

**FAST FOOD - PUBLIC HEALTH COMPLAINT - RATS - FLOODING (ELECTROCUTION, SLIP HAZARDS) - SMOKE - IMMINENT HAZARD - RESPONSE REQUESTED**

Santa Clara County Dept of Env Health  
Via email: [DEHWEB@cep.sccgov.org](mailto:DEHWEB@cep.sccgov.org)

CalOSHA, Kelley Tatum, Fremont District Manager  
Via email: [DOSHfremont@dir.ca.gov](mailto:DOSHfremont@dir.ca.gov)

April 2, 2024

RE: **Burger King, 4040 Monterey Hwy, San Jose CA 95111**  
Please see also related complaints filed with CalOSHA 10/11/23, 11/30/23 & 1/11/24

Employer: Hansa Chhaddva, CEO; Vinod Chhaddva, Secretary; Priya Chhaddva, CFO  
S J Quickbite Inc dba Burger King, 240 Francisco Lane #14215, Fremont, CA 94539

My name is Consuelo Perez Bautista and I have been working at the Burger King at 4040 Monterey Hwy in San Jose for about 6 years. I am filing this complaint with Santa Clara County DEH and CalOSHA because the rats, excessive smoke, and flooding are putting the health of customers and workers at risk. **I see bites in the bread, which I believe are from rats, and my coworkers and I don't always notice until we have already served half a bag; and water gets in everywhere, and I am worried that my coworkers and I and the customers could get electrocuted, or slip and have a bad fall.** The vent fan over the grill broke on 3/30/24 and the kitchen is now (4/1/24) full of smoke making my eyes water, my throat and head hurt, and making it hard to breathe. Rain pours in through the ceiling tiles and lighting fixtures and pools on the floor, most recently on 3/31/24; and water also pools at the floor drains in the lobby and by the ice machine for 4-5 days at a time when drains get clogged, seemingly from pouring grease down the drains, most recently 3/9-12/24. I still see rats in the store.

*Images (left to right): (1)smoke from broken vent fan 4/1/24; (2) rain inside drive-thru 2/4/24; (3) rat 1/23/24.*





This is a picture of the rain leaking from the light fixture on February 1, 2024. I am worried about mixing water and electricity.

I also submitted three complaints to CalOSHA about the rats, flooding and other hazards on 10/11/23, 11/30/23 & 1/11/24; CalOSHA found 6 initial violations and thousands of dollars in penalties, but the problems are not fixed.

I have not been trained on what to do when we find dying rats, when smoke fills the kitchen, how to handle water hazards, or what to do if someone slips on the water and gets hurt. Until I got involved with the CA Fast Food Workers Union, I didn't know that there was anything we could do about the health hazards at this Burger King. The union showed me that workers have rights and we can speak up and file complaints and take action.

#### **Here is more information about the health and safety problems at this Burger King:**

- **Excessive Smoke - Broken vent fan at grill**

The vent fan over the grill is broken and when we grill meat, the entire kitchen fills with smoke, making my eyes water, my head and throat hurt, and making it hard to breathe. On Saturday, March 30, 2024 around 1 pm the vent fan over the grill where we make whoppers broke and management sent someone to fix it around 5 pm. It broke again the next morning and the kitchen is now (4/1/24) full of smoke again. Management told us to open the back door and windows and that someone was coming to fix it on Monday or Tuesday but until then we had to continue working in the smoke.

I asked the District Manager, Jacob Robinson, if we could at least get a fan to send the smoke out and he said he would send one over but it never came. Management did not provide us with masks, so I brought some from home for myself and my coworkers. I can tell that all of their eyes are also watery and red. It seems like smoke alarms should have gone off, but they did not and I am worried that they are broken or missing.

- **Rodent Infestation**

On January 23, 2024 I had to clean up the bloody remains of a dead rat we found by the ice machine after my manager killed it with a stick. The rat was already dying from poison. I was never trained on how to properly clean up blood or a dead animal, so I put on two pairs of gloves, grabbed the rat by the tail, threw it in the trash, and used sanitizer and water to clean up the blood.

We have had a problem with rats inside and outside the store for many months now. In the morning we find little bites in the bread and burger sauce packets. If we see bites in the bread we throw the whole bag out, but sometimes don't see the bites until we have already served half the bag. Rats also jump out at me from the trash bins outside when I take out the trash. The exterminator recently told me that the owners only pay for a minimum service, so that the building can be certified, but it is not enough to fix the problem.

- **Ceiling leaks when it rains**

When it rains outside, it also rains inside from the light fixtures and through the ceiling in the front and lobby areas, including at the soda machine where customers fill their cups, as well as at the drive-thru register and other areas in the back.

In early February during a downpour, my coworker helped me install an umbrella at my workstation in the drive-thru and we put a bucket under the leaks by the soda machine in the dining room. I sent the pictures I took to management, and all they said was thank you for that solution.

Water also gathers in the ceiling and light fixtures, leaving stains on the ceiling tiles and light fixtures. They removed the stained plastic where the water had pooled in the lights, leaving the light bulbs exposed.

Until I got involved with the CA Fast Food Workers Union, I didn't know that there was anything I could do about the unhealthy environment at our store. The union showed me that I can stand up for myself and that I have a right to make a complaint to CalOSHA and the Department of Environmental Health.

- **Floor drains get clogged and cause flooding**

About once a month the floor drains near the ice machine and where we wash dishes get clogged and flood, I think this happens because of pouring grease down the floor drains. The water pools near the drain and we have to sweep it out with a broom. Sometimes we are too busy doing our jobs to sweep it out and we have to walk through it. Management tells us not to use the drain and to send any water outside, and sometimes it takes up to a week to fix it, after we ask repeatedly. For example, the floor drain by the ice machine was flooded for around 4 days until March 12, 2024.

- **Lack of effective safety training**

I have not been trained on what to do when we find dying rats or if I slip on water and hurt myself. Management never told us that now we have 5 available sick days, I only learned about that from the CA Fast Food Workers Union. I think management doesn't want us to know about our rights because the less we know, the more management can get away with.

These pictures from February 2024 show the umbrella that we put up to stay dry from water leaking through the ceiling onto the drive-thru register, and the buckets we place around the store to catch the leaks.



These pictures from January and February 2024 show that water pooled inside the ceiling light fixtures when it rained, and then management removed the plastic covers, leaving the bulbs exposed.



This picture from February 17, 2024 shows where rain leaks through the roof in the dining area, soaking the ceiling tiles and getting the floor wet.



# CalOSHA Inspection Detail, accessed March 14, 2024

<https://www.osha.gov/ords/imis/establishment.html>

**Site Address:**  
S J Quickbite And Chanchal Inc.  
4040 Monterey Highway  
San Jose, CA 95111

**Union Status:** NonUnion

**SIC:**  
**NAICS:** 722513

**Mailing Address:**  
240 Francisco Lane #14215, Fremont,  
CA 94539

**Inspection Type:** Complaint      **Safety/Health:** Safety  
**Scope:** Partial      **Close Conference:** 02/08/2024  
**Advanced Notice:** N      **Emphasis:**  
**Ownership:** Private      **Case Closed:**

### Related Activity

| Type      | Activity Nr | Safety | Health |
|-----------|-------------|--------|--------|
| Complaint | 2091752     | Yes    | Yes    |

Case Status: OPEN


### Violation Summary

| Violations/Penalties | Serious | Willful | Repeat | Other   | Unclass | Total   |
|----------------------|---------|---------|--------|---------|---------|---------|
| Initial Violations   |         |         |        | 6       |         | 6       |
| Current Violations   |         |         |        | 6       |         | 6       |
| Initial Penalty      | \$0     | \$0     | \$0    | \$2,700 | \$0     | \$2,700 |
| Current Penalty      | \$0     | \$0     | \$0    | \$2,010 | \$0     | \$2,010 |
| FTA Penalty          | \$0     | \$0     | \$0    | \$0     | \$0     | \$0     |

### Violation Items

| #  | Citation ID | Citation Type | Standard Cited | Issuance Date | Abatement Due Date | Current Penalty | Initial Penalty | FTA Penalty | Contest | Latest Event            |
|----|-------------|---------------|----------------|---------------|--------------------|-----------------|-----------------|-------------|---------|-------------------------|
| 1. | 01001       | Other         | 23400022 B     | 02/09/2024    | 02/26/2024         | \$335           | \$450           | \$0         |         | I - Informal Settlement |
| 2. | 01002       | Other         | 3203(A)        | 02/09/2024    | 02/26/2024         | \$335           | \$450           | \$0         |         | I - Informal Settlement |
| 3. | 01003       | Other         | 3203(A)(7)     | 02/09/2024    | 02/26/2024         | \$335           | \$450           | \$0         |         | I - Informal Settlement |
| 4. | 01004       | Other         | 3249(B)        | 02/09/2024    |                    | \$335           | \$450           | \$0         |         | I - Informal Settlement |
| 5. | 01005       | Other         | 3400(C)        | 02/09/2024    | 02/26/2024         | \$335           | \$450           | \$0         |         | I - Informal Settlement |
| 6. | 01006       | Other         | 6151(E)(2)     | 02/09/2024    |                    | \$335           | \$450           | \$0         |         | I - Informal Settlement |

Ownership information  
CA Secretary of State

|  |   |           |   |
|--|---|-----------|---|
|   | <b>State of California</b><br><b>Secretary of State</b><br><b>Statement of Information</b><br>(Domestic Stock and Agricultural Cooperative Corporations)<br><b>FEES (Filing and Disclosure): \$25.00.</b><br>If this is an amendment, see instructions.<br><b>IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM</b> | S         | <p style="font-weight: bold; font-size: 1.2em;">FX67702</p> <p style="font-weight: bold; font-size: 1.5em;">FILED</p> <p>In the office of the Secretary of State<br/>of the State of California</p> <p style="font-weight: bold; font-size: 1.1em;">JUN-27 2018</p> <p style="font-size: 0.8em;">This Space for Filing Use Only</p> |
| <b>1. CORPORATE NAME</b><br>S J QUICKBITE, INC.  |   |           |   |
| <b>2. CALIFORNIA CORPORATE NUMBER</b><br>C2632101  |   |           |   |
| <b>No Change Statement</b> (Not applicable if agent address of record is a P.O. Box address. See instructions.)<br><b>3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.</b><br><input type="checkbox"/> If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to <b>Item 17.</b> |   |           |   |
| <b>Complete Addresses for the Following</b> (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)  |   |           |   |
| 4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE  | CITY  | STATE     | ZIP CODE  |
| 240 FRANCISCO LANE # 14215, FREMONT, CA 94539  |   |           |   |
| 5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY   | CITY  | STATE     | ZIP CODE  |
| 6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4  | CITY  | STATE     | ZIP CODE  |
|  |   |           |   |
| <b>Names and Complete Addresses of the Following Officers</b> (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)   |   |           |   |
| 7. CHIEF EXECUTIVE OFFICER/  | ADDRESS   | CITY      | STATE ZIP CODE  |
| HANSA CHHADDVA   | 240 FRANCISCO LANE #14215, FREMONT, CA 94539  |           |   |
| 8. SECRETARY   | ADDRESS   | CITY      | STATE ZIP CODE  |
| VINOD CHHADDVA   | 240 FRANCISCO LANE # 14215, FREMONT, CA 94539   |           |   |
| 9. CHIEF FINANCIAL OFFICER/  | ADDRESS   | CITY      | STATE ZIP CODE  |
| PRIYA CHHADDVA   | 240 FRANCISCO LANE, FREMONT, CA 94539   |           |   |
| <b>Names and Complete Addresses of All Directors, Including Directors Who are Also Officers</b> (The corporation must have at least one director. Attach additional pages, if necessary.)  |   |           |   |
| 10. NAME   | ADDRESS   | CITY      | STATE ZIP CODE  |
| LAKSHA CHHADDVA  | 240 FRANCISCO LANE # 14215, FREMONT, CA 94539   |           |   |
| 11. NAME   | ADDRESS   | CITY      | STATE ZIP CODE  |
| 12. NAME   | ADDRESS   | CITY      | STATE ZIP CODE  |
| 13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:   |   |           |   |
| <b>Agent for Service of Process</b> If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.   |   |           |   |
| 14. NAME OF AGENT FOR SERVICE OF PROCESS [Note: The person designated as the corporation's agent MUST have agreed to act in that capacity prior to the designation.]   |   |           |   |
| HANSA CHHADDVA   |   |           |   |
| 15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL   |   | CITY      | STATE ZIP CODE  |
| 240 FRANCISCO LANE # 14215, FREMONT, CA 94539  |   |           |   |
| <b>Type of Business</b><br>16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION<br>FAST FOOD RESTUARANT  |   |           |   |
| 17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.  |   |           |   |
| 06/27/2018   | HANSA CHHADDVA  | PRESIDENT |   |
| DATE   | TYPE/PRINT NAME OF PERSON COMPLETING FORM   | TITLE     | SIGNATURE   |
| SI-200 (REV 01/2013) <span style="float: right;">Page 1 of 1 APPROVED BY SECRETARY OF STATE</span>   |   |           |   |



**DESIGNATION OF EMPLOYEE REPRESENTATIVE**

I designate the CA Fast Food Workers Union as the designated employee representative in all contacts with the Santa Clara County Department of Environmental Health and CalOSHA and the company for this Complaint. I also designate Maria Maldonado from the CA Fast Food Workers Union as our designated employee representative. She can be reached at [workersupport@thefightfor15.org](mailto:workersupport@thefightfor15.org).

Ms. Maldonado will be happy to provide you with any information which will assist you in investigating this case and arrange for your inspector to meet privately, at a site away from the workplace, with workers to discuss safety hazards at this workplace.

I worked with CA Fast Food Workers Union staff to translate and transcribe this statement.

Sincerely,

Consuelo Perez Bautista