

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 FA0206123 - LA VICTORIA		Site Address 140 E SAN CARLOS ST, SAN JOSE, CA 95112		Inspection Date 12/03/2024		Placard Color & Score YELLOW 65		
Program PR0306470 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name BARRITA, NICANDRO		Inspection Time 17:00 - 18:00			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By TEVORO - CASHIER & MEMO - 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						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						S
K06	Adequate handwash facilities supplied, accessible			X				N
K07	Proper hot and cold holding temperatures		X		X			N
K08	Time as a public health control; procedures & records					X		
K09	Proper cooling methods		X		X			N
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		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		
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		
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

Major Violations

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

Inspector Observations:

1. In the kitchen area, a 1/2 hotel pan of scrambled eggs were found between 89°F - 100°F. Per staff they removed the eggs from the steam table about two hours prior.

2. In the kitchen area, on a shelf under the flat grill, a hotel pan of raw beef was found between 44°F - 49°F. Per kitchen staff they took it out of the walk in cooler around 30 minutes prior.

3. In the kitchen area, near the deep fryers, a bag of french fries were found between 50°F - 54°F. Per staff it had been out for about an hour.

4. REPEAT VIOLATION: In the walk in cooler, on the lowest shelf near the entrance, raw chicken was found at 43°F.

[CA] Potentially hazardous foods shall be held at or below 41°F or at or above 135°F.

[COS] 1. Staff agreed to place the eggs on Time as a Public Health Control.

[COS] 2. Beef was returned to the walk in cooler to rapidly chill.

[COS] 3. French Fries were returned to the walk in cooler to rapidly chill.

[COS] 4. The door was kept closed for a period of time and temperature dropped. Reorganizing to maintain the chicken further in the walk in cooler to prevent temperature variances is recommended.

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations:

1. Major Violation: In the back of house area, on a prep surface, 3 metal tubs of melted cheese were found cooling and measured at 89°F at around 4:30 pm. Per staff they finished cooking it at 12 pm.

[CA] All potentially hazardous food shall be RAPIDLY cooled from 135°F to 70°F, within 2 hours, and then from 70°F to 41 °F, within 4 hours. Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath, stirring frequently; using rapid cooling equipment; or, using containers that facilitate heat transfer.

[COS] Staff VC&D the items. See VC&D report.

2. Minor Violation: In the walk in cooler, on one of the shelves, a vary large plastic tub of chunky salsa was found cooling with the lid on.

[CA] Cooling shall be by one or more of the following methods: in shallow containers; separating food into smaller portions; adding ice as an ingredient; using an ice bath, stirring frequently; using rapid cooling equipment; or, using containers that facilitate heat transfer.

[COS] Staff uncovered to facilitate faster cooling. Per staff it had been cooling for about an hour an all ingredients were at room temperature.

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

Inspector Observations:

In the downstairs basement a bag of rice was found adulterated with small insects.

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[CA] 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.

[COS] Staff discarded the food. See VC&D report.

Note: Facility no longer cooks their own rice and beans. Cooked rice and beans are delivered from their Santa Clara St location.

Minor Violations

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

Inspector Observations:

REPEAT VIOLATION: Facility lacks a Food Safety Certificate.

[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. Failure to comply may result in further enforcement actions from this department.

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

1. The front of house hand wash sink was observed to be inoperable for proper hand washing due to a lack of hot water.

[CA] A fully stocked and operable hand wash station shall be provided at all times. Restore the hot water to the hand sink to provide an operable hand wash station.

[SA] Staff are to use the centrally located hand wash station which was fully stocked with soap, paper towels, and both hot and cold water.

2. REPEAT VIOLATION: Major Violation: The only functional hand wash sink was found blocked by a plastic bucket in the basin.

[CA] Ensure to maintain all hand wash stations fully stocked, operable, and easily accessible.

[COS] Staff removed the obstructions at time of the inspection.

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

Inspector Observations:

In the basement area of the facility there is a missing door that leads to an area where the grease trap is located. In this space several cockroaches of all life stages were observed. No evidence of cockroaches were observed where the food storage is in the basement.

[CA] Ensure to maintain the facility free of animals, pests, and vermin. Provide a door to separate the storage areas with approved flooring finishes from the unfinished areas and adequately vermin proof the area.

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

Inspector Observations:

In the outside premises of the facility a black cambro was found containing cooked rice and beans. Per staff they get deliveries from the East Santa Clara St location and no longer cook them onsite.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility.

[COS] Staff brought the food inside to hot hold in the cabinet.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Needs Improvement - Proper cooling methods.

Needs Improvement - Proper hot and cold holding temperatures.

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Measured Observations

Item	Location	Measurement	Comments
Rice	Steam Table	160.00 Fahrenheit	
Shredded Chicken	Steam Table	160.00 Fahrenheit	
Beans	Hot Hold Cabinet	150.00 Fahrenheit	
Shredded Chicken	Walk in Cooler	54.00 Fahrenheit	First measurement @4:30 pm -> 54°F
			Second measurement @5:10 pm -> 43°F
			Third measurement @5:45 pm -> 41°F
			Per staff they had used it about an hour prior . It was in a shallow 1/3 hotel pan with the lid loosely on.
Raw Beef	Shelf Under Flat Grill	46.00 Fahrenheit	
Water	Hand Sink - Kitchen	100.00 Fahrenheit	
Rice	Hot Hold Cabinet	150.00 Fahrenheit	
Chicken	Steam Table	160.00 Fahrenheit	
Beans	Steam Table	160.00 Fahrenheit	
Melted Cheese	Counter	89.00 Fahrenheit	VC&D
Beans	Cambro	145.00 Fahrenheit	
Scrambled Eggs	Counter	109.00 Fahrenheit	
Rice	Cambro	140.00 Fahrenheit	
Water	Three Compartment Sink	120.00 Fahrenheit	
Raw Chicken	Walk in Cooler	44.00 Fahrenheit	

Overall Comments:

A follow up inspection will be conducted within 3 business days to verify compliance with major violations. The first follow up inspection is free of charge. Any and all subsequent follow up inspections shall be charged at the approved hourly rate of \$298.00/hr, minimum of one hour, during normal business hours: Monday through Friday 7:30am to 4:30pm or \$645/hour minimum two hour during non business hours, and upon inspector availability.

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 **12/17/2024**. 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: Martha Ramirez
Cashier
Signed On: December 03, 2024