

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 FA0209096 - CAPITOL 6 DRIVE-IN & SWAP		Site Address 3630 HILLCAP AV, SAN JOSE, CA 95136		Inspection Date 05/08/2025		Placard Color & Score RED 75		
Program PR0300561 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			Owner Name SYUFY ENTERPRISES		Inspection Time 11:35 - 13:45			
Inspected By MARCELA MASRI		Inspection Type ROUTINE INSPECTION		Consent By JAMES MULLIGAN				FSC JAMES MULLIGAN 1/27/27

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			S
K07	Proper hot and cold holding temperatures		X		X			S
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		S
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	X	
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		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

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

Inspector Observations: FOUND THE TAMALES AT 125F AND THE BEANS AT 112F. [CA] KEEP THE POTENTIALLY HAZARDOUS FOOD AT 135F OR ABOVE. COS: THE BEANS AND THE TAMALES WERE REHEATED TO 165F.

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

Inspector Observations: FOUND A LARGE AMOUNT OF RODENT DROPPINGS IN THE UNDER COUNTER CABINETS NEAR THE OFFICE. [CA] FOOD FACILITIES SHALL NOT HAVE ANY RAT DROPPINGS ON THE PREMISES. REMOVE THE DROPPINGS, CLEAN THE FACILITY, MOVE THE EQUIPMENT TO CHECK AND SEAL ANY GAPS OR CREVICES ON THE WALLS, FLOORS AND CEILINGS WHERE THE RODENTS MAY BE ENTERING THE BUILDING. DISCARD ANY FOOD THAT MAY BE CONTAMINATED BY THE RODENTS. REMOVE ANY UNUSED EQUIPMENT OR CLUTTER. REMOVE ANY ENCRUSTED FOOD ON THE FOOD PREPARATION TABLES, UNDER EQUIPMENT, ON THE FLOORS AND WALLS. HIGHLY RECOMMEND HAVING A PEST CONTROL COMPANY PROVIDE A TREATMENT. CLEAN AND SANITIZE ALL SURFACES PRIOR TO CONTACTING THE DEPARTMENT. NOTE: ONE RE-INSPECTION WILL BE FREE OF CHARGE, IF ADDITIONAL RE-INSPECTIONS ARE NEEDED FOR THE SAME ISSUE, THEY WILL BE CHARGED AT \$298 PER HOUR DURING BUSINESS HOURS, MINIMUM ONE HOUR. CALL MARCELA AT 408-687-3451 WHEN READY FOR A RE-INSPECTION.

Follow-up By
05/12/2025

Minor Violations

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

Inspector Observations: MISSING PAPER TOWELS AT THE HAND WASH SINK NEAR THE WALK IN COOLER. [CA] PROVIDE PAPER TOWELS AT ALL TIMES. COS

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

Inspector Observations: FOUND THE ICE CREAM FREEZER WITH FOOD DEBRIS AROUND AND INSIDE THE FREEZER. FOUND FOOD DEBRIS IN THE UNDER COUNTER CABINETS NEAR THE ICE CREAM FREEZER. FOUND THE ICE MACHINE WITH CALCIUM BUILD UP AND MOLD LIKE SUBSTANCE ON THE OUTSIDE. [CA] CLEAN THESE AREAS MORE OFTEN.

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

Inspector Observations: FOUND A PAPER CUP BEING USED AS A SCOOP FOR THE SUGAR. [CA] USE FOOD GRADE WASHABLE SCOOPS WITH A HANDLE AND KEEP THE HANDLE OUTSIDE THE FOOD.

FOUND THE CO2 TANKS BY THE ICE MACHINE, NOT FASTENED TO A RIGID STRUCTURE. [CA] FASTEN CO2 TANKS. COS

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

Inspector Observations: FOUND THE FLOOR UNDER THE CABINETS WITH EXCESSIVE GREASE. [CA] CLEAN THE FLOORS MORE OFTEN.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
RICE	HOT HOLDING	136.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
PICO DE GALLO	SERVICE REFRIGERATOR	41.00 Fahrenheit	
DIPPIN DOTS	FREEZER	-9.00 Fahrenheit	
BEANS	WALK IN COOLER	38.00 Fahrenheit	
BEANS	HOT HOLDING	112.00 Fahrenheit	
CHEESE	WALK IN COOLER	38.00 Fahrenheit	
TAMALES	HOT HOLDING	125.00 Fahrenheit	
ICE CREAM	ICE CREAM FREEZER	-2.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
BEVERAGES	BEVERAGE REFRIGERATOR	38.00 Fahrenheit	
PIZZA	HOT HOLDING	160.00 Fahrenheit	
CHEESE	SERVICE REFRIGERATOR	40.00 Fahrenheit	
HOT DOGS	HOT HOLDING	150.00 Fahrenheit	

Overall Comments:

THIS FACILITY IS NOW CLOSED DUE TO HAVING RAT DROPPINGS INSIDE THE STORAGE CABINETS.

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 **5/22/2025**. 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



Received By: JAMES MULLIGAN
ASSISTANT GM
Signed On: May 08, 2025