

# 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

<b>Facility</b> FA0263404 - OLD WAGON SALOON & GRILL. THE		<b>Site Address</b> 73 N SAN PEDRO ST, SAN JOSE, CA 95110		<b>Inspection Date</b> 12/06/2022		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>85</b> </div>		
<b>Program</b> PR0387975 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> DUGALA LLC		<b>Inspection Time</b> 13:45 - 15:00			
<b>Inspected By</b> JENNIFER RIOS		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> JORGE				<b>FSC</b> Jorge Ortega 12/15/2022

  

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						S
K03	No discharge from eyes, nose, mouth	X						S
K04	Proper eating, tasting, drinking, tobacco use	X						S
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				
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						S
K14	Food contact surfaces clean, sanitized		X		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		X
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

K14 - 8 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: 1. Observed mold like substance lining the interior panel of ice machine. Water was dripping over the mold like substance onto the consumable ice below. [CA] Clean and sanitize ice machine and maintain to prevent accumulation. [COS] Employee cleared all ice out of machine, cleaned and sanitized ice machine.**

**2. Observed mold like substance inside all soda nozzles at bar. Observed employee make drink using soda nozzle. [CA] Clean and sanitize soda nozzles and maintain to prevent accumulation. [COS] Nozzles were removed, cleaned and sanitized.**

**3. The mechanical warewash in the back prep area and the mechanical warewash in the front bar measured 0ppm chlorine. [CA] Maintain chlorine at 50ppm. Use three compartment sinks to wash, rinse and sanitize equipment.**

### Minor Violations

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

**Inspector Observations: Food items in cold holding unit next to stove measured 43F to 45F. Per PIC, the unit is left open during the lunch period. [CA] PHFs shall be held at 41°F or below or at 135°F or above. Ensure unit is functioning so that PHF is maintained at 41F or below.**

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

**Inspector Observations: Test strips were not available for sanitation methods (Chlorine). [CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

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: Refrigerator at bar and mechanical warewash at bar appeared to be leaking water into the surrounding areas. [CA] Repair/replace equipment and maintain in good condition.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

### Measured Observations

Item	Location	Measurement	Comments
Cheese	Walk in fridge	40.00 Fahrenheit	
Brisket	On stove	125.00 Fahrenheit	Being reheated for service.
Chlorine	Mechanical warewash - back prep	0.00 PPM	
Guacamole	Reach in fridge	40.00 Fahrenheit	
Chlorine	Mechanical warewash - bar	0.00 PPM	
Hot water	Three comp sink - bar	120.00 Fahrenheit	
Potatoes	Walk in fridge	56.00 Fahrenheit	Cooling appropriately.
Diced cherry tomato	Cold hold insert	45.00 Fahrenheit	43F-45F
Chicken	Under counter reach in	45.00 Fahrenheit	43F-45F
Hot water	Handwash sinks	100.00 Fahrenheit	
Gumbo sauce	Under counter reach in	50.00 Fahrenheit	Cooling from service.
Sliced tomato	Cold hold insert	45.00 Fahrenheit	43F-45F.
Hot water	Three comp sink	120.00 Fahrenheit	

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## Overall Comments:

*Updated to remove violation K01, emailed to PIC - 12/09/2022*

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 **12/20/2022**. 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.

## 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



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**Received By:** Jorge Ortega  
Manager

**Signed On:** December 06, 2022