

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 FA0252302 - EL MUCHACHO ALEGRE RESTAURANT		Site Address 779 STORY RD 20, SAN JOSE, CA 95122		Inspection Date 02/02/2026		Placard Color & Score YELLOW 74		
Program PR0367199 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MARTINEZ, DIANA		Inspection Time 12:35 - 13:45			
Inspected By HENRY LUU		Inspection Type ROUTINE INSPECTION		Consent By ALONZO				FSC Lucas M Alonzo 10/20/2029

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				S
K02	Communicable disease; reporting/restriction/exclusion	X						
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		X			N
K07	Proper hot and cold holding temperatures	X						
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods		X		X			N
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		
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		
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		
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				X
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: *Hand wash station at the front service area by the cook line lacked paper towels and hand soap.*

Follow-up By
02/05/2026

Hand wash station in the back of the kitchen by the three-compartment sink lacked paper towels.

Hand wash station inside the restroom lacked paper towels.

[CA] *Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Warm water, hand soap, and paper towels shall be readily available and easily accessible at all times.*

[SA] *Napkins were provided at all hand wash stations. Large squeeze bottle of hand soap was provided at all sinks.*

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: *Container of cooked carnitas maintained inside the walk-in refrigerator measured at 54F. Manager stated that the meat was prepared three-days prior and had not been removed from the refrigerator since.*

Follow-up By
02/05/2026

Plastic container of cooked menudo maintained inside the walk-in refrigerator measured at 45F. Manager stated that the item was prepared the day before.

Container of cooked carne asada cooling inside the preparation refrigerator kept covered. Item measured at 145F and had not yet reached cooling temperature.

[CA] *Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F or below within 2 hours and from 70°F to 41°F or below within an additional 4 hours.*

Approved cooling methods include:

- 1) *Placing the food in shallow pans.*
- 2) *Separating the food into thinner or smaller portions.*
- 3) *Using rapid cooling equipment (Ex. blast chiller).*
- 4) *Using containers that facilitate heat transfer (ex. stainless steel).*
- 5) *Adding ice as an ingredient.*
- 6) *Using ice paddles.*
- 7) *Using an ice bath and stirring frequently.*
- 8) *Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.*

***Discontinue cooling PHF items inside the preparation refrigerator to prevent raising ambient temperature inside refrigerator.**

[COS] *Cooked carnitas and menudo were VC&D due to improper cooling. Container of carne asada was placed on ice bath to expedite cooling process.*

Minor Violations

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

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Inspector Observations: *Employee's three-year food handler card 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. Food safety certifications shall be readily available for review upon request.*

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations: *New menu provided containers items that are served raw and/or undercooked. Menu lacks consumer advisory and disclosure.*

[CA] *Consumer advisory shall be provided on menus, brochures, deli case, label statements, table tents, placards, or other effective written means with a disclosure and reminder.*

(1) Disclosure: *clearly written statement that includes either a description of the animal-derived foods, such as "oysters on the half shell (raw oysters), or identification of animal derived foods marked by an asterisk (*) directing to a footnote that items are served raw or undercooked, or contain raw or undercooked ingredients*

(2) Reminder: *clearly written statement that identifies animal-derived foods by asterik that marks a food note includes one of the following: "Written information regarding the safety of these food items is available upon request " or "Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase the risk of foodborne illness, especially if you have certain medical conditions.*

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: *Plates (for rice) and to-go cups (for soups/sauces) were observed used as scoops for food.*

[CA] *Use approved utensils such as scoops or spoons with handles to ensure hands do not come in direct contact with food.*

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

Inspector Observations: *--48 HOUR NOTICE--*

Follow-up By
02/04/2026

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$ 1,975.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

- Facility is operating under a new Facility name: *El Boss.*
- Manager stated that the owner is still the same.

**** *Submit written request to Environmental Health to update facility name. Owner shall submit business tax license indicating that ownership has not changed and that facility is operating under a new DBA.*

**** *If facility is operating under new ownership, new owners is to submit permit application within 48-hours.*

Performance-Based Inspection Questions

Needs Improvement - Proper cooling methods.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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Measured Observations

Item	Location	Measurement	Comments
Cooked rice	Walk-in refrigerator	41.00 Fahrenheit	
Diced tomatoes	Food preparation refrigerator	38.00 Fahrenheit	
Diced tomato	Walk-in refrigerator	41.00 Fahrenheit	
Refried beans	Steam table	161.00 Fahrenheit	
Warm water	Hand wash sink - kitchen	103.00 Fahrenheit	
Crab legs	Food preparation refrigerator	40.00 Fahrenheit	
Warm water	Hand wash sink - front kitchen	101.00 Fahrenheit	
Cooked beef	Walk-in refrigerator	40.00 Fahrenheit	
Mussels	Food preparation refrigerator	41.00 Fahrenheit	
Raw shrimp (shell on)	Food preparation refrigerator	41.00 Fahrenheit	
Cooked shrimp	Food preparation refrigerator	40.00 Fahrenheit	
Rolled sushi	Walk-in refrigerator	41.00 Fahrenheit	
Beans	Walk-in refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	
Raw tuna	Walk-in refrigerator	40.00 Fahrenheit	
Shredded cheese	Food preparation refrigerator	41.00 Fahrenheit	
Shrimp ceviche	Food preparation refrigerator	38.00 Fahrenheit	
Raw fish	Food preparation refrigerator	40.00 Fahrenheit	
Fish ceviche	Food preparation refrigerator	38.00 Fahrenheit	
Cooked octopus	Food preparation refrigerator	40.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	39.00 Fahrenheit	
Rice	Steam table	168.00 Fahrenheit	

Overall Comments:

- Two or more major violations were observed during the routine inspection.
- A follow-up inspection will be conducted to verify compliance of all major violations.
- Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645 for a minimum of two hours, 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. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

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 **2/16/2026**. 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: Alonzo
Manager
Signed On: February 02, 2026