

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 FA0206652 - EL RANCHO DE LAS CERVEZAS		Site Address 163 W ALMA AV, SAN JOSE, CA 95110		Inspection Date 06/16/2022	
Program PR0305075 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name GALLON ENTERTAINMENT		Inspection Time 12:40 - 14:10
Inspected By GUILLERMO VAZQUEZ	Inspection Type ROUTINE INSPECTION		Consent By JUAN C.	FSC Not Available	

Placard Color & Score
RED
62

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						
K06 Adequate handwash facilities supplied, accessible		X					N
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				N
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		X
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use		
K39 Thermometers provided, accurate		X
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	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 within cook area was blocked within equipment inside sink and chair blocking it.

[CA] Hand washing facility shall be clean, unobstructed, and accessible at all times.

Follow-up By
06/21/2022

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot water within facility is not functioning, water was measured between 80-79°F. Per PIC, there water heater stopped working yesterday.

[CA] An approved, adequate, protected, pressurized, potable supply of hot water and cold water shall be provided.

Follow-up By
06/21/2022

Minor Violations

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

Inspector Observations: Unable to provide food handler cards for employees and food manger certification.

[CA] Obtain food handler cards within 30-days and food manager certification within 60-days.

REPEAT VIOLATION. Submit copies to specialist for review.

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

Inspector Observations: Cut tomatoes within plastic tray was measured at 55°F at the time of inspection.

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

[COS] Food was moved into the reach in and temperature is going down.

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: Plastic containers that has food inside of them have heavy debris build up and are located on the floor.

[CA] Clean/sanitize equipment that holds food and keep 6in off the ground.

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

Inspector Observations: Multiple fruit flies within the kitchen area of the facility.

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

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: Unable to provide test strips at the time of inspection.

[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: House hold refrigeration is located outside of the facility.

[CA] All utensils and 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).

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

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Inspector Observations: *Ice cream freezer chest, ice machine, and house hold refrigeration is located outside of the facility.*

[CA] *Equipment shall be stored within an approved facility to prevent contamination.*

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

Inspector Observations: *Unable to provide a food probe thermometer at the time of inspection.*

[CA] *An accurate easily readable metal probe thermometer (accurate to +/- 2°F) that is designed to measure the temperature of thin masses shall be provided and readily available to accurately measure the temperatures of potentially hazardous foods.*

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

Inspector Observations: *--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

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. The facility shall remain open and 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.

Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.

Needs Improvement - Adequate handwash facilities: supplied or accessible.

Measured Observations

Item	Location	Measurement	Comments
Cut tomatoes	Plastic container	55.00 Fahrenheit	Moved into reach in
Steak	Cook line	163.00 Fahrenheit	Final cook temperature.
Eggs	Reach in	39.00 Fahrenheit	
Raw meat	Reach in	39.00 Fahrenheit	
Warm water	Hand wash	78.00 Fahrenheit	Adjust to 100°F
Hot water	3-Compartment	80.00 Fahrenheit	Adjust to 120°F

Overall Comments:

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 **6/30/2022**. 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.

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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: Juan C.
Owner

Signed On: June 16, 2022