

# 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 - THE COUNTER	Site Address 3055 OLIN AV 1035, SAN JOSE, CA 95128	Inspection Date 03/13/2026
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name MUKESH KUMAR	Inspection Time 15:50 - 17:00
Inspected By SUKHREET KAUR	Inspection Type LIMITED INSPECTION	Consent By BORI

Placard Color & Score

**RED**  
**N/A**

### Comments and Observations

#### Major Violations

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

**Inspector Observations: 1. Observed Vermin: Documented in the following areas:**

- 1 adult cockroach between broken coving tile near handwash sink in womens restroom.
- 1 juvenile cockroach crawling on floor in front of ice machine after it fell from utensils rack
- 2 juvenile cockroaches crawling under sink on stainless steel panel in ice machine area
- 1 dead cockroach under the equipment in back corner of bar area
- 1 dead cockroach under dish machine area

2. Photographs: Taken for documentation purposes.

3. Supervisor Notified: Suzanne Lew

4. Notification: The person in charge during inspection, Komal, has been informed that the facility must close immediately.

[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.

#### Requirements Before Reopening:

1. Email the signed and completed Reopening Checklist to the assigned inspector.
2. Submit a copy of the pest control report from a licensed provider.

#### Minor Violations

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: Observed a gap under back door of the facility.[CA] Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.**

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

**Inspector Observations: Accumulation of grime, grease and food debris on floors and floor sinks.**

[CA] Clean the floors and maintain in good condition.

Observed broken coving under dish machine area, gaps in walls throughout the facility, broken coving tile in womens restroom, gaps between counters and walls, open ceiling panels.

[CA] Seal any open holes or gaps to prevent pest entry.

#### Performance-Based Inspection Questions

Needs Improvement - No rodents, insects, birds, or animals.

#### Measured Observations

N/A

#### Overall Comments:

CO0159138

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*The facility is hereby CLOSED by this department due to evidence of cockroach infestation (see violation K23).*

*The facility is required to cease and desist all operations immediately and must remain closed until all corrective actions on the provided checklist are completed.*

**Requirements Before Reopening:**

- 1. Complete and sign the provided re-opening checklist.**
- 2. Obtain a copy of the latest pest control report from a licensed provider.**
- 3. Submit the re-opening checklist.**

*Since the facility is requesting after hour (3/14) inspection, available District Specialist will be reach of to PIC to obtain pest control report and reopening checklist.*

*Upon review, district specialist will schedule the follow-up inspection.*

- Clean and sanitize the affected areas and equipment.**
- Dispose of all food items that have been adulterated/contaminated.**
- Seal holes (e.g. in walls and ceilings, repair coved base), and entryways (e.g. weather-stripping around doors); keep exterior doors closed;**
- Eliminate food and water sources inside and outside the facility.**
- Properly store items at least 6 inches above floor in sealed rodent-proof/insect-proof containers; organize overly packed and disorganized storage areas)**

**NOTE: A period of 24 hours from this inspection shall pass before requesting a follow-up inspection. Pest control treatments may require a sufficient amount of contact time to be effective.**

**A follow-up inspection to verify compliance of major violations will be conducted upon facility request.**

**The first follow-up inspection is free of charge. Subsequent follow-up inspections after the first follow-up shall be billed at \$298/hour (one hour minimum) during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645 (minimum of two hours) during non-business hours, and upon inspector availability.**

**The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55. - A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**

## 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 **3/27/2026**. 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



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**Received By:** KOMAL SINGH

**Signed On:** March 13, 2026