

# 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 FA0257318 - MCDONALD'S OF WAL MART		Site Address 777 STORY RD, SAN JOSE, CA 95122		Inspection Date 02/22/2024	
Program PR0376191 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name BORBA, DANIEL		Inspection Time 12:00 - 13:10
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By JAZMINE	FSC Julissa Ledesma 2/14/2027	

Placard Color & Score
<b>RED</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						S
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible			X				
K07 Proper hot and cold holding temperatures	X						
K08 Time as a public health control; procedures & records	X						S
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		
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		
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		
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

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: Cockroach activity observed in the following areas:**

- 5+ of various life stages behind the ice machine:
  - On floor below the ice machine.
  - On the underside of the ice machine.
  - Inside crevice between wall and white face plate where the water line is connected.
  
- 5+ of various life stages in-between the white hoses and wall close to the floor for the soda syrup.
  
- 5+ of various life stages along wall behind the two oil tanks and adjacent to the employee breakroom table.

Follow-up By  
02/26/2024

Per manager, facility is serviced every two weeks. Last service was conducted from licensed pest control company on 2/6/2024. Latest pest control report was provided for review.

**[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.**

### Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

**Inspector Observations: Hand soap dispenser at the hand wash station in the back of the kitchen was inoperable. Additional hand wash sink at the front of the service area available and equipped with warm water, soap, and paper towels.**

**[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers.**

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: Two-door drawer refrigerator next to the griddle, per manager, is not working properly. Two-door upright refrigerator between freezer and upright refrigerator, per manager, also is not working properly.**

**Manager stated that work orders have been made, and a technician is scheduled to service the refrigerators today.**

**[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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## Measured Observations

Item	Location	Measurement	Comments
Chicken patty	Hot holding	137.00 Fahrenheit	
Beef patty	Griddle	156.00 Fahrenheit	Final cooking temperature
Sliced cheese	Two-door upright refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	120.00 Fahrenheit	
Beef patty	Hot holding	142.00 Fahrenheit	
Quaternary ammonia	Three-compartment sink - dispenser	200.00 PPM	
Soft serve	Soft serve machine	38.00 Fahrenheit	
Sanitizing bucket	Back of kitchen	100.00 PPM	Chlorine sanitizer
Raw beef patty	Drawer freezewr	16.00 Fahrenheit	

## Overall Comments:

- Facility is hereby closed due to presence of vermin.
- Facility is to remain closed until there is no longer evidence of a vermin infestation.
  
- Facility shall:
  - Obtain service/treatment from licensed pest control company. Provide pest control report upon follow-up inspection.
  - Eradicate all live and dead cockroaches from facility. Sanitize all affected areas.
  
- Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.
  
- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.
  
- A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

## 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 3/7/2024. 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.

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.

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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:** Gema Aguilera  
Area supervisor

**Signed On:** February 22, 2024