

# 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 FA0284414 - EL RINCON DE RITA LLC		Site Address 1520 ALUM ROCK AV, SAN JOSE, CA 95116		Inspection Date 01/31/2025	
Program PR0426591 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name EL RINCON DE RITA LLC		Inspection Time 12:35 - 15:00
Inspected By MARCELA MASRI	Inspection Type ROUTINE INSPECTION		Consent By PAOLA DIAZ	FSC Not Available Please check FSC format.	

Placard Color & Score
<b>RED</b>
<b>69</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						
K06 Adequate handwash facilities supplied, accessible			X	X			S
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		N
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	X	
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		
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored	X	
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	X	
K45 Floor, walls, ceilings: built, maintained, clean	X	
K46 No unapproved private home/living/sleeping quarters		
K47 Signs posted; last inspection report available		

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

## Comments and Observations

### Major Violations

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

**Inspector Observations: FOUND A CONTAINER WITH BIRRIA AT 82F ON THE EDGE OF THE GRIDDLE. [CA] KEEP HOT POTENTIALLY HAZARDOUS FOOD AT 135F OR ABOVE. THE FOOD HAS BEEN OUT OF TEMPERATURE FOR ABOUT AN HOUR, PER OPERATOR. REHEAT THE FOOD TO 165F AND HOT HOLD IT AT ABOVE 135F.**

### Minor Violations

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

**Inspector Observations: FOUND A COUPLE OF LARGE POTS STORED IN FRONT OF THE HAND WASH SINK IN THE KITCHEN. [CA] PROVIDE ACCESS TO HAND WASHING AT ALL TIMES. REMOVE THE POTS. COS.**

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

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

**Inspector Observations: THERE IS ACCUMULATION OF WASTE WATER IN A SEALED FLOOR SINK. [CA] REMOVE THE WATER AND KEEP IT CLEAN.**

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

**Inspector Observations: FOUND A COUPLE OF SACS OF SUGAR STORED ON THE FLOOR IN THE DRY STORAGE AREA NEAR THE RESTROOM.**

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations: MISSING CHLORINE TEST STRIPS TO MEASURE 100 PPM CONCENTRATION. [CA] PROVIDE TEST STRIPS.**

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: REPEAT VIOLATION**

**FOUND A SINGLE BURNER STOVE CONNECTED TO A PROPANE TANK IN THE CENTER OF THE KITCHEN. [CA] DO NOT USE THIS EQUIPMENT IN THE KITCHEN. REMOVE THE SINGLE BURNER STOVE AND PROPANE TANK FROM THE PREMISES.**

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: FOUND SEVERAL LARGE POTS STORED ON THE FLOOR IN THE DRY STORAGE AREA. [CA] STORE CLEAN POTS 6 INCHES ABOVE THE FLOOR.**

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

**Inspector Observations: FOUND A COUPLE OF WIPING CLOTHS ON THE COUNTERS IN THE KITCHEN. [CA] STORE WIPING CLOTHS IN A SANITIZER SOLUTION WHILE NOT IN USE.**

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

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**Inspector Observations: FOUND A JACKET AND A PURSE ON THE DRY STORAGE SHELF NEAR THE MOP SINK AND A JACKET ON A DRY STORAGE SHELF NEAR THE RESTROOM. FOUND A CUP WITH COFFEE AND KEYS STORED ON A TABLE NEXT TO FOOD ITEMS IN THE KITCHEN. [CA] STORE PERSONAL ITEMS SEPARATE AND AWAY FROM FOOD OR FOOD RELATED ITEMS.**

**FOUND THE FOOD PREPARATION SINK BEING USED TO CLEAN FOOD EQUIPMENT. [CA] DO NOT USE THIS SINK TO CLEAN DISHES.**

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

**Inspector Observations: FOUND MISSING SEVERAL TILES FROM THE FLOOR IN THE KITCHEN. [CA] REPAIR THE FLOOR.**

## Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Food contact surfaces clean, sanitized.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
HOT WATER	FOOD PREP SINK	83.00 Fahrenheit	
CARNITAS	HOT HOLDING	145.00 Fahrenheit	
BEEF	HOT HOLDING	159.00 Fahrenheit	
CHICKEN	HOT HOLDING	150.00 Fahrenheit	
BEEF	REACH IN FREEZER	29.00 Fahrenheit	
SLICED TOMATO	SERVICE REFRIGERATOR	41.00 Fahrenheit	
CHEESE	SERVICE REFRIGERATOR	40.00 Fahrenheit	
CHORIZO	HOT HOLDING	157.00 Fahrenheit	
SALSA	REACH IN REFRIGERATOR	41.00 Fahrenheit	
HOT WATER	HAND WASH SINK	83.00 Fahrenheit	
CHICKEN	REACH IN FREEZER	29.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	83.00 Fahrenheit	
BIRRIA	ON THE COUNTER	82.00 Fahrenheit	

## Overall Comments:

**THIS FACILITY IS CLOSED DUE TO HAVING NO HOT WATER.**

**ONE RE-INSPECTION IS FREE OF CHARGE. ADDITIONAL RE-INSPECTIONS FOR THE SAME ISSUE WILL BE CHARGED AT \$290 PER HOUR MINIMUM ONE HOUR, DURING NORMAL BUSINESS HOURS (MONDAY - FRIDAY, 7:30 AM TO 4:30 PM) AND \$629 PER 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.**

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## 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 2/14/2025. 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:

[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:** RITA GALLARDO  
OWNER

**Signed On:** January 31, 2025