

# 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 FA0209454 - DON PEDRO'S RESTAURANT		Site Address 43 POST ST, SAN JOSE, CA 95113		Inspection Date 10/28/2019	
Program PR0303310 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name ANGULO, VICTOR		Inspection Time 12:30 - 14:00
Inspected By ANJANI SIRCAR	Inspection Type ROUTINE INSPECTION		Consent By ANGEL ANGULA	FSC Not Available	

Placard Color & Score
<b>GREEN</b>
<b>78</b>

RISK FACTORS AND INTERVENTIO	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						
K04 Proper eating, tasting, drinking, tobacco use	X						S
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				
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods	X						S
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 PRACTICE	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	X	
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	X	
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
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	X	
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		
K48 Plan review		
K49 Permits available		
K58 Placard properly displayed/posted		

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## 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: Plastic guard of the ice machine was observed to have black slime like residue. [CA] All food contact surfaces shall be clean and sanitized. [COS] PIC cleaned and sanitized.**

### Minor Violations

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

**Inspector Observations: Food safety certificate is not available upon request. [CA] Facilities serving food shall have a valid FSC available at all times.**

**Lacking food handler card. [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.**

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Food in the ice bath measured between 44F to 47F. As per PIC it was placed in there an hour ago. [CA] Maintain food for cold holding at 41F or below. Level of ice in ice bath shall be at the level of food. [COS] PIC added more ice to the ice bath.**

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

**Inspector Observations: Raw beef was observed to be thawing in standing water in the food prep sink. [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.**

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: Tomatoes were stored on the food prep drain board while raw beef was thawing in the prep sink submerged in water. [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin such that there is no cross contamination at the time of food prep**

**PIC stated that they cook the tomatoes and NOT use it for salsa.**

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: Lack of plug stoppers in ware wash sink. [CA] Plugs/stoppers shall be available to fill up the ware washing sink.**

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

**Inspector Observations: Toilet paper stored outside the dispenser in the employee restroom. [CA] Toilet tissue shall be provided in a permanently installed dispenser at each toilet.**

### Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

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## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cheese	Ice bath	47.00 Fahrenheit	
Produce	Tall two door reachin	36.00 Fahrenheit	
Rice	Hot holding	151.00 Fahrenheit	
Pico de gallo	Ice bath	47.00 Fahrenheit	
Milk	Under counter reach in - bar	37.00 Fahrenheit	
Meat	Cooking	198.00 Fahrenheit	
Hot Water	Hand wash sink	100.00 Fahrenheit	
Hot Water	Ware wash sink	123.00 Fahrenheit	
Cheese	Tall two door reachin	37.00 Fahrenheit	
Hot Water	Ware wash sink - bar	120.00 Fahrenheit	
Chicken	Cooling - ice bath	91.00 Fahrenheit	
Guacamole	Ice bath	44.00 Fahrenheit	
Hot water	Restroom	100.00 Fahrenheit	
Beans	Hot holding	143.00 Fahrenheit	
Chlorine	Ware wash sink	100.00 PPM	
Sour cream	Ice bath	46.00 Fahrenheit	

## Overall Comments:

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 **11/11/2019**. 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

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**Received By:** Angel Angula  
PIC

**Signed On:** October 28, 2019