

**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**

<b>Facility</b> FA0262297 - FLAMES EATERY & BAR / BAKERY		<b>Site Address</b> 88 S 4TH ST 150, SAN JOSE, CA 95112		<b>Inspection Date</b> 12/14/2020	
<b>Program</b> PR0412514 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			<b>Owner Name</b> 4TH STREET FOOD INC		<b>Inspection Time</b> 10:30 - 11:30
<b>Inspected By</b> OBDULIA DUQUE-TURCIOS	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> JOEL CASTRO	<b>FSC Exempt</b>		

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>81</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				S
K02 Communicable disease; reporting/restriction/exclusion	X						S
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		
K06 Adequate handwash facilities supplied, accessible	X						S
K07 Proper hot and cold holding temperatures	X						S
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						S
K22 Sewage and wastewater properly disposed	X						
K23 No rodents, insects, birds, or animals		X		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	X	
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	X	
K36 Equipment, utensils, linens: Proper storage and use		
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	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

### Social Distancing Protocol

01 - Signage Violation

**Compliance of this category has been verified.**

02 - Face Covering Violation

**Compliance of this category has been verified.**

03 - Social Distance Violation

**Compliance of this category has been verified.**

04 - Clean and Sanitize Violation

**Compliance of this category has been verified.**

05 - General Violation

**Compliance of this category has been verified.**

### Major Violations

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

**Inspector Observations: One cockroach is observed on the floor underneath the preparation sink, and several crawling on underneath the 3-compartment sink during the time of the inspection. [CA] A FOOD FACILITY shall always be constructed, equipped, maintained, and operated as to prevent the entrance and harborage of animals, birds, and VERMIN, including, but not limited to, rodents and insects. Clean and sanitize all food contact surfaces, and cooking areas. Must also clean walls, and if it is possible move equipment to reach overhead or enclosed areas. Obtain service of a professional pest control company today (12/14/2020) and use effective measures to control the entrance and harborage of cockroaches.**

**Food facility is closed due to vermin infestation, and such facility shall remain closed until violation is corrected and upon approval by the enforcement officer. Immediately cease and desist food operation until vermin infestation (cockroaches) is controlled.**

### Minor Violations

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

**Inspector Observations: Food safety certificate was observed expired upon review by the enforcement officer during the time of the inspection. [CA] Any food facility that prepares potentially hazardous foods (PHFs) must have an employee who has successfully passed an approved and accredited Food Safety Certification Examination. Comply by 02/14/2021.**

**Employees food handler cards were not available upon request by the enforcement officer. [CA] Each food facility that employs a food handler shall maintain records documenting that each food handler employed by the food facility possesses a valid food handler card and shall provide those records to the local enforcement officer upon request. A food handler who is hired shall obtain a food handler card within 30 days after the date of hire. Comply by 12/29/2020.**

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: A bag of tea cake mix is observed open and stored on the shelf in the dry storage area. [CA] Once opened, store all dry goods in an approved food rigid container with tight fitting lids. Label all food containers as to contents.**

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

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**Inspector Observations: Several food boxes were observed on the freezer's floor in the preparation area. [CA] Food must be stored at least six inches (6") above the floor to prevent food contamination or adulteration.**

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

**Inspector Observations: Walk-in refrigerator ambient temperature reading measured 45F during the time of the inspection. [CA] Immediately repair or adjust any refrigeration, cooling, or hot-holding equipment that is not keeping food at the appropriate temperature. Transfer potentially hazardous foods to a holding unit that can maintain required temperatures of 41F or below.**

**Walk-in refrigerator door is not latching/closed completely, allowing cold air to escape from refrigerator. [CA] Repair/fix the walk-in door as soon as possible. Cold air escaping from refrigerator could affect food temperatures.**

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: Bakery area was observed with dry/old soil residues on the equipment, food contact surfaces, and floors during the time of the inspection. [CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
hot water temperature	3-compartment sink	133.00 Fahrenheit	
warm water temperature	handwashing facility	100.00 Fahrenheit	

## Overall Comments:

**Food facility is closed due to vermin infestation, and such facility shall remain closed until violation is corrected and upon approval by the enforcement officer. Immediately cease and desist food operation until vermin infestation (cockroaches) is controlled.**

Report emailed to [hz@flameseatery.com](mailto:hz@flameseatery.com)

## **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 **12/28/2020**. 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

*E-mailed to P.I.C*

Received By: \_\_\_\_\_

Signed On: December 15, 2020