

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 FA0207616 - EL PORTAL COCINA Y MARISCOS		Site Address 2108 STORY RD A, SAN JOSE, CA 95122		Inspection Date 10/19/2022	
Program PR0301237 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name EL PORTAL FOOD SERVICES		Inspection Time 11:30 - 13:15
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By ANGELICA	FSC Maria Mendez 05/16/2027	

Placard Color & Score
RED
57

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						S
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		X			
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				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		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		
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	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: The only hand washing station in the kitchen lacked hand soap and paper towels. Hand wash station at the bar lacked paper towels inside dispenser.

Follow-up By
10/21/2022

Both men and women's restroom had paper towels maintained outside of dispensers.

[CA] Handwashing facilities shall be equipped with handwashing cleanser and single-use sanitary towels in dispensers. Paper towels shall be stored inside the dispenser to prevent potential contamination.

[COS] Employee provided hand soap and paper towels for the hand wash station in the kitchen.

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

Inspector Observations: Sushi rice maintained out in ambient temperature measured at 70F covered with linen cloth. Per employee, sushi rice was removed from the refrigeration unit approximately 30 minutes prior for an order. [CA] PHFs shall be held at 41F or below or at 135F or above. [COS] Instructed employee to relocate sushi rice into refrigerator to immediately cool.

Follow-up By
10/21/2022

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

Inspector Observations: Numerous live cockroaches of various life stages observed in-between wall and shelf directly above the undercounter dish machine.

Follow-up By
10/21/2022

Numerous live cockroaches of various life stages observed in-between wall and shelf directly above the three-compartment sink.

One live juvenile cockroach observed on floor crawling from the grease trap to under a garbage can by the food preparation sink.

Numerous live adults observed inside hole on wall by the main water shutoff valve under the food preparation sink.

Numerous live adult cockroaches inside crevice of the corner adjoining the stainless steel walls left of the hot holding unit on top of the three-door reach-in refrigerator/food preparation surface.

[CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

Excessive live flies observed throughout kitchen facility and dry storage room. [CA] Use any and all approved methods to abate live flies.

Minor Violations

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

Inspector Observations: Employees' three-year food handler cards unavailable for review. [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.

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employee observed eating at the sushi preparation refrigerator [CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

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

Inspector Observations: Front of house server observed with artificial nails, nail polish, and/or rings using bare hands to grab tortilla chips for immediate service. [CA] Bare hand and arm contact with non-prepackaged ready-to-eat foods shall be minimized by using utensils such as scoops, tongs, gloves, paper wrappers, or other implements. All food employees shall keep their fingernails trimmed filed and maintained or use gloves.

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: Build up of brown growth matter observed on the plastic white baffle inside the ice machine. Soiled surface was not in contact with ice. [CA] Clean, sanitize, and maintain ice machine.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hand wash station in the kitchen lacked hot water. Hand station utilizes single step pedal and does not allow for adjustment of hot and cold water temperature. [CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

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 ice machine drain line draining to outside of facility. [CA] All equipment that discharges liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an airgap into a floor sink or other approved type of receptor.

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

Inspector Observations: Facility is currently operating without a valid health permit under a delinquent account. See 48-hour notice at comment section below. [CA] A food facility shall not be open for business without a valid health permit.

Follow-up By
10/21/2022

Performance-Based Inspection Questions

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

Measured Observations

Item	Location	Measurement	Comments
Hot water	Three-compartment sink	126.00 Fahrenheit	
Beef	Hot holding unit	154.00 Fahrenheit	
Raw shrimp	Sushi preparation refrigerator	41.00 Fahrenheit	
Beans	Hot holding unit	160.00 Fahrenheit	
Diced tomatos	Sushi preparation refrigerator	41.00 Fahrenheit	
Beans	Three-door upright refrigerator	41.00 Fahrenheit	Back storage area
Imitation crab mix	Sushi preparation refrigerator	41.00 Fahrenheit	
Chicken	Hot holding unit	158.00 Fahrenheit	
Rice	Hot holding unit	153.00 Fahrenheit	
Cooked beef	Preparation refrigerator	41.00 Fahrenheit	
Raw shrimp	Sushi preparation refrigerator	40.00 Fahrenheit	
Cooked octopus	Three-door food preparation refrigerator	40.00 Fahrenheit	
Chlorine sanitizer	Mechanical ware wash	50.00 PPM	
Beef bones	Three-door upright refrigerator	41.00 Fahrenheit	Back storage area
Diced tomato with corn	Preparation refrigerator	41.00 Fahrenheit	

Overall Comments:

- Complaint investigation was conducted concurrently with routine inspection.

- Facility is hereby closed due to the presence of vermin.

- Facility is to remain closed until vermin infestation is completely abated.

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- Subsequent follow-up inspection after first follow-up shall be billed \$219/hour during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$493/hour during non-business hours, and upon inspector availability.

- The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied red placard. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.

-- 48 HOUR NOTICE --

Our records indicate this facility has a delinquent account and is operating without a valid permit.

Total account balance due is \$1,533.75. Invoice provided to operator.

Payment must be made within 48 hours (2 business days) to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

Previous written notification of account balance was provided in a Delinquent Permit Letter.

The right to an administrative hearing was waived for failure to respond to the Delinquent Permit Letter. A re-inspection will not be conducted if your account is paid in full by the Comply By date. A new valid permit will be mailed after payment has been received. If your account has not been paid in full by the Comply By date, a re-inspection will be performed and the facility owner may be billed at the current hourly rate per County Ordinance Code B11-8. Non-payment of permit fees within 48 hours will result in additional legal actions up to and including facility closure.

CLOSURE / PERMIT SUSPENSION NOTICE

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 11/2/2022. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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: Maria Mendez
PIC
Signed On: October 19, 2022