

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 FA0230525 - PHOENIX POT RESTAURANT		Site Address 210 BARBER CT, MILPITAS, CA 95035		Inspection Date 10/31/2024		Placard Color & Score GREEN 86		
Program PR0330565 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name EMBRACE LUCK INC		Inspection Time 11:45 - 13:15			
Inspected By YUEN IP		Inspection Type ROUTINE INSPECTION		Consent By LYNN				FSC

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						
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						S
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	
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		X			N
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						S
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	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	X	
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		
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		
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		X
K49 Permits available		
K58 Placard properly displayed/posted		

Comments and Observations

Major Violations

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: No receipt for duck blood in walk-in fridge. Per owner, owner purchased from a person and requires time to obtain receipts.

[CA] Food must be from an approved source or properly documented.

[SA] Food is impound until receipt is provided to verify approved food source.

Minor Violations

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: Plates of raw chicken were stored on top of ready to drink sour plum drink.

[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.

[COS] Employees relocated items and placed raw items under ready to eat food.

K31 - 2 Points - Consumer self service does not prevent contamination; 114063, 114065

Inspector Observations: Condiments self service station without sneeze guard.

[CA] Food on display shall be protected from cross-contamination, by the use of an approved sneeze guard that intercept a direct line between the consumer's mouth and the food being displayed.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: New equipments were installed without plan check.

New equipment includes:

8 stove top burner for claypot (manufacture from Fushan, China)

A NFC 350X frozen meat slicer

Snow ice machine (model: SM-D130)

[CA] A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at www.ehinfo.org to obtain plan check requirements.

Performance-Based Inspection Questions

Needs Improvement - Food obtained from approved source.

Measured Observations

Item	Location	Measurement	Comments
Water	Restroom	100.00 Fahrenheit	
Cooked chicken feet	Walk-in fridge	36.00 Fahrenheit	
Raw chicken	Sliding door reach-in fridge	41.00 Fahrenheit	
Chicken soup	Stove	146.00 Fahrenheit	
Rice	Rice cooker	167.00 Fahrenheit	
Liver	Counter fridge	39.00 Fahrenheit	
Chlorine	Dishmachine	50.00 PPM	test strip available
Water	Hand wash sink	100.00 Fahrenheit	
Quail eggs	Open top fridge	37.00 Fahrenheit	
Duck blood	Walk-in fridge	37.00 Fahrenheit	
Chicken soup	Stove	156.00 Fahrenheit	
Water	2 compartment sink	120.00 Fahrenheit	
Water	3 compartment sink	134.00 Fahrenheit	

Overall Comments:

Facility is opened 2 weeks ago. Employee and owner are in the process of obtaining food safety manager and food safety handler card.

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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 **11/14/2024**. 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:

[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: Lynn
Employee
Signed On: October 31, 2024