

**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> FA0208439 - CUBA LIBRE		<b>Site Address</b> 284 N CAPITOL AV, SAN JOSE, CA 95127		<b>Inspection Date</b> 07/21/2021	
<b>Program</b> PR0300230 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			<b>Owner Name</b> SENCION, JOSUE		<b>Inspection Time</b> 13:00 - 14:00
<b>Inspected By</b> HELEN DINH	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> EMPLOYEE (A) & JOSUE (PHONE)	<b>FSC Exempt</b>		

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>78</b>

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				N
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

### Major Violations

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Measured water temperature reaching 76F at the hand wash sink and warewash sink. [CA] Provide an adequate, pressurized, potable supply of hot water at a minimum of 120F for all sinks with the exception of hand wash sink to be held between 100F - 108F.**

Follow-up By  
07/22/2021

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

**Inspector Observations: Major: Found LIVE cockroach in the following areas: on the wall, under the handle of the 2 door refrigerator, under the refrigerators. [CA] Eliminate all evidence of LIVE cockroach. Clean and sanitize all effected areas. Provide approved pest control services.**

Follow-up By  
07/22/2021

**Minor: Found DEAD cockroach in the following areas: under the warewash sink, on the warewash sink, on the floor in the storage area, in the bin containers and under refrigeration units. [CA] Eliminate all evidence of DEAD cockroach. Clean and sanitize all effected areas. Provide approved pest control services.**

### Minor Violations

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

**Inspector Observations: Found soap stored outside of mounted dispenser near warewash sink. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times. (Note: facility has a warewash sink only at the bar).**

K14 - 3 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: Found black like substance on the interior panel of the ice machine. [CA] Routinely clean.**

### Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.

### Measured Observations

Item	Location	Measurement	Comments
beverages	3 door reach in	40.00 Fahrenheit	
water	handsink/warewash	76.00 Fahrenheit	
beverages	2 door reach in	41.00 Fahrenheit	

### Overall Comments:

**\*\*Facility is hereby closed due to LIVE infestation of cockroaches and no hot water. Once the violations warranting the closure has been corrected, contact district specialist Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for a follow up inspection.\*\***

**\*\*\*Facility shall cease and desist all sales. \*\*\***

**\*\*\*Subsequent follow up inspection after first follow up shall be billed \$219/hr during business hours and \$493/hrs (minimum of 2 hours) during nonbusiness hours upon availability.\*\*\***

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## 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 **8/4/2021**. 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

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<b>Received By:</b>	Employee
	Employee
<b>Signed On:</b>	July 21, 2021
<b>Comment:</b>	Decline to sign