

# 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> FA0263404 - OLD WAGON SALOON & GRILL. THE		<b>Site Address</b> 73 N SAN PEDRO ST, SAN JOSE, CA 95110		<b>Inspection Date</b> 01/22/2024		<b>Placard Color &amp; Score</b> <div style="background-color: yellow; padding: 10px; text-align: center;"> <b>YELLOW</b>  <b>60</b> </div>		
<b>Program</b> PR0387975 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> DUGALA LLC		<b>Inspection Time</b> 16:00 - 17:30			
<b>Inspected By</b> PETER ESTES		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> KEVIN ORME				<b>FSC</b> Jorge Ortega 2/19/2028

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		X			N
K07	Proper hot and cold holding temperatures		X		X			N
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	X	
K25	Proper personal cleanliness and hair restraints		
K26	Approved thawing methods used; frozen food		
K27	Food separated and protected	X	
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used	X	
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	X	
K36	Equipment, utensils, linens: Proper storage and use	X	
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	X	
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	X	

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K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

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

**Inspector Observations: No paper towel at only hand sink in back prep area. [CA] Provide paper towels at all hand sinks. [COS] Paper towels provided in dispenser.**

Follow-up By  
01/25/2024

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

**Inspector Observations: Raw shrimp held at 56F, grated cheese held at 50F, diced tomatoes held at 47F for > 4 hours, sliced tomatoes held at 44F for > 4 hours, hardboiled eggs held at 46F > 4 hours. [CA] Cold potentially hazardous foods must be held at or below 41F. [COS] Food VC&D**

Follow-up By  
01/25/2024

### Minor Violations

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

**Inspector Observations: Missing food handler cards and expired food handler cards. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.**

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: Observed accumulation of grime in soda gun cups. [CA] Clean and sanitize soda gun cups.**

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

**Inspector Observations: No person in charge at time of inspection. [CA] A "person in charge" who is responsible for operation of facility shall be present at the food facility during all hours of operation.**

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

**Inspector Observations: 1) Food stored on floor in walk in. [CA] Store all food at least 6" off ground.**

**2) Food stored in open containers in walk in. [CA] Cover all food, except cooling food, to prevent contamination.**

**3) In drawer unit, raw chicken is stored behind raw beef providing an opportunity for cross contamination. [CA] All food shall be separated and protected from possible contamination.**

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

**Inspector Observations: Spray bottle in back area does not have a label. [CA] Label all spray bottles.**

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: Front prep unit holding food from 44F-50F. [CA] Repair unit to ensure cold potentially hazardous foods are held at or below 41F. Discontinue use of prep unit until repaired.**

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: CO2 tanks are not chained to wall. [CA] All pressurized cylinders must be chained to wall.**

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

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**Inspector Observations: Observed gaps in hood filters. [CA] Repair hood filters to remove all gaps.**

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: Soda gun cups are not plumbed to floor sink. [CA] Soda gun cups must be plumbed to floor sink.**

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

**Inspector Observations: Partial rolls of toilet paper stored on top of dispenser at employee restroom. [CA] Partial rolls of toilet paper must be stored inside dispenser at all times.**

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

**Inspector Observations: 1) Current health permit is not posted in public view. [CA] Post current health permit in public view.**

**2) Last inspection report is not available at facility. [CA] A copy of the most recent routine inspection report conducted to assess compliance with this part shall be maintained at the food facility and made available upon request.**

## Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

Item	Location	Measurement	Comments
hard boiled eggs	prep	46.00 Fahrenheit	
shreddede cheese	prep	50.00 Fahrenheit	
chlorine	bar dishwasher	50.00 PPM	
cooked chicken	prep	48.00 Fahrenheit	
diced tomatoes	prep	47.00 Fahrenheit	
chlorine	dishwasher	50.00 PPM	
hot water	3 compartment	120.00 Fahrenheit	
walk in	walk in	40.00 Fahrenheit	
raw beef	drawer	38.00 Fahrenheit	
reach in	prep	36.00 Fahrenheit	
raw shrimp	prep sink	56.00 Fahrenheit	
sliced tomatoes	prep	44.00 Fahrenheit	

## Overall Comments:

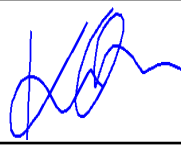
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **2/5/2024**. 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.

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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



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Received By: Kevin Orme

Signed On: January 22, 2024