

# 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 FA0261721 - BURGERIM		Site Address 1751 N 1ST ST 10, SAN JOSE, CA 95112		Inspection Date 07/30/2019	
Program PR0383827 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name FAB LLC		Inspection Time 13:25 - 16:00
Inspected By OBDULIA DUQUE-TURCIOS	Inspection Type ROUTINE INSPECTION	Consent By JOHN THUNG	FSC		

Placard Color & Score
<b>YELLOW</b>
<b>56</b>

RISK FACTORS AND INTERVENTIO	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						S
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						S
K05 Hands clean, properly washed; gloves used properly			X				S
K06 Adequate handwash facilities supplied, accessible			X				N
K07 Proper hot and cold holding temperatures		X		X			N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods					X		
K10 Proper cooking time & temperatures		X		X			N
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						N
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		X			
K22 Sewage and wastewater properly disposed	X						
K23 No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICE	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		X
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		X
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored		X
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		X
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		
K48 Plan review		
K49 Permits available		X
K58 Placard properly displayed/posted		

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## Comments and Observations

### Major Violations

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations:** Cooked hamburger patties internal temperature readings are 114F, 111F, and 105F in different parts of the food, cooked grilled chicken internal temperature readings are 93F, and 106F. Container is observed stored at ambient temperature on the counter between the griddle and flat griddle equipment in the cooking line. [CA] Potentially hazardous foods must be kept at 41F or below or at 135F or above. Avoid temperature danger zone (between 41F and 135F). At these temperatures, bacteria grow and multiply faster and can contribute to foodborne illness outbreaks.

**\*Dairy products in original sealed containers and raw shell eggs may be held at or below 45°F \*\***  
[COS] Person in charge discarded food mentioned above.

Follow-up By  
08/02/2019

K10 - 8 Points - Improper cooking time & temperatures; 114004, 114008, 114010

**Inspector Observations:** In the preparation area, Hamburger patties final cooking temperature readings are 144F, 141, 139F, 151F and 147F in different parts of the food. Food facility is using a Broiler equipment that it is set for 3 minutes cooking. [CA] Raw chicken shall be heated to a minimum internal temperature of 165F or above for 15 seconds, and hamburger patties shall be heated to a minimum internal temperature of 155F or above for 15 seconds. [COS] Person in charge agreed to reset the broiler equipment to ensure fully cooking of raw chicken and ground beef. In the mean time, person in charge agreed to finalized the cooking on the flat griddle.

Follow-up By  
08/02/2019

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

**Inspector Observations:** Warm water temperature reading measured 120F, and 118F at the handwashing facility in the employee/consumer restroom. [CA] Water at the handwashing facility is too hot to wash hands making the sink unusable.

Handwashing facilities shall be equipped to provide warm water (100F) under pressure for a minimum of 15 seconds through a mixing valve or combination faucet. The temperature of the water shall be at least 100F but not greater than 108F.

[COS] Person in charge contacted the plumber to adjust hot water.

Follow-up By  
08/02/2019

### Minor Violations

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

**Inspector Observations:** Employee is observed cleaning hands on a wiping cloth that is hanging on employee's waist. [CA] Ensure employees wash and dry their hands with an approved hand towels (single use paper towels, or a heated-air hand drying device) at all times. Cloth towels hanging on the uniforms is not an approved practice, and this could lead to cross-contamination by using the same cloth towels multiple times.

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

**Inspector Observations:** Paper-towels dispenser is not dispensing the paper-towels ( dispenser has paper-towels but they are stuck) at the handwashing facility in the warewashing area. [CA] Provide paper-towels at all time to ensure employees and consumer properly clean and dry their hands before handling food.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

**Inspector Observations:** Several food boxes are observed on the floor in the walk-in freezer in the preparation area. [CA] Food must be stored at least six inches (6") above the floor to prevent food contamination or adulteration.

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:** Test strips to check Quaternary ammonium sanitizing solution on the 3-compartment sink in the warewashing area, and Chlorine sanitizing solution on the 3-compartment sink in the bar area are not available during the time of the inspection. [CA] Test strips accurately measure the concentration in part per million (mg/L) of the sanitizing solution and shall be available to record the proper mixing and strength of sanitizer solutions. Provide test strips to check Chlorine sanitizing solution in the 3-compartment sink and wiping bucket. Concentration must be at 100ppm, and Quaternary ammonium at 200ppm at all times.

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

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**Inspector Observations: Ventilation hood filters above the cooking equipment ( broiler and flat griddle) are observed with grease accumulation in the preparation area. [CA] Remove all grease accumulation, and ensure to maintain regularly to prevent build-up.**

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

**Inspector Observations: Wiping towels sanitizing solution concentration measured less than 50ppm in the wiping bucket in the preparation area/cooking line. [CA] Provide Quaternary ammonium sanitizing solution in wiping bucket at all times to properly sanitize food contact surfaces. Quaternary ammonium concentration must be at 200ppm at all times. Levels below the upper limit may not be effective to properly sanitize food contact surfaces.**

**Wiping towels are observed outside dispenser in the cooking line and warewashing area. [CA] When not in use, wiping towels must be stored inside an approved sanitizing solution such as Chlorine at 100ppm and/or Quaternary ammonium at 200ppm at all times. This method helps in killing the bacteria that contributes to foodborne illness outbreaks.**

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: Soft drink machine drain line is falling at the edge/border of the floor sink causing the wastewater to go outside the floor sink in the consumer service area. [CA] Provide a least a 1-inch air gap to prevent possible backflow contamination.**

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Toilet tissue is observed outside dispenser in the employee/consumer restroom. [CA] Toilet tissue shall be stored inside dispenser at all times.**

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

**Inspector Observations: Food facility is operating/open for business without an Environmental Health Permit during the time of the inspection. [CA] A food facility shall not be open for business without a VALID permit. Permit shall always be posted in plain public view in the food facility.**

## Performance-Based Inspection Questions

- Needs Improvement - Proper cooking time & temperatures.
- Needs Improvement - Food contact surfaces clean, sanitized.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
cheese	cold holding unit	37.00 Fahrenheit	
warm water	handwashing facility in the preparation area	101.00 Fahrenheit	
raw hamburger patties	cold holding drawer	38.00 Fahrenheit	
raw chicken	cold holding drawer	36.00 Fahrenheit	
Chlorine sanitizing solution	3-compartment sink at bar area	100.00 PPM	
Quaternary ammonium sanitizing solution	3-compartment sink warewashing area	200.00 PPM	
grilled onions	cold holding drawer	41.00 Fahrenheit	
hot water	3-compartment sink	125.00 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 **8/13/2019**. 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.

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**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:** John Thung  
Person in Charge

**Signed On:** July 30, 2019