

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 FA0253963 - THE CREEK EATERY		Site Address 5623 SILVER CREEK VALLEY RD, SAN JOSE, CA 95112		Inspection Date 06/27/2025	
Program PR0370046 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name OEM RESTAURANTS		Inspection Time 15:20 - 16:50
Inspected By MAMAYE KEBEDE	Inspection Type ROUTINE INSPECTION	Consent By OMAR MERCADO	FSC Omar Mercado 11/18/2026		

Placard Color & Score
GREEN
73

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				
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			
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		
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		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		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

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: The sanitizer concentration on the low temperature mechanical dishwasher that was used to wash the glasses in the bar area was measured at zero ppm chlorine.

[CA] Whenever sanitizing of utensils/equipment is conducted using a low temperature mechanical dishwasher, there must be a 50-ppm residual chlorine level when the cycle completes. Until the mechanical dishwasher is fixed, please use the three manual compartments sink to wash, rinse, and sanitize the dishes with 200 ppm quaternary ammonia or 100 ppm chlorine, unless otherwise specified by manufacturer of the chemical. The person in charge refilled one sink of the warewash sink with lukewarm water and added bleach manually to create a 100-ppm chlorine solution to sanitize the utensils washed in the mechanical dishwasher (SA).

Follow-up By
06/27/2025

Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: The bar's handwash station is not working. There is another handwash station within three feet in the kitchen area.

[CA] Repair the handwash station immediately.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Cooling of freshly cooked corn beef and marinara sauce was done at room temperature.

[CA] All hot-held food products must be cooled from 135 OF to 70 OF within the first two hours and from 70 OF to 41 OF with another four hours by:

- (1) Placing the FOOD in shallow pans.**
 - (2) Separating the FOOD into smaller or thinner portions.**
 - (3) Using rapid cooling EQUIPMENT.**
 - (4) Using containers that facilitate heat transfer.**
 - (5) Adding ice as an ingredient.**
 - (6) Using ice paddles.**
 - (7) Inserting appropriately designed containers in an ice bath and stirring frequently.**
- The manager demonstrated the proper cooling procedure using an ice bath and smaller portions.**

K16 - 3 Points - Not in compliance with shell stock tags, condition; 114039-114039.5

Inspector Observations: The restaurant sells fresh clams, but it does not keep delivery tags for 90 days.

[CA] All tags associated with fresh oyster, clams, and mussels must be kept for 90 days.

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: Multiple open bag food products were stored on the shelf in the dry storage area.

[CA] Store all open bag food products in properly labeled bulk containers.

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

Inspector Observations: Many food products on boxes were stored directly on the floor or on milk crate back in the storage area and inside the walk-in coolers.

[CA] To prevent insect hiding and breeding and for easy cleaning of the floor area, please store all food products at least six inches off the floor on an approved shelf or dunnage rack.

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

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Inspector Observations: *Some clean working utensils including a knives were stored in unclean container/surface and in between the crevices. .*

[CA] *All reusable utensils including the ice scoop must be stored on clean surface/container in between use.*

The ice scoops for the ice machine and the bar area's ice container were stored on an unclean surface.

[CA] *All reusable utensils including the ice scoop must be stored on clean surface/container in between use.*

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

Inspector Observations: *A couple of wet/soiled wiping cloths were stored on the counters in the kitchen and the bar areas.*

[CA] *Wet/soiled wiping cloths must be stored in a bucket that has standard sanitizer concentration in between use which is 200 ppm quaternary ammonia or 100 ppm chlorine (bleach).*

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: *A couple of open cup employee drinks were stored on the preparation tables.*

[CA] *To prevent possible contamination, employees may only drink with covered cup containers and store their drink in designated areas.*

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
Chlorine	Kitchen mechanical dishwasher	50.00 PPM	
Pasta	Walk-in cooler	39.00 Fahrenheit	
Hot water	Bar's three compartment sink	130.00 Fahrenheit	
Cheese	Preparation fridge	39.00 Fahrenheit	
Beef	Undercounter fridge	39.00 Fahrenheit	
Marinara sauce	Steam table	167.00 Fahrenheit	
Chicken	Preparation fridge	40.00 Fahrenheit	
Pasta	Kitchen preparation fridge	35.00 Fahrenheit	
Sausage	Pizza preparation fridge	41.00 Fahrenheit	
Diced tomato	Preparation fridge	41.00 Fahrenheit	
Meatballs	Steam table	156.00 Fahrenheit	
Ham	Pizza preparation fridge	41.00 Fahrenheit	

Overall Comments:

Note: *Food safety manager certificate: Omar Mercado - 11/18/2026*

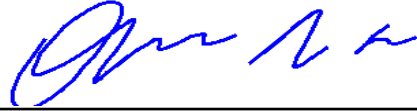
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **7/11/2025**. 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: Omar Mercado
Manager

Signed On: June 27, 2025