

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 FA0240286 - TACOS EL GUERO		Site Address 40 HORNLEIN CT #1, GILROY, CA 95020		Inspection Date 09/03/2025		Placard Color & Score YELLOW 64		
Program PR0340353 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name HERNANDEZ FOODS SERV		Inspection Time 16:20 - 17:45			
Inspected By GUILLERMO VAZQUEZ		Inspection Type ROUTINE INSPECTION		Consent By YADIRA GALLEGOS				FSC

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						
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly	X						
K06	Adequate handwash facilities supplied, accessible		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						
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						S
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		
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		X
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: *Only hand wash station within the facility was not operational at the time of inspection. Drain pipes not connected.*

[CA] *All food facilities shall provide an operable hand washing station at all times.*

[COS] *Per PIC, they were using the 3-compartment sink to wash hands until piping gets repaired properly.*

Follow-up By
09/08/2025

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

Inspector Observations: *PHFs within metal trays next to the cook line were measured between 94-98°F at the time of inspection. Per PIC, the items were cooked about 4-hours ago.*

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

[SA] *All PHFs next to the cook line were VCD by PIC. Form was provided.*

Follow-up By
09/08/2025

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *Multiple flies within the food facility.*

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

Recommend obtaining approved fly traps and contact pest control.

REPEAT VIOLATION. Failure to comply may result in enforcement action. Office hearing maybe forth coming.

Follow-up By
09/08/2025

Minor Violations

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

Inspector Observations: *Unable to provide a food manger certification at the time of inspection. Per PIC, cannot find right now but has it.*

[CA] *Submit during follow up inspection.*

REPEAT VIOLATION. Failure to comply may result in enforcement action.

Follow-up By
09/08/2025

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: *Floor sink under the prep sink is clogged at the time of inspection.*

[CA] *Have the sink unclogged by a contractor.*

[SA] *Sink cannot be used until it is repaired by contractor. All other sinks within the facility are draining properly.*

REPEAT VIOLATION. Failure to comply may result in enforcement action.

Follow-up By
09/08/2025

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: *Front/back doors of the facility are open at the time of inspection. Air curtains in the front and back are not on at the time of inspection.*

[CA] *Keep back door closed at all times to prevent the entrance and harborage of vermin. Turn on air curtains and keep them on; make repairs to them if needed.*

Follow-up By
09/08/2025

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: *Multiple ceiling panels on top of the prep area have holes and are not the correct panels.*

[CA] *Ceilings of all rooms where food is handled shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable. Replace damaged ceiling panels and replace panels above the prep area.*

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

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Inspector Observations: --48 HOUR NOTICE--

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.

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Measured Observations

Item	Location	Measurement	Comments
Raw steak	Walk in	40.00 Fahrenheit	
Cut tomato	Prep table	40.00 Fahrenheit	
Cooked steak	Hot holding (steam table)	153.00 Fahrenheit	
Cooked steak	Cook line	188.00 Fahrenheit	Final cook temperature.
Grilled onions	Metal tray	98.00 Fahrenheit	Keep at 135°F above. VCD
Sanitizer (Chlorine)	Sanitizer bucket	100.00 PPM	
Cooked beans	Metal tray (ice bath)	83.00 Fahrenheit	Cooling for about 1-hour
Warm water	Restroom	100.00 Fahrenheit	
Hot water	3-Compartment/prep/mop sinks	120.00 Fahrenheit	
Beans	Hot holding (steam table)	159.00 Fahrenheit	
Ambient	Freezer chest	5.00 Fahrenheit	
Shelled eggs	Reach in	40.00 Fahrenheit	
Cooked steak	Metal tray (ice bath)	85.00 Fahrenheit	Cooling for about 1-hour
Chorrito	Walk in	39.00 Fahrenheit	
Cooked potato	Metal tray	94.00 Fahrenheit	Keep at 135°F above. VCD
Pico de gallo	Prep table	40.00 Fahrenheit	
Milk	Reach in	40.00 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 **9/17/2025**. 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: Yadira Gallegos
PIC
Signed On: September 03, 2025