

# 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 FA0207291 - BON MUA RESTAURANT		Site Address 1937 TULLY RD #C, SAN JOSE, CA 95122		Inspection Date 08/02/2022	
Program PR0302216 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BUI, NGOC DUNG THI		Inspection Time 16:35 - 17:25
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By DUNG	FSC Not Available	

Placard Color & Score
<b>RED</b>
<b>70</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						S
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		
K06 Adequate handwash facilities supplied, accessible		X					
K07 Proper hot and cold holding temperatures	X						
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	X	
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	X	
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		X
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		X
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

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

**Inspector Observations:** *The only hand wash station in the kitchen was obstructed with bags and to-go container lids inside the wash basin. Numerous dead cockroaches observed on top of the wash basin. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.*

Follow-up By  
08/09/2022

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations:** *Cockroach activity observed in the following areas:*

Follow-up By  
08/09/2022

- Numerous dead cockroaches observed on top of the only hand wash station in the kitchen.
- Numerous live adults and 5+ egg sacks observed on the wooden pallet placed below the hand wash station.
- Live adult carrying egg case observed in-between left door hinge of the three-door preparation refrigerator.
- Two dead/dying cockroaches observed on the rim of the top inserts of the preparation refrigerator.
- Two egg cases observed on floor in front of the two-door merchandiser.
- Several live cockroaches of various life stages observed in-between crevices of the L-bracket and wall mounted shelves above the food preparation table adjacent to the cook line.
- Several live cockroaches of various live stages observed in-between crevices of the grease trap under the three-compartment sink.
- Several live cockroaches of various life stages observed on wall behind and above the three-compartment sink.
- Several live cockroaches observed in-between L-bracket of the wall mounted shelves above the three-compartment sink.
- Several dead cockroaches and numerous egg sacks observed inside cabinets at the front bar area.
- Dead cockroaches observed in-between crevices of ceiling panels and on cobwebs throughout kitchen and restrooms.
- Dead cockroaches observed on floor around the ice machine at the front bar area.

*Per owner, the facility has pest control servicing facility every two weeks. Pest control report was provided was from March 2022.*

**[CA]** *The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.*

*Several live flies observed throughout kitchen. [CA] Use any and all approved methods to abate live flies.*

### 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.*

*Employee's food handler card is expired. [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.*

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations:** *Hot water at three-compartment sink measured at 116F max. [CA] Hot water shall be supplied at a minimum temperature of at least 120F measured from the faucet throughout facility except at handwash sinks.*

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K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

**Inspector Observations: Heavy build up of grease, grime, and food debris observed on and in-between cooking equipment at the cook line. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations: Heavy accumulation of grease and oil on the ventilation hood system with oil dripping onto the floors and behind cooking equipment. [CA] Clean mechanical exhaust hood and/or filters of grease accumulation.**

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Both men and women restroom facilities maintained wide opened. [CA] Toilet rooms shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.**

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

**Inspector Observations: Back door of facility maintained opened during entire inspection. [CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.**

## Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Raw beef	Preparation refrigerator	41.00 Fahrenheit	
Raw fish	Merchandiser	41.00 Fahrenheit	
Raw shelled eggs	Merchandiser	40.00 Fahrenheit	

## Overall Comments:

- Facility is hereby closed due to the presence of vermin.
- Facility is to remain closed until there is no longer evidence of a vermin infestation and written authorization is provided by this Division to resume operations.
- Subsequent follow-up inspections after the first follow-up shall be billed at \$219 per hour, minimum one hour, during normal business hours, and \$493 per hour, minimum one hour, during non-business hours, and upon inspector availability.

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- Deep clean facility to remove any food sources.
- Obtain pest control service. Provide pest control reports upon follow-up inspection.
- Seal any and all holes, gaps, cracks, and/or crevices to prevent harboring of vermin.
- Remove all live and dead cockroaches. Sanitize the affected areas.
- Ensure vermin infestation is abated prior to scheduling for follow-up inspection.

## **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 **8/16/2022**. 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:** Dung  
Owner

**Signed On:** August 02, 2022