

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 FA0260937 - COUNTER. THE		Site Address 3055 OLIN AV 13040, SAN JOSE, CA 95128		Inspection Date 10/28/2020	
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name THE COUNTER SANTANA RC		Inspection Time 12:00 - 12:35
Inspected By JASLEEN PURI	Inspection Type ROUTINE INSPECTION	Consent By SERGIO	FSC Dulce Franco 1/16/22		

Placard Color & Score
RED
87

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		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						S
K06 Adequate handwash facilities supplied, accessible	X						S
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		
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		

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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: Observed live cockroaches in the following areas:

- 2 baby cockroaches in the womens restroom
- 3 adult cockroaches on food packaging material
- 3-4 cockroaches behind shelf holding food packaging material
- 1 adult cockroach on top of small reach in cooler
- 1 baby cockroach on wall in dishwashing area
- 1 baby cockroach on wall above prep sink
- 1 adult cockroach on wall above reach in cooler
- 1 adult cockroach on ceiling in dishwashing area

Observed several dead cockroaches in the mop sink, some throughout kitchen floor, and one in bar.

Note: PIC provided pest control invoice dated 10/28/20 4am.

[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. 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. Clean and sanitize area of dead cockroaches.

Minor Violations

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

Inspector Observations: Observed some expired food handler cards. [CA] Ensure all food employees have a valid food handler card and keep certificates on file in facility for review by specialist.

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: Observed leak below 3-comp-sink. [CA] Repair to stop leak.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
cut tomatoes	cold holding prep	41.00 Fahrenheit	
peppers	cold holding prep	41.00 Fahrenheit	
quat	3-comp-sink	200.00 PPM	
butter	walk-in-cooler	40.00 Fahrenheit	
dressing	small reach in cooler	40.00 Fahrenheit	
hot water	handsinks - kitchen, bar, and restrooms	100.00 Fahrenheit	
beef	cold drawer	41.00 Fahrenheit	
hot water	3-comp-sink/prep sink	121.00 Fahrenheit	
utensil surface temp	high temp dishwashing machine	170.00 Fahrenheit	thermolabel
cheese	walk-in-cooler	40.00 Fahrenheit	
chicken	reach in cooler	40.00 Fahrenheit	
cooked garlic	walk-in-cooler	41.00 Fahrenheit	
fries	walk-in-freezer	5.00 Fahrenheit	
cheese	cold holding prep	40.00 Fahrenheit	

Overall Comments:

NOTE: Facility closed due to violation #23M. Once this violation is corrected, contact specialist for a 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 **11/11/2020**. 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.

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: _____

Signed On: October 29, 2020

Comment: Emailed report.