

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 - COUNTER. THE		Site Address 3055 OLIN AV 13040, SAN JOSE, CA 95128		Inspection Date 07/24/2023	
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name THE COUNTER SANTANA RC		Inspection Time 12:10 - 13:40
Inspected By JASLEEN PURI	Inspection Type ROUTINE INSPECTION	Consent By VERONICA ROMO	FSC Veronica Romo 4/8/28		

Placard Color & Score
GREEN
77

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	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				
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	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		
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	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		
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

OFFICIAL INSPECTION REPORT

Facility FA0260937 - COUNTER. THE	Site Address 3055 OLIN AV 13040, SAN JOSE, CA 95128	Inspection Date 07/24/2023
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name THE COUNTER SANTANA ROW LP	Inspection Time 12:10 - 13:40
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

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

Inspector Observations: Observed lack of operable soap dispenser adjacent to left handsink in bar. [CA] Provide soap in dispenser adjacent to left handsink in bar and maintain dispenser in good repair.

Note: Right side bar handsink was stocked with soap and paper towels.

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Measured temperature of cheese and raw chicken at 47F in the reach in cooler. Per PIC, these items were placed in cooler less than 4 hrs prior to inspection. [CA] Maintain pHF for cold holding at 41F or less. [COS] Employee moved these items into walk-in-cooler.

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: Observed pink substance on interior panel of ice machine. This portion of panel is currently not directly touching ice. [CA] Clean & sanitize interior panel of 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 hot water temperature at 118F in the prep sink and 3-comp-sink in kitchen and at 113F in the dump sink and 3-comp-sink in bar. [CA] Maintain temperature of hot water at a minimum of 120F in 3-comp-sinks, prep sink, & dump 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 & legal method.

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

Inspector Observations: Observed lack of label as to contents on two chemical spray bottles near back register. [CA] Chemicals once removed from original container shall be labeled with common name.

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 two containers of chicken double stacked without lid in between in walk-in-cooler. [CA] When double stacking containers of food, use a lid in between to prevent contamination.

Observed unrestricted CO2 tanks in back kitchen. [CA] Restrict all pressurized tanks to a rigid surface.

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

Inspector Observations: Observed excess build up in hood duct above dishwashing machine. [CA] Clean hood duct above dishwashing machine.

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: Observed leak below 3-comp-sink. [CA] Repair to stop leak.

Performance-Based Inspection Questions

OFFICIAL INSPECTION REPORT

Facility FA0260937 - COUNTER. THE	Site Address 3055 OLIN AV 13040, SAN JOSE, CA 95128	Inspection Date 07/24/2023
Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name THE COUNTER SANTANA ROW LP	Inspection Time 12:10 - 13:40

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
fries	reach in freezer	5.00 Fahrenheit	
quat	3-comp-sink - bar	200.00 PPM	
cheese	cold holding prep	41.00 Fahrenheit	
grilled onions	hot holding	139.00 Fahrenheit	
veggie patty	cold drawer	40.00 Fahrenheit	
cheese	walk-in-cooler	41.00 Fahrenheit	
cut tomatoes	reach down cooler	41.00 Fahrenheit	
cut tomatoes	cold holding prep	40.00 Fahrenheit	
dairy mix	soft serve machine	29.00 Fahrenheit	
butter	walk-in-cooler	41.00 Fahrenheit	
chilli	hot holding	142.00 Fahrenheit	
cooked mushrooms	hot holding	141.00 Fahrenheit	

Overall Comments:

Note: Per PIC, dishwashing machine is still not reaching adequate hot water sanitization therefore all dishes are sanitized in 3-comp-sink.

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 **8/7/2023**. 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: July 24, 2023