

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 FA0254333 - PINOY BBQ ATPB		Site Address 10 S ABBOTT AV C, MILPITAS, CA 95035		Inspection Date 02/28/2024	
Program PR0370910 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MENDOZA, FERLY JR.		Inspection Time 13:35 - 16:10
Inspected By NHA HUYNH	Inspection Type ROUTINE INSPECTION		Consent By FERLY	FSC Not Available	

Placard Color & Score
RED
49

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		X			N
K09 Proper cooling methods			X				N
K10 Proper cooking time & temperatures		X		X			N
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	X	
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used	X	
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		X
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		

OFFICIAL INSPECTION REPORT

Facility FA0254333 - PINOY BBQ ATPB	Site Address 10 S ABBOTT AV C, MILPITAS, CA 95035	Inspection Date 02/28/2024
Program PR0370910 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MENDOZA, FERLY JR.	Inspection Time 13:35 - 16:10
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: Sweet monggo (mung bean) hopia and sweet vegetable hopia measured at 68F at front display area. PIC stated all hopia have been stored on display since last night. Cooked fish (bangus and galunggong) measured at 69F and 68F respectively at front display area. PIC stated cooked fish finished cooking and left out to cool then packaged approximately 7 hours prior to measurement.

[CA]: Potentially Hazardous Food must be cold held at 41F or below or hot held at 135F or above at all times. Discussed implementing time as a public health control (TPHC) as an option by marking food to indicate 4 hour time limit when removed from temperature control. Food must be discarded if not consumed or served after the 4 hour time limit. Written procedures shall be maintained on site and available for review.

[COS]: All monggo and fish were voluntarily discarded during inspection.

Follow-up By
03/01/2024

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: Kaldereta in hot box not labeled with discard time. Kaldereta was cooked approximately 40 minutes prior to measurement per PIC.

[CA]: Properly implement time as a public health control by marking food to indicate 4 hour time limit when removed from temperature control. Food must be discarded if not consumed or served after the 4 hour time limit. Written procedures shall be maintained on site and available for review.

[COS]: Kaldereta was time marked during inspection.

Follow-up By
03/01/2024

K10 - 8 Points - Improper cooking time & temperatures; 114004, 114008, 114010

Inspector Observations: Pork BBQ was cooked to 120F during inspection.

[CA]: Single pieces of meat (for ex. pork) shall be cooked to 145F for at least 15 seconds.

[COS]: Specialist instructed staff to re-cook pork BBQ to at least 145F for at least 15 seconds during inspection.

Follow-up By
03/01/2024

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

Inspector Observations: Live cockroaches of varying life stages in the following areas:

- underneath cook line
- by mop sink
- underneath shelving above preparation table by cook line

Dead cockroaches in the following areas:

- in the office to left of the upright refrigerator
- in the restroom

Most recent pest control service report occurred on 02/07/2024 and noted no activity.

[CA]: FACILITY ORDERED CLOSED due to active vermin infestation (cockroaches). Eliminate all live vermin and evidence of vermin in a safe, effective and legal manner.

1. Discontinue food preparation and put away food and utensils.
2. Clean and sanitize all areas with heavy grease buildups and old food debris throughout the facility.
3. Use safe and legal pest control measures. Facility shall make available any pest control treatment records and invoices upon re-inspection and re-open.
4. Properly clean and sanitize all food preparation surfaces and impacted areas.
5. Properly vermin proof facility by sealing visible holes and cracks that could harbor or allow entrance of vermin.
6. Remove any stagnant water.
7. Construct, equip and maintain the food facility so as to prevent entrance and harborage of animals, birds and vermin (cockroaches, rodents and flies).

Facility shall remain closed until all vermin have been abated and county health specialist approves facility to be ready to re-open. Contact county health specialist when ready to re-open.

Follow-up By
03/01/2024

OFFICIAL INSPECTION REPORT

Facility FA0254333 - PINOY BBQ ATPB	Site Address 10 S ABBOTT AV C, MILPITAS, CA 95035	Inspection Date 02/28/2024
Program PR0370910 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MENDOZA, FERLY JR.	Inspection Time 13:35 - 16:10

Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

Inspector Observations: 1. Missing food safety manager certificate.

[CA]: Provide proof of a valid food safety manager certification. Food facilities that prepare, handle, or serve non-prepackaged Potentially Hazardous Food shall have a valid food safety manager certificate available on site for review at all times.

2. Missing food handler training card for majority of employees.

[CA]: All employees that handle open food or food contact surfaces shall obtain valid Food Handler Cards within 30 days of employment. Food Handler Cards shall be maintained on site and available for review at all times.

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employee chewing on food at food preparation/ware wash area during inspection. No direct contamination observed during routine inspection.

[CA]: Ensure employees eat or drink only in designated areas where contamination of non-prepackaged food, clean equipment, utensils, and linens, unwrapped single-use articles, or other items needing protection cannot result.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Lechon kawali in upright refrigerator in office stacked on top of each other and measured at 103F. Per PIC, lechon kawali was cooling and cooling started approximately 40 minutes prior to measurement.

[CA]: Potentially Hazardous Foods shall be cooled from 135F to 70F within 2 hours and then from 70F to 41F within 4 hours (6 hours total). Use shallow metal pans (no more than 2 inches for solid foods and no more than 4 inches for liquids), smaller portions, ice paddles and ice baths to assist with rapid cooling. When placing food in the refrigerator to cool, containers should be loosely covered or uncovered if protected from overhead contamination, to facilitate heat transfer from the surface of the food. Discontinue stacking food directly on top of each other to facilitate proper cooling.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: Raw meat stored directly above produce in rear 2 door refrigerator.

[CA]: Properly store raw food products separate and away from ready to eat food to avoid potential contamination.

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: Raid pest repellent stored underneath rear hand sink by ware-wash area.

[CA]: Raid pest control is for household use only. Commercial establishments are not approved to use household pest control methods. Discontinue storage/use of unapproved pest repellents.

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

Inspector Observations: Accumulation of grease and food debris underneath cook line equipment and middle preparation table.

[CA]: Clean and remove debris from noted areas.

K39 - 2 Points - Thermometers missing or inaccurate; 114157, 114159

Inspector Observations: Missing thermometer for use in monitoring internal temperature of potentially hazardous food.

[CA]: Immediately provide a thermometer (digital thermometer recommended) that is accurate, easily readable, and suitable for measuring the internal temperature of food at all food preparation areas.

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

Inspector Observations: Missing ceilings and ceilings in poor repair directly above the mop sink and rear 1 door freezer. Cove base underneath cook line missing/in poor repair. Cracks in between mop sink and wall.

[CA]: Repair/replace missing ceilings and cove base. Maintain floor, ceiling, and wall in good condition. Seal holes/gaps to prevent vermin harborage.

Follow-up By 03/01/2024

OFFICIAL INSPECTION REPORT

Facility FA0254333 - PINOY BBQ ATPB	Site Address 10 S ABBOTT AV C, MILPITAS, CA 95035	Inspection Date 02/28/2024
Program PR0370910 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MENDOZA, FERLY JR.	Inspection Time 13:35 - 16:10

Performance-Based Inspection Questions

- Needs Improvement - Time as a public health control; procedures & records.
- Needs Improvement - Proper cooking time & temperatures.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Proper cooling methods.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Chlorine sanitizer	3 comp sink	100.00 PPM	
water	hand sink	100.00 Fahrenheit	
rice	rice cooker	141.00 Fahrenheit	
water	3 comp sink	132.00 Fahrenheit	
pinakbet	speed reack	92.00 Fahrenheit	on TPHC
raw beef	rear 2 door refrigerator	40.00 Fahrenheit	
sisig	hot box	84.00 Fahrenheit	on TPHC.
raw pork	rear 2 door refrigerator	40.00 Fahrenheit	

Overall Comments:

Joint inspection by Nha Huynh and Princess Lagana. Inspection report written by Princess Lagana.

FACILITY ORDERED CLOSED due to active vermin infestation (cockroaches). Facility shall contact Specialist for a follow up inspection to reopen after all evidence of vermin and vermin activity have been removed and all impacted areas have been properly cleaned and sanitized. Facility shall not conduct food preparation and food sale until facility has obtained approval from Specialist to re-open.

Ensure facility is maintained in such a way as to prevent the entrance and harborage of vermin. Red placard posted at front window. Red Placard must be displayed until facility has been re-inspected, and cannot be removed, relocated, defaced, marred, camouflaged, or hidden so as to prevent the public from observing it.

Failure to comply may result in enforcement actions per County Ordinance Section B11-55. Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 Am to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.

A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

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 **3/13/2024**. 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.

OFFICIAL INSPECTION REPORT

Facility FA0254333 - PINOY BBQ ATPB	Site Address 10 S ABBOTT AV C, MILPITAS, CA 95035	Inspection Date 02/28/2024
Program PR0370910 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11	Owner Name MENDOZA, FERLY JR.	Inspection Time 13:35 - 16:10

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: Melissa Mendoza
PIC

Signed On: February 28, 2024