

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 FA0209454 - DON PEDRO'S RESTAURANT		Site Address 43 POST ST, SAN JOSE, CA 95113		Inspection Date 10/28/2020		Placard Color & Score RED N/A
Program PR0303310 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name ANGULO, VICTOR		Inspection Time 12:00 - 13:30	
Inspected By FRANK LEONG	Inspection Type RISK FACTOR INSPECTION		Consent By VICTOR ANGULO	FSC Not Available		

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		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						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		
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

Social Distancing Protocol

01 - Signage Violation

Compliance of this category has been verified.

02 - Face Covering Violation

Compliance of this category has been verified.

03 - Social Distance Violation

Compliance of this category has been verified.

04 - Clean and Sanitize Violation

Compliance of this category has been verified.

05 - General Violation

Compliance of this category has been verified.

Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Observed both handwash sinks blocked with kitchen equipment/items. Observed handwash sinks are missing hand soap or paper towels. [CA] Ensure handwash stations are kept accessible at all times to allow for handwashing. Provide hand soap and paper towels to allow for proper handwashing. [COS] Operator moved equipment to allow access to handwash station, and provide hand soap and paper towels for handwashing.

Follow-up By
11/02/2020

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

Inspector Observations: On the counter-top, measured raw shelled eggs at 65F. Per operator, raw shelled eggs was removed from refrigeration for less than an hour. [CA] Ensure potentially hazardous foods are held cold at or below 41F to prevent bacterial growth. [COS] Operator returned raw shelled eggs to 2 door reach in refrigerator to return to proper holding temperatures.

Follow-up By
11/02/2020

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

Inspector Observations: In the kitchen area, observed live cockroaches underneath/behind the handwash sink, underneath the 3 compartment sink, on shelving above the 3 compartment sink, behind the cookline, and behind the mop rack. [CA] Ensure facility is kept free of cockroach activity. Facility shall not operate when there is live vermin activity within the facility. Clean and sanitize all areas with cockroach activity. Contact pest control to provide service for facility. Seal all cracks and crevices to prevent further harborage. Contact for re-inspection at 408-918-1955. Facility shall be free of cockroaches during re-inspection or facility will remain closed.

Follow-up By
11/02/2020

Minor Violations

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

Inspector Observations: Food safety certificate unavailable. [CA] Ensure a valid food safety manager certificate is available and posted within the facility. All employees shall be trained and have adequate knowledge in food safety as demonstrated by a food handler card (food employee) or food safety certificate (manager).

Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

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Measured Observations

Item	Location	Measurement	Comments
hot water	3 compartment sink	120.00 Fahrenheit	
refried beans	steam table	155.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
shredded cheese	2 door reach in refrigerator	38.00 Fahrenheit	
chicken	2 door reach in refrigerator	39.00 Fahrenheit	
cooked rice	steam table	155.00 Fahrenheit	
shredded cheese	counter-top	41.00 Fahrenheit	
raw shelled eggs	counter-top	65.00 Fahrenheit	
pico de gallo	ice bath	41.00 Fahrenheit	
cooked chicken	steam table	150.00 Fahrenheit	

Overall Comments:

The following inspection was conducted in conjunction with a complaint.

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 **11/11/2020**. 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:

Signed On: October 29, 2020

Comment: REPORT EMAILED TO OPERATOR.