

# 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 07/18/2025	
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name MUKESH KUMAR		Inspection Time 10:10 - 11:40
Inspected By HINA WYNE	Inspection Type ROUTINE INSPECTION	Consent By PALOMINO	FSC Not Available		

Placard Color & Score
<b>GREEN</b>
<b>82</b>

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
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				N
K07 Proper hot and cold holding temperatures	X						
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						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	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	X	
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		
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		
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

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

**Inspector Observations: REPEAT VIOLATION: 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.**

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: One sink in the kitchen area has empty soap dispenser. Both sinks in the bar area has broken soap dispensers and using pump soap.**

**[CA] Properly wash hands with soap, warm water and dry using single use paper towels as required. Soap shall be in a mouted soap dispenser for an easy access.**

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

**Inspector Observations: Spray bottle with soap out label.**

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

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

**Inspector Observations: Refrigeration with beer crates had a spill in side.**

**[CA] Clean inner side of the refrigeration with beer crates.**

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: Due to lack of sanitizer bar tender was not sanitizing glasses.**

**[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.**

**[COS] Quaternary ammonium tablets were provided to him from the kitchen area for sanitizing.**

**Lack test strips.**

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

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: Container of flour with out label**

**[CA] Working containers holding food or food ingredients that are removed from their original packages shall be identified with the common name of the food if not easily recognizable. .**

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: Drain under the three compartment sink is blocked.**

**[CA] Fix or repair plumbing for the drain under three comp sink.**

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

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**Inspector Observations:** *Mops and brooms were inside the janitorial sink.*

**[CA] After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.**

## Performance-Based Inspection Questions

- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Demonstration of knowledge; food manager certification.

## Measured Observations

Item	Location	Measurement	Comments
HOT WATER	HANDWASHING	100.00 Fahrenheit	
BEEF PATTIES	WALK IN FREEZER	10.00 Fahrenheit	
BEANS	HOT HOLDING	160.00 Fahrenheit	
GUACAMOLE	PREP COOLER	43.00 Fahrenheit	
TURKEY	DRAWER REFRIGERATION	40.00 Fahrenheit	
HOT WATER	HANDWASHING SINK RESTROOM	100.00 Fahrenheit	
FRIES	FREEZER	10.00 Fahrenheit	
TOMATOES	PREP COOLER	39.00 Fahrenheit	
HOT WATER	BAR SINK	118.00 Fahrenheit	
HOT WATER	FOOD PREP SINK	120.00 Fahrenheit	
VEGGIE BLEND	WALK COOLER - ACTIVE COOLING	125.00 Fahrenheit	
CHLORINE SANITIZER	DISHWASHER	100.00 PPM	
BEEF PATTIES	DRAWER REFRIGERATION	43.00 Fahrenheit	
CHICKEN	DRAWER REFRIGERATION	40.00 Fahrenheit	
HOT WATER	HANDWASHING BAR	100.00 Fahrenheit	
MILK	REFRIGERATION BAR	41.00 Fahrenheit	
QA SANITIZER	BUCKET	200.00 PPM	
BELL PEPPER	PREP COOLER	40.00 Fahrenheit	
MUSHROOMS	HOT HOLDING	145.00 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 **8/1/2025**. 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

Palomino

Received By: PALOMINOP  
CHEF  
Signed On: July 18, 2025