

**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> FA0206363 - MARISCOS COSTA ALEGRE 2		<b>Site Address</b> 1527 ALUM ROCK AV, SAN JOSE, CA 95116		<b>Inspection Date</b> 05/23/2023	
<b>Program</b> PR0302689 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> COSTA ALEGRE MOBILE INC		<b>Inspection Time</b> 11:30 - 13:30
<b>Inspected By</b> HELEN DINH		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> MELVIN, MARCO (O) & OSCAR (PHONE)	
				<b>FSC Roger Chan</b> 2/12/25	

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>65</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		X			N
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						
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					N

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	X	
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	X	
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored		
K41	Plumbing approved, installed, in good repair; proper backflow devices	X	
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	X	
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

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

**Inspector Observations: 1. Found ONLY hand wash station in prep area area at cooks line without soap. [CA] Provide handwashing cleanser in dispenser at handwash stations at all times. [COS] Operator provided bottle of soap.**

Follow-up By  
05/26/2023

**2. Found ONLY handwash station in prep area at cooks lone blocked by pots of pan. [CA] Ensure hand wash station is accessible at all times. [COS] Operator relocated pots of pan.**

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

**Inspector Observations: Major:**

**1. Measured containers of PHFs holding between 117F - 132F in hot holding unit for less than 4 hours: cooked pork and cooked beef.**

Follow-up By  
05/26/2023

**2. Measured container of raw shrimp holding at 59F in 2 door cold top for less than 4 hours.**

**[CA] Maintain all PHFs cold held at or below 41F. [COS] Operator directed to reheat PHFs to 165F and add ice to PHFs in refrigeration unit.**

**Minor:**

**1. Measured the following PHFs holding between 45F - 49F in 2 door cold top/reach in for less than 4 hours: raw octopus & cooked octopus, shredded cheese, cooked pork and raw shrimp**

**2. Measured a container of diced watermelon holding at 45F in 2 door reach in for less than 4 hours.**

**[CA] Maintain all PHFs cold held at or below 41F.**

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

**Inspector Observations: Found a LIVE mice on glue trap under prep table. Per pest control, facility placed glue trap last night. [CA] The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborage have been resolved.**

Follow-up By  
05/26/2023

**Note: Pest control company came out on 5/22/23.**

### Minor Violations

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: 1. Found black/brown like substance on white interior panel of ice machine. [CA] Routinely clean.**

**2. Found soda spray nozzle accumulated with food debris. [CA] Routinely clean.**

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations: Found the following food items thawing at room temperature: a container of shrimp in standing water and 3 container of octopus in back area. [CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

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**Inspector Observations: Found the following equipment extending beyond the mechanical exhaust hood: 2 burner stove top and a flat top. [CA] There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment.**

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

**Inspector Observations: Found warewash sink in back prep area unable to dispense cold/hot water from goose neck faucet. Water is only able to be dispense from spray nozzle or soap/sanitizer dispenser. [CA] Ensure cold/hot water is able to be dispense from goose neck faucet.**

**Follow-up By**  
05/26/2023

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

**Inspector Observations: Found holes throughout food facility. [CA] Seal all holes, gaps and crevices to prevent the entrance and harborage of vermin.**

## Performance-Based Inspection Questions

- Needs Improvement - No rodents, insects, birds, or animals.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

Item	Location	Measurement	Comments
raw shrimp	2 door cold top	59.00 Fahrenheit	for less than 4 hours. COS-add ice
warm water	handsink (bar, prep & RR)	100.00 Fahrenheit	
chlorine	sani bucket	100.00 PPM	
ambient	2 door reach in	39.00 Fahrenheit	
green rice	rice cooker	176.00 Fahrenheit	
raw shrimp	3 door reach in	38.00 Fahrenheit	
beans	stove top	191.00 Fahrenheit	
cooked octopus	2 door cold top	46.00 Fahrenheit	
shrimp	3 door upright freezer	18.00 Fahrenheit	
shredded cheese	2 door reach in	46.00 Fahrenheit	
cooked shrimp	2 door cold top	41.00 Fahrenheit	
oyster	2 door reach in	32.00 Fahrenheit	
cooked pork	warmer unit	117.00 Fahrenheit	between 117F - 125F for less than 4 hours. COS-reheat
raw beef	3 door reach in	37.00 Fahrenheit	
soup	stove top	191.00 Fahrenheit	
diced ham	2 door upright	40.00 Fahrenheit	
diced watermelon	2 door reach in	45.00 Fahrenheit	
hot water	warewash (bar), prep	120.00 Fahrenheit	
raw octopus	2 door cold top	46.00 Fahrenheit	
chlorine	dish machine	50.00 PPM	
diced canteloup	2 door reach in	41.00 Fahrenheit	
orange rice	rice cooker	160.00 Fahrenheit	
cooked beef	warmer unit	126.00 Fahrenheit	between 126F - 132F for less than 4 hours. COS-reheat
cooked chicken	warmer unit	156.00 Fahrenheit	
cooked pork	2 door reach in	48.00 Fahrenheit	

## Overall Comments:

**\*\*Facility is hereby closed due to LIVE infestation of mice. Once the violation warranting the closure has been corrected, contact environmental health 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.\*\*\***

**A follow up inspection shall be conducted.**

**\*\*\*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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Consulted with Elizabeth Tobin.

## 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 **6/6/2023**. 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.

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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Received By: Marco Hernandez  
Owner  
Signed On: May 23, 2023