

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 FA0265472 - MY MILKSHAKE		Site Address 151 S 2ND ST #199, SAN JOSE, CA 95113		Inspection Date 11/01/2024		Placard Color & Score GREEN 79		
Program PR0391773 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name MILKSHAKE EMPIRE INC.		Inspection Time 13:30 - 14:40			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By ELENA				FSC Constantino Anezinos 04/24/2028

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						
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						
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						
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	X	
K25	Proper personal cleanliness and hair restraints		
K26	Approved thawing methods used; frozen food		
K27	Food separated and protected	X	
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	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	X	
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	X	
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available	X	

OFFICIAL INSPECTION REPORT

Facility FA0265472 - MY MILKSHAKE	Site Address 151 S 2ND ST #199, SAN JOSE, CA 95113	Inspection Date 11/01/2024
Program PR0391773 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name MILKSHAKE EMPIRE INC.	Inspection Time 13:30 - 14:40
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

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

Inspector Observations:

REPEAT VIOLATION:

Water at the restroom hand sink measured at 69°F.

[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

Inspector Observations:

REPEAT VIOLATION:

No person in charge at time of the inspection.

[CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility at all hours of operation.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations:

REPEAT VIOLATION:

Fries in the upright freezer were found without lids and milk in the reach in cooler were found also found without lids.

[CA] Cover food stored in refrigeration units with a food grade material or lid. Foods may be left uncovered or loosely covered when cooling down.

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

Inspector Observations:

Nonfood contact surfaces of equipment, refrigeration unit door handles and autofry fryer, have an accumulation of grime and grease.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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:

Facility lacks test strips to measure the concentration of their sanitizer of choice, chlorine.

[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

OFFICIAL INSPECTION REPORT

Facility FA0265472 - MY MILKSHAKE	Site Address 151 S 2ND ST #199, SAN JOSE, CA 95113	Inspection Date 11/01/2024
Program PR0391773 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name MILKSHAKE EMPIRE INC.	Inspection Time 13:30 - 14:40

Inspector Observations:

REPEAT VIOLATION:

Drink carriers were found stored in the restroom.

[CA] Remove the drink carriers from the restroom and stored in approved areas.

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:

REPEAT VIOLATION:

Faucet at the three compartment sink has a leak.

[CA] Repair plumbing fixture and maintain in clean and good repair.

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

Inspector Observations:

Facility has three containers of used oil stored on the floor under the three compartment sink.

[CA] Animal byproducts and inedible kitchen grease shall be disposed of as required.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations:

1. Floors and walls throughout the facility have an accumulation of grime and are dirty.

2. Ceiling vents and ceiling tiles have an accumulation of dust/white particles.

[CA] Ensure to maintain the floors, walls, and ceilings of the facility clean.

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

Inspector Observations:

The Environmental Health Permit is not posted in public view.

[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
Ice Cream	Service Line Freezer	10.00 Fahrenheit	
Water	Hand Wash Sink - Restroom	69.00 Fahrenheit	
Ambient Air	Upright Cooler	37.00 Fahrenheit	
Water	Three Compartment Sink	130.00 Fahrenheit	
Milk	Upright Cooler	46.00 Fahrenheit	Was recently returned to cooler from diligent prep. Cooler at 37F
Water	Hand Wash Sink	100.00 Fahrenheit	
Fries	Upright Freezer	10.00 Fahrenheit	

Overall Comments:

OFFICIAL INSPECTION REPORT

Facility FA0265472 - MY MILKSHAKE	Site Address 151 S 2ND ST #199, SAN JOSE, CA 95113	Inspection Date 11/01/2024
Program PR0391773 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10	Owner Name MILKSHAKE EMPIRE INC.	Inspection Time 13:30 - 14:40

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 **11/15/2024**. 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.

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: Elena Hernandez
Barista
Signed On: November 01, 2024