

# 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 FA0210606 - METRO BALDERAS TAQUERIA		Site Address 688 ALMADEN AV, SAN JOSE, CA 95110		Inspection Date 06/22/2021	
Program PR0306097 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name SC CORTEZ INC		Inspection Time 14:00 - 14:45
Inspected By GINA STIEHR	Inspection Type ROUTINE INSPECTION		Consent By FERNANDO	FSC Sam Cortez 1/15/2022	

<b>Placard Color &amp; Score</b> <div style="text-align: center; font-size: 2em; font-weight: bold; color: red;">             RED 57           </div>
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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		X			N
K06 Adequate handwash facilities supplied, accessible		X		X			
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						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						
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	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		
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	X	
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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

**Inspector Observations:** Observed employee to ring out wiping clothes that were soaking in 200ppm bleach and go directly to handle food (making tacos). Also observed employee to wash hands with gloves on and did not use soap. [CA] Ensure employees wash hands after changing tasks when/where possible contamination may occur. Remove soiled gloves, wash hands with soap and warm water for 20 seconds, and dry with single use paper towels. Employees may then put on gloves if they choose. [COS] Employees were instructed to remove gloves and properly wash hands before resuming tasks.

Follow-up By  
06/24/2021

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations:** No paper towels in dispenser in bathroom. [CA] Provide paper towels in dispenser in bathroom.

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

**Inspector Observations:** Observed potentially hazardous foods that measured in the temperature danger zone located in the food prep cold hold units (nopales 58F, hot dog 56F, various meats 45F, tomatoes 51F, cheese 48F) and next to the cookline (cooked onion/pepper 106F and various cooked meats 101F). According to the staff, the food had been in the unit for 4.5 hours and the food next to the cookline had been there for 3 hours. REPEAT VIOLATION. [CA] Repair or adjust food prep units to properly cold hold at 41F or below. Food must be temperature controlled by cold holding at 41F or below OR hot holding at 135F or above; the other option is time control which would involve filling out the Department's TPHC form, time-marking the food for 4 hours and discarding at the end of the 4 hour mark. [COS] PIC voluntarily discarded all of the food in the food prep cold hold units. The cooked meats by the cookline are safe to serve for one more hour, however, facility was closed due to hot water violation.

Follow-up By  
07/02/2021

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations:** Hot water measured at 79F. [CA] Provide hot water at 120F at 3 comp sink.

Employees unable to restore hot water during time of inspection; facility closed due to this violation not being corrected on site.

Follow-up By  
06/24/2021

### Minor Violations

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** Observed pork cooling in large plastic bins. [CA] Rapidly cool PHFs using the following methods: smaller portions, shallow pans, frequent stirring, ice paddle, and/or ice baths.

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

**Inspector Observations:** Food stored less than 6 inches from the floor (bag of onions stored directly on floor). [CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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:** Observed new equipment in facility: deep fryer, 4 burner table top range, 2 drawer cooler, 1 meat rotisserie, 1 small food prep cold hold. [CA] Submit specifications for new equipment by 6/30/2021.

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

**Inspector Observations:** Observed tube LED light installed under hood with extension cords hanging. [CA] Provide sufficient lighting in a safe and approved manner. Submit lighting installation request to the inspector for approval.

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

**Inspector Observations:** *Toilet paper stored outside of dispenser.[CA]Toilet paper must be provided in a permanently installed dispenser.*

## Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

## Measured Observations

Item	Location	Measurement	Comments
cheese	food prep cold hold	48.00 Fahrenheit	
various meats	food prep cold hold unit	45.00 Fahrenheit	
hot dog	food prep cold hold unit	56.00 Fahrenheit	
hot water	3 comp sink	78.00 Fahrenheit	
rice	reach-in refrigerator	58.00 Fahrenheit	cooling since 10am
ham	reach-in refrigerator	41.00 Fahrenheit	
refried beans	hot hold	139.00 Fahrenheit	
tomatoes	food prep cold hold	51.00 Fahrenheit	
nopales	food prep cold hold unit	58.00 Fahrenheit	
pork	cookline	184.00 Fahrenheit	
cooked meats	next to cookline	101.00 Fahrenheit	
ambient temperature	reach-in	39.00 Fahrenheit	
cooked onion/pepper	next to cookline	106.00 Fahrenheit	
french fries	freezer	20.00 Fahrenheit	infrared
pork	food prep surface	90.00 Fahrenheit	90F/138F cooling

## Overall Comments:

*Signature not obtained due to COVID-19 and social distancing parameters. A copy of this report will be emailed to the operator.*

## 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 **7/6/2021**. 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:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control

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**Received By:** Fernando  
Emailed report due to COVID19

**Signed On:** June 22, 2021