

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 FA0240174 - PHO TAU BAY		Site Address 454 KEYES ST, SAN JOSE, CA 95112		Inspection Date 12/08/2025	
Program PR0307661 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name HA HUYNH CORP		Inspection Time 14:20 - 16:05
Inspected By ANABELLE GARCIA	Inspection Type ROUTINE INSPECTION	Consent By KIEU HUYNH	FSC Kieu Huynh 03/02/2026		

Placard Color & Score
RED
66

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						
K06 Adequate handwash facilities supplied, accessible		X		X			
K07 Proper hot and cold holding temperatures	X						
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						
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	X	
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	X	
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		X
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	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

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

Inspector Observations: 1) Major: No paper towels available at only hand wash sink in kitchen.

Follow-up By
12/11/2025

[CA] Ensure paper towels are stocked at hand wash sink at all times.

[COS] Paper towels were restocked.

2) Minor: Hand wash sink blocked by boxes of produce.

[CA] Hand wash sinks shall be clean, unobstructed, and accessible at all times.

3) In the restroom, stack of paper towels stored on top of hand dryer.

[CA] Ensure paper towels are stored in the dispenser at all times to prevent contamination.

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: 1) Major: Water temperature measured 66F at 3 composition sink.

Follow-up By
12/11/2025

2) Minor: Water temperature measured between 66-67 at the hand wash sinks, preparation sink, and janitorial sink.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks. Hand wash sinks shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

Note: Technician arrived on site during the end of inspection to repair water heater.

Minor Violations

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: Accumulation of mold-like substance and observed on interior of ice machine.

[CA] Routinely clean and sanitize ice machine to prevent buildup.

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

Inspector Observations: Multiple drain flies observed throughout facility.

[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.

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: In the walk in cooler, multiple food containers stored without lids. Pho broth pots are not covered with lids.

[CA] All food shall be separated and protected from possible contamination. Ensure all food containers have lids.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Bag of onions stored directly on floor.

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

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

Inspector Observations: Accumulation of food debris and grease observed on shelving throughout kitchen , kitchen floor, and walk in cooler floor.

[CA] Routinely clean and sanitize nonfood contact surfaces to prevent buildup.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: Facility is lacking chlorine sanitizer test strips.

[CA] Test strips shall be provided to adequately measure the chlorine sanitizer concentration used during mechanical and manual warewashing.

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: 1) Cardboard used to line kitchen shelves and walk in freezer floor.

[CA] Discontinue use of unapproved materials to line shelves and floors.

2) Plastic grocery bags used to store food items in walk in cooler and walk in freezer.

[CA] All utensils and equipment shall be food grade material.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

Inspector Observations: 1) Multiple refrigeration units are lacking thermometers.

[CA] A thermometer +/- 2°F shall be provided and correctly located in each cold holding unit containing potentially hazardous foods. Place thermometer where it is easily visible while checking refrigerator temperature.

2) Facility is lacking a metal probe thermometer to measure internal food temperatures.

[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.

Performance-Based Inspection Questions

N/A

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
water	janitorial sink	66.00 Fahrenheit	
cooked beef	2 door prep cooler - insert	40.00 Fahrenheit	
chlorine	warewash machine	50.00 PPM	
ambient	walk in cooler	37.00 Fahrenheit	
milk	front single door prep cooler	40.00 Fahrenheit	IR
raw beef	walk in cooler	32.00 Fahrenheit	thawing
water	restroom hand wash sink	66.00 Fahrenheit	
water	kitchen hand wash sink	66.00 Fahrenheit	
ambient	walk in freezer	17.00 Fahrenheit	
cooked shrimp	single door prep cooler - insert	40.00 Fahrenheit	
water	prep sink	67.00 Fahrenheit	
water	3 comp sink	66.00 Fahrenheit	
water	front hand wash sink	66.00 Fahrenheit	
pho broth	walk in cooler	38.00 Fahrenheit	

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Overall Comments:

Facility is **CLOSED** due to lack of hot water.

A follow up inspection will be conducted within 3 business days. The 1st follow-up inspection is free of charge. Any and all subsequent follow-up inspections will be billed at the approved hourly rate of \$298/hr, minimum of one hour.

****A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**

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 **12/22/2025**. 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: Kieu Huynh
PIC
Signed On: December 08, 2025