

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 FA0291040 - HOUSE OF BAGELS		Site Address 5297 PROSPECT RD 20, SAN JOSE, CA 95129		Inspection Date 10/05/2026	
Program PR0436275 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name PEREZ ASSOCIATES INC		Inspection Time 09:55 - 13:40
Inspected By MINDY NGUYEN	Inspection Type ROUTINE INSPECTION	Consent By ALEX PEREZ	FSC Alex Perez 11/2/2027		

Placard Color & Score
YELLOW
47

RISK FACTORS AND INTERVENTIONS						OUT		COS/SA	N/O	N/A	PBI
						IN	Major	Minor			
K01	Demonstration of knowledge; food safety certification	X									S
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							N
K06	Adequate handwash facilities supplied, accessible			X							
K07	Proper hot and cold holding temperatures		X		X						N
K08	Time as a public health control; procedures & records		X		X						N
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										
K27	Food separated and protected										
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								X		
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								X		
K39	Thermometers provided, accurate								X		
K40	Wiping cloths: properly used, stored								X		
K41	Plumbing approved, installed, in good repair; proper backflow devices								X		
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								X		

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K48	Plan review	X
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. ****MAJOR**** Observed sliced cheese and hummus inside 3 door under counter cooling unit measuring at 46F. Per PIC, these items were stored overnight in the walk-in cooler and then brought to 3 door under counter unit in the morning and have been inside the cooler for about 4 hours. The ambient temperature measured at 43F.

Follow-up By
10/08/2026

2. ****MAJOR**** Observed multiple individually packed cream cheeses (4oz and 8oz packages) and cut fruit packages (melon) in the front display cold holding unit measuring at 56F. Per PIC, these items were placed in the unit at 6AM. The ambient temperature of the unit is 56F.

3. ****MAJOR**** Inside food prep inserts on the 3 door cold holding unit, sliced cheese measured at 51F. Per PIC, this item was pulled at 6AM. Other PHF's inside prep inserts measured at 41F.

3. ***MINOR*** Observed cooked bagel dog in two door under counter near prep area measuring at 45F. Per PIC, this item was cooked yesterday and stored inside the walk-in cooler overnight and then brought to the prep units around 6AM. The ambient of two door under counter unit measured at 39F. Remeasured the bagel dog at the end of inspection at 42F.

[CA] PHFs shall be held at 41°F or below. Close doors and lids to cold holding units to keep the temperature at 41F or below.

[COS] PIC voluntarily discarded sliced cheese's, hummus, cream cheese packages, and packaged cut fruit cups. Additionally, lowered the temperature of the three door under counter unit (remeasured the ambient temperature at 41F). Discontinue storage of potentially hazardous foods (cream cheese and cut melon) inside the front display cold holding unit until its fixed. See VC&D.

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: Observed whole milk by the customer service coffee area measuring at 78F. Per PIC, this item is moved back in the fridge every 2 hours to reach 41F and then moved back to the counter for service. The remainder of the whole milk product is thrown away at the end of the day. The whole milk was unlabeled.

Follow-up By
10/08/2026

[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.

[COS] PIC labeled the whole milk with discard time of 12 PM and understood that the item cannot be refrigerated after establishing time as public health control.

Minor Violations

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Observed food employee handle a soiled wiping cloth that was not maintained in a sanitizing solution and proceed to return to food prep area.

[CA] Wash hands with cleanser and warm running water before food preparation and after activities that contaminate the hands, including handling raw animal food or soiled equipment (wiping cloths). No food contamination observed during inspection.

[COS] Specialist intervened and had food employee wash their hands before returning to food prep.

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

Inspector Observations: **Repeat Violation**

Observed the hand wash sink near the front service counter was partially obstructed by a trash can.

[CA] Keep hand washing sinks clean, unobstructed and accessible at all times.

[COS] PIC removed partial obstruction from hand wash sink.

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: Observed sanitizer compartment in ware washing sink measuring at <50PPM. No active ware washing occurred during inspection.

[CA] Maintain chemical solution for manual ware washing at 100 ppm (1 Tbs of bleach (5.25%)/gal of water) for chlorine.

[COS] PIC fixed the concentration of sanitizer during inspection and achieved 100PPM.

****REPEAT VIOLATION****

Observed mold-like substance present inside ice machine.

[CA] Frequently clean and sanitize the inside of the ice machine

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

Inspector Observations: Observed the lack of consumer advisory warning on menu inside facility. Menu shows service of raw lox salmon.

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

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

Inspector Observations: Observed 2-4 flies throughout food facility in food prep area and behind front service counter. No food contamination occurred at time of inspection.

[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.

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

Inspector Observations: Observed food storage containers were missing labels in the food prep area and near the front service counter.

[CA] Identify working containers of food or ingredients removed from their original packages with the common name of the food unless readily and unmistakably recognizable.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Shelving for food storage and front service counter shelving has dust/grime built up.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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

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Inspector Observations: Front service display refrigerator has an ambient temperature of 56F. Additionally, the three door under counter cooler should be serviced.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Discontinue storage of PHF's inside the front display unit until the unit is fixed.

Handles were missing from the ice bin. Per PIC, this item is being serviced.

[CA] Surfaces of equipment shall be smooth, easily cleanable, nonabsorbent, durable, and maintained in good repair.

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: Food scoop handles for large bulk storage containers were stored improperly.

[CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

Inspector Observations: During inspection, ambient temperature of food facility inside the kitchen measured at 89F with temperature probe thermometer with the oven off. The dinning area measured at an ambient temperature of 82F measured with temperature probe thermometer. Per PIC, the HVAC system mainly works on cooling the front of the facility, but not the kitchen.

[CA] All areas of a food facility shall have sufficient ventilation to facilitate proper food storage and to provide a reasonable condition of comfort for each employee, consistent with the job performed by the employee.

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

Inspector Observations: Lack of thermometers inside cold holding units throughout the facility. Observed single door under counter freezer nearest front service counter has a thermometer available.

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

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

Inspector Observations: Observed wiping cloths stored near food prep surfaces and not fully submerged in sanitizing solution in their designated buckets.

[CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine)

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: Observed a leak occurring at faucet on food prep sink.

[CA] Repair plumbing fixture and maintain in clean and good repair.

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: 1. Observed back door of facility open during inspection with mesh curtain in place with small 1/4 gap openings present during inspection.

[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.

2. Ceiling panel near warewash station had a gap greater than 1/4 inch.

[CA] Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.

3. Observed personal belonging (purse) near front service prep counter near food storage of nuts and personal cooking equipment in food preparation area.

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

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

Inspector Observations: Lack of hand wash signs for employees at hand wash sinks throughout the food facility.

[CA] A sign or poster that notifies food employees to wash their hands shall be posted at all handwashing stations used by food employees.

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: Observed a merry chef oven on top of food prep service counter without ventilation hood. Per PIC, this item was placed into the facility about 12 months ago.

[CA] Any new construction, remodeling, structural change to the food facility, must submit complete plans within 60 days to DEH at 408-918-3400 or obtain plan check requirement at www.ehinfo.org

1. The MerryChef oven must be located below an approved Type or Type II exhaust hood unless exempted by this department. Mechanical exhaust ventilation equipment shall be provided over all cooking equipment as required to effectively remove cooking odors, smoke, steam, grease, heat, and vapors.

2. Submit a written letter or report from a licensed mechanical engineer to verify that the ventilation where the Merrychef ovens are located will be adequate to dissipate any heat, steam, or vapors released by the units. The letter of report must also address the latent and sensible heat load emitted from such appliances. The letter must have the mechanical engineer stamp and signature.

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Needs Improvement - Proper hot and cold holding temperatures.

Needs Improvement - Time as a public health control; procedures & records.

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Measured Observations

Item	Location	Measurement	Comments
Salmon	prep inserts above 3 door undercounter cooler	46.00 Fahrenheit	remeasured after PIC closed lids and at the end of inspection at 41F
Sliced cheese	3 door undercounter cooler	46.00 Fahrenheit	VC&D
Ham	Walk-in cooler	22.00 Fahrenheit	
Whole milk	Serving container near customer pick-up	78.00 Fahrenheit	
Hummus	3 door undercounter cooler	47.00 Fahrenheit	VC&D
Sausage pattys	two compartment hot holding unit	160.00 Fahrenheit	
Salmon	Walk-in cooler	41.00 Fahrenheit	
Warm water	handsinks (restroom, front service counter, and food prep)	100.00 Fahrenheit	
Ham	prep inserts above 3 door undercounter cooler	43.00 Fahrenheit	Remeasured after PIC closed lids at the end of inspection at 40F
Cream cheese (8oz and 4oz packages)	Front service cold holding display	56.00 Fahrenheit	VC&D
Raw bagel dough	Walk-in cooler	30.90 Fahrenheit	
Sliced cheese	prep inserts above 3 door undercounter cooler	50.00 Fahrenheit	VC&D
Cut fruit packages (melon)	Front service cold holding display	56.00 Fahrenheit	VC&D
Chlorine sanitizer	3 comp sink	50.00 PPM	PIC adjusted the sanitizer and remeasured at 100PPM.
Hot water	Food prep sink and 3 compartment ware wash sink	120.00 Fahrenheit	
Ice cream	single door undercounter freezer	13.90 Fahrenheit	

Overall Comments:

Joint inspection and written report by Madeline Meza

- 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 \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM).

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 **10/19/2026**. 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: Alex Perez
Manager
Signed On: October 05, 2026