

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 FA0207902 - THE TAMALE FACTORY		Site Address 233 S WHITE RD C, SAN JOSE, CA 95127		Inspection Date 10/19/2020		Placard Color & Score <div style="background-color: red; color: white; padding: 10px; text-align: center; font-size: 24px; font-weight: bold;">RED</div> <div style="background-color: black; color: white; padding: 10px; text-align: center; font-size: 36px; font-weight: bold;">76</div>		
Program PR0306271 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name LOPEZ, CLAUDIA		Inspection Time 12:15 - 13:15			
Inspected By HELEN DINH		Inspection Type ROUTINE INSPECTION		Consent By ELIZABETH & JANNET (PHONE)				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						
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		X			N
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		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		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		
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

Inspector Observations: 1. Observed employees not wearing face coverings. [CA] Face coverings are required by everyone inside the facility. Exceptions to the face coverings requirement include very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired.

2. Observed customers not wearing face coverings. [CA] Face coverings are required by everyone inside the facility. Exceptions to the face coverings requirement include very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired. Face coverings may be removed to eat or drink, while seated at a table outdoors.

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.

Major Violations

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

Inspector Observations: Measured the following PHFs in the walk-in-cooler holding between 50F - 52F: pork tamales and pork. Per operator, PHFs placed in unit less than 4 hours. [CA] Maintain all PHFs cold held at or below 41F. [COS] Operator directed to add ice to walk-in-cooler.

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

Inspector Observations: Measured water temperature holding at 82F at the warewash sink. [CA] Provide an adequate, pressurized, potable supply of hot water at a minimum of 120F for all sinks with the exception of hand wash sink to be held between 100F - 108F.

**Follow-up By
10/22/2020**

****Facility is hereby closed due to no hot water.****

Minor Violations

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

Inspector Observations: The current food safety certificate has expired. [CA] Food facilities that prepare, handle, or serve nonprepackaged foods shall have a valid FSC available for review at all times.

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

Inspector Observations: Found several flies in the food prep area. [CA] Each food facility shall be free of vermin such as flies. Provide approved pest control services.

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

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Inspector Observations: Measured the ambient air temperature of walk-in-cooler at 48F. [CA] Repair refrigeration unit to maintain all PHFs cold held at or below 41F.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - Hot and cold water available.

Measured Observations

Item	Location	Measurement	Comments
cheese	reach in	41.00 Fahrenheit	
pork tamales	stove top	138.00 Fahrenheit	
water	warewash/handsink	82.00 Fahrenheit	
chicken tamales	stove top	147.00 Fahrenheit	
milk	reach in	41.00 Fahrenheit	
pork	walk-in	51.00 Fahrenheit	
jalepeno tamales	stove top	178.00 Fahrenheit	
pork tamales	walk-in	50.00 Fahrenheit	between 50F - 52F.
sweet tamales	stove top	168.00 Fahrenheit	

Overall Comments:

****Facility is hereby closed due to NO hot water. Once the violations warranting the closure has been corrected, contact district specialist Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for a follow up inspection.****

*****Facility shall cease and desist all sales. *****

*****Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.*****

Consulted with Aleli Crutchfield.

Signature not obtained. A copy of this report will be emailed to the operator.

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 **11/2/2020**. 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: _____

Signed On: October 19, 2020