanitizer	Undercounter dish machine	50.00 PPM	
Cooked shrimp	Two-door reach-in refrigerator	36.00 Fahrenheit	
Sticky rice	Rice warmer	161.00 Fahrenheit	
Hot water	Two-compartment food preparation sink	124.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Portioned raw beef	Drawer refrigerator	40.00 Fahrenheit	
Pho soup	Stock pot	198.00 Fahrenheit	
Cooked beef tendon	Walk-in refrigerator - middle of kitchen	40.00 Fahrenheit	

## Overall Comments:

*- Complaint investigation was conducted concurrently with routine inspection.*

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 **8/28/2024**. 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.

## Legend:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control



**Received By:** Harry N.  
Owner

**Signed On:** August 14, 2024