

**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> FA0260937 - COUNTER. THE		<b>Site Address</b> 3055 OLIN AV 13040, SAN JOSE, CA 95128		<b>Inspection Date</b> 02/27/2023	
<b>Program</b> PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> THE COUNTER SANTANA RC		<b>Inspection Time</b> 13:10 - 14:30
<b>Inspected By</b> JASLEEN PURI	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> VERONICA ROMO	<b>FSC</b> Richard Moore 3/9/25		

<b>Placard Color &amp; Score</b> <b>GREEN</b> <b>85</b>
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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	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	X	
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use	X	
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		
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

### Major Violations

No major violations were observed during this inspection.

### Minor Violations

K14 - 3 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: Utensil surface temperature measured 150F in high temp dishwashing machine. [CA] Mechanical sanitization shall be accomplished in the final sanitizing rinse by achieving a utensil surface temperature of 160°F (or manufacturer's instruction). [SA] Employees will manually sanitize dishes in the 3-comp-sink until high temp dishwashing machine reaches adequate hot water sanitization.**

**Observed pink substance on upper interior panel of ice machine. This portion of panel is currently not directly touching ice. [CA] Clean & sanitize ice machine following manufacture directions.**

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

**Inspector Observations: Measured the temperature of hot water at 108F in the 3-comp-sink (kitchen & bar) and prep sink. [CA] Maintain the temperature of hot water at a minimum of 120F in the 3-comp-sinks and prep sink.**

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Observed some fruit flies in bar. [CA] Remove fruit flies by safe and legal method.**

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: Drain plugs are in disrepair, have plastic wrap around plugs to stop water in 3-comp-sink. [CA] Provide proper plugs/stoppers to fill up the warewashing sink and maintain plugs in good repair.**

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

**Inspector Observations: Observed unrestricted pressurized CO2 tanks across walk-in-cooler. [CA] All pressurized cylinders shall be securely fastened to a rigid structure.**

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

**Inspector Observations: Observed gap between hood filters of hood above cooking equipment. [CA] Ensure there are no gaps between hood filters of hood to provide adequate ventilation.**

**Light in front of walk-in-cooler not turning on. [CA] Repair to ensure light in front of walk-in-cooler works.**

### 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>
cheese	cold holding prep	40.00 Fahrenheit	
quinoa	cold holding prep	41.00 Fahrenheit	
hot water	3-comp-sinks , prep sink	108.00 Fahrenheit	
chilli	hot holding	145.00 Fahrenheit	
quat	3-comp-sinks	200.00 PPM	
hot water	handsink - kitchen & restroom	100.00 Fahrenheit	
carmelized onions	hot holding	142.00 Fahrenheit	
ice cream	freezer - bar	5.00 Fahrenheit	
chicken	walk-in-cooler	40.00 Fahrenheit	
cheese	walk-in-cooler	40.00 Fahrenheit	
ice cream	walk-in-freezer	4.00 Fahrenheit	
cut tomatoes	cold holding prep	41.00 Fahrenheit	
butter	walk-in-cooler	41.00 Fahrenheit	
cooked tomatoes	walk-in-cooler	54.00 Fahrenheit	actively cooling in shallow metal pan
utensil surface temp	high temp dishwashing machine	150.00 Fahrenheit	thermolabel
veggie burger	cold drawer	40.00 Fahrenheit	

## 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 **3/13/2023**. 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:** Veronica Romo  
Manager

**Signed On:** February 27, 2023