

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 FA0205607 - MI TIERRA MERCADO		Site Address 1130 E SANTA CLARA ST 5, SAN JOSE, CA 9511622		Inspection Date 04/23/2025		Placard Color & Score YELLOW 59		
Program PR0307244 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name SUPER MERCADO INC.		Inspection Time 10:35 - 13:15			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By MARIA				FSC Victor Contreras 2/19/2029

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						S
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		X			
K14	Food contact surfaces clean, sanitized		X		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	X	
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented	X	
K33	Nonfood contact surfaces clean		
K34	Warewash facilities: installed/maintained; test strips	X	
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	X	
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	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

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

Inspector Observations:

1. Chorizo made in the facility was found drying on a metal pole in the meat market. Per butcher, they let the chorizo hang and dry from the morning to close and is then placed in the walk in cooler until the next day when is taken out again. Chorizo measured at 65°F.

2. Meats being held in the large display case cooler were found to be above 50°F. Per butcher, several of the items were held for longer than 4 hours.

3. In the cookline area raw beef was found being stored in the steam table. The steam table was off and beef measured at 60°F. Per cook, they removed it from the walk in cooler about 1 minute prior.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

[COS] 1. The chorizo was discarded. See VC&D report. Contact the California Department of Food and Agriculture (CDFA) to cure the chorizo.

[COS] 2. Food items that were held for less than 4 hours and were less than 50°F were moved to the walk in cooler. All other items were discarded. See VC&D report.

[COS] 3. Cook returned the meat to the walk in cooler.

Follow-up By
04/28/2025

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

Inspector Observations:

A fly landed on piece of meat in the kitchen area.

[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] The meat was discarded. See VC&D report.

Follow-up By
04/28/2025

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, 114125(b), 114141

Inspector Observations:

Staff were observed skipping the sanitizing step of ware washing when manually washing dishes at the two compartment sink.

[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] A sanitizer solution was set up and dishes were sanitized.

Follow-up By
04/28/2025

Minor Violations

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

Inspector Observations:

Numerous flies were found throughout the facility.

[CA] Ensure to maintain the facility free of animals, pests, and vermin.

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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:

Raw eggs were found stored above cucumbers in the bottom section of the prep cooler.

[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.

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

Inspector Observations:

Facility is using a blue shipping container in the parking lot to store extra food items (salt, seasonings, pans)

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

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

Inspector Observations:

Facility is prepackaging "chicharron" without a label.

[CA] Food prepackaged in a food facility shall bear a label with the following: 1) common name of the food, 2) list of ingredients in descending order of predominance by weight, 3) quantity of contents, 4) name and place of business of the manufacturer, packer, or distributor.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations:

The drain plug stopper is in disrepair and allows water to leak through to the drain.

[CA] Plugs/stoppers shall be available to fill up the warewashing sink. Replace the drain plug.

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. The large display case cooler was not maintaining PHFs at 41°F or below.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. A technician arrived on site to repair.

2. The ice scooper was in disrepair and missing the handle.

[CA] Ensure to maintain all equipment in good repair. Replace or repair items as required.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

Inspector Observations:

1. Facility lacks a probe type thermometer to measures the temperature of thin meats.

[CA] An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.

2. The thermometer in the meat display case cooler was not functioning.

[CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

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

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Inspector Observations:

An electric zipper was found being used above the left most butcher table cutting top

[CA] Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device and be installed away from the storage and preparation of food or food contact surfaces and linens.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Pico de Gallo	Display Case Cooler	41.00 Fahrenheit	
Chorizo	Metal Pole in Butcher Area	65.00 Fahrenheit	
Milk	Walk in Cooler	40.00 Fahrenheit	
Sour Cream	Display Case Cooler	41.00 Fahrenheit	
Water	Two Compartment Sink	120.00 Fahrenheit	
Pork	Display Case Cooler	49.00 Fahrenheit	
Cooked Pork	Hot Hold Cabinet	140.00 Fahrenheit	
Beef	Walk in Cooler	36.00 Fahrenheit	
Chicken - Whole	Display Case Cooler on Ice	36.00 Fahrenheit	
Eggs	Prep Cooler - Bottom	44.00 Fahrenheit	
Pork	Display Case Cooler	47.00 Fahrenheit	
Beef - Raw	Steam Table	60.00 Fahrenheit	
Chlorine - Sanitizer	Two Compartment Sink	100.00 PPM	
Tilapia	Display Case Cooler on Ice	36.00 Fahrenheit	
Beef	Display Case Cooler	47.00 Fahrenheit	
Chicken - Leg	Display Case Cooler	58.00 Fahrenheit	
Water	Hand Sinks - All	100.00 Fahrenheit	
Chorizo	Display Case Cooler	56.00 Fahrenheit	
Chicken - Breast	Display Case Cooler	44.00 Fahrenheit	

Overall Comments:

Notes:

- A follow up inspection shall be conducted within 3 business days to determine compliance with violations noted. 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.

- Facility is permitted as a FP13. A permit separation may be required to separate the restaurant operation from the grocery store.

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 **5/7/2025**. 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.

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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: Jose Luis
Owner
Signed On: April 23, 2025