

# 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 FA0291728 - BUN RIEU TAN DINH		Site Address 999 STORY RD 9045, SAN JOSE, CA 95122		Inspection Date 12/19/2022	
Program PR0437158 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NGUYEN, LE THANH		Inspection Time 10:00 - 12:20
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By MAN	FSC Not Available	

Placard Color & Score
<b>RED</b>
<b>52</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				N
K05 Hands clean, properly washed; gloves used properly		X		X			N
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		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		
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		X
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: Employee drank from personal beverage and then attempted to continue onto food preparation without washing hands. When instructed to wash hands, employee rinsed hands at the hand wash station with gloves still donned on. When instructed to properly wash hands, employee washed hands at the three-compartment sink. [CA] Ensure employees are properly washing hands as required. Properly wash hands with soap, warm water and dry using single use paper towels as required. Remove gloves prior to washing hands. Hand washing shall be conducted only at the hand wash station. [COS] Instructed employee to properly wash hands.**

Follow-up By  
12/22/2022

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

**Inspector Observations: Multiple PHF items maintained out in ambient temperature measured as follows:**

- Bowl of cooked vegetables measured at 66F. Per employee, vegetables were cooked in the morning and is reheated prior to service.
- Box of approximately 20 bags of prepackaged udon noodles maintained below food preparation table measured at 60F. Box and bags indicated that item is perishable and shall be kept refrigerated. Per employee, box was brought in this morning.
- Roast pork maintained above food preparation refrigerator measured at 65F. Per employee, roast pork was bought in the morning approximately an hour prior.
- Metal container of cooked coagulated pork blood (89F), fried tofu (77F), fancy pork sausage (70F), cooked eggplant (90F) maintained at the food preparation table by the cook line. Per employee, items were maintained out in anticipation for orders and have been out for approximately one hour.
- Large colander of bean sprouts maintained at the food preparation table across from the upright refrigerators measured at 65F.
- Multiple plastic bags of tofu maintained inside bus tub directly under the hand wash sink in the kitchen measured at 60F.

**[CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] All items were relocated to the upright refrigerator to immediately cool.**

Follow-up By  
12/22/2022

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

**Inspector Observations: Four to five plastic bags of tofu kept inside bus tub maintained directly below leaking waste drain of the hand washing station in the kitchen. Waste water observed dripping onto dust drain and into bus tub. Bus tub had approximately an inch of water with the bottom of the bags of tofu submerged. [CA] Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately. [COS] Bags of tofu were VC&D due to contamination.**

Follow-up By  
12/22/2022

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

**Inspector Observations: Numerous live cockroaches observed on the food preparation refrigerator across from the cook line:**

- Two adults observed at the left top door hinge.
- One adult observed at the middle top door hinge.
- Two nymphs observed inside crevice where the silicone caulking is missing behind the right top door hinge.
- One adult observed crawling around condenser area on the back of the food preparation refrigerator.

**Numerous dead cockroaches observed on the top of the beverage preparation refrigerator on the right side of the top cover.**

Follow-up By  
12/22/2022

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*Per owner, via phone, pest control services facility every two weeks. Pest control reports were unavailable for review.*

*During time of inspection, met with J. Hernandez, of pest control company.*

**[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.**

## **Minor Violations**

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

**Inspector Observations: Manager's five-year Food Safety Certificate (FSC) 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. Provide within 60 days.**

**Employees' three-year food handler cards 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 opened personal beverage stored on shelf above food preparation refrigerator. Employee's personal opened beverage placed inside three-door upright refrigerator above restaurant food. [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' personal food and beverages separated and away from restaurant food preparation and food storage locations.**

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: Hand soap dispenser is inoperable at the hand washing station at the beverage preparation area behind the cashier. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: Heavy leak observed at the waste drain pipe under the hand washing station in the kitchen. [CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system. Investigate cause for leak and repair in an approved manner.**

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: Numerous containers and colanders of food maintained at the three-compartment sink. Observed employee washing herbs and vegetables inside the three-compartment sink. [CA] Utilize sinks for their designated purposes. All food preparation shall be conducted at the food preparation sink.**

**Observed ice scoop maintained inside ice machine with scoop handle in contact with ice. [CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.**

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

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**Inspector Observations: --48 HOUR NOTICE--**

**Follow-up By  
12/21/2022**

**Our records indicate this facility has a delinquent account and is operating without a valid permit.**

**Total account balance due is \$2,505.75 (Health permit, delinquent penalty, follow-up inspections during business hours and non-business hours).**

**Payment must be made within 48 hours (2 business days) to DEH at the address at the top of this report or via our website at [www.Ehinfo.org](http://www.Ehinfo.org)**

**Previous written notification of account balance was provided in a Delinquent Permit Letter.  
The right to an administrative hearing was waived for failure to respond to the Delinquent Permit Letter.**

**A re-inspection will not be conducted if your account is paid in full by the Comply By date. The facility shall remain open and a new valid permit will be mailed after payment has been received.**

**If your account has not been paid in full by the Comply By date, a re-inspection will be performed and the facility owner may be billed at the current hourly rate per County Ordinance Code B11-8. Non-payment of permit fees within 48 hours will result in additional legal actions up to and including facility closure.**

**Invoices were provided to operator.**

## **Performance-Based Inspection Questions**

- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Hands clean/properly washed/gloves used properly.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Proper hot and cold holding temperatures.

## **Measured Observations**

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked pork hock	Three-door upright refrigerator	35.00 Fahrenheit	
Mung bean	Beverage preparation refrigerator	35.00 Fahrenheit	
Quail egg	Food preparation refrigerator	41.00 Fahrenheit	
Raw calamari	Food preparation refrigerator	38.00 Fahrenheit	
Cooked coagulated pork blood	Three-door upright refrigerator	41.00 Fahrenheit	
Tomato crab soup	Cook line	136.00 Fahrenheit	
Raw fish	Food preparation refrigerator	38.00 Fahrenheit	
Raw pork	Three-door upright refrigerator	40.00 Fahrenheit	
Milk	Beverage preparation refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	124.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	39.00 Fahrenheit	

## **Overall Comments:**

- Facility is hereby closed due to the presence of vermin.**
- Facility is to remain closed until infestation has been completely abated.**
- Provide pest control report upon follow-up inspection.**
- Subsequent follow-up inspection shall be billed at \$219/hour during normal business hour, Monday - Friday 7:30 AM to 5:00 PM, or \$493/hour 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.**

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- Contact district inspector for re-opening inspection once vermin infestation has been completely abated.

## 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 **1/2/2023**. 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.

### 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:** Man Nguyen  
PIC  
**Signed On:** December 19, 2022