

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 FA0209568 - PHO CONG LY		Site Address 460 E WILLIAMS ST, SAN JOSE, CA 95112		Inspection Date 04/27/2022	
Program PR0306310 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name PHO CONG LY CORPORATIC		Inspection Time 11:30 - 13:30
Inspected By GUILLERMO VAZQUEZ	Inspection Type ROUTINE INSPECTION	Consent By TOMAI L.	FSC Not Available		

Placard Color & Score
RED
69

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						
K06 Adequate handwash facilities supplied, accessible		X					N
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		
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	X	
K34 Warewash facilities: installed/maintained; test strips	X	
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		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		X
K45 Floor, walls, ceilings: built, maintained, clean		X
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available	X	X

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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: Mounted soap dispenser at all hand wash stations are damaged. [CA] Repair all mounted soap dispenser at all hand wash stations. [SA] Facility has hand soap at all hand wash stations.

Follow-up By
05/02/2022

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

Inspector Observations: 1. Multiple live and dead coach roaches of different life cycles around facility (dry storage area, cook line, walk in, gaskets of refrigeration, around water heater, around 3-compartment, and inside of dish washer).

Follow-up By
05/02/2022

2. Multiple rat droppings found in the back dry storage area and found dead rat in trap. REPEAT VIOLATION

[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.

Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

Inspector Observations: Unable to provide copies of food manger certification and food handler cards at the time of inspection. [CA] Obtain new food manger certification within 60-days and food handler cards within 30-days. REPEAT VIOLATION.

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

Inspector Observations: Dust build up on the fan guards of the walk in.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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: Unable to provide test strips for chlorine at the time of inspection.

[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitation method used during manual or mechanical ware washing. REPEAT VIOLATION

Follow-up By
05/02/2022

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

Inspector Observations: Unable to provide food probe thermometer at the time of inspection.

[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.

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: Multiple pieces of equipment within facility are no longer in use. Per PIC they are planning on removing some of the equipment from facility.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.

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

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Inspector Observations: Damaged walls and ceiling at the dry storage area. [CA] Repair walls and ceiling of the dry storage area.

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

Inspector Observations: Current health permit is not posted in the public view.

[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.

[COS] PIC placed current health permit in the public view.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Food contact surfaces clean, sanitized.

Measured Observations

Item	Location	Measurement	Comments
Milk	Under counter refrigeration	39.00 Fahrenheit	
Ambient	Reach in freezer #2	5.00 Fahrenheit	
Warm water	Restroom	100.00 Fahrenheit	
Raw steak	Prep table	39.00 Fahrenheit	
Hot water	3-compartment	120.00 Fahrenheit	
Ambient	Reach in freezer	5.00 Fahrenheit	
Warm water	Hand wash	100.00 Fahrenheit	
Chicken	Reach in	39.00 Fahrenheit	
Pho soup	Walk in	40.00 Fahrenheit	
Sanitizer (Chlorine)	Dish washer	50.00 PPM	
Tofu	Walk in	40.00 Fahrenheit	

Overall Comments:

1. Multiple live and dead coach roaches of different life cycles around facility (dry storage area, cook line, walk in, gaskets of refrigeration, around water heater, around 3-compartment, and inside of dish washer).

2. Multiple rat droppings found in the back dry storage area and found dead rat in trap. REPEAT VIOLATION

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-Facility is hereby closed by this department due to vermin activity.

-Facility is in the process of going through a change of ownership. Per PIC the ownership change will be completed on June 2022. Provided packet to new owner.

- If a second follow up inspection is conducted a charge of \$219.00/hour if scheduled on weekdays, and \$493/hour if follow up is conducted on the weekends.

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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 **5/11/2022**. 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: Tomai L.
PIC
Signed On: April 27, 2022