

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 FA0205274 - PHO & BANH MI		Site Address 1007 S DE ANZA BL, SAN JOSE, CA 95129		Inspection Date 11/15/2023	
Program PR0303016 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name LUONG, JADE		Inspection Time 13:35 - 17:00
Inspected By FRANK LEONG	Inspection Type ROUTINE INSPECTION		Consent By MY LUONG	FSC Linh Tran 03/04/2027	

Placard Color & Score
RED
58

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						S
K06 Adequate handwash facilities supplied, accessible	X						S
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					N
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					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	X	
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		
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		
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

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

Inspector Observations: *In the preparation refrigerator measured potentially hazardous foods (PHFs) at improper holding temperatures including tomatoes (50F), Shrimp (45F). Per operator tomatoes were cut 3 hours ago and the rest of the items were placed in the unit less than 30 minutes ago.*

Follow-up By
11/16/2023

On the flat top grill, measured spring rolls at 80F. Per operator the rolls were made 30 minutes ago.

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

[COS] *Sliced tomatoes discarded at 2:30pm, for a total of 4 hours from when removed from temperature control.*

Shrimp was kept in refrigeration for cold holding, and spring rolls moved to refrigeration for cooling and cold holding.

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: *On a cart next to the cookline, measured beef at 90F, chicken at 90F. On the stove top, measured beef broth at 100F. Per operator the beef and the chicken were made 3 hours ago, the beef broth was made 30 minutes ago.*

Follow-up By
11/16/2023

[CA] *After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.*

[COS] *Beef broth was reheated to 165F for hot holding. Chicken and beef were discarded at 3:00pm, for a total of 4 hours from when removed fro temperature control.*

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: *A container of beef broth was stored without a lid directly on the floor. Per operator the broth was left out for thawing. Observed employee sweeping the floor next to the open broth container and found trash and paper residue on the surface of the broth.*

Follow-up By
11/16/2023

[CA] *Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately. Keep food off the floor and covered to prevent possible contamination.*

[COS] *The container of broth was discarded in trash.*

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: *Employee skipped the sanitizing step while washing dishes in the 3 compartment sink.*

Follow-up By
11/16/2023

[CA] *Manual warewashing shall be accomplished by using a three-compartment sink where the utensils are first precleaned, washed with hot soapy water, rinsed with hot water, sanitized with an approved method, and air dried. Use 1 TBS of bleach (5.25%) per 1 gal. of water for chlorine solution (100 PPM). Use 1 tbs of quaternary ammonium (10%) per 2 gal. of water for quaternary ammonium (200 PPM).*

[COS] *Employee was instructed to sanitize utensils and equipment in the warewash machine.*

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

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**Inspector Observations: Observed multiple live cockroaches at various live stages harbored in different areas,
1- By the warewash area : inside soap dispenser, inside paper towel dispenser, in the gap between the handwash sink and the wall, in the gap between the blue water line, and the ANSUL system.**

Follow-up By
11/16/2023

2- By the preparation area : In a gap between the 2 compartment sink and the wall, and in the right compartment of the 2 compartment sink

Observed multiple dead cockroaches and cockroach droppings on the walls throughout the facility.

[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. Contact district inspector for follow-up inspection when cockroach activity has been eliminated. Any live activity during follow-up inspection was result in continued closure. Any subsequent follow-up inspection after the first will be charged at a \$290.00 per hour (minimum 1 hour).

Minor Violations

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

Inspector Observations: Frozen meat thawing in the 2 compartment sink in standing water.

[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.

Follow-up By
11/16/2023

Performance-Based Inspection Questions

- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Proper cooling methods.
- Needs Improvement - No rodents, insects, birds, or animals.
- Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
Shrimp	Prep refrigerator inserts	45.00 Fahrenheit	
Spring rolls	On counter	90.00 Fahrenheit	
Tofu	Preparation refrigerator	41.00 Fahrenheit	
Rice noodles	Walk in refrigerator	40.00 Fahrenheit	
Tomatoes	Preparation refrigerator	50.00 Fahrenheit	
Suasage	Preparation refrigerator	43.00 Fahrenheit	
Warm water	Hand wash sink	100.00 Fahrenheit	
Beef	Steam table	150.00 Fahrenheit	
Beef	Walk in freezer	14.00 Fahrenheit	
Bacon	Steam table	164.00 Fahrenheit	
Hot water	3 compartment sink	120.00 Fahrenheit	
Rice	Rice cooker	144.00 Fahrenheit	
Chicken	On counter	90.00 Fahrenheit	

Overall Comments:

**Joint inspection with Kaya Alassfar
Report written by Kaya Alassfar**

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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 **11/29/2023**. 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: My luong
Owner

Signed On: November 15, 2023