

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 FA0266457 - FIESTA LATINA MARKET LLC		Site Address 110 DEMPSEY RD 112, MILPITAS, CA 95035		Inspection Date 01/26/2024	
Program PR0393404 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name URIEL JR MURILLO		Inspection Time 15:40 - 17:15
Inspected By NHA HUYNH	Inspection Type ROUTINE INSPECTION	Consent By URIEL	FSC Not Available		

Placard Color & Score
YELLOW
56

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						
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			
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			X				
K14 Food contact surfaces clean, sanitized		X		X			
K15 Food obtained from approved source		X		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		
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		
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:

Lack of paper towels at the only handwash sink behind the meat display case and cookline.

[Corrective Action] Ensure paper towels are available to dry hands after handwashing.

[Corrected on Site] Employee refilled the paper towel dispenser.

Follow-up By
01/29/2024

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

Inspector Observations:

1. Chicarron in the hot holding unit was measured at 123 degrees Fahrenheit. Per employee, the chicarron was fried 30 minutes ago.

[Corrective Action] Main hot Potentially Hazardous Foods above 135 degrees Fahrenheit.

[Suitable Alternative] Employee shall discard remaining chicarrons in the the trash at 7:40 pm.

2. Hot dog, cheese, and butter in the vegetable case was measured at 69 degrees Fahrenheit. Per operator, the items were in the vegetable case since yesterday.

[Corrective Action] Maintain cold Potentially Hazardous Foods below 41 degrees Fahrenheit.

[Suitable Alternative] The food items were voluntarily discarded.

Follow-up By
01/29/2024

K14 - 8 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:

Observed employee wash utensils without sanitizing step.

[Corrective Action] Ensure utensils are sanitized. Mix 1 gallon of water with 1 tablespoon of bleach and leave utensils in sanitizing solution for 30 seconds.

[Suitable Alternative] Employee will re-wash and sanitize utensils when there is more utensils to wash.

Follow-up By
01/29/2024

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations:

Facility makes beef jerky without CDFA approval.

[Corrective Action] Obtain CDFA approval for drying meats.

[Suitable Alternative] Beef jerky was voluntarily discarded.

Follow-up By
01/29/2024

Minor Violations

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

Inspector Observations:

Lack of Food Safety Certification and employee's Food Handler's Card.

[Corrective Action] 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.

[Corrective Action] 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.

K13 - 3 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

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 employee conducting food prep at the side of the facility such as making fresh tortilla and assembling tacos.

[Corrective Action] Food preparation shall be conducted within an approved fully enclosed food facility.

Follow-up By
01/29/2024

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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:

1. Walk-in freezer appears to be recently installed in the walk-in cooler.

[Corrective Action] Installing new equipments in the facility requires approval from the Plan Check department. Contact the health department for instructions.

2. Bug zapper above the handwash sink is in disrepair.

[Corrective Action] Repair or replace the bug zapper.

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

Inspector Observations:

Large crack observed in the floor by the side door.

[Corrective Action] Maintain floor in good condition.

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
milk, cheese, beef	walk-in cooler	36.00 Fahrenheit	
beef	steam table	140.00 Fahrenheit	
chicaron	hot holding cabinet	123.00 Fahrenheit	
raw shell eggs, milk	2 sliding door upright cooler	40.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
beef fajitas, beef chuck	meat display case	43.00 Fahrenheit	
hot dogs, cheese, butter	vegetable case	69.00 Fahrenheit	
pork, chicken, cheese	meat display case	42.00 Fahrenheit	

Overall Comments:

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 **2/9/2024**. 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: Uriel Murillo
Operator

Signed On: January 26, 2024