

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 FA0261720 - RUBIO'S FRESH MEXICAN GRILL		Site Address 81 CURTNER AV, SAN JOSE, CA 95125		Inspection Date 11/09/2022		Placard Color & Score <div style="background-color: black; color: white; padding: 10px; text-align: center;"> RED 87 </div>		
Program PR0383826 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name RUBIO'S RESTAURANTS INC		Inspection Time 11:45 - 13:00			
Inspected By GUILLERMO VAZQUEZ		Inspection Type ROUTINE INSPECTION		Consent By LUIS A.				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						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						S
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						S
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					N
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		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		
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

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot/warm water within facility was measured at 66°F at the time of inspection. Per manger they have had issues with the hot water heater since friday (11/4/22).

[CA] An approved, adequate, protected, pressurized, potable supply of hot water and cold water shall be provided. The facility is herby closed by this department until hot water can be restored.

Follow-up By 11/14/2022

Minor Violations

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

Inspector Observations: Food manger certification has expired (9/24/22).

[CA] Obtain a new food manger certification for employee on site within 60-days.

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

Inspector Observations: Sanitizer bucket in the front next to cashier station was measured at 0PPM of quats.

[CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Hot and cold water available.

Measured Observations

Item	Location	Measurement	Comments
Cheese	Prep table	40.00 Fahrenheit	
Beans	Hot holding	163.00 Fahrenheit	
Raw shrimp	Walk in	38.00 Fahrenheit	
Sanitizer (Quats)	Sanitizer bucket (Next to cashier station)	0.00 PPM	Adjust to 200PPM of quats or 100PPM of chlorine.
Rice	Under counter refrigeration	40.00 Fahrenheit	
Ambient	Walk in freezer	5.00 Fahrenheit	
Hot water	3-Compartment	66.00 Fahrenheit	Adjust to minimum 120°F.
Sanitizer (Quats)	3-Compartment	200.00 PPM	
Warm water	Hand wash	66.00 Fahrenheit	Adjust to a minimum 100°F.
Pico de gallo	Prep table	40.00 Fahrenheit	
Raw shrimp	Prep table	38.00 Fahrenheit	
Beans	Hot holding	145.00 Fahrenheit	
Raw chicken	Walk in	38.00 Fahrenheit	
Cooked steak	Hot holding	158.00 Fahrenheit	
Sour cream	Prep table	40.00 Fahrenheit	
Raw fish	Prep table	39.00 Fahrenheit	

Overall Comments:

The facility is herby closed by this department for not being able to provide hot/cold water at the time of inspection. Contact Guillermo V. (408)918-7114 once issued has been resolved for a follow up inspection.

- Facility is not allowed to open until written authorization is given by this department.

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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 **11/23/2022**. 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



Received By: Luis A.
Manager
Signed On: November 09, 2022