

# 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<br>FA0275855 - 3 HERMANOS MEXICAN GRILL                         |                                       | Site Address<br>387 S 1ST ST 105, SAN JOSE, CA 95113 |                           | Inspection Date<br>10/02/2024 |                                  |
| Program<br>PR0416956 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 |                                       |  | Owner Name<br>REYNA LEMUS |                               | Inspection Time<br>12:45 - 14:00 |
| Inspected By<br>SUKHREET KAUR  | Inspection Type<br>ROUTINE INSPECTION |  | Consent By<br>OMAR        | FSC                           |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>GREEN</b>          |
| <b>83</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  |       |       |        |     |     |     |
| 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  |       |       |        |     |     | S   |
| 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   |     |
| 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  | X   |     |
| 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                    |     |     |
| 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                          |     |     |
| 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

No major violations were observed during this inspection.

### Minor Violations

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

**Inspector Observations: \*Repeat violation**

**Lack of food handler card for one of the employee in the facility.**

**[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.**

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: Eggs stored above ready to eat foods such as rice and salsa in two door refrigerator.**

**[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.**

**Observed food items stored in two door refrigerator and walk in cooler without lids.**

**[CA] Store open bulk foods in approved NSF containers with tight fitting lids.**

**Horchata container is stored near cashier counter without lid. Per PIC, it is customer self service and employee pours the drinks.**

**[CA] Keep the drink container covered to prevent from contamination.**

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

**Inspector Observations: Observed bulk food items out of its original packaging stored in containers without labels.**

**[CA] Working containers holding food or food ingredients that are removed from their original packages shall be identified with the common name of the food if not easily recognizable.**

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: Lack of chlorine test strips.**

**[CA] Provide chlorine test strips.**

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: Knives stored in the crevice between wall and prep table.**

**[CA] Properly store utensils and equipment in a clean and sanitary manner.**

**Scoop handles are coming in contact with bulk food items in containers.**

**[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.**

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

**Inspector Observations: All the light bulbs in the ventilation hood are not operating.**

**[CA] Replace the light bulbs to provide adequate lighting.**

**Two bucket fryer is extending out of the ventilation hood.**

**[CA] There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment.**

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

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**Inspector Observations: Waste pipe is extending into the floor sink under three compartment sink.**

**[CA] All equipment that discharges liquid waste shall discharge through an airgap of at least one inch or twice the diameter of waste pipe into a floor sink or other approved type of receptor.**

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

**Inspector Observations: Expired permit posted in the facility.**

**[CA] The valid health permit issued by this department shall be posted in public view.**

## Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

## Measured Observations

| Item          | Location                   | Measurement       | Comments |
|---------------|----------------------------|-------------------|----------|
| Beans         | Hot holding at prep unit   | 136.00 Fahrenheit |          |
| Salsa         | Two door refrigerator      | 41.00 Fahrenheit  |          |
| Shredded beef | Two door refrigerator      | 41.00 Fahrenheit  |          |
| Water         | Hand wash sink             | 100.00 Fahrenheit |          |
| Hot water     | Hand wash sink             | 120.00 Fahrenheit |          |
| Chicken       | Hot holding at prep unit   | 145.00 Fahrenheit |          |
| Rice          | Two door refrigerator      | 41.00 Fahrenheit  |          |
| Beef          | Hot holding unit           | 150.00 Fahrenheit |          |
| Cooked meat   | Walk in cooler             | 41.00 Fahrenheit  |          |
| Cheese        | Under counter refrigerator | 41.00 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 **10/16/2024**. 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:** OMAR GARCIA  
PIC

**Signed On:** October 02, 2024