

# 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 FA0206950 - PHO WAGON		Site Address 1712 MERIDIAN AV I, SAN JOSE, CA 95124		Inspection Date 10/20/2020		<b>Placard Color &amp; Score</b>  <span style="font-size: 2em; color: red;"><b>RED</b></span>  <span style="font-size: 3em;"><b>86</b></span>
Program PR0305485 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name PHO WAGON LLC		Inspection Time 12:55 - 13:45	
Inspected By THAO HA	Inspection Type ROUTINE INSPECTION	Consent By MARY NGUYEN	FSC Julie Ghajar 5/04/2024			

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						
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		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	X	
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		
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		X
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

### Social Distancing Protocol

01 - Signage Violation

**Inspector Observations: 1. Signs informing customers on face coverings not provided on tables [CA] - After sanitizing each table between customer parties, dining establishments must place a sign or card (no smaller than 3 x 5 inches) at the table with at least the following or substantially similar instructions:**

**"Help us keep our business open, protect our staff, and protect fellow diners by following our simple guidelines:**

**- Keep your mask on until your food or drinks are served.**

**- Put your mask on whenever a server approaches your table.**

**- Put your mask on whenever you leave your table.**

**- Wash or sanitize your hands.**

**"Thank you for helping protect the health of our staff and your fellow customers!"**

**2. No sign informing customers that those sharing a table must be from same household. [CA] - Indoor dining establishments must post signage and verbally inform customers that everyone sharing a table must be from the same household.**

02 - Face Covering Violation

**Compliance of this category has been verified.**

03 - Social Distance Violation

**Inspector Observations: Tables observed less than 10 feet apart [CA] - Facilities must separate all tables by at least 10 feet (as measured from the edge of the tables) to allow adequate social distancing between customers seated at different tables.**

04 - Clean and Sanitize Violation

**Compliance of this category has been verified.**

05 - General Violation

**Compliance of this category has been verified.**

### Major Violations

06 - -

**Inspector Observations: 2. Customers not screened before entering facility [CA] - Before allowing customers to enter the facility for indoor dining, indoor dining establishments must ask all customers whether: (1) they are experiencing any COVID-19 symptoms, (2) they have tested positive for COVID-19 in the past 14 days, and (3) they have knowingly been in close contact with anyone who has tested positive for COVID-19 within the past 14 days. If a customer answers yes to any of these screening questions, they must be prohibited from entering the facility.**

**1. Customers not signing in upon entering or in advance with establishment [CA] - Indoor dining establishments must require at least one customer from each party seated together at a table to sign in upon entering the establishment (or in advance via remote sign-in), providing the following information: i. Their full name, phone number, and email address; ii. The date and time of their entry into the establishment (or of their reservation, if signing in in advance); and iii. Confirmation that all individuals seated together at the table reside in the same household. Businesses must maintain these records for at least 21 days.**

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

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**Inspector Observations: Dead cockroaches of varying stages observed:**

- Under by water heater
- Under dry storage shelves in side room
- Under dry storage shelves in back room
- On floor at the end of boba room

Follow-up By  
**10/23/2020**

**Live cockroaches observed:**

- 3 on trap under shelving in dry storage area.
- 7-10 Under wooden planks by water heater next to prep table
- 2 in boba room.
- 1 in dry storage area by back door.

**[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**

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

**Inspector Observations: Containers of food observed to be stored on the floor of walk in cooler and walk in freezer**

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

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: Broken/unused equipment (small single door cooler) observed to be stored in facility.**

**[CA] Remove unused equipment to remove clutter.**

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

**Inspector Observations: Floors by side storage room observed to have built up oil and debris.**

**[CA] Floors in food preparation area and food storage areas shall be kept clean.**

**Performance-Based Inspection Questions**

N/A

**Measured Observations**

Item	Location	Measurement	Comments
Chicken	Walk in cooler	109.00 Fahrenheit	Per operator cooked about half an hour ago. Once cooled a bit more chicken is going to chopped/shredded and placed back in walk in to cool
Tofu	2 door reach in by walk in	38.00 Fahrenheit	
Warm water	Handwash sinks	100.00 Fahrenheit	
Chlorine	Under counter dishwasher	50.00 Fahrenheit	
Hot water	3-comp sink	120.00 Fahrenheit	
Meat balls	Soup prep unit	40.00 Fahrenheit	
Tofu	2 door upright cooler in side room	41.00 Fahrenheit	
Pho broth	Walk in cooler	37.00 Fahrenheit	
Tirpe	Soup prep unit	40.00 Fahrenheit	
Bean sprouts	Server prep unit	40.00 Fahrenheit	
Raw pork	Grill prep unit	39.00 Fahrenheit	
Milk	1 door reach in by drink station	40.00 Fahrenheit	

**Overall Comments:**

**NOTE: Report was written off site and sent to operator.**

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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 **11/3/2020**. 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:** No Signature due to COVID19

**Signed On:** October 21, 2020