

# 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 FA0261721 - BURGERIM		Site Address 1751 N 1ST ST 10, SAN JOSE, CA 95112		Inspection Date 08/07/2020	
Program PR0383827 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name FAB LLC		Inspection Time 11:00 - 11:30
Inspected By OBDULIA DUQUE-TURCIOS	Inspection Type ROUTINE INSPECTION		Consent By NITIN KUMAR	FSC Not Available	

Placard Color & Score
<b>GREEN</b>
<b>76</b>

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						S
K03 No discharge from eyes, nose, mouth					X		
K04 Proper eating, tasting, drinking, tobacco use			X				N
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				
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	X	
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	X	
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		
K42 Garbage & refuse properly disposed; facilities maintained		
K43 Toilet facilities: properly constructed, supplied, cleaned		X
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		X
K58 Placard properly displayed/posted		

## Comments and Observations

### Social Distancing Protocol

01 - Signage Violation

**Compliance of this category has been verified.**

02 - Face Covering Violation

**Compliance of this category has been verified.**

03 - Social Distance Violation

**Compliance of this category has been verified.**

04 - Clean and Sanitize Violation

**Compliance of this category has been verified.**

05 - General Violation

**Compliance of this category has been verified.**

### Major Violations

No major violations were observed during this inspection.

### Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations: Employee's drink is observed uncovered and stored on the preparation table in the preparation area. [CA] A food employee may drink from a closed beverage container (with a lid and straw) if the container is handled to prevent contamination of the employee's hands, the container, non-prepackaged food, and food-contact surfaces.**

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Slice tomatoes internal temperature reading measured 45F on the cold holding unit in the preparation area. [CA] Potentially hazardous foods must be kept at 41F or below or at 135F or above. Avoid temperature danger zone (between 41F and 135F). At these temperatures, bacteria grow and multiply faster and can contribute to foodborne illness outbreaks.**

**\*Dairy products in original sealed containers and raw shell eggs may be held at or below 45°F \*\***

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

**Inspector Observations: Soda machine gun nozzle food contact surface is observed with old syrup residues during the time of the inspection. [CA] To prevent cross-contamination from equipment to food, ensure to clean and sanitize all food contact surfaces. Ice is food, if food comes directly in contact with this mold like residues, cross-contamination can occur and can make people sick.**

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

**Inspector Observations: Handwashing facility is the employees/customers restroom is lacking warm water. [CA] Handwashing facilities shall be equipped to provide warm water (100F) under pressure for a minimum of 15 seconds through a mixing valve or combination faucet. The temperature of the water shall be at least 100F but not greater than 108F.**

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

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**Inspector Observations: Several food boxes are observed on the floor in the walk-in freezer. [CA] Food must be stored at least six inches (6") above the floor to prevent food contamination or adulteration.**

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

**Inspector Observations: Small reach-in unit ambient temperature measured 54F in the preparation area. The unit was observed with no food stored in it. [CA] Immediately repair or adjust any refrigeration, cooling, or hot-holding equipment that is not keeping food at the appropriate temperature.**

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

**Inspector Observations: Multi-use utensils (two spatulas) were observed stored in ambient temperature water (72F) container in the preparation area. [CA] If used more than once, store utensils in ice water (41F or less) or in hot water (135F or above) or ensure that utensils are cleaned and sanitized at least every 4 hours.**

**Single-use utensils (knives) are observed stored improperly with their lip contact above container in the employee service area. [CA] Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by EMPLOYEES, and by CONSUMERS if CONSUMER self-service is provided.**

**Large CO2 cylinder is observed unchained in the dry storage area. [CA] CO2 cylinders empty or full must all be chained to the wall or a rigid structure.**

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

**Inspector Observations: Toilet tissue is observed outside dispenser in the employees/customers restroom. [CA] Toilet tissue shall be stored inside dispenser at all times.**

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: Employee's personal belongings (cell phone) is observed stored on the dry storage shelf in the preparation area. [CA] Provide lockers or employee personal storage area for employees' personal belongings and ensure the area assigned is away from food, clean equipment, single-use articles, and linens to prevent food contamination.**

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

**Inspector Observations: Environmental Health permit is expired. [CA] A food facility shall not be open for business without a VALID permit. Permit shall always be posted in plain public view in the food facility.**

## Performance-Based Inspection Questions

Needs Improvement - Proper eating, tasting, drinking, tobacco use.

## Measured Observations

Item	Location	Measurement	Comments
raw hamburger patties	reach-in unit	37.00 Fahrenheit	
warm water temperature	handwashing facility	102.00 Fahrenheit	
hot water temperature	3-compartment sink	120.00 Fahrenheit	
Quaternary ammonium sanitizing solution	3-compartment sink	200.00 PPM	
raw chicken	reach-in unit	40.00 Fahrenheit	
grilled onion	cold holding drawer	36.00 Fahrenheit	
raw salmon patties	reach-in unit	35.00 Fahrenheit	
cheese	cold holding drawer	37.00 Fahrenheit	
raw lamb patties	reach-in unit	37.00 Fahrenheit	
hamburger patty	cooked during the time of the inspection	161.00 Fahrenheit	

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## Overall Comments:

*Report emailed to burgerimsanjoseca@gmail.com*

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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 **8/21/2020**. 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

*E-mailed to PIC*

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**Received By:**

**Signed On:** August 07, 2020