

**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**

<b>Facility</b> FA0240554 - BUI VIEN RESTAURANT		<b>Site Address</b> 740 STORY RD 1, SAN JOSE, CA 95122		<b>Inspection Date</b> 05/28/2025	
<b>Program</b> PR0350085 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> SIZZLE SPOT LLC		<b>Inspection Time</b> 14:00 - 14:45
<b>Inspected By</b> HENRY LUU		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> TRAN T.	
				<b>FSC</b> Lucy Cheung 06/30/2027	

**Placard Color & Score**  
**YELLOW**  
**51**

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						
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		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		X			
K14 Food contact surfaces clean, sanitized		X		X			
K15 Food obtained from approved source	X						
K16 Compliance with shell stock tags, condition, display		X		X			N
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		
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

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 consuming cherries, spit the pit onto gloved hands to dispose of, and then continued onto food preparation without removing gloves and washing hands. When instructed to wash hands, employee wash hands without hand soap. When instructed employee to wash hands again with hand soap, employee failed to dry hands with paper towels.*

Follow-up By  
05/29/2025

*Observed another employee washing hands with gloves still donned on.*

*Observed another employee washing hands with no soap at the food preparation sink by the cook line.*

**[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.*

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

**Inspector Observations:** *Observed numerous food items maintained out in ambient temperature:*

Follow-up By  
05/29/2025

*- Colander of cooked rice maintained below the food preparation table measured at 65F. Employee stated that rice was prepared in the morning and was cooled inside the walk-in refrigerator. Item was removed from the refrigerator to prepare an order of crispy rice.*

*- Plastic bus tub of the following meats - pork hock, beef balls, sliced pork, bean sprouts maintained in an inadequate ice bath with ice only touching the bottom. Items measured between 48F to 60F. Employee stated that items were taken out from the refrigerator approximately 30 minutes prior for the lunch rush.*

*- Various metal containers of soup maintained at the cook line measured between 110F to 120F. Employee stated that soups were prepared in the morning and is reheated upon orders. Soups are usually consumed within 1-2 hours. At the time, soup has been held as is for approximately 2 hours (10:00 AM).*

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

**[COS]** *Cooked rice was returned into preparation refrigerator to immediately cool. Additional ice was added to container of various proteins to immediately cool. Soups were placed on time as a public health control (TPHC) and is be discarded if not consumed after 4 hours (Discard at 2:00 PM).*

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

**Inspector Observations:** *Rice paper was unintentionally contaminated by employee handling item with gloves used to eat.*

Follow-up By  
05/29/2025

**[CA]** *No employee shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils.*

**[COS]** *Rice paper was discarded before employee continued further onto food preparation.*

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:** *Observed employee unintentionally contaminate knife cutting surface while wiping off residual food debris on knife with gloved hands previously used to dispose of cherry pit from mouth. When instructed to wash knife, employee attempted to wash knife at the hand wash sink.*

Follow-up By  
05/29/2025

**[CA]** *Maintain food contact surfaces cleaned and sanitized. All utensils shall be washed at the ware washing sink.*

**[COS]** *Employee placed soiled knife at the three-compartment sink to be washed and sanitized. A new knife was provided for use.*

K16 - 8 Points - Not in compliance with shell stock tags, condition; 114039-114039.5

**Inspector Observations:** *Shelled oysters maintained inside the walk-in refrigerator lacked shellstock tags. Kitchen employee stated that the tags are discarded along with the box the oysters arrive in.*

Follow-up By  
05/29/2025

**[CA]** *The identity of the source of shellstock that are sold or served shall be maintained for 90 calendar days from the dates of harvest by using an approved recordkeeping system that keeps the tags or labels in chronological order correlated to the date or dates the shellstock are sold or served.*

**[SA]** *Invoice was provided for the oysters.*

## Minor Violations

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

**Inspector Observations:** *Observed employee consuming cherries while conducting food preparation. Employees' half eaten food items were stored in areas of food preparation and/or food storage.*

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

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** *Two metal containers of cooked sticky rice cooling kept covered. Items measured above 135F and had not yet reach cooling temperatures.*

**[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. When cooling PHF's, food may be left uncovered or loosely covered to allow rapid cooling.*

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations:** *Numerous flies observed throughout the kitchen.*

**[CA]** *Use any and all approved methods to abate live flies.*

## Performance-Based Inspection Questions

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- Needs Improvement - Compliance with shell stock tags, condition, display.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Proper cooling methods.
- Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

Item	Location	Measurement	Comments
Banh canh soup	Cook line	189.00 Fahrenheit	
Pork shrimp bread - cooked	Deep fryer	171.00 Fahrenheit	
Soup for Saigon noodles	Cook line	182.00 Fahrenheit	
Soft shell crab	Walk-in refrigerator	39.00 Fahrenheit	
Raw pork and shrimp bread	Food preparation refrigerator	41.00 Fahrenheit	
Raw marinated chicken	Walk-in refrigerator	40.00 Fahrenheit	
Raw shelled eggs	Walk-in refrigerator	40.00 Fahrenheit	
Raw beef	Food preparation refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	126.00 Fahrenheit	
Boneless chicken feet salad	Food preparation refrigerator	40.00 Fahrenheit	
Fried radish cake	Food preparation refrigerator	41.00 Fahrenheit	
Chlorine sanitizer	Undercounter dish machine	50.00 PPM	

## Overall Comments:

- **Complaint investigation was conducted concurrently with routine inspection.**
- **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.**

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 **6/11/2025**. 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:** Tran T.  
Employee

**Signed On:** May 28, 2025