

# 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<br>FA0207152 - BO NE PHU YEN                                    |                                       | Site Address<br>1818 TULLY RD 126, SAN JOSE, CA 95122 |                        | Inspection Date<br>01/13/2026 |                                  |
| Program<br>PR0307125 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 |                                       |   | Owner Name<br>LAM, DON |                               | Inspection Time<br>14:20 - 15:15 |
| Inspected By<br>HENRY LUU  | Inspection Type<br>ROUTINE INSPECTION |   | Consent By<br>DON L.   | FSC Not Available             |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>GREEN</b>          |
| <b>84</b>             |

| 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  |       |       |        |     |     | S   |
| 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  |     |     |
| 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                                 |     |     |
| 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                                      |     |     |

# OFFICIAL INSPECTION REPORT

|  |   |                                  |
|--|---|----------------------------------|
| Facility<br>FA0207152 - BO NE PHU YEN                                    | Site Address<br>1818 TULLY RD 126, SAN JOSE, CA 95122 | Inspection Date<br>01/13/2026    |
| Program<br>PR0307125 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 | Owner Name<br>LAM, DON                                | Inspection Time<br>14:20 - 15:15 |
| 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:** *Container of cut tomatoes and numerous bowls of lettuce with cut tomatoes maintained out in ambient temperature measured at 60F. Owner stated that the salad and tomatoes was prepared approximately 30 minutes prior in anticipation for orders.*

*Container of pate maintained out in ambient temperature measured at 55F at the cook line. Bowl of raw shelled eggs maintained out in ambient temperature at the cook line measured at 65F. Owner stated that the pate has been kept out for approximately 30 minutes, and the raw shelled eggs approximately one hour, in anticipation for orders.*

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

**[COS]** *All items were returned into the two-door upright refrigerator to immediately cool.*

### Minor Violations

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

**Inspector Observations:** *Five-food Food Safety Certificate (FSC/Food manager certificate) unavailable for review. [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.*

*Employee's three-year 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.*

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

**Inspector Observations:** *Menu and/or facility lacks disclosure and reminder of food that is served raw or undercooked.*

**[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 "oysters on the half shell (raw oysters), 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.*

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

**Inspector Observations:** *Observed cardboard used to line shelves throughout the facility.*

**[CA]** *Discontinue the use of cardboard boxes to line shelves/flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.*

### Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Proper hot and cold holding temperatures.

# OFFICIAL INSPECTION REPORT

|   |  |   |
|---|--|---|
| <b>Facility</b><br>FA0207152 - BO NE PHU YEN                                    | <b>Site Address</b><br>1818 TULLY RD 126, SAN JOSE, CA 95122 | <b>Inspection Date</b><br>01/13/2026    |
| <b>Program</b><br>PR0307125 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10 | <b>Owner Name</b><br>LAM, DON                                | <b>Inspection Time</b><br>14:20 - 15:15 |

## Measured Observations

| <u>Item</u>        | <u>Location</u>                           | <u>Measurement</u> | <u>Comments</u> |
|--------------------|---|--------------------|-----------------|
| Chlorine sanitizer | Shared dish pit - mechanical dish machine | 100.00 PPM         |                 |
| Hot water          | Shared dish pit                           | 143.00 Fahrenheit  |                 |
| Hot water          | Food preparation sink                     | 139.00 Fahrenheit  |                 |
| Raw shelled eggs   | Two-door upright refrigerator             | 44.00 Fahrenheit   |                 |
| Cut raw beef       | Two-door upright refrigerator             | 40.00 Fahrenheit   |                 |
| Pate               | Two-door upright refrigerator             | 41.00 Fahrenheit   |                 |
| Ambient            | Two-door upright freezer                  | 10.00 Fahrenheit   |                 |

## 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 **1/27/2026**. 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 L.  
Owner

**Signed On:** January 13, 2026