

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 FA0207152 - BO NE PHU YEN		Site Address 1818 TULLY RD 126, SAN JOSE, CA 95122		Inspection Date 02/03/2023	
Program PR0307125 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name LAM, DON		Inspection Time 11:35 - 12:25
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By DON LAM	FSC Not Available	

Placard Color & Score
GREEN
79

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						
K04 Proper eating, tasting, drinking, tobacco use			X				N
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						
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		
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		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	
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 flats of raw shelled eggs maintained out in ambient temperature behind the cook line measured at 60F. Owner stated that eggs were taking out of the refrigerator less than an hour prior, are used quickly during the lunch rush.

Multiple bowls of salads container sliced tomatoes maintained out in ambient temperature measured at 60F. Owner stated that tomatoes were sliced less than an hour prior and is prepared to anticipate the lunch rush.

[CA] PHFs shall be held at 41°F or below or at 135°F or above. Consider using time as a public health control for high turn over items during the lunch rush. This Division recommends preparing the salad ahead of time without the addition of tomatoes until orders are placed and ready to be served.

[COS] Flats of raw shelled eggs and bowls of salads were relocated into refrigerators to immediately cool.

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate is expired. [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.

**** Repeat violation. Obtain within 60 days.**

Employee's food handler card unavailable for review. [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.

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

Inspector Observations: Employee's half-eaten food stored on food preparation table. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

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

Inspector Observations: Two dead cockroaches observed on sticky trap behind shelf by the food preparation table.

No live activity was observed during the inspection. [CA] Clean and sanitize area of dead cockroaches or old droppings.

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

Inspector Observations: Numerous sealed frozen slabs of raw beef thawing in ambient temperature. Owner stated that beef is frozen and is thawed in order to be sliced into pieces. [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.

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

Inspector Observations: Numerous broken and/or missing ceiling panels in the back hallway of the facilities. Some missing ceiling panels were covered with flatten cardboard. [CA] Ceilings of all rooms where nonprepackaged food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable.

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Performance-Based Inspection Questions

- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Demonstration of knowledge; food manager certification.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked rice	Two-door upright refrigerator	41.00 Fahrenheit	
Pate	Two-door upright refrigerator	40.00 Fahrenheit	
Raw beef	Two-door upright refrigerator	40.00 Fahrenheit	
Sliced tomatoes	Two-door upright refrigerator	58.00 Fahrenheit	Just sliced
Cooked beef slices	Off grill	156.00 Fahrenheit	Surface temperature - medium rare - cooked to order
Hot water	Food preparation sink	139.00 Fahrenheit	
Warm water	Hand wash sink	140.00 Fahrenheit	Shared with next door facility

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 2/17/2023. 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.

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: Don Lam
Owner

Signed On: February 03, 2023