

# 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

<b>Facility</b> FA0202618 - NEW PHO SAIGON 2 NOODLE & GRILL RESTAU		<b>Site Address</b> 242 SERRA WY, MILPITAS, CA 95035		<b>Inspection Date</b> 07/06/2021	
<b>Program</b> PR0305674 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> NEW PHO SAIGAN CORPOR		<b>Inspection Time</b> 13:35 - 15:15
<b>Inspected By</b> GLENCIJOY DAVID		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> STEPHANIE TRAN VIA PHONE	
				<b>FSC</b> Don Chan 05/11/2024	

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>66</b>

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						
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				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					

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		
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

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

**Inspector Observations:** *Three live cockroaches found on floor at cook line, one live cockroach found on wall at end of cook line. Several dead cockroaches found: 1) on floor at entrance of prep area, 2) in pot near water heater, 3) behind yogurt dispensers. [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). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer 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.*

**\*CEASE AND DESIST ALL SALES\***

### Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations:** *Paper towels are not stored in dispenser in front handwash sink. [CA] Single-use sanitary towels shall be provided in dispensers at all times.*

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

**Inspector Observations:** *Broth cooling in deep, plastic containers. [CA] Properly cool PHF's using shallow containers, using no more than 2 inches for solid foods and no more than 4 inches for liquids. Cool foods using approved containers which facilitate heat transfer, such as metal.*

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:**

**\*REPEAT VIOALTIONS\***

*Knives in use are stored between fridges. [CA] Equipment in use shall be stored in a sanitary manner to prevent contamination of food contact surfaces.*

*Clean, wet plastic containers are stacked directly on top of one another and stored in a way that does not facilitate air drying. [CA] Equipment and utensils must be air dried or properly stored to facilitate drying after sanitizing.*

*Accumulation of debris on equipment in storage. [CA] The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.*

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

**Inspector Observations:** *Facility does not provide a consumer warning for raw beef in pho. [CA] Provide consumer warning for the sale of raw or undercooked animal-derived foods.*

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:** *Raw eggs stored above vegetables in walk in 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.*

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

**Inspector Observations:**

**\*REPEAT VIOLATION\***

*Bulk foods are stored in open containers. [CA] Store open bulk foods in approved NSF containers with tight fitting lids.*

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

**Inspector Observations: Accumulation of grease and debris on shelving and exterior of equipment. [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: 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.**

**Cardboard used to line shelving. [CA] Discontinue the use of cardboard boxes to line shelves, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.**

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:**

**\*REPEAT VIOLATIONS\***

**Bowl with no handle used as scoop 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.**

**Several single-use food containers are reused to store food. [CA] Single use food container (e.g. soy sauce container, milk carton, apple juice container, can food, wine bottle) shall not be reused to store food.**

**Linen cloths used in direct contact with food to cover containers. [CA] Linen shall not be used in contact with food.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations: Accumulation of grease and debris on hood and hood filters. [CA] Clean mechanical exhaust hood and filters of accumulations.**

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

**Inspector Observations: Wall panel at end of cook line is detached from wall. [CA] Repair the wall with a durable, smooth, nonabsorbent, and easily cleanable surface.**

**Several floor tiles are broken and not properly spaced. [CA] Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable.**

**Cove basing is broken near two compartment sink, chest freezer, and entrance to prep area. [CA] Replace broken tiling with a smooth and of durable construction and nonabsorbent material that is easily cleanable.**

## Performance-Based Inspection Questions

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

Needs Improvement - Food contact surfaces clean, sanitized.

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## Measured Observations

Item	Location	Measurement	Comments
Spring roll	Prep cooler - cook line/two compartment sink	67.00 Fahrenheit	prep
Chicken	Walk in freezer	23.00 Fahrenheit	
Bean sprouts	Prep cooler - service area	44.00 Fahrenheit	Prep
Tofu	Walk in cooler	39.00 Fahrenheit	
Broth	Walk in cooler	33.00 Fahrenheit	
Hot water	Two compartment sink	120.00 Fahrenheit	
Chlorine	Warewash machine	50.00 PPM	
Beef	Prep cooler - cook line	32.00 Fahrenheit	
Bean sprouts	Prep cooler - service area	41.00 Fahrenheit	
Beef	Prep cooler - cook line/two compartment sink	41.00 Fahrenheit	
Noodles	Walk in cooler	40.00 Fahrenheit	
Broth	Walk in freezer	33.00 Fahrenheit	
Beef soup	Walk in cooler	39.00 Fahrenheit	
Pork	Chest freezer	1.00 Fahrenheit	IR
Beef	Prep cooler - cook line	31.00 Fahrenheit	
Chicken	Prep cooler - cook line	40.00 Fahrenheit	
Tendon	Prep cooler - cook line	40.00 Fahrenheit	
Tomatoes	Prep cooler - cook line/two compartment sink	47.00 Fahrenheit	Prep
Pork	Prep cooler - cook line/two compartment sink	60.00 Fahrenheit	Cooling
hot water	Handwash sink	100.00 Fahrenheit	
Half and half	Clear door cooler	41.00 Fahrenheit	
Bean sprouts	Prep cooler - cook line/two compartment sink	41.00 Fahrenheit	
Steak	Prep cooler - cook line	35.00 Fahrenheit	
hot water	Three compartment sink	120.00 Fahrenheit	

## Overall Comments:

**\*\*\*CEASE AND DESIST ALL SALES\*\*\***

**Facility is closed due to presence of live cockroaches.**

**FOLLOW-UP INSPECTION WILL BE CONDUCTED TO DETERMINE COMPLIANCE OF VERMIN VIOLATION.**

**Continued non-compliance will result in subsequent follow-ups and will be charged at \$219/hr.**

**Facility shall provide pest control treatment report upon follow-up inspection. Facility has broken wall paneling, floor tiles, and cove basing throughout facility. All areas with dead cockroaches shall be cleaned and sanitized. Any presence of cockroaches will result in facility remaining closed.**

**Report e-mailed to facility.**

## 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 7/20/2021. 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.

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**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

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**Received By:** Stephanie Tran  
Owner

**Signed On:** July 06, 2021

**Comment:** via phone

Signature not obtained due to COVID-19 and social distancing parameters. A copy of this report will be e-mailed to the operator.