

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

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Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0210255 - LA PENITA RESTAURANT		Site Address 601 S 1ST ST, SAN JOSE, CA 95113		Inspection Date 07/20/2023	
Program PR0304205 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name DURAN, ROSA		Inspection Time 10:10 - 12:15
Inspected By JENNIFER RIOS	Inspection Type ROUTINE INSPECTION		Consent By GUSTAVO	FSC Gustavo Silva 02/27/2024	

Placard Color & Score
GREEN
82

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						S
K06 Adequate handwash facilities supplied, accessible		X		X			
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		
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	X	
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		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: Observed soap dispenser empty in restroom. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times. [COS] PIC replaced soap.

Minor Violations

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 raw eggs above ready to eat foods in reach in.[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. COS.

Container of cabbage stored directly on floor. [CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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: Beverage cooler observed with standing water inside. [CA] Drain standing water and maintain refrigeration unit in good repair.

Observed food debris build up in refrigeration units. [CA] Clean and maintain equipment.

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

Open bulk food containers in upstairs storage room. [CA] Store open bulk foods in approved NSF containers with tight fitting lids.

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

Inspector Observations: Sanitizer in wiping cloth bucket at 200 ppm Chlorine.[CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium). COS.

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

Inspector Observations: Observed food debris on flooring upstairs. Facility lacks cove base throughout and flooring in upstairs storage is not approved for use in a food facility. [CA] Clean and sanitize floors. Remove all open foods in upstairs storage to approved storage areas in facility. Submit floor samples within in 2 weeks, 8/3/23, for approval. Floors must be installed by 8/31/23. Non compliance will result in further enforcement action.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
freezer	main prep area	15.00 Fahrenheit	
carrots	counter	172.00 Fahrenheit	
beans	steam table	188.00 Fahrenheit	
refrigerator	cookline area	39.00 Fahrenheit	
water	3 comp sink	120.00 Fahrenheit	
rice	steam table	156.00 Fahrenheit	
shredded chicken	steam table	160.00 Fahrenheit	
water	restroom	120.00 Fahrenheit	
refrigerator- 2 door upright	cookline area	38.00 Fahrenheit	
beans	refrigerator	42.00 Fahrenheit	

Overall Comments:

Joint inspection with Aleli Crutchfield

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 **8/3/2023**. 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: Gustavo Silva
Owner

Signed On: July 20, 2023