

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 03/27/2024 | |
| Program PR0382543 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 | | | Owner Name THE COUNTER SANTANA RC | | Inspection Time 12:15 - 13:30 |
| Inspected By HINA WYNE | Inspection Type ROUTINE INSPECTION | | Consent By NORMA MENDEZ | FSC RICHARD MOORE 3/9/25 | |

| |
|-----------------------|
| Placard Color & Score |
| GREEN |
| 95 |

| 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 | | |
| 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 | | |
| 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

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

Inspector Observations: Hot running water at the sinks are around 100F. Adjust hot water heater setting.
[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).

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

Inspector Observations: Smoke and fumes were observed in the dine-in and kitchen area. PIC said mechanical exhaust hood is not working and they took filters out and waiting for a mechanic to come and fix.
[CA] All hood ventilation filters shall be in place and in good repair. Fix as soon as possible.

Follow-up By
03/28/2024

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

| Item | Location | Measurement | Comments |
|------------------|----------------------------|-------------------|----------|
| CARAMELED ONIONS | HOT HOLDING | 135.00 Fahrenheit | |
| CHEESE | COLD HOLDING | 40.00 Fahrenheit | |
| SANITIZER | BAR SINK | 200.00 PPM | |
| CHICKEN | COLD HOLDING DRAWER | 39.00 Fahrenheit | |
| HOT WATER | HANDWASHING MENS RESTROOM | 80.00 Fahrenheit | |
| MILK | REFRIGERATION | 40.00 Fahrenheit | |
| HOT WATER | 3-COMP SINK | 103.00 Fahrenheit | |
| SANITIZER | 3-COMP SINK | 200.00 PPM | |
| CHICKEN | REACH IN COOLER | 40.00 Fahrenheit | |
| FRIES | FREEER | 10.00 Fahrenheit | |
| HOT WATER | DISHWASHER | 160.00 Fahrenheit | |
| HOT WATER | HANDWASHING WOMEN RESTROOM | 100.00 Fahrenheit | |
| BEEF PATTIES | COLD HOLDING DRAWER | 40.00 Fahrenheit | |
| MUSHROOM GRILLED | HOT HOLDING | 135.00 Fahrenheit | |
| TOMATOES | COLD HOLDING | 39.00 Fahrenheit | |
| HOT WATER | HANDWASHING | 100.00 Fahrenheit | |
| BEEF | REACH IN COOLER | 40.00 Fahrenheit | |
| SANITIZER | BUCKET | 200.00 PPM | |
| CHEESE SAUCE | HOT HOLDING | 137.00 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 **4/10/2024**. 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.

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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



Received By: NORMA MENDEZ
PIC

Signed On: March 27, 2024