

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 FA0210119 - ERIK'S DELI CAFE - OTC | | Site Address 5705 COTTLE RD, SAN JOSE, CA 95123 | | Inspection Date 11/14/2023 | |
| Program PR0302749 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | | | Owner Name H2Q, INC | | Inspection Time 10:00 - 11:10 |
| Inspected By JENNIFER RIOS | Inspection Type ROUTINE INSPECTION | Consent By ALEXIS | FSC John Hannah 01/20/2027 | | |

Placard Color & Score
YELLOW
66

| 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 | | X | | | |
| 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 | | | | | | |
| 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 | X | |
| 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 | | X |
| 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

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

Inspector Observations: Handsoap was not provided at the two compartment sink. No other handwash available (except in restroom). [CA] Provide handwashing cleanser in dispenser at handwash stations at all times. [COS] PIC replaced handsoap.

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

Inspector Observations: Observed mop bucket full of waste water. Observed vacuum and paint stored inside janitorial sink. Per PIC, they do not use the janitorial sink for mop water waste. They pour the mop water into the warewash sink (two compartment sink). PIC removed vacuum and paints from mop sink. Water was run for a minute and did not drain. [SA] Mop water may be discarded in toilet while repair to janitorial sink is made. Janitorial sink must be operational by 11/16/2023.

| |
|----------------------------|
| Follow-up By 11/16/2023 |
|----------------------------|

Minor Violations

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Employee wearing gloves took order and payment of customer card, then went back to preparing food (pickles in bags), to go containers without removing gloves and washing hands. [CA] Remove gloves and wash hands when changing tasks (taking payment) before resuming food preparation.

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Diced chicken in cold holding inserts measured 41F on the bottom of the insert and 47F at the top. The inserts were filled well passed the fill line. [CA] PHFs shall be held at 41°F or below or at 135°F or above. Ensure that inserts are filled to fill line only to maintain PHF at 41F or below.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot water measured 119F for a minute at two compartment sink before dropping to 117F. [CA] Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

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

Inspector Observations: Observed flies in warewash room and back storage area. [CA] Ensure facility is kept free of flies.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Observed black mold like substance on walls around two compartment sink/mechanical warewash. [CA] Clean and sanitize walls. Maintain to prevent accumulation of mold like substance.

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

Inspector Observations: Observed several wiping cloths stored on counters. [CA] Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: Observed broken floor tiles in warewash area with tape holding tiles in place and on floor throughout facility. [CA] Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable.

Performance-Based Inspection Questions

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N/A

Measured Observations

| Item | Location | Measurement | Comments |
|--------------------|---------------------|-------------------|------------|
| Diced chicken | Cold holding insert | 47.00 Fahrenheit | 41F to 47F |
| Sliced tomato | Cold holding insert | 40.00 Fahrenheit | |
| Hot water | Two comp sink | 119.00 Fahrenheit | |
| Quaternary ammonia | Two comp sink | 300.00 PPM | |
| Macaroni salad | Walk in fridge | 40.00 Fahrenheit | |
| Stuffing | Cold holding insert | 41.00 Fahrenheit | |
| Warm water | Restroom handwash | 100.00 Fahrenheit | |
| Diced tomato | Walk in fridge | 41.00 Fahrenheit | |
| Chlorine | Mechanical warewash | 50.00 PPM | |
| Tomato soup | Warmer | 147.00 Fahrenheit | |
| Chili | Warmer | 167.00 Fahrenheit | |

Overall Comments:

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 **11/28/2023**. 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.

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: Alexis Fernandez
Shift lead

Signed On: November 14, 2023