

County of Santa Clara
Department of Environmental Health
Consumer Protection Division

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 Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0291728 - BUN RIEU TAN DINH		Site Address 999 STORY RD 9045, SAN JOSE, CA 95122		Inspection Date 12/29/2023	
Program PR0437158 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NGUYEN , LE THANH		Inspection Time 10:20 - 12:00
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By MAN	
FSC Not Available					

Placard Color & Score
YELLOW
69

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				
K05 Hands clean, properly washed; gloves used properly		X		X			N
K06 Adequate handwash facilities supplied, accessible		X		X			N
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	X	
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	X	
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: Kitchen employee observed sweeping floors upon this Division's arrival, and then continued onto food preparation without washing hands. When instructed to wash hands, employee washed hands with gloves still donned on. PIC intervened and instructed employee to remove gloves prior to washing hands.

Follow-up By
01/04/2024

[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 employee to properly wash hands.

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Hand soap dispenser at the front service station where sugarcane beverages malfunctioning and requires user to pull and push on the push mechanism. Soap dispenser was brown in color.

Follow-up By
01/04/2024

The only hand wash sink inside the kitchen lacked hand soap. Soap dispenser was also obstructed with a wiping cloth placed over.

[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Handwashing facility shall be clean, unobstructed, and accessible at all times.

[COS] Instructed PIC to replace hand soap inside dispenser at the front hand wash station. PIC refilled hand soap dispenser at the hand wash station inside the kitchen.

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

Inspector Observations: Case of raw shelled eggs maintained out in ambient temperature at the dining room in front of the point of sale. Eggs measured at 65F. Employee stated that eggs were delivered in the morning.

Follow-up By
01/04/2024

Large pot of tomato crab soup at the cook line measured at 102F. Employee stated that soup was prepared in the morning and is cooled partially, but is reheated upon ordering.

Various PHF items maintained out in ambient temperature measured as follows:

- 5-6 colanders of cooked udon noodles and vermicelli noodles - 75F.
- Fried tofu - 80F.
- Cooked coagulated pork blood - 79F.
- Container of fancy pork with escargot (cha oc) - 98F.

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- Steam vegetables at the three-door reach-in refrigerator - 70F.
- Steam vegetables at the right side drain board of the three-compartment sink - 70F.
- Colander of bean sprouts maintained at the food preparation table measured at 60F.

Manager arrived on site and consulted with this Division whether to maintain items on temperature control or time as a public health control (TPHC). As discussed with manager during the previous routine inspection on 6/27/2023, manager decided to maintain items subjected to TPHC. TPHC procedures were completed on site during time of previous inspection. Employee stated that all items were prepared in the morning.

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

[COS] Case of raw shelled eggs were relocated into refrigeration unit to immediately cool. Crab tomato soup was reheated to 165F and will be hot held at 135F or above. All items previously discussed with manager on 6/27/2023 that were to be subjected to TPHC were placed on TPHC.

Minor Violations

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

Inspector Observations: Employee's opened beverages stored on shelf above food preparation refrigerator and on food contact surface of the beverage food preparation refrigerator.

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

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: Plastic container of sauce placed on floor at time of inspection. Employee relocated into the food preparation refrigerator upon this Division's arrival.

Numerous cases of prepackaged sauces maintained directly on the floor in the dry storage area.

[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

Colander of sawtooth coriander (ngo gai) maintained directly below the paper towel dispenser at the kitchen hand sink.

Container of cooked coagulated pork blood on the left drain board, container of udon noodles in the left side wash basin, cooked vegetables on the right drain board of the three-compartment sink with soiled utensils maintained inside the middle wash basin.

[CA] All food shall be separated and protected from possible contamination.

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 large metal bowl of udon noodles re-hydrating in hot water inside the left basin of the three-compartment sink. Colander of steamed vegetables placed on the right side drain board of the three-compartment sink. [CA] Utilize sinks for their designated purpose. All food preparation shall be conducted at the hand wash sink.

Ice scoop stored inside ice bin with handle in direct contact with consumable ice.

[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Performance-Based Inspection Questions

- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Demonstration of knowledge; food manager certification.

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Measured Observations

Item	Location	Measurement	Comments
Bean sprouts	Three-door upright refrigerator	41.00 Fahrenheit	
Tomato crab soup	Cook line - small pan	137.00 Fahrenheit	
Deep fried tofu	Three-door upright refrigerator	40.00 Fahrenheit	
Warm water	Hand wash sink	107.00 Fahrenheit	
Cooked pork hock	Shelf across three-compartment sink	140.00 Fahrenheit	Cooling
Cooked egg cake	Two-door merchandiser	41.00 Fahrenheit	Front service area
Raw shrimp	Food preparation refrigerator	39.00 Fahrenheit	
Crab meat	Food preparation refrigerator	40.00 Fahrenheit	
Quail egg	Food preparation refrigerator	40.00 Fahrenheit	
Cooked shrimp	Three-door upright refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	125.00 Fahrenheit	
Comminuted pork and shrimp (raw)	Food preparation refrigerator	40.00 Fahrenheit	
Raw fish	Three-door upright refrigerator	33.00 Fahrenheit	
Raw shrimp	Three-door upright refrigerator	40.00 Fahrenheit	
Raw fish	Food preparation refrigerator	38.00 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 \$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. 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 1/12/2024. 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: Tom C.
 Manager
Signed On: December 29, 2023