

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 11/06/2024	
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name MUKESH KUMAR		Inspection Time 14:10 - 15:30
Inspected By HINA WYNE	Inspection Type ROUTINE INSPECTION	Consent By PREET KAUR	FSC Not Available		

Placard Color & Score GREEN 80

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						
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				
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						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					S
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	X	
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	X	
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		
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

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot running water can't exceed 103F. Food prep sink is at 97F.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at hand wash sinks (100F - 108F). REPEAT VIOLATION

Minor Violations

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

Inspector Observations: Facility lack Food Safety Certification [CA]Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

Copies of food handlers cards are not available for review.

[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. 30 days to obtain a food handler card.

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Paper towel dispensers in the bar area at the hand washing sinks lack single use paper towel dispenser.

[CA] Must provide single use paper towel dispenser to properly wash hands with soap, warm water and dry using single use paper towels as required. REPEAT VIOLATION

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: Sanitizer spray bottle common name.

[CA] Chemicals once removed from original container shall be labeled with common name.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: Lack sanitizer test strips.

[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.

Facility must know what kind of sanitizer they are using and acquire a right test strips to check the accurate level of sanitizer solution.

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

Inspector Observations: Health permit was not posted.

[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
TOMATOES	FOOD PREP TABLE	40.00 Fahrenheit	
SANITIZER	BAR SINK	100.00 PPM	CHLORINE
HOT WATER	HANDWASHING RESTROOM	80.00 Fahrenheit	
HOT WATER	FOOD PREP SINK	98.00 Fahrenheit	
VEG PATTIES	DRAWER COLD HOLDING	43.00 Fahrenheit	
HOT WATER	BAR SINK	87.00 Fahrenheit	
CHEESE	FOOD PREP TABLE	40.00 Fahrenheit	
HOT WATER	3-COMP SINK	103.00 Fahrenheit	
CAREMALED ONIONS	HOT HOLDING	140.00 Fahrenheit	
GROUND BEEF WITH SAUCE	HOT HOLDING	145.00 Fahrenheit	
CORN	FOOD PREP TABLE	40.00 Fahrenheit	
SWEET POTATO FIRES	FREEZER	30.00 Fahrenheit	
MAHI MAHI	WALK IN COOLER	32.00 Fahrenheit	
CHICKEN RAW	DRAWER COLD HOLDING	42.00 Fahrenheit	
MUSHROOMS	HOT HOLDING	148.00 Fahrenheit	
HOT WATER	HAND WASHING	78.00 Fahrenheit	
BEEF PATTIES	DRAWER COLD HOLDING	42.00 Fahrenheit	
CHICKEN WINGS	WALK IN COOLER	40.00 Fahrenheit	
ICE CREAM	FREEZER	20.00 Fahrenheit	
BELL PAPPER	COLD HOLDING	40.00 Fahrenheit	
SANITIZER	DISHWASHER	400.00 Fahrenheit	QA

Overall Comments:

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 **11/20/2024**. 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



Received By: PREET KAUR
PIC

Signed On: November 06, 2024