

**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**

<b>Facility</b> FA0207980 - CAFE PARADISE		<b>Site Address</b> 2400 MONTEREY RD, SAN JOSE, CA 95111	<b>Inspection Date</b> 09/29/2020
<b>Program</b> PR0300483 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10		<b>Owner Name</b> THOMAS N GEORGE	<b>Inspection Time</b> 17:00 - 17:45
<b>Inspected By</b> MANDEEP JHAJJ	<b>Inspection Type</b> FOLLOW-UP INSPECTION	<b>Consent By</b> YO YO	

<b>Placard Color &amp; Score</b>  <b>RED</b> <b>N/A</b>
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**Comments and Observations**

**Social Distancing Protocol**

01 - Signage Violation

02 - Face Covering Violation

03 - Social Distance Violation

**Inspector Observations: Outdoor dining - tables and chairs are not properly spaced to maintain customers 6' distance apart. [CA] Separate all tables to ensure that at least 6 feet of distance, and ideally more, can easily be maintained between members of separate households at all times. Create passageways to allow customers to freely access their tables while maintaining at least six feet of distance from seated customers and ensure that members of the public are able to maintain six feet of social distance while passing by the dining area.**

04 - Clean and Sanitize Violation

05 - General Violation

**Major Violations**

Cited On: 09/29/2020

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

**Inspector Observations: Both the hand sinks still are not stocked with the paper towels and soap. [CA] Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels. [COS] Manager agreed to place paper towels and soap.**

**Minor Violations**

Cited On: 09/23/2020

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

**This violation found not in compliance on 09/29/2020. See details below.**

Cited On: 09/23/2020

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

**This violation found not in compliance on 09/29/2020. See details below.**

**Measured Observations**

N/A

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## Overall Comments:

The following violations were observed at time of the inspection:

- Failure to close indoor operations at business prohibited from operating on indoor basis (Order, ¶ 5, 13; Mandatory Health Officer Directive)
- Operating facility that does not meet criteria for outdoor operations (outdoor facility must have at least 3 or 75% of sides open, allowing free flow of air through the entire space) (Order, ¶ 5; Mandatory Directive for Outdoor Dining.
- Failure to require use of face coverings among clients, customers, or visitors at the business facility (Order, ¶ 5 & 10; Mandatory Health Officer Directives)
- Failure to space tables in outdoor dining area by approximately 10 feet to allow minimum 6-foot social distance between members of different households (Order, ¶ 5; Mandatory Directive for Outdoor Dining, ¶ 5)

Pursuant to County Ordinance Code Section B11-34, the permit to operate your food facility is hereby suspended and you are ordered to immediately cease operation of the food facility at the Violation Address and prevent public access to the facility. Operation of your food facility constitutes an imminent hazard to public health on account of the risk of COVID-19 transmission associated the above-referenced activities, which are being conducted in violation of the County Health Officer Order. Violations of this Notice and the County Health Officer Order are subject to civil and criminal penalties and are punishable by fine and imprisonment.

The Director of the Department of Environmental Health, or designee, will serve on you written notice of the grounds for immediate suspension of your permit within 48 hours of service of this Notice. If you disagree that the violations exist, you may appeal the suspension by filing a written notice of appeal within fifteen (15) calendar days of service of this Notice to request a hearing to present supporting evidence to the Director of the Department of Environmental Health, or designee. This notice of appeal must be submitted to Deputy Director of Environmental Health Rochelle Gaddi either (1) by email to Rochelle.Gaddi@cep.sccgov.org or (2) by mail or in person to 1555 Berger Drive, Suite 300, San Jose CA, 95112. A hearing will be conducted within fifteen (15) days of receipt of your written appeal. You must suspend operation of your food facility pending this hearing.

If you fail to immediately suspend operation of your food facility, the County will:

1. Charge you any costs the County incurs in correcting the violations and public nuisance, including staff costs and attorneys' fees; and
2. Record notice of the violations against the Violation Address with the County Clerk-Recorder's Office; and/or
3. Impose administrative citations and/or administrative fines of up to \$15,000 per violation per day until the violations are corrected; and/or
4. Initiate civil or criminal prosecution, with civil penalties of up to \$2,500 per violation per day; and/or
5. Revoke your food facility permit; and/or
6. Take any other action appropriate under the law.

Please immediately provide proof of compliance with this Notice to Rochelle.Gaddi@cep.sccgov.org. If your business fails to cease operations of the food facility at the Violation Address, the County will take action to prosecute or enforce against violations by your business of this Notice and the County Health Officer Order and levy fines and penalties as allowed by the County of Santa Clara Ordinance Code and/or State law.

This Notice of Permit Suspension, as posted at the facility, may not be removed, obscured, or altered in any manner unless advised otherwise by the Department of Environmental Health.

The above mentioned appeal process is applicable as permit has been suspended pursuant to County Ordinance Code Section B11-34.

## 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 **10/13/2020**. 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.

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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:** \_\_\_\_\_  
Hand delivered the report at facili

**Signed On:** September 29, 2020