

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 FA0211650 - BOSTON MARKET #1300		Site Address 2006 EL CAMINO REAL, SANTA CLARA, CA 95050		Inspection Date 04/25/2022	
Program PR0307347 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name BOSTON MARKET CORP		Inspection Time 14:30 - 15:50
Inspected By MELISSA GONZALEZ	Inspection Type ROUTINE INSPECTION	Consent By DAVID SNOOK	FSC		

Placard Color & Score
RED
77

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		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					N

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		X
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		X
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

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

Inspector Observations: Measured butter stored at room temperature at 58F in front. Also, measured spinach in cream sauce at 122F in hot holding unit near cooking equipment and one piece of chicken at 121F in front service unit. [CA] Maintain PHFs either cold at or below 41F or hot at or above 135F at all times. [COS] PIC relocated butter to cold holding unit and reheated spinach in cream sauce and chicken to 171F.

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

Inspector Observations: Observed 3 live, adult cockroaches under hot holding service unit in front. One of the live cockroaches was crawling on the foam covering missing cove base tile and disappeared into the crevice of the baseboard. Also, observed approximately 10-12 dead cockroaches under hot holding unit, near to-go packaging adjacent to service unit, and in cabinets under soda machine at front. 3 cockroach eggs in cabinets under soda station also observed.

Follow-up By
04/26/2022

[CA] Food facilities shall be kept free of vermin such as cockroaches. The following corrective actions shall be taken to eliminate and prevent infestations:

- Clean up dead cockroaches and sanitize all floors and food contact surfaces affected.
- Contact licensed pest control services to eliminate cockroaches.
- Clean up all dead cockroaches and sanitize affected areas after service. Seal all crack, crevices, and holes to prevent vermin entry (see K44)
- Ensure there is NOT one live cockroach observed and contact district specialist for re-inspection.
- Facility is to remain closed until specialist has conducted inspection and approve facility to re-open.
- Provide all recent pest control service reports at follow up inspection. Maintain all pest service reports at facility for review upon request during inspections.

Minor Violations

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

Inspector Observations: Food safety certificate not available upon request. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times. Ensure food safety certificated is available upon request.

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: 1.) Hot water knob at food prep sink leaks. [CA] Repair leak and maintain plumbing in good repair.

2.) Drain pipe from 3 comp warewash sink extends into the floor sink. [CA] Provide at least one inch air gap between end of drain pipe and above floor rim of floor sink.

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: Missing tiles with yellow foam under hot holding service unit that is not in working under has gaps and crevices that allow for vermin to enter. Also, observed gaps and crevices between cove bases and walls in the follow areas: behind hot holding unit in front rotisserie area, behind safe in front, and on both sides of janitorial sink.

[CA] Seal all holes, gaps, cracks and crevices to prevent vermin entry and harborage.

Performance-Based Inspection Questions

Needs Improvement - No rodents, insects, birds, or animals.

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Measured Observations

Item	Location	Measurement	Comments
ribs, cooked	2 door hot holding unit - front	147.00 Fahrenheit	
chicken, cooked	walk in cooler 1	40.00 Fahrenheit	
meatloaf, raw	walk in cooler 2	39.00 Fahrenheit	
spinach in cream sauce	2 door hot holding unit - rear	122.00 Fahrenheit	
hot water	food prep sink	120.00 Fahrenheit	
chicken, raw	walk in cooler 2	39.00 Fahrenheit	
rotisserie chicken	2 door hot holding unit - front	163.00 Fahrenheit	
cooked potatoes	hot holding service unit	163.00 Fahrenheit	
chicken, cooked	hot holding service unit	140.00 Fahrenheit	
chicken, cooked	hot holding service unit	121.00 Fahrenheit	
chicken salad	cold prep unit - insert	40.00 Fahrenheit	
quaternary ammonium	3 comp warewash sink	200.00 PPM	
hot water	3 comp warewash sink	120.00 Fahrenheit	
chicken noodle soup	3 door freezer	18.00 Fahrenheit	
chicken soup	walk in cooler 1	41.00 Fahrenheit	
hot water	handsink	120.00 Fahrenheit	
mashed potatoes	hot holding service unit	180.00 Fahrenheit	
corn	2 door hot holding unit - rear	144.00 Fahrenheit	
cooked veggies	walk in cooler 1	40.00 Fahrenheit	
butter	counter @ room temp	58.00 Fahrenheit	

Overall Comments:

Facility is closed due to live cockroach infestation. Facility cannot re-open and must remain closed until the corrective actions directed in K23 & K44 have been completed and a re-inspection has been conducted by this department. Facility is to cease and desist all food sales and operations, including food preparation. Do not remove, cover-up, or relocate red placard. Failure to comply will result in enforcement actions. Ensure there is no evidence of live cockroach activity and there is not to be one live cockroach found during re-inspection or facility will remain closed. If a second re-inspection needs to be conducted, then there will be a \$219/hr charge at a minimum one hour that will be billed to the facility. If facility is requesting after hour inspections, facility will be charged a minimum 2 hour inspection of \$493. Contact district specialist Melissa Gonzalez at (408) 712-8802 or supervisor Elizabeth Tobin at (408) 918-3455 for re-inspection.

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 **5/9/2022**. 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.

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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: DAVID SNOOK
PIC

Signed On: April 25, 2022