

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 FA0201136 - O D'S KITCHEN | | Site Address 28 MARTIN ST, GILROY, CA 95020 | | Inspection Date 06/13/2024 | |
| Program PR0302171 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | | | Owner Name O'DONOGHUE, DON & DIAN/ | | Inspection Time 13:15 - 14:45 |
| Inspected By GUILLERMO VAZQUEZ | Inspection Type ROUTINE INSPECTION | Consent By ROCIO MARTINEZ | FSC Not Available | | |

| |
|-----------------------|
| Placard Color & Score |
| RED |
| 84 |

| 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 | | | | 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 | | | | | | 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 | | |
| K35 Equipment, utensils: Approved, in good repair, adequate capacity | | |
| 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 | | X |
| 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

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *Observed multiple live adult/nymphs coach roaches within the bathroom that is located within the kitchen area at the time of inspection, noted around the hot water heater as well.*

[CA] *The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.*

Follow-up By
06/18/2024

Minor Violations

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

Inspector Observations: *Unable to provide a current food manger certification at the time inspection.*

[CA] *Obtain a new food manager certification.*

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

Inspector Observations: *Facility does not have a dedicated hand wash station within the prep area.*

[CA] *All food facilities shall provide an operable hand washing station.*

[SA] *Facility is using the restroom within the kitchen area as a hand wash station.*

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

Inspector Observations: *Sanitizer bucket was measured at 0PPM at the time of inspection.*

[CA] *Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

| Item | Location | Measurement | Comments |
|----------------------|---------------------------------------|-------------------|-----------------------------|
| Sanitizer (Chlorine) | Sanitizer bucket | 0.00 PPM | Adjust to 100PPM. COS. |
| Hot water | 3-Compartment | 120.00 Fahrenheit | |
| Hot water | 3-Compartment/mop sink | 120.00 Fahrenheit | |
| Raw steak | Under counter refrigeration | 39.00 Fahrenheit | |
| Warm water | Restroom | 100.00 Fahrenheit | |
| Cooked potatos | Walk in | 64.00 Fahrenheit | Cooling, less then 2-hours. |
| Sanitizer (Chlorine) | Dish washer | 50.00 PPM | |
| Raw steak | Walk in | 38.00 Fahrenheit | |
| Ambient | Reach in freezer | 5.00 Fahrenheit | |
| Yogurt | Display refrigeration | 38.00 Fahrenheit | |
| Pooled eggs | Prep table | 39.00 Fahrenheit | |
| Sausage | Prep table | 39.00 Fahrenheit | |
| Cheese | Prep table #3 | 40.00 Fahrenheit | |
| Cut fruit | Reach in #2 (next to cashier station) | 40.00 Fahrenheit | |
| Salsa (tomato base) | Reach in #2 (next to cashier station) | 39.00 Fahrenheit | |
| Warm water | Hand wash | 100.00 Fahrenheit | |
| Ambient | Under counter freezer | 5.00 Fahrenheit | |
| Gravy | Hot holding | 156.00 Fahrenheit | |
| Cooked omelet | Cook line | 202.00 Fahrenheit | Final cook temperature. |

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Overall Comments:

The facility is hereby closed by this department with regards to having active live vermin within the facility at the time of inspection.

Subsequent follow-up inspections after the first follow-up shall be billed \$290-hour, minimum one hour, during normal business hours: Monday-Friday 7:30AM to 5:00PM or \$629/hour, minimum one hour, during non-business hours, and upon inspector availability.

- Notify this department once major violation has been correct. Contact Guillermo V. (408) 918-7114 (guillermo.vazquez@deh.sccgov.org).

- Per PIC, they would like a follow up inspection tomorrow (6/14/24).

- On site to perform a Change of Ownership as well. Application will not be processed at this time. Until issue has been abated.

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 6/27/2024. 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.

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.

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: Michael O'DONOGHUE
Manager
Signed On: June 13, 2024