

# 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

<b>Facility</b> FA0272185 - FIVE GUYS BURGERS & FRIES		<b>Site Address</b> 5205 PROSPECT RD 130, SAN JOSE, CA 95129		<b>Inspection Date</b> 12/24/2024	
<b>Program</b> PR0411693 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			<b>Owner Name</b> CA FGB WEST VALLEY LLC		<b>Inspection Time</b> 11:30 - 12:45
<b>Inspected By</b> FRANK LEONG	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> MARK LOMBERA	<b>FSC</b> MARK LOMBERA 02/22/2027		

<b>Placard Color &amp; Score</b>
<b>GREEN</b>
<b>95</b>

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						
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						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						
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		
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	X
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

No major violations were observed during this inspection.

### Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

**Inspector Observations: During discussion with operator, stated that mixing wand at the milkshake machine does not get sanitized and only cleaned using warm water. [CA] Ensure all food contact surfaces are properly cleaned and sanitized every 4 hours. Employees shall be properly trained with knowledge regarding sanitizing procedures for any food contact surface.**

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

**Inspector Observations: Facility is currently operating without a valid permit. Permit expired as of 11/01/2024.**

**[CA] A food facility shall operate business with a valid health permit. This is a 48 hour notice to submit payment for a valid health permit.**

**Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$1,435.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at [www.Ehinfo.org](http://www.Ehinfo.org).**

**A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.**

**A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**

### Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.

### Measured Observations

Item	Location	Measurement	Comments
fried french fries	hot holding unit	138.00 Fahrenheit	
cooked beef patty	cookline	172.00 Fahrenheit	
beef patty	drawer prep unit	38.00 Fahrenheit	
quaternary ammonium sanitizer	3 compartment sink	400.00 PPM	
par-fried french fries	cookline by deep fryers	70.00 Fahrenheit	Per operator, prepared about an hour prior and to be served within 1.5 hours or discard.
hot water	handwash sink	100.00 Fahrenheit	
sliced tomatoes	2 door prep unit	41.00 Fahrenheit	
sliced cheese	drawer prep unit	41.00 Fahrenheit	
quaternary ammonium sanitizer	sanitizer bucket	300.00 PPM	
hot water	3 compartment sink	120.00 Fahrenheit	
mayonnaise	2 door prep unit	41.00 Fahrenheit	
beef patty	walk-in refrigerator	35.00 Fahrenheit	
sliced tomatoes	walk-in refrigerator	35.00 Fahrenheit	
sliced cheese	ice bath by deep fryers	41.00 Fahrenheit	

### Overall Comments:

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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 **1/7/2025**. 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.

## 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:** MARK LOMBERA  
GENERAL MANAGER

**Signed On:** December 24, 2024