

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 FA0208023 - EL GRULLO MEXICAN FOOD		Site Address 2444 ALVIN AV C, SAN JOSE, CA 95122		Inspection Date 12/06/2022	
Program PR0302662 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name ALVAREZ, ANTONIO		Inspection Time 11:25 - 13:15
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By SANDRA	FSC Not Available	

Placard Color & Score
RED
58

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						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly			X				
K06 Adequate handwash facilities supplied, accessible		X					
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		X			N
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	X	
K27 Food separated and protected		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used	X	
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	X	
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		X
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		X
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

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: *The only hand washing station in the kitchen lacked paper towels and was obstructed with a colander of chopped cilantro placed on top of the wash basin. Paper towels were provided on a roll dispenser at the preparation table next to the preparation refrigerator.*

[CA] *Single-use sanitary towels shall be provided in dispensers at all times. Handwashing facility shall be clean, unobstructed, and accessible at all times.*

Container of soap with sponge and steel wool scrubber maintained inside basin of the hand wash sink. [CA] *A handwashing facility shall not be used for purposes other than handwashing.*

Follow-up By
12/08/2022

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: *Ware washing employee conducting manual ware washing skips final sanitizing step. [CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds. [COS] Instructed employee to rewash and sanitize utensils.*

Follow-up By
12/08/2022

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *Live cockroaches observed in the following areas:*

- *Between wall and electrical boxes directly across from the three-compartment sink above the metal rack storing utensils.*
- *Between wall and wooden storage shelf for dry ingredients and beverages.*
- *Inside metal storage shelf for maintenance tools with food preparation being conducted on top.*
- *Between crevices of the ceiling door for roof access by the side door of the facility above where cooling of PHF is being conducted.*

Per PIC via phone, facility is serviced by pest control company once a week to two weeks. Pest control reports were unavailable for review.

[CA] *The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.*

Follow-up By
12/08/2022

Minor Violations

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

Inspector Observations: *Manager's five-year Food Safety Certificate (FSC) unavailable for review. [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. Provide within 60 days.*

Employees' three-year food handler cards unavailable for review. [CA] *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.*

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: *Employee observed washing hands and then wiping hands on cloth towel. [CA] Properly wash hands with soap, warm water and dry using single use paper towels as required.*

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K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: *Container of raw chicken thawing in ambient temperature on the floor. [CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.*

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: *Domestic insecticide spray maintained on bottom shelf next to spray containers with clean utensils on top. Multiple cans of insecticide spray, spray paint, and expanding foam maintained inside wooden storage shelf next to containers of dry ingredients.*
[CA] *Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used. Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens.*

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: *Two large portable propane burners and propane tank stored in dry storage area. Equipment is not approved to be used at facility.*

Numerous domestic freezers and refrigerators in use in facility.

[CA] *All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Remove unapproved equipment from facility (propane burners and tank). Make plans to replace domestic refrigerators and freezers with commercial grade equipment.*

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations: *Observed heavy smoke in kitchen and dining area during cooking even with ventilation hood on. [CA] Provide approved exhaust hood ventilation over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors. Investigate cause for excess smoke.*

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

Inspector Observations: *Restroom doors maintained propped opened and lacked self-closing device. [CA] Toilet rooms shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.*

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: *Employee's personal belongings (cellphones, glasses, purses) stored in the following areas:*

- *On storage shelf next to clean utensils.*
- *On top of prepackaged tortillas.*

[CA] *No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects shall be stored in employee lockers or other designated areas for employee storage. *

Approximate one inch gap observed below metal gate at the side kitchen entrance. [CA] Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.

Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.

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Measured Observations

Item	Location	Measurement	Comments
Beans	Steam table	169.00 Fahrenheit	
Chicken	Steam table	160.00 Fahrenheit	
Al pastor	Steam table	157.00 Fahrenheit	
Cooked lengua	Walk-in refrigerator	40.00 Fahrenheit	
Carne asada	Steam table	149.00 Fahrenheit	
Cooked chicken	Walk-in refrigerator	41.00 Fahrenheit	
Diced tomatoes	Food preparation refrigerator	41.00 Fahrenheit	
Cooked rice	Steam table	151.00 Fahrenheit	
Chile verde	Walk-in refrigerator	40.00 Fahrenheit	

Overall Comments:

- Facility is hereby closed due to the presence of vermin.
- Facility is to remain closed until infestation has been completely abated.
- Provide pest control report upon follow-up inspection.
- Subsequent follow-up inspection shall be billed at \$219/hour during normal business hour, Monday - Friday 7:30 AM to 5:00 PM, or \$493/hour during non-business hours, and upon inspector availability.
- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.
- Contact district inspector for re-opening inspection once vermin infestation has been completely abated.

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 **12/20/2022**. 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: Sandra
 PIC
Signed On: December 06, 2022