

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 FA0258148 - KING TULLY SHELL		Site Address 1698 TULLY RD, SAN JOSE, CA 95122		Inspection Date 06/13/2025		Placard Color & Score YELLOW 67		
Program PR0377858 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 1 - FP12			Owner Name AU ENERGY, LLC		Inspection Time 16:00 - 16:40			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By ISAAC				FSC Not Available

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				N
K02	Communicable disease; reporting/restriction/exclusion	X						
K03	No discharge from eyes, nose, mouth	X						S
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		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		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						
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		
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		X
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		
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

OFFICIAL INSPECTION REPORT

Facility FA0258148 - KING TULLY SHELL		Site Address 1698 TULLY RD, SAN JOSE, CA 95122	Inspection Date 06/13/2025
Program PR0377858 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 1 - FP12		Owner Name AU ENERGY, LLC	Inspection Time 16:00 - 16:40
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: Numerous prepackaged sandwiches and burritos maintained inside the Hussman display refrigerator measured between 48F to 49F. Employee was unsure what time items were placed inside the refrigerator but suspects that it has been there overnight.

Follow-up By 06/16/2025

Ambient temperature of the refrigerator measured at 41F on the left side where milk is stored, and 51F on the right side where prepackaged food items are stored.

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

[COS] 10x sandwiches on wheat bread - egg salad, turkey cheddar, ham cheddar, 4x roast beef and pepperoncini submarine sandwiches, 7x prepackaged burritos were all VC&D due to time and temperature abuse.

**** Repeat violation.**

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

Inspector Observations: Observed white baffle inside the ice machine with brown and black growth like matter. Soiled surface was in contact with consumable ice.

Follow-up By 06/16/2025

[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.

[COS] Instructed employee to discard top layer of ice in contact with soiled surface.

Minor Violations

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

Inspector Observations: Food manager certificate unavailable for reivew.

[CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Heated hand drying unit at the hand wash station in the left restroom inoperable. Paper towels are also not provided.

[CA] Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.

K14 - 3 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: Observed white baffle inside the ice machine with brown and black growth like matter.

[CA] Clean, sanitize, and maintain ice machine.

[COS] Instructed employee to set up sanitizing solution with bleach and to clean baffle.

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

OFFICIAL INSPECTION REPORT

Facility FA0258148 - KING TULLY SHELL	Site Address 1698 TULLY RD, SAN JOSE, CA 95122	Inspection Date 06/13/2025
Program PR0377858 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 1 - FP12	Owner Name AU ENERGY, LLC	Inspection Time 16:00 - 16:40

Inspector Observations: *Ambient temperature of the Hussman display refrigerator measured at 41F at one end and 51F at the other end.*

Ambient temperature of the walk-in refrigerator downstairs measured between 45F to 46F via IR.

[CA] *Refrigeration must be capable of maintaining PHFs at 41°F or below.*

**** Repeat violation.**

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 three pressurized cylinder tanks not secured to rigid structure.*

[CA] *All pressurized cylinders shall be securely fastened to a rigid structure.*

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

Inspector Observations: *Thermometer not provided inside walk-in refrigerator.*

[CA] *A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing 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: *Used mop stored inside mop bucket.*

[CA] *After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.*

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Food contact surfaces clean, sanitized.

Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
Warm water	Hand wash sink - restrooms	101.00 Fahrenheit	
Ambient	La Michoacana ice cream freezer	3.00 Fahrenheit	
Hot water	Three-compartment sink	121.00 Fahrenheit	
Warm water	Hand wash sink - ware wash area	100.00 Fahrenheit	
Prepackaged sandwich	One-door upright freezer	5.00 Fahrenheit	
Milk	Merchandise refrigerator	40.00 Fahrenheit	
Ambient	Ice cream chest freezer	12.00 Fahrenheit	

Overall Comments:

- *Two or more major violations were observed during the routine inspection.*

- *A follow-up inspection will be conducted to verify compliance of all major violations.*

- *Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/hour, minimum two hours, during non-business hours, and upon inspector availability.*

- *The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.*

OFFICIAL INSPECTION REPORT

Facility FA0258148 - KING TULLY SHELL	Site Address 1698 TULLY RD, SAN JOSE, CA 95122	Inspection Date 06/13/2025
Program PR0377858 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 1 - FP12	Owner Name AU ENERGY, LLC	Inspection Time 16:00 - 16:40

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 **6/27/2025**. 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.

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:

Signed On: June 13, 2025