

# 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 10/17/2023
Program PR0307125 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name LAM, DON	Inspection Time 13:50 - 14:00
Inspected By HENRY LUU	Inspection Type LIMITED INSPECTION	Consent By DON L.

Placard Color & Score

**RED**  
**N/A**

### Comments and Observations

#### Major Violations

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: Observed waste water/sewage backed up on floor drains with water overflowing onto floors of the facility.**

**[CA] Food facility shall not operate if there is sewage overflowing or backing up in the food facility. The food facility, or impacted areas, shall remain closed until all plumbing problems have been corrected and all contaminated surfaces have been cleaned and sanitized.**

Follow-up By  
10/19/2023

#### Minor Violations

No minor violations were observed during this inspection.

#### Performance-Based Inspection Questions

N/A

#### Measured Observations

N/A

#### Overall Comments:

- Facility is hereby closed due to sewage backup.
- Facility shall remain closed sewage is cleared and facility has received authorization from DEH to reopen.
- Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/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 red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

## 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 **10/31/2023**. 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.

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**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



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**Received By:** Don L.  
Owner

**Signed On:** October 17, 2023