

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 FA0252302 - EL MUCHACHO ALEGRE RESTAURANT		Site Address 779 STORY RD 20, SAN JOSE, CA 95122		Inspection Date 05/21/2025		Placard Color & Score GREEN 75		
Program PR0367199 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MARTINEZ, DIANA		Inspection Time 12:00 - 13:00			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By ARIANNA				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				N
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		X			N
K07	Proper hot and cold holding temperatures	X						S
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		
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean	X	
K34	Warewash facilities: installed/maintained; test strips		
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		
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	X	
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: Both hand wash stations in the front kitchen and ware wash area lacked paper towels and hand soap.

[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Paper towels shall be stored inside the dispenser to prevent potential contamination.

[COS] Squeeze bottle hand soap and paper towel rolls were provided.

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.

**** Repeat violation. Maintain FSC at facility for review at all times.**

Only one employee food handler card was available 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.

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

Inspector Observations: Pick growth like matter observed on the plastic white battle inside the ice machine. Soiled surface was not in contact with consumable ice.

[CA] Clean, sanitize, and maintain ice machine.

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations: Menu lacks consumer advisory and disclosure statement for oysters that are served raw or undercooked.

[CA] Consumer advisory shall be provided on menus, brochures, deli case, label statements, table tents, placards, or other effective written means with a disclosure and reminder.

(1) Disclosure: clearly written statement that includes either a description of the animal-derived foods, such as "oysters on the half shell (raw oysters), or identification of animal derived foods marked by an asterisk (*) directing to a footnote that items are served raw or undercooked, or contain raw or undercooked ingredients

(2) Reminder: clearly written statement that identifies animal-derived foods by asterik that marks a food note includes one of the following: "Written information regarding the safety of these food items is available upon request " or "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of foodborne illness, especially if you have certain medical conditions.

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)

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Inspector Observations: *Observed plastic bag of raw ground meat with various holes stored above ready-to-eat bread inside the food preparation refrigerator closes to the griddle.*

[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 whole raw frozen tilapia maintained direct on top of cardboard box inside the two-door upright freezer in the back kitchen.

[CA] *All food shall be separated and protected from possible contamination. Separate and protect food using food grade containers and or wraps.*

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: *Heavy accumulation of grime observed on refrigerator door handles, equipment surfaces at the preparation line (rice cooker, preparation refrigerators), and metal shelving maintained inside the walk-in refrigerator.*

[CA] *Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.*

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: *Ice scoops maintained with handle in direct contact with consumable ice inside the ice machine as well as the small Igloo ice chest in front of the cash register.*

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

Observed metal bowl used as scoop and maintained inside soup pot.

[CA] *Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with food.*

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

Inspector Observations: *Heavy accumulation of food debris and grime observed in the following areas :*

- On floors underneath the food preparation refrigerators, steam table, preparation table, and cook line at the front service area.*
- On floor underneath the three-compartment sink*
- On walls between the hand wash sink and three-compartment sink.*

[CA] *Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.*

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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Measured Observations

Item	Location	Measurement	Comments
Raw scallops	Food preparation refrigerator	38.00 Fahrenheit	
Sushi rice	Rice warmer	159.00 Fahrenheit	
Refried beans	Steam table	167.00 Fahrenheit	
Shrimp soup	Walk-in refrigerator	41.00 Fahrenheit	
Warm water	Hand wash sinks	103.00 Fahrenheit	
Shredded cheese	Food preparation refrigerator	41.00 Fahrenheit	
Raw beef	Food preparation refrigerator	40.00 Fahrenheit	
Rice	Walk-in refrigerator	41.00 Fahrenheit	
Raw chicken	Food preparation refrigerator	40.00 Fahrenheit	
Rice	Steam table	148.00 Fahrenheit	
Birria	Walk-in refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	123.00 Fahrenheit	
Raw fish fillet	Food preparation refrigerator	40.00 Fahrenheit	
Diced octopus	Food preparation refrigerator	41.00 Fahrenheit	
Soup	Soup warmer	171.00 Fahrenheit	
Cooked tripa	Food preparation refrigerator	41.00 Fahrenheit	
Raw fish	Walk-in refrigerator	40.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	39.00 Fahrenheit	
Chorizo	Food preparation refrigerator	40.00 Fahrenheit	

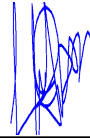
Overall Comments:

- Commissary evaluation was conducted concurrently with routine inspection.

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 **6/4/2025**. 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.

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: Arianna
PIC
Signed On: May 21, 2025