

# 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 FA0263404 - OLD WAGON SALOON & GRILL. THE		Site Address 73 N SAN PEDRO ST, SAN JOSE, CA 95110		Inspection Date 10/15/2024	
Program PR0387975 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name DUGALA LLC		Inspection Time 14:25 - 16:00
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION		Consent By SONNY	FSC Jorge Ortega 02/19/2028	

Placard Color & Score
<b>GREEN</b>
<b>87</b>

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						
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		
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	X	
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	X
K49	Permits available	
K58	Placard properly displayed/posted	

## Comments and Observations

### Major Violations

No major violations were observed during this inspection.

### Minor Violations

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations:**

***In the back of house area, under the dishwasher machine, a dead cockroach body was observed. No other evidence of cockroaches were observed.***

***[CA] Ensure to maintain the facility free of animals, pests, and vermin.***

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

**Inspector Observations:**

***REPEAT VIOLATION: In the walk in cooler there are food items stored on the floor.***

***[CA] Food shall be stored at least 6 inches above the floor to prevent contamination.***

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:**

***In the back of house area, at the floor sink near the hand washing sink, and in the indoor bar area, at the floor sink, there are several plumbing lines that lead directly into the floor sink without an air gap.***

***[CA] All equipment that discharges liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an airgap into a floor sink or other approved type of receptor.***

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

**Inspector Observations:**

***Facility disposes of ashes from wood burning barbecue into a plastic receptacle.***

***[CA] Hot ashes should be stored in a separate fire proof receptacle and stirred periodically to release the heat. If water is used to cool ashes, a corrosion resistant container must be used. Once completely cooled, ashes may be disposed of with refuse.***

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:**

***Facility had the back door propped open.***

***[CA] Keep back door closed at all times or provide a screen door or other method to prevent the entrance and harborage of vermin.***

K48 - 2 Points - Plan review unapproved; 114380

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**Inspector Observations:**

**Facility has installed a bar area in the back patio area of the premises. The bar area has a permanently plumbed hand sink, a beer tap dispenser cooler connected to an extension cord, and ice bins/liquor wells and a soda gun that drain to plastic buckets. There is also a bar counter with seating.**

**[CA] A person proposing to build or remodel a food facility shall submit plans and specifications for review and shall receive plan approval prior to starting any new construction or remodeling. Contact DEH at 408-918-3400 or at [www.ehinfo.org](http://www.ehinfo.org) to obtain plan check requirements. Cease and desist operation of the outdoor bar area, until final plan check approval has been received from this department.**

**Performance-Based Inspection Questions**

All responses to PBI questions were satisfactory.

**Measured Observations**

Item	Location	Measurement	Comments
Water	Three Compartment Sink	120.00 Fahrenheit	
Meat	Walk in Cooler	48.00 Fahrenheit	Cooling
Water	Hand Washing Sink	100.00 Fahrenheit	
Breaded Chicken Fillets	Upright Freezer	10.00 Fahrenheit	
Bacon Wrapped Jalapeno	Walk in Cooler	31.00 Fahrenheit	
Beer	Walk in Cooler	37.00 Fahrenheit	
Chicken	Drawer Cooler	39.00 Fahrenheit	
Fries	Upright Freezer	0.00 Fahrenheit	
Sliced Tomatoes	Prep Cooler	40.00 Fahrenheit	
Chlorine - Sanitizer	Dishwasher	50.00 Fahrenheit	
Water	Hand Washing Sink - Outside Bar	100.00 Fahrenheit	
Pulled Pork	Flat Griddle - Hot Holding	135.00 Fahrenheit	

**Overall Comments:**

**Note: The facility's water heater has been replaced for a like for like unit that is rated at 199,00 BTU with a capacity of 100 Gallons.**

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 **10/29/2024**. 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.

**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:** Sonny Walters  
Manager

**Signed On:** October 15, 2024