

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 FA0203143 - ROSY'S AT THE BEACH		Site Address 17320 MONTEREY RD, MORGAN HILL, CA 95037		Inspection Date 10/11/2024	
Program PR0307318 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name CABANA BEACH INC		Inspection Time 12:30 - 13:50
Inspected By PRINCESS LAGANA	Inspection Type ROUTINE INSPECTION	Consent By ANNA	FSC Rigoberto Lopez 07/24/2028		

Placard Color & Score
YELLOW
68

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	X			N
K06	Adequate handwash facilities supplied, accessible			X	X			
K07	Proper hot and cold holding temperatures		X		X			S
K08	Time as a public health control; procedures & records					X		
K09	Proper cooling methods					X		
K10	Proper cooking time & temperatures	X						S
K11	Proper reheating procedures for hot holding					X		
K12	Returned and reservice of food	X						
K13	Food in good condition, safe, unadulterated	X						N
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	
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	X	
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used		
K30	Food storage: food storage containers identified	X	
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean	X	
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	X	
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

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

Inspector Observations: *REPEAT VIOLATION*

MAJOR:

Above the prep line cooler in a plastic container at the cook line area, Mayonnaise measured at 66F respectively for approximately 1 hour per PIC. PIC stated that sauces are usually cold held in the prep line cooler but when busy, sauces tend to be left out on top of the prep line cooler without temperature control.

MINOR:

Above the prep line cooler in a plastic container at the cook line area, Sriracha aioli (contains mayonnaise) measured at 48F respectively for approximately 1 hour per PIC. PIC stated that sauces are usually cold held in the prep line cooler but when busy, sauces tend to be left out on top of the prep line cooler without temperature control.

[CA]: Potentially Hazardous Food (PHFs) shall be cold held at 41F or below at all times.

[COS]: PHFs were relocated to cooling units to rapidly cool down.

Follow-up By
10/15/2024

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: MAJOR:

Employee ware-washed plastic lid cover for large container of vegetables without sanitizing the lid.

[CA]: After washing food contact surfaces with water and soap, manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

[COS]: Specialist instructed PIC to sanitize the lid.

Follow-up By
10/15/2024

MINOR:

At the bar area, ice for consumption is in direct contact with beverage supply tube metal box in the ice bin.

[CA]: Ensure ice is protected from possible contamination at all times.

Minor Violations

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

Inspector Observations: 1. Employee washed hands with gloves on and did not change to new gloves.

[CA]: Employees shall properly wash hands when changing gloves, when changing tasks, prior to handling food, utensils or equipment, after touching body parts, and when contamination occurs or as required.

[COS]: Specialist instructed staff to wash hands again and don on new gloves.

2. The same employee washed hands at the 2 compartment sink next to dish machine.

[CA]: Employees shall use designated hand sink, soap and disposable paper towels to wash hands.

[COS]: Specialist instructed staff to wash hands at the designated hand sink.

Follow-up By
10/15/2024

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

Inspector Observations: At the right side restroom, soap dispenser was not dispensing soap.

[CA]: Hand sink stations shall always provide soap and paper towels.

[COS]: Specialist instructed staff to assess/repair soap dispenser.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: At the bar area, multiple beverage containers are stored directly on the floor underneath the 3 comp sink.

[CA]: Ensure food is stored in a clean, dry location, where it is not exposed to splash, dust, vermin, or other forms of contamination or adulteration, and at least six inches above the floor.

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K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Open bags of dry food observed at the dry storage rack next to walk in cooler.
[CA]: Ensure all open bags of dry food are immediately transferred to food grade containers or stored in food grade containers and covered with a fitted lid.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Accumulation of dust on the fan guards in the walk in cooler.
[CA]: Clean fan guards to prevent potential food contamination.

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: Handle-less plastic bowls used as scoops for bulk food containers.
[CA]: Discontinue storage of handle-less food equipment not approved for use as scoops. Provide food-grade scoops with handles for scooping.

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

Inspector Observations: Scoop handle in direct contact with ice in ice machine.
[CA]: Ensure that scoops which are stored in food containers for portioning are always stored in a manner which prevents the handle of the scoop from coming into direct contact with food.

Performance-Based Inspection Questions

Needs Improvement - Food in good condition, safe, unadulterated.
 Needs Improvement - Hands clean/properly washed/gloves used properly.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Chlorine sanitizer	sanitizer bucket at cookline	100.00 PPM	
beans, rice	steam table	140.00 Fahrenheit	140F - 141F
sweet potato fries	final cooking temp at cook line	156.00 Fahrenheit	
Chlorine sanitizer	dish machine	50.00 PPM	
water	mop sink	120.00 Fahrenheit	
water	3 comp sink at bar	120.00 Fahrenheit	
salsa, pasta, raw red snapper	walk in cooler	36.00 Fahrenheit	36F - 41F
raw red snapper, cut tomatoes, sweet potato	prep line cooler	36.00 Fahrenheit	36F - 40F
water	hand sink at cook line	120.00 Fahrenheit	
cut tomatoes, pasta, blue cheese	prep line cooler 2	40.00 Fahrenheit	40F- 41F
water	2 comp sink	120.00 Fahrenheit	
red snapper	final cooking temp from flat top grill	173.00 Fahrenheit	

Overall Comments:

In conjunction with CO0155531.

Discussed the following:

Violations with comply by date shall be corrected by 10/15/2024. Continued non-compliance will result in subsequent follow-up inspections charged at \$298 per hour.
Health permit is expiring on 10/31/2024.

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 **10/25/2024**. 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: Anna Pelaiz
Front of the house manager

Signed On: October 11, 2024