

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 FA0250669 - PHO 90 DEGREE		Site Address 222 GREAT MALL DR, MILPITAS, CA 95035		Inspection Date 09/15/2025	
Program PR0361013 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name GM PHO 90 DEGREE CORP		Inspection Time 10:10 - 12:30
Inspected By MAVERICK CHIN	Inspection Type ROUTINE INSPECTION		Consent By CUC	FSC Chau Huynh 07/30/2028	

Placard Color & Score
RED
44

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		X			N
K06 Adequate handwash facilities supplied, accessible	X						N
K07 Proper hot and cold holding temperatures		X		X			N
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		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				N
K22 Sewage and wastewater properly disposed	X						
K23 No rodents, insects, birds, or animals		X					N

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		
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		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use		
K39 Thermometers provided, accurate		X
K40 Wiping cloths: properly used, stored		X
K41 Plumbing approved, installed, in good repair; proper backflow devices		
K42 Garbage & refuse properly disposed; facilities maintained		X
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	X
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations:

1. Employee observed pushing the door open to exit into the hallway leading to the dumpster area to take out trash, then came back into the kitchen and handled bean sprouts.

2. Employees abated cockroach presence, and proceeded to touch cutting boards and/or cleaned food contact containers/equipment afterward without changing gloves or washing hands.

[CA] Employees must change their gloves and wash their hands after touching potentially contaminated surfaces or performing actions that may serve to contaminate their hands.

[COS] Bean sprouts VC&D. See VC&D report. Cutting boards and food containers taken to the three compartment sink/mechanical dishwasher to be properly cleaned and sanitized. All employees changed gloves and properly washed hands.

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations:

REPEAT VIOLATION

The following potentially hazardous foods (PHFs) measured at improper holding temperatures:

- Eggrolls (120F) in a hotel pan on a lower shelf next to the cook-line. Per an employee, they cooked them an hour prior and leave them there until customers order.
- Bean sprouts (72F) on a storage shelf to the right of the ice machine. Per an employee, they had been taken out during the last hour.
- Numerous potentially hazardous foods (tofu, raw chicken, beef intestine, beef tripe, raw beef, eggrolls, hot dogs, ground pork, etc.) measured 54F-59F inside of the 3-door prep unit directly across from the left-side cook-line (when oriented facing into the kitchen). Ambient of the unit measured 58F. Per staff, all items had been inside of the unit since the previous day.
- Hot dogs, raw shrimp (49F-52F) in the upper inserts of the middle prep unit at the right-side cook-line (when oriented facing into the kitchen). Ambient of the unit measured 49F. Per staff, items had been moved from the walk-in to the prep unit less than 2 hours prior.
- Raw beef and hot dogs (47F-51F) filled over the fill-limit in the upper inserts of the left-side prep unit at the right-side cook-line (when oriented facing into the kitchen). Per staff, items had been inside of the unit for less than 1 hour.
- Bean sprouts (67F) filled over the fill-limit in the upper insert of the right-side prep unit at the right-side cook-line. Per staff, bean sprouts had been inside of the unit since the previous day.
- Sliced tomatoes (54F) out on the counter. Per staff, tomatoes had been taken out of the walk-in 2 hours prior.

[CA] Potentially hazardous foods shall be held at or below 41F, or at or above 135F to prevent the growth of bacteria.

[COS] Numerous PHFs VC&D. See VC&D report. Other PHF's relocated to working refrigeration units.

K14 - 8 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:

1. Dead cockroaches observed on the insides/outside of various clean buckets, containers, and strainers on the storage shelves or on the ground underneath at the left-side cook-line.

[CA] Food contact surfaces shall be kept clean and free of contamination from vermin.

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[COS] Contaminated items taken over to the three compartment sink/mechanical dishwasher to be cleaned and sanitized.

2. ***REPEAT VIOLATION*** Black and pink mold-like growth observed inside of the ice machine. Direct contamination observed.

[CA] Clean and sanitize regularly to prevent buildup.

[COS] Employees cleaned and sanitized upper panel. Ice VC&D.

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

Inspector Observations:

REPEAT VIOLATION

1. Cockroaches observed in the following areas:

- 1 live on the floor under the 3-door upright near the left-side cook-line
- 1 live on the floor next to the left-side cook-line
- 2 live in a pile of cardboard boxes next to the hallway exit door
- 1 live on the wall behind the ice machine
- 5+ dead on various clean food containers on a storage rack, including inside of plastic buckets and plastic strainers
- 1 dead inside of a plastic strainer on the floor
- 4+ dead on the floor next to the trash can adjacent to the left-side cook-line
- 1 ootheca (cockroach egg sac) inside of a plastic strainer on the floor
- 1 ootheca on top of the cardboard situated on top of the microwave
- 10+ dead on various counter surfaces or on the sides of food contact containers at the left-side cook-line
- 15+ dead on the floor throughout the left-side cook-line

PIC provided a report from Ecolab from the previous month, which stated that treatment was performed and no cockroach activity was observed.

2. Photographs: Taken for documentation purposes.

3. Supervisor Notified: J. Rubingh.

4. Notification: The person in charge during inspection, Phuc, has been informed that the facility must close immediately.

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

Requirements Before Reopening:

1. Email the signed and completed Reopening Checklist to the assigned inspector.
2. Submit a copy of the pest control report from a licensed provider.

Minor Violations

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

Inspector Observations:

Food handler cards could not be provided.

[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire. Ensure that food handler cards are available for review at all times.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

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Inspector Observations:

Handwash sink in the front kitchen lacked hot water (74F). Hand sink in the back kitchen lacked cold water (147F).

[CA] Handwashing facilities shall be equipped to provide 100F-108F water under pressure for a minimum of 15 seconds. Employees are unable to adequately wash hands if hot water is not available, or if water is too hot for comfortable bare-hand contact.

[COS] Employee turned on diverter valves under both hand sinks. Employee attempted to turn off diverter valve once handwashing had been complete, but was instructed to keep valves on so that warm water is capable of being provided at all handwash sinks.

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:

Numerous raw meats stored above vegetables in the 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:

1. Large amounts of food and/or food containers stored on the floor.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination, especially in the presence of cockroaches.

2. Various uncovered/open containers of food.

[CA] Food shall be stored in rigid containers with tight fitting lids to prevent contamination, especially in the presence of cockroaches.

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. Ambient of the 3-door prep unit at the left-side cook-line measured 58F. Large amounts of water buildup observed inside the bottom of the unit. Ambient of the middle prep unit at the right-side cook-line measured 49F.

[CA] Equipment must be capable of maintaining potentially hazardous foods at or below 41F.

2. Cardboard used to line various shelves.

[CA] Discontinue the use of cardboard, as it is not easily cleanable and provides potential harborage for vermin.

3. To-go bags used to store food.

[CA] Discontinue the use of to-go bags to store food.

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

Inspector Observations:

Many cold holding units lack thermometers.

[CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

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Inspector Observations:

Multiple dry, soiled wiping cloths maintained out on counters.

[CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

Inspector Observations:

Dumpster lids maintained open.

[CA] Keep lids closed to prevent the attraction of vermin.

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:

Front door maintained open.

[CA] Keep doors closed to prevent the intrusion of vermin.

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

Inspector Observations:

1. Large amounts of food buildup on floors and walls throughout the facility.

[CA] Clean regularly to prevent the attraction of vermin.

2. Open ceiling panel to the attic in dry storage room.

[CA] Close panel to prevent the intrusion of vermin.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

Inspector Observations: --48 HOUR NOTICE--

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$ 2153.75. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

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.

[COS] Operator paid for permit invoice while on-site, and showed a screenshot of receipt.

Performance-Based Inspection Questions

- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Hot and cold water available.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - No rodents, insects, birds, or animals.

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Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
raw chicken	3-door upright cooler	39.00 Fahrenheit	
raw shell eggs	3-door upright cooler	40.00 Fahrenheit	
warm water	hand sinks 1/2	100.00 Fahrenheit	after correction
ground pork	walk-in cooler	38.00 Fahrenheit	
half and half	glass-door cooler	41.00 Fahrenheit	
frozen pork	walk-in freezer	8.00 Fahrenheit	
tofu	walk-in cooler	39.00 Fahrenheit	
beef tripe	left-side prep unit (right-side cook-line)	40.00 Fahrenheit	
raw beef	right-side prep unit (right-side cook-line) lower	41.00 Fahrenheit	
chlorine sanitizer	mechanical dishwasher	50.00 PPM	
hot water	prep sink/3 comp sink	120.00 Fahrenheit	
raw shrimp	walk-in cooler	40.00 Fahrenheit	
crystal boba	prep unit (front)	60.00 Fahrenheit	no PHF inside
frozen eggrolls	2-door upright freezer	18.00 Fahrenheit	
ambient	middle prep unit (right-side cook-line)	49.00 Fahrenheit	
raw shell eggs	right-side prep unit (right-side cook-line) upper inserts	41.00 Fahrenheit	
ambient	3-door prep unit (left-side cook-line)	58.00 Fahrenheit	
raw beef	walk-in cooler	39.00 Fahrenheit	

Overall Comments:

Facility is hereby closed owing to evidence of a cockroach infestation.

Facility is to immediately cease and desist all operations, including but not limited to food preparation, service, handling, distribution, and sale

The following must be provided prior to reopening:

- 1. The signed and completed Reopening Checklist, emailed to the assigned inspector***
- 2. A copy of the pest control report from a licensed provider stating that facility has been treated AND that all vermin activity has been abated, emailed to the assigned inspector***

Facility must also perform the following actions prior to reopening:

- Eliminate all presence of vermin, dead or alive, within the facility.***
- Clean and sanitize all areas, including but not limited to floors, walls, ceilings, and surfaces of all equipment throughout the facility***
- Seal any gaps, cracks, or holes within the premises and in the structure of the facility that may provide harborage or entrance for vermin***
- Dispose of any contaminated items***
- Remove unused equipment so as to prevent harborage for vermin***

A follow-up inspection must be conducted prior to facility reopening. Call or email to schedule.

Subsequent follow-up inspections after the first shall be billed at \$298/hour, one hour minimum, during normal business hours (7:30 AM to 4:30 PM), or \$645 for a minimum of 2 hours, during non-business hours and in accordance with the inspector's availability.

The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered with, camouflaged, or copied. Failure to comply may result in a fine and enforcement action as per county ordinance section B11-55.

A facility found in operation after having its permit suspended may be subject to a penalty of three times the facility's normal operating permit fee.

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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 **9/29/2025**. 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: Cuc Huynh
Cook

Signed On: September 15, 2025