

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 FA0208702 - BURGER KING #3827		Site Address 3098 STORY RD, SAN JOSE, CA 95127		Inspection Date 03/21/2025		Placard Color & Score RED 82		
Program PR0302244 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name QUIKSERVE ENTERPRISES,		Inspection Time 12:00 - 13:15			
Inspected By MAMAYE KEBEDE		Inspection Type ROUTINE INSPECTION		Consent By JONATHAN HERRERA				FSC Jonathan Herrera 7/9/2025

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						
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures	X						S
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						
K22	Sewage and wastewater properly disposed		X		X			
K23	No rodents, insects, birds, or animals		X		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

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: *There is a leak from stalls of both restrooms spilling over the floor of the restrooms.*

[CA] *The facility must provide restroom service to its employees and dine-in customers, and also dispose sewage properly. Therefore, the facility. Since the issue was not resolved during the time of this inspection, the facility is closed. Suzanne Lew Supervising Registered Environmental Health Specialist with the county of Santa Clara has approved the closure. Please contact the district inspector for follow-up inspection.*

Follow-up By
03/22/2025

The first follow-up inspection shall be conducted free of charge. However, any subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645/hour, minimum two hours, during non-business hours, and upon inspector availability.

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *One large live Oriental cockroach was observed inside the restroom.*

[CA] *Eliminate insects from the facility by a legal method. The manager killed the cockroach (COS).*

Follow-up By
03/21/2025

Multiple drain flies were observed back in the kitchen areas.

[CA] *Eliminate all insects and rodents from the facility by a legal method.*

Minor Violations

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

Inspector Observations: *The exhaust hood is not capturing the smoke created by the cooking equipment stored below it.*

[CA] *Fix the exhaust hood immediately. Please stop opening the back door to defuse observed in the kitchen.*

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Whooper junior	Hot holding unit	149.00 Fahrenheit	
Diced tomato, TPHC	Preparation table	45.00 Fahrenheit	
Whopper burger	Final cook	165.00 Fahrenheit	
Cheese	Walk-in cooler	35.00 Fahrenheit	
Whopper burger	Hot holding unit	156.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Cheese, TPHC	Preparation table	49.00 Fahrenheit	

Overall Comments:

Note: 1. Food safety manager certificate: Jonathan Herrera - 7/9/2025

2. There is no handwash station in the front area. It's highly recommended installing one in the front area for easy access for employees working in the front counter and the drive through window.

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CLOSURE / PERMIT SUSPENSION NOTICE

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 **4/4/2025**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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: Carmen Cortes
District Manager

Signed On: March 21, 2025