

# 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> FA0210646 - FOSTER FREEZE-698		<b>Site Address</b> 698 N 4TH ST, SAN JOSE, CA 95112	<b>Inspection Date</b> 09/26/2022
<b>Program</b> PR0300500 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10		<b>Owner Name</b> BROWN, CHARLES	<b>Inspection Time</b> 16:40 - 17:30
<b>Inspected By</b> TRAVIS KETCHU	<b>Inspection Type</b> LIMITED INSPECTION	<b>Consent By</b> ABBIE DARABI	

Placard Color & Score

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

### Comments and Observations

#### 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:** Observed cockroaches within a box of bananas stored on the dry storage shelf.

**[CA]** Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately.

**[COS]** Bananas were discarded (VC&D).

Follow-up By  
09/28/2022

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

**Inspector Observations:** Observed live cockroaches of various life stages in the following areas:

1. within the door sill and in front of the walk in refrigerator
2. within a box of bananas on the storage shelf
3. on a box of Oreos on the ground in front of the upright freezer
4. on a sticky trap and floor under the warewashing sink
5. under the water storage rack
6. in and around the water heater

Observed dead cockroaches on the floor throughout the facility.

**[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 that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). 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.

Follow-up By  
09/28/2022

#### Minor Violations

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

**Inspector Observations:** Observed holes at the bottom of the walk in refrigerator door sill.

**[CA]** Repair holes in structure and maintain in good repair to prevent pest harborage.

Observed the build-up of grease and materials on the floor behind the dry storage area, under the storage in front of the walk in refrigerator and next to the janitorial sink.

**[CA]** Regularly clean under equipment to prevent accumulation of debris.

#### Performance-Based Inspection Questions

N/A

#### Measured Observations

N/A

#### Overall Comments:

Facility is closed.

When the facility is clear of cockroaches and cleaning has been conducted, call inspector at (408) 918-3469 or DEH at (408)

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**918-3400 to schedule a re-inspection.**

***A follow up inspection will be conducted. The first follow-up inspection is free of charge. Subsequent follow up inspections after first follow up shall be billed \$219/hr during business hours and \$493/hr during non business hours upon availability. Failure to comply may result in enforcement action.***

## 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 **10/10/2022**. 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



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**Received By:** Abbie Darabi  
PIC  
**Signed On:** September 26, 2022