

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 FA0203114 - ELITE MEAT MARKET | | Site Address 16915 MONTEREY RD, MORGAN HILL, CA 95037 | | Inspection Date 11/22/2024 | |
| Program PR0305689 - NO FOOD PREP <5,000 SQ FT - FP06 | | | Owner Name ELITE MARKET LLC | | Inspection Time 12:30 - 13:30 |
| Inspected By GINA STIEHR | Inspection Type ROUTINE INSPECTION | Consent By CHRISTIAN OCHOA | | FSC Exempt | |

| |
|----------------------------------|
| Placard Color & Score |
| RED |
| 62 |

| 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 | | | | | | |
| 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 | | | | | | |
| K07 Proper hot and cold holding temperatures | | X | | X | | | N |
| 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 | | 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 | | 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

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

Inspector Observations: Observed potentially hazardous foods stored in the grab n go cooler that measured in the temperature danger zone. [CA] Ensure PHFs are properly cold held at 41F or below OR hot held at 135F or above. [COS] PIC voluntarily discarded compromised PHFs.

Follow-up By
11/25/2024

K13 - 8 Points - Food not in good condition/unsafe/adulterated; 113967, 113976, 113980, 113988, 113990, 114035, 114041, 114254(c), 114254.3

Inspector Observations: Observed a gallon of milk in the grab n go cooler that was expired and curdled/spoiled. [CA] Ensure all food for sale is in good condition, safe and unadulterated. [COS] PIC voluntarily discarded the milk.

Follow-up By
11/25/2024

K18 - 8 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

Inspector Observations: Observed packages of sausages that were vacuum sealed by owner (reduced oxygen packaged) without a HACCP. [CA] Discontinue reduce oxygen packaging without an approved HACCP. [COS] PIC voluntarily discarded the sausages.

Follow-up By
11/25/2024

HACCP information:

HACCP Plan (Hazard Analysis Critical Control Point) means a written document that complies with the requirements of Section 114419.1 and that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods. These principles include completion of the following basic steps:

- (a) Completion of hazard analysis identification by identifying the likely hazards to consumers presented by a specific food.
- (b) Determination of critical control points in receiving, storage, preparation, displaying, and dispensing of a food.
- (c) Setting of measurable critical limits for each critical control point determined.
- (d) Developing and maintaining monitoring practices to determine if critical limits are being met.
- (e) Developing and utilizing corrective action plans when failure to meet critical limits is detected.
- (f) Establishing and maintaining a recordkeeping system to verify adherence to a HACCP plan.
- (g) Establishing a system of audits to do both of the following:
 - (1) Initially verify the effectiveness of the critical limits set and appropriateness of the determination of critical control points.
 - (2) Periodically verify the effectiveness of the HACCP plan.

Potentially hazardous foods that are packed by the food facility in reduced-oxygen packaging or have been partially cooked and sealed in any container or configuration that creates anaerobic conditions shall be plainly date coded. The date coding shall state "Use By," followed by the appropriate month, day, and year.

A food facility that packages potentially hazardous food using a reduced-oxygen packaging method must operate under a HACCP plan which has been approved by the California Department of Public Health.
Revised 02.05.21

48
Department of Public Health. See 114419 (b)(2) for exemption.
Food facilities may engage in the following only pursuant to a HACCP plan that has been approved by the California Department of Public Health:

1. Using acidification or water activity to prevent the growth of *Clostridium botulinum*.
2. Packaging potentially hazardous food using a reduced-oxygen packaging method as specified in Section 114057.1.

If the California Department of Public Health grants a variance, or if a HACCP plan is required pursuant to Section 114419, the permit holder shall follow all requirements listed in CalCode.

Food facilities may engage in any of the following activities only pursuant to a HACCP plan as specified in Section 114419.1:

1. Smoking food as a method of food preservation rather than as a method of flavor enhancement.
2. Curing food.

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3. Using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement, or to render a food so that it is not potentially hazardous.
4. Operating a molluscan shellfish life support system display tank used to store and display shellfish that are offered for human consumption. EXCEPTION: tanks in operation prior to July 1, 2007.
5. Custom processing animals that are for personal use as food and not for sale or service in a food facility.
6. Preparing food by another method that is determined by the enforcement agency to require a HACCP plan.

K22 - 8 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: Observed floor sink in main prep area (where 3 comp and food prep sink drain in to) to be clogged and about to overflow. [CA] Liquid waste shall be disposed through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system. Unclog floor sink and maintain.

Follow-up By
11/25/2024

Minor Violations

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations: Facility does not have a posted consumer advisory sign. [CA] Post a consumer advisory sign for the risks of consuming raw or undercooked meats.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Observed flies in facility and use of fly tape. [CA] Eliminate pests from facility; discontinue use of fly tape. Recommend working with professional pest control to eliminate flies.

Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

| Item | Location | Measurement | Comments |
|-----------|------------------|-------------------|----------|
| beef | walk-in freezer | 21.00 Fahrenheit | |
| beef | walk-in cooler | 36.00 Fahrenheit | |
| beef | display cooler | 36.00 Fahrenheit | |
| hot wtaer | handwash sink | 100.00 Fahrenheit | |
| hot water | 3 comp sink | 120.00 Fahrenheit | |
| hot dogs | grab n go cooler | 49.00 Fahrenheit | |
| eggs | grab n go cooler | 52.00 Fahrenheit | |
| chicken | display cooler | 33.00 Fahrenheit | |
| yogurt | grab n go cooler | 50.00 Fahrenheit | |
| milk | grab n go cooler | 55.00 Fahrenheit | |

Overall Comments:

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 **12/6/2024**. 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.

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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: Christian Ochoa
Manager

Signed On: November 22, 2024