

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 FA0207852 - MARISCOS EL RINCON		Site Address 2294 STORY RD, SAN JOSE, CA 95122		Inspection Date 10/22/2025		Placard Color & Score RED 57		
Program PR0302866 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MUNOZ, JUAN M		Inspection Time 12:00 - 13:45			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By JUAN (COOK)				FSC Not Available

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						N
K06	Adequate handwash facilities supplied, accessible		X					N
K07	Proper hot and cold holding temperatures		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		
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	X	
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	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		
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: The only hand wash station in the kitchen lacked paper towels and hand soap. Hot water is also not provided at the hand sink.

Follow-up By 10/27/2025

Men's restroom lacked paper towels.

Women's restroom lacked paper towels and hand soap. Hand washing station also lacks hand soap dispenser.

[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Ensure paper towels and hand soap are readily available and easily accessible at all times.

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

Inspector Observations: Raw chicken, raw beef, and pork ribs maintained inside the food preparation refrigerator at the cook line measured between 51F to 55F. Employee stated that items were from the walk-in refrigerator and was brought out in the morning.

Follow-up By 10/27/2025

Ambient temperature of the food preparation refrigerator measured at 51F via probe thermometer placed inside.

Cooked sausages, various types of raw meats maintained inside the walk-in refrigerator measured between 54F to 56F. Ambient temperature of the walk-in refrigerator measured at 55F via probe thermometer placed inside.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS] PHF items were VC&D due to time and temperature abuse. Facility lacks any other refrigeration units to maintain PHF at 41F or below.

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: Facility does not have adequate refrigeration to continue operations. Facility's walk-in refrigerator, food preparation refrigerator, and two-door upright refrigerator are unable to maintain food at 41F or below. Ambient temperature of other refrigeration units observed holding alcoholic beverages also measured above 41F.

Follow-up By 10/27/2025

[CA] No facility shall commit any act that may cause the contamination or adulteration of food, food-contact surfaces, or utensils. Food is adulterated if it bears or contains any poisonous or deleterious substance that may render it impure or injurious to health and shall be discarded immediately.

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

Employees' three-year food handler cards unavailable for review.

[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.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

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Inspector Observations: Warm water not available at the hand wash sink in the kitchen.

[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

Hot water fluctuates between 110F to 115F at the food preparation sink.

[CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

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

Inspector Observations: 5+ live flies observed flying around the kitchen.

[CA] Use any and all approved methods to abate flies.

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

Inspector Observations: Manager and/or "person in charge" not available 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: Observed frozen meats maintained inside chest freezer located outside in the rear of the facility. Storage rack with bags of raw onions also maintained outside in the back of the facility.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility. Relocate freezer to inside the facility.

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: Ambient temperature of the food preparation refrigerator measured at 51F. Ambient temperature of the walk-in refrigerator measured at 55F. Ambient temperature of the two-door upright refrigerator by the rear door of the facility measured at 69F.

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

Follow-up By
10/27/2025

**** Note:** Ambient temperature of the reach-in refrigerators at the bar measured between 45-47F.

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

Inspector Observations: Ventilation hood at the time of the inspection is inoperable.

[CA] Mechanical exhaust ventilation shall be on while cooking is taking place. All areas of a food facility shall have sufficient ventilation to facilitate proper food storage and to provide a reasonable condition of comfort for each employee, consistent with the job performed by the employee.

Follow-up By
10/27/2025

Counter top deep fryer observed in use maintained at the preparation line.

[CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.

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: Observed large amounts of recycle material and garbage maintained outside in the rear of the facility.

[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used. Outside refuse enclosure shall be kept clean and free of debris.

Employees' personal belonging observed stored in areas of food preparation and/or food storage.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

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Performance-Based Inspection Questions

- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

Item	Location	Measurement	Comments
Beans	Cook line	162.00 Fahrenheit	
Chicken soup	Cook line	155.00 Fahrenheit	
Raw beef	Chest freezer	10.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	

Overall Comments:

- **Facility is hereby closed due to the following reasons:**
 - **Unable to protect food from contamination:**
 - **Facility's walk-in refrigerator, food preparation refrigerator, and two-door upright refrigerator are unable to maintain food at 41F or below. Facility only has two two-door reach-in refrigerators completely filled with beverages with ambient temperatures measuring between 45F to 47F. Facility lacks adequate cold storage to fully operate and must cease and desist all food operations.**
 - **Ventilation hood is inoperable.**
 - **Inadequate handwash facilities.**
- **Facility is prohibited from all food service activities which include, but not limited to: preparation, service, handling, distribution, and sale.**
- **Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645 for a minimum of 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 **11/5/2025**. 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.

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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



Received By: Juan
Owner
Signed On: October 22, 2025