

# 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 06/21/2022	
Program PR0437158 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name NGUYEN, LE THANH		Inspection Time 11:35 - 13:20
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By DAT	FSC Not Available	

Placard Color & Score
<b>RED</b>
<b>60</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				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			
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: Employee observed washing hands with gloves still donned on. [CA] Ensure all employees are properly washing hands. Remove gloves prior to hand washing. Properly wash hands with soap, warm water and dry using single use paper towels as required. [COS] Instructed employee to remove gloves and wash hands.**

Follow-up By  
06/23/2022

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

**Inspector Observations: - One and a half cases of raw shelled eggs maintained on the floor in the dining room measured at 73F.**

Follow-up By  
06/23/2022

- Container of bean sprouts maintained on the preparation table measured at 63F.
  - Cooked eggplants maintained on the preparation table next to the cook line measured at 78F.
  - Cooked vegetables maintained on the preparation table measured at 75F.
  - Multiple colanders of cooked noodles and vermicelli maintained out in ambient temperature measured between 50F to 60F.
- All PHF items were prepared within the last two hours.

**[CA] PHFs shall be held at 41F or below or at 135F or above. Consider using time only, rather than time and temperature as a public health control: PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review. [COS] Employees relocated all PHF items into the refrigerator to immediately cool.**

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

**Inspector Observations: Numerous cockroaches observed in the following areas:**

Follow-up By  
06/23/2022

- Live baby on wall above the food preparation refrigerator adjacent to the food preparation sink within drain boards.
- Numerous adults on floor underneath the single floor burners.
- Live adult on floor behind the ice machine in the front service counter.
- Dead cockroaches on the bottom shelf of the preparation table across from the preparation refrigerator.
- Dead cockroaches on wall between FRP panels above the janitorial sink.

Per manager, facility does not have pest control services.

**[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.
- Contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

Numerous live flies observed throughout facility. [CA] Use any and all approved methods to abate live flies.

### Minor Violations

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

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**Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazardous foods shall have a valid Food Safety Certificate available for review at all times.**

**Follow-up By  
08/21/2022**

**\*\* Repeat violation - provide within 60 days. \*\***

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

**Inspector Observations: Employee's opened beverage cups and bowl of half eaten fruits stored in food preparation and/or food storage areas. [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area. Utilize cups with lids and straws.**

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

**Inspector Observations: Men's restroom hand sink lacked hand soap. Hand soap bottles provided did not produce any suds. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**

**Hand washing station at the front service counter where sugarcane beverages are prepared obstructed with water pitcher. [CA] Ensure all hand washing stations are unobstructed and easily accessible at all times.**

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

**Inspector Observations: Sanitizing solution at the three-compartment sink measured between 50-100 ppm chlorine. [CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.**

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: Colander of cooked vegetables and cooked noodles maintained on both drain boards of the three-compartment sink while dishes were being washed.**

**Multiple cases of raw tomatoes stored directly under the paper towels dispenser.**

**[CA] All food shall be separated and protected from possible contamination. Discontinue using the three-compartment sink for food preparation. Relocate cases of tomatoes.**

**Multiple opened pots of food stored directly on floor. [CA] Food shall be stored at least 6 inches above the floor to prevent 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: Employee observed using the hand washing sink to rinse in-use knife. [CA] Utilize sinks for their designated purposes. Hand washing sink shall be used only for hand washing. Ensure all food contact surfaces are properly cleaned and sanitized every four hours.**

## Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

Needs Improvement - Hands clean/properly washed/gloves used properly.

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## Measured Observations

Item	Location	Measurement	Comments
Chlorine sanitizer	Three-compartment sink	50.00 PPM	
Cooked quail eggs	Preparation refrigerator	40.00 Fahrenheit	
Raw shrimp	Three-door reach-in refrigerator	40.00 Fahrenheit	
Milk	Preparation refrigerator	41.00 Fahrenheit	
Hot water	Food preparation sink	130.00 Fahrenheit	
Cooked pork blood	Cook line	167.00 Fahrenheit	
Tomato soup (bun rieu)	Cook line	198.00 Fahrenheit	Hot holding
Comminuted meat	Three-door reach-in refrigerator	41.00 Fahrenheit	

## Overall Comments:

- Facility is hereby closed due to the presence of vermin.
- Facility shall remain closed until there is no loner evidence of a vermin infestation.
- Facility shall remain closed until written authorization is provided by this Division to resume operations.
- Subsequent follow-up inspections are the first follow-up inspection will be chargeable 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.

## 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 7/5/2022. 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.

### 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  
Manager

Signed On: June 21, 2022