

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 FA0252219 - PHO DANG		Site Address 779 STORY RD 10, SAN JOSE, CA 95122		Inspection Date 11/13/2024		Placard Color & Score GREEN 72		
Program PR0367068 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name TIFFANY DENG		Inspection Time 14:30 - 15:40			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By THINH				FSC Tiffany Dang 03/25/2029

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification	X						S
K02	Communicable disease; reporting/restriction/exclusion	X						
K03	No discharge from eyes, nose, mouth	X						S
K04	Proper eating, tasting, drinking, tobacco use			X				N
K05	Hands clean, properly washed; gloves used properly		X		X			N
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures			X				N
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods					X		
K10	Proper cooking time & temperatures	X				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	X	
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		
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	X	
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		
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

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

Inspector Observations: *Observed employee entering into kitchen from the outside of the facility and began donning on gloves to start food preparation without washing hands.*

Observed dish washing employee handling soiled utensils and then handling cleaned and sanitized utensils without washing hands.

[CA] *Ensure employees are properly washing hands as required. Employees shall wash their hands in all of the following instances:*

- (1) Immediately before engaging in food preparation, including working with non-prepackaged food, clean equipment and utensils, and unwrapped single-use food containers and utensils.*
 - (2) After touching bare human body parts other than clean hands and clean, exposed portions of arms.*
 - (3) Immediately after using the toilet room and again when returning into the kitchen.*
 - (4) After caring for or handling any animal allowed in a food facility in pursuant to this part.*
 - (5) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking.*
 - (6) After handling soiled equipment or utensils.*
 - (7) During food preparation as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.*
 - (8) When switching between working with raw food and working with ready-to-eat foods.*
 - (9) Before initially donning gloves for working with food.*
 - (10) Before dispensing or serving food or handling clean tableware and serving utensils in the food service area.*
 - (11) After engaging in other activities that contaminate the hands.*
- Properly wash hands with soap, warm water and dry using single use paper towels as required. Single-use gloves shall be removed prior to washing hands.*

[COS] *Instructed employees to properly wash hands as required.*

Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: *Employees' opened beverages observed stored on shelves and counters in food preparation areas.*

[CA] *No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Provide designated location for employees to store personal food and beverages, separated and protected from restaurant food, food storage, and food contact surfaces.*

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: *Cooked bean sprouts maintained out in ambient temperature measured at 80F. Employees stated that the bean sprouts were blanched about 20 minutes prior in preparation for customers orders.*

Container of bean sprouts maintained out in ambient temperature measured at 60F. Employee stated that the bean sprouts were just taken out less 30 minutes prior. Only small portions are taken out to prepare for orders.

[CA] *PHFs shall be held at 41°F or below or at 135°F or above.*

*** Note:** *this Division suggests utilizing time as a public health control (TPHC). Written procedures reviewed and provided to PIC.*

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

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Inspector Observations: Facility offers rare steak on menu. Menu and/or facility lacks consumer advisory.

[CA] Consumer advisory shall be provided on menus, brochures, deli case, label statements, table tents, placards, or other effective written means with a disclosure and reminder.

(1) Disclosure: clearly written statement that includes either a description of the animal-derived foods, such as "rare steak, or identification of animal derived foods marked by an asterisk (*) directing to a footnote that items are served raw or undercooked, or contain raw or undercooked ingredients

(2) Reminder: clearly written statement that identifies animal-derived foods by asterik that marks a food note includes one of the following: "Written information regarding the safety of these food items is available upon request " or "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of foodborne illness, especially if you have certain medical conditions.

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

Inspector Observations: Warm water at the hand wash sink in the kitchen measured at 74F.

[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Observed beef tendon thawing in ambient temperature in tub of standing warm water at the food preparation sink. Tendon measured between 30F to 37F, water measured at 80F.

[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.

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: Observed raw shelled eggs maintained above ready-to-eat cooked tendon inside the food preparation refrigerator.

Observed raw shelled eggs maintained above ready-to-eat cut watermelon inside the three-door upright refrigerator in the beverage preparation area.

[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.

Observed cases and bags of food stored directly on the floor inside the walk-in refrigerator.

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

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: Observed kitchen employee utilizing food preparation sink to conduct ware washing of tea strainer.

[CA] Ensure sinks are utilize for their designated purposes. All ware washing shall be conducted at the three-compartment ware wash sink.

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: Back door of the facility maintained opened during the inspection.

[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.

Observed employees personal jacket stored on top of boxes inside the dry storage area.

[CA] No person shall store clothing or personal effects (cell phone, car keys, and jackets) in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects shall be stored in employee lockers or other designated areas for employee storage.

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Performance-Based Inspection Questions

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

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Measured Observations

Item	Location	Measurement	Comments
Pho soup	Large stock pot	182.00 Fahrenheit	
Beef balls in soup	Stove	147.00 Fahrenheit	
House made chili sauce (tomatoes)	Two-door reach-in	39.00 Fahrenheit	Server station
Cut watermelon	Three-door upright refrigerator	37.00 Fahrenheit	
Raw beef slices	Food preparation refrigerator	37.00 Fahrenheit	
Hot water	Three-compartment sink	143.00 Fahrenheit	
Quartered tomatoes	Walk-in refrigerator	39.00 Fahrenheit	
Cooked beef tendon	Food preparation refrigerator	80.00 Fahrenheit	Cooling, cooked less than 2 hours prior
Warm water	Hand wash sink - front service area	100.00 Fahrenheit	
Cooked mung beans	Three-door upright refrigerator	39.00 Fahrenheit	
Chlorine sanitizer	Mechanical dish machine	50.00 PPM	
Warm water	Hand wash sink - restrooms	101.00 Fahrenheit	
House made chili sauce (tomatoes)	Walk-in refrigerator	39.00 Fahrenheit	
Cooked beef slices - brisket, flank	Food preparation refrigerator	57.00 Fahrenheit	Cooling, cooked less than 5 hours prior
Beef flank steak	Cook line	175.00 Fahrenheit	Still cooking

Overall Comments:

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 **11/27/2024**. 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.

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: Thinh H.
Cashier
Signed On: November 13, 2024