

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 FA0262297 - FLAMES EATERY & BAR		Site Address 88 S 4TH ST 150, SAN JOSE, CA 95112		Inspection Date 12/14/2020	
Program PR0384702 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name 4TH STREET FOOD INC		Inspection Time 08:20 - 10:30
Inspected By OBDULIA DUQUE-TURCIOS	Inspection Type ROUTINE INSPECTION	Consent By JOEL CASTRO	FSC Exempt		

Placard Color & Score
RED
56

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						S
K06 Adequate handwash facilities supplied, accessible	X						S
K07 Proper hot and cold holding temperatures					X		N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods	X						S
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					N

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	X	
K31 Consumer self service does prevent contamination		
K32 Food properly labeled and honestly presented		
K33 Nonfood contact surfaces clean	X	
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	X	
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	X	
K45 Floor, walls, ceilings: built, maintained, clean	X	
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

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

Inspector Observations: Light brown mold like residues were observed on the ice inside ice machine located in the storage area. [CA] To prevent food contamination, ensure to clean and sanitize ice machine as often as necessary. Ice is food, if mold like residues comes directly in contact with food, cross-contamination can occur and might get consumers sick.

Follow-up By
12/17/2020

K14 - 8 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: Ice machine interior sides were observed with light brown mold residues during the time of the inspection. [CA] To prevent cross-contamination, ensure to clean and sanitize ice machine interior panel as often as necessary. Ice is food, if food comes directly in contact with this mold like residue, cross-contamination can occur.

Follow-up By
12/17/2020

Pots and pans were observed submerged in water without sanitizing solution. Quaternary ammonium measured 0ppm on the 3-compartment sink sanitizer compartment in the warewashing area. [CA] Provide and maintain Quaternary ammonium sanitizing solution at 200ppm at all times. Levels below the limit are not effective to properly sanitize utensils. Sanitizer helps to reduce bacteria causing foodborne illness outbreak.

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

Inspector Observations: Nest of live cockroaches (adults and nymphs) was observed underneath the 3-compartment sink in the warewashing area. [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.

Follow-up By
12/17/2020

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

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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.

**Follow-up By
02/15/2021**

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.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot water was not available at the handwashing facility next to the dishwasher machine in the warewashing area. [CA] Handwashing facilities shall be equipped to provide warm water (100F) under pressure for a minimum of 15 seconds through a mixing valve or combination faucet. The temperature of the water shall be at least 100F but not greater than 108F.

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

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.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Black dust accumulation on walk-in air guards and motor box. [CA] Nonfood contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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: Cold holding/undercounter unit is observed to be leaking in the employee service area. [CA] Repair the leaking from the cold holding unit.

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations: Ventilation hood and filters above the cooking equipment were observed with grease accumulation in the preparation area. [CA] Remove all grease accumulation, and ensure to clean filters regularly to prevent accumulation. Light bulb on the ventilation hood above the cooking equipment appears not in operation in the preparation area. [CA] Sufficient natural lighting shall be provided in every room in which food is prepared. A light bulb shall be shielded, coated in areas where there is unpackaged foods, clean equipment, utensils, linens, or unwrapped single use articles.

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: 3-compartment and handwashing sink faucets are observed leaking in the preparation area. [CA] Repair the leaking.

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: Employee's belonging (black sweater) was observed stored on the preparation table near the dry storage area. [CA] Provide lockers or employee personal storage area for employees' personal belongings and ensure the area assigned is away from food, clean equipment, single-use articles, and linens to prevent food contamination.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

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Inspector Observations: Ceiling tiles/covers above the ice machine are missing during the time of the inspection. [CA] Ensure to protect equipment and food from overhead contamination, and prevent the entrance of vermin. Provide ceiling tiles to cover the uncovered ceiling.

A large hole is observed on the wall behind the ice machine during the time of the inspection. [CA] Seal the hole to prevent the entrance and harborage of vermin.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - No rodents, insects, birds, or animals.

Measured Observations

Item	Location	Measurement	Comments
sour cream	cold holding drawer	40.00 Fahrenheit	
hot water temperature	3-compartment sink	124.00 Fahrenheit	
Chlorine sanitizing solution	mechanical dishwasher	50.00 PPM	
turkey	cold holding drawer	41.00 Fahrenheit	
corn beef hash	cold holding drawer	41.00 Fahrenheit	
ground beef	cold holding drawer	41.00 Fahrenheit	
raw pork chops	cold holding drawer	40.00 Fahrenheit	
warm water temperature	handwashing facility	102.00 Fahrenheit	
ham	cold holding drawer	41.00 Fahrenheit	
crab patties	cold holding drawer	41.00 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

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.

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