

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 FA0209568 - EMELINA'S #3		Site Address 460 E WILLIAM ST, SAN JOSE, CA 95112		Inspection Date 02/20/2025	
Program PR0306310 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name PISCO BAR		Inspection Time 11:30 - 12:55
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION	Consent By CLEIVER	FSC Denedualdo Valadez Loy 3/07/2029		

Placard Color & Score
YELLOW
62

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		X			N
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						
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	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	X	
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	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	X	
K45 Floor, walls, ceilings: built, maintained, clean		
K46 No unapproved private home/living/sleeping quarters	X	
K47 Signs posted; last inspection report available	X	

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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:

In the kitchen area, at the only hand wash sink, there was no soap or paper towels available.

Follow-up By
02/25/2025

[CA] Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels. Provide handwashing cleanser in dispenser at handwash stations at all times.

[SA] PIC was able to restocked the paper towel dispenser and provided a pump bottle of soap for use.

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

Inspector Observations:

In the kitchen area, in a large container of still water, two large packages of beef heart were measured at 61°F. Per PIC, they left them out over night to thaw out.

Follow-up By
02/25/2025

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

Minor Violations

K14 - 3 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:

In the back of house area, at the dishwasher, chlorine was measured at 25 PPM.

[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.

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

Inspector Observations:

Facility offers raw or undercooked food items such as ceviche and steaks without a consumer advisory or disclosure.

[CA] Provide consumer warning for the sale of raw or undercooked animal-derived foods.

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

Inspector Observations:

Raw beef hearts were found thawing in still water overnight.

[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:

Household insecticide spray cans were observed in the dry storage room.

[CA] Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.

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

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Inspector Observations:

Facility is offering for sale prepackaged cookies 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.**

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:

There are several pieces of non ANSI accredited equipment (microwave and refrigerator).

[CA] New and/or replacement food 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).

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:

In the ice machine the handle of the ice scooper was in direct contact with ice intended for consumption.

[CA] Handle to ice scoop shall be stored so that it is not in direct contact with ice.

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:

Personal effects and clothing were observed throughout the facility inside the Hobart ovens and in the dry storage room across the walk in cooler.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

K46 - 2 Points - Unapproved private home/living/sleeping quarters; 114285, 114286

Inspector Observations:

In the back of house area, at the dry storage room where the walk in cooler is, there is a curtain separating the living quarters and food storage area.

[CA] No sleeping accommodations shall be maintained or kept in any room where food is prepared, stored, or sold.

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

Inspector Observations:

Facility had the previous ownership's Environmental Health Permit posted.

[CA] The health permit issued by this department shall be posted in a conspicuous place in the food facility.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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Measured Observations

Item	Location	Measurement	Comments
Lamb	Walk in Cooler	38.00 Fahrenheit	
Sliced Tomatoes	Prep Cooler - Top Insert (cookline)	39.00 Fahrenheit	
Water	Three Compartment Sink	119.00 Fahrenheit	
Water	Hand Sink	100.00 Fahrenheit	
Chlorine - Sanitizer	Dishwasher	25.00 PPM	
Chlorine - Sanitizer	Sanitizer Bucket	100.00 PPM	
Fries	Freezer	10.00 Fahrenheit	
Shucked Mussels	Prep Cooler - Top Insert (cookline)	38.00 Fahrenheit	
Octopus	Prep Cooler - Top Insert (ceviche)	38.00 Fahrenheit	
Shrimp	Prep Cooler - Top Insert (ceviche)	38.00 Fahrenheit	
Beef Heart	Prep Table	61.00 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.

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 **3/6/2025**. 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.

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: Cleiver
Owner

Signed On: February 20, 2025