

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 FA0266457 - FIESTA MARKET		Site Address 110 DEMPSEY RD, MILPITAS, CA 95035		Inspection Date 06/01/2023	
Program PR0393404 - NO FOOD PREP (GROCERY STORE) < 5,000 SQ FT - FP06			Owner Name FIESTA MARKET CORP		Inspection Time 15:45 - 16:45
Inspected By FRANK LEONG	Inspection Type ROUTINE INSPECTION	Consent By URIEL MURILLO JR	FSC		

Placard Color & Score
GREEN
92

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				
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						
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	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

No major violations were observed during this inspection.

Minor Violations

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

Inspector Observations: Food safety certificate was unavailable upon request. [CA] Ensure a valid food safety certificate is obtained and posted within the facility.

Follow-up By
08/01/2023

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

Inspector Observations: In the display refrigerator, measured sliced beef, marinated beef, steaks, and pork chops at 46F. Per operator, food items in the display refrigerator was recently restocked within the past hour. [CA] Ensure potentially hazardous foods are held cold at 41F or below. [SA] Display refrigerator was kept closed to facilitate proper holding temperatures. Continue to monitor display refrigerator to ensure food is held at 41F or below.

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: In the food prep area, in the walk-in refrigerator, observed a walk-in freezer compartment added to the interior. [CA] Ensure walk-in freezer is permitted through plan check department. Submit plans to plan check within 90 days.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
milk	walk-in refrigerator	39.00 Fahrenheit	
cheese	display refrigerator	41.00 Fahrenheit	
marinated beef	display refrigerator	46.00 Fahrenheit	
beef	walk-in refrigerator	39.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
ice cream	ice cream freezer chest	10.00 Fahrenheit	
ambient air temperature	sliding 2 door reach in refrigerator	41.00 Fahrenheit	
pork chops	display refrigerator	46.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
steaks	display refrigerator	46.00 Fahrenheit	
ambient air temperature	sliding 3 door reach in refrigerator	41.00 Fahrenheit	
sliced beef	display refrigerator	46.00 Fahrenheit	
chicken	display refrigerator	41.00 Fahrenheit	

Overall Comments:

OWNERSHIP CHANGE INFORMATION

NEW FACILITY NAME: FIESTA LATINA MARKET LLC

NEW OWNER: URIEL JR MURILLO

The applicant has completed the change of ownership application process for an Environmental Health Permit.

The permit category for this facility is FP11. An invoice for the permit fee in the amount of \$1,227.00. Invoice 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.

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The Environmental Health Permit will be effective: 06/01/2023 - 05/31/2024 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 06/01/2023**

***Permit condition: n/a**

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

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 **6/15/2023**. 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



Received By: URIEL MURILLO JR
OWNER
Signed On: June 01, 2023