

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 FA0263404 - THE OLD WAGON SALOON & GRILL		Site Address 73 N SAN PEDRO ST, SAN JOSE, CA 95110		Inspection Date 02/20/2025	
Program PR0387975 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name OWS RESTAURANT LLC		Inspection Time 14:10 - 15:00
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION	Consent By SONNY	FSC Jorge Ortega 02/19/2028		

Placard Color & Score
GREEN
78

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				S
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	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		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	X	
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		
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	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K18 - 8 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

Inspector Observations:

Facility is using Reduced-Oxygen Packaging without an approved HACCP plan from the California Department of Public Health. Facility was vacuum sealing pork belly. Observed packaged pork belly which, per operator, has been packaged for over 48 hours.

[CA] The food facility shall obtain a HACCP plan approval prior to packaging PHFs using a reduced-oxygen packaging method.

Minor Violations

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

Inspector Observations:

The hand wash station at the bar/kitchen lacked a permanent soap dispenser.

[CA] Provide handwashing cleanser in dispenser at handwash stations at all times.

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

Inspector Observations:

In the kitchen area, at the one door undercounter cooler, chili beans were measured at 47°F. Ambient air of the cooler was measured at 58°F. The cooler was observed to be halfway unplugged. Per staff they moved the cooler to clean behind it about an hour prior.

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

[COS] The cooler was plugged in and temperature dropped. Chili beans returned to 41°F.

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:

The soda spray nozzles had an accumulation of debris.

[CA] Food contact surfaces of equipment shall be maintained clean to both sight and touch.

[COS] Staff removed the nozzles and cleaned them.

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

Inspector Observations:

Facility has no consumer advisory for their menu.

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

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:

Facility has a non ANSI vacuum sealer.

[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).

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Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Sliced Tomatoes	Prep Cooler	40.00 Fahrenheit	
Water	Hand Sink	100.00 Fahrenheit	
Chili Beans	Undercounter Cooler	47.00 Fahrenheit	
Brisked	Drawer Cooler	47.00 Fahrenheit	Sliced ~20 minutes prior
Burger	Final Cooker	180.00 Fahrenheit	
Bread	Upright Freezer	10.00 Fahrenheit	
Chlorine - Sanitizer	Dishwasher - Bar	50.00 PPM	
Water	Three Compartment Sink	120.00 Fahrenheit	
Fries	Upright Freezer	10.00 Fahrenheit	
Chlorine - Sanitizer	Dishwasher - Back of house	50.00 PPM	

Overall Comments:

OWNERSHIP CHANGE INFORMATION

NEW FACILITY NAME: OWS Restaurant LLC

NEW OWNER: The Old Wagon Saloon and Grill

The applicant has completed the facility evaluation application process for an Environmental Health Permit.

The permit category for this facility is FP14. An invoice for the permit fee in the amount of \$1,723.00 will be mailed to the billing address on the application. Payment must be submitted within 10 days of receipt of the invoice. The owner is responsible for contacting our department if an invoice is not received and remit payment within 30 days.

The Environmental Health Permit will be effective: 03/01/25 - 02/28/26 This report serves as a temporary permit. However, the permit will be deemed invalid if the permit fee is not paid in full within 30 days from the date of this report. Okay to Operate.

An official permit will be mailed to the address on file and shall be posted in public view upon receipt.

**Structural Review inspection conducted on 02/20/25*

**Permit condition:*

- 1. The outdoor bar is unapproved unless plans are submitted and approved by this department.*
- 2. The back storage room shall be for the storage of prepackaged non-Potentially Hazardous Foods in their original containers only.*

**Obtain food safety manager certificate within 60 days. All other food employees must have valid food handler cards within 30 days from hire date.*

Consumer Advisory handout provided.


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.

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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: Sonny Walters
Owner

Signed On: February 20, 2025