

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 FA0209971 - AGAVE SPORTS BAR & GRILL		Site Address 544 W ALMA ST, SAN JOSE, CA 95125		Inspection Date 01/13/2021		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW N/A </div>		
Program PR0302822 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name CARAVES, GUSTAVO		Inspection Time 11:45 - 12:30			
Inspected By GINA STIEHR		Inspection Type RISK FACTOR INSPECTION		Consent By ANDRES GARCIA				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						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				N
K06	Adequate handwash facilities supplied, accessible		X		X			N
K07	Proper hot and cold holding temperatures		X		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							
K14	Food contact surfaces clean, sanitized					X		
K15	Food obtained from approved source							
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		
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

Social Distancing Protocol

01 - Signage Violation

Compliance of this category has been verified.

02 - Face Covering Violation

Compliance of this category has been verified.

03 - Social Distance Violation

Compliance of this category has been verified.

04 - Clean and Sanitize Violation

Compliance of this category has been verified.

05 - General Violation

Compliance of this category has been verified.

06 - Customer Screening Violation

Compliance of this category has been verified.

Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: No papertowels at handwash sink; employees are using cloth towels. [CA] Ensure paper towels and soap are stocked at the handwash station at all times. [COS] PIC stocked paper towels at handwash station during time of inspection.

Follow-up By
01/19/2021

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

Inspector Observations: Observed potentially hazardous foods that measured in the temperature danger zone (cheese in food prep cold hold unit measured at 50F, raw shell eggs at food prep table measured at 64F). [CA] Ensure potentially hazardous foods are properly cold held at 41F or below OR hot held at 135F or above. Facility may choose to implement TPHC (Time as a Public Health Control) which would allow the facility to keep PHFs at any temperature for a maximum of 4 hours provided they fill out the TPHC form (and get approval) and time mark the food for 4 hours. The food must be discarded at the end of the 4 hour block. [COS] PIC put the cheese back in the walk-in cooler since it had only been in the food prep cold hold unit for 10 min; PIC voluntarily discarded the eggs.

Follow-up By
01/19/2021

Minor Violations

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

Inspector Observations: The Food Safety Certificate (FSC) has expired.[CA]Facility serving food shall have a valid FSC available at all times. Facility shall have 60 days to obtain a valid FSC.

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Handwashing was not performed prior to putting on gloves by several employees. [CA] Food employees shall properly wash hands using soap, warm water and single use paper towels/air dryer prior to donning single use gloves.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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Measured Observations

Item	Location	Measurement	Comments
ambient temp	food prep cold hold	50.00 Fahrenheit	
chlorine	warewash	50.00 PPM	
unopened cheese block	food prep table	50.00 Fahrenheit	infrared; according to staff, cheese put into food prep cold hold 10 min prior; instructed staff to put back into walk-in cooler
meatballs	cookline	180.00 Fahrenheit	
hot water	2 comp sink	120.00 Fahrenheit	
beef	reach-in	40.00 Fahrenheit	
eggs	food prep area across from cookline	64.00 Fahrenheit	VC&D
mashed potatoes	food prep table	140.00 Fahrenheit	diligent prep
frozen veg	reach-in freezer	7.00 Fahrenheit	infrared
empanadas, eggs, mashed potatoes	walk-in cooler	40.00 Fahrenheit	40F-42F infrared
shredded chicken	food prep table	120.00 Fahrenheit	diligent prep

Overall Comments:

Conducted risk factor-based inspection during Covid-19 Pandemic. A risk factor-based inspection is an inspection focusing on factors known to directly contribute to foodborne illness. Structural issues and good retail practices are not accessed during this 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 **1/27/2021**. 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: Andres Garcia
Emailed report due to COVID-19

Signed On: January 15, 2021