

# 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> FA0209833 - BURGER KING #9645		<b>Site Address</b> 5154 MOORPARK AV 40, SAN JOSE, CA 95129		<b>Inspection Date</b> 02/06/2023	
<b>Program</b> PR0307548 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			<b>Owner Name</b> CHAUS GLOBAL INC.		<b>Inspection Time</b> 10:45 - 12:00
<b>Inspected By</b> MAMAYE KEBEDE	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> MAGDALENA DIAZ	<b>FSC</b> Magdalena Diaz 6/21/2026		

Placard Color & Score

**GREEN**  
**82**

RISK FACTORS AND INTERVENTIONS						OUT		COS/SA	N/O	N/A	PBI
						IN	Major	Minor			
K01	Demonstration of knowledge; food safety certification	X									
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		X						S
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									S
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										
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									X	
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									X	

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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 working in the cook line was observed changing gloves without washing hand. [CA] Employee must be trained on proper handwashing practices. Employee must wash hand when returning to the kitchen, after cleaning or handling chemicals, after picking up something off of the floor, after handling the register/money, after handling garbage, after touching face, hair or body, after eating, drinking, smoking, and chewing gum, after using the bathroom, and after sneezing, coughing, or using a tissue. Employee was told to wash her hand (COS)*

### Minor Violations

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

**Inspector Observations:** *Employee was observed drinking in an open cup container in the food preparation area. [CA] Employees may only drink or eat in designated areas. If employees have to drink in food preparation area, they must use covered cup container with a straw. Their drinks must also be stored in designated area to prevent possible contamination.*

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

**Inspector Observations:** *The only handwash sink located back in the kitchen was not working. [CA] The handwash sink must be repaired immediately. Until the handwash sink is repaired, employees may use the three compartment warewash sink to wash hand. Please provide a pump-type soap and paper towel on the three compartment sink. The manager provided the supplies (SA).*

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

**Inspector Observations:**  
*There is a leakage from the three compartment warewash sink. [CA] Repair the leakage immediately.*

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

**Inspector Observations:** *The current Environmental Health permit was not posted on public view. [CA] The most current Environmental Health permit must be posted on public view at all the time.*

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

### Measured Observations

Item	Location	Measurement	Comments
Hot water	Three compartment sink	140.00 Fahrenheit	
Chicken	Final cook	187.00 Fahrenheit	
Fish	Hot holding unit	156.00 Fahrenheit	
Patties	Undercounter freezer	4.00 Fahrenheit	
Chicken	Walk-in freezer	0.00 Fahrenheit	
Cheese, TPHC	Preparation Table	65.00 Fahrenheit	
Chicken	Hot holding unit	167.00 Fahrenheit	
Diced tomato, TPHC	Preparation Table	75.00 Fahrenheit	
Quaternary ammonia	Three compartment sink	200.00 PPM	

### Overall Comments:

**Note:** Food manager certificate: Magdalena Diaz - 6/21/2026

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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 2/20/2023. 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.

## 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:** Magdalena Diaz  
Manager  
**Signed On:** February 06, 2023