

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 FA0208023 - EL GRULLO MEXICAN FOOD		Site Address 2444 ALVIN AV C, SAN JOSE, CA 95122		Inspection Date 05/20/2024	
Program PR0302662 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name ALVAREZ, ANTONIO		Inspection Time 13:20 - 14:50
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION	Consent By ISABEL	FSC Not Available		

Placard Color & Score
GREEN
71

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible			X				N
K07 Proper hot and cold holding temperatures			X				N
K08 Time as a public health control; procedures & records						X	
K09 Proper cooling methods	X						S
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		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		
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	X	
K36 Equipment, utensils, linens: Proper storage and use	X	
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	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	X
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

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

Inspector Observations: 2-3 live cockroaches observed at the food storage table in the back of the facility next to the ice machine. Cockroaches along with heavy accumulation of cockroach feces was observed at the right side back corner of the table.

Managers believes that facility is serviced very two weeks. Latest pest control report provided for review upon was request was dated on 4/11/2024.

No other live or dead activity was observed.

[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 harborages have been resolved.

[COS] Employee abated live cockroaches. Area was cleaned and sanitized.

**** Repeat violation.**

Numerous live flies observed throughout kitchen.

[CA] Use any and all approved means to abate live flies.

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate is expired. **[CA]** Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

Only three employees' three-year food handler cards were provided for review.

[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

**** Repeat violation**

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

Inspector Observations: The only hand wash station in the kitchen was obstructed with container of dish soap and steel wool scrubber.

[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.

[COS] Employee removed obstruction.

**** Repeat violation.**

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

Inspector Observations: Various PHF items maintained inside the walk-in refrigerator measured between 43F to 45F. Ambient temperature of the walk-in refrigerator measured between 42F to 45F. Employee stated that all items inside were taken out for food preparation in the morning and that the rise in ambient temperature may be due to employees entering and exiting the refrigerator.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

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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: Observed raw shelled eggs and containers of raw meat stored above ready-to-eat food items inside the walk-in refrigerator. **

[CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.

Observed bowl of corn and beef soup maintained directly inside container of the same soup. The bottom of the bowl was maintained directly inside the the food.

[CA] All food shall be separated and protected from possible contamination. Utilize lids and or food grade wraps to separate and protect food.

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

Inspector Observations: Ambient temperature of the walk-in refrigerator measured between 42F to 45F via IR.

Ambient temperature of the domestic upright refrigerator and freezer measured at 54F via probe maintained inside. Employee stated that all items maintained inside were prepared this morning and that the refrigerator is frequently opened and closed during the lunch rush. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

Domestic upright freezer and refrigerator, and microwaves in use.

[CA] When unit fails, make plans to replace with commercial equipment. New and/or replacement food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).

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: Observed employee utilizing food preparation sink to conduct ware washing.

[CA] Utilize sinks for their designated purposes. The food preparation sink shall only be used for food preparation.

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

Inspector Observations: Refrigeration units lack thermometers.

[CA] A thermometer +/- 2°F shall be provided and correctly located in each hot and cold holding unit containing potentially hazardous foods.

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: Side door of facility maintained opened during time of inspection.

[CA] Keep back door closed at all times to prevent the entrance and harborage of vermin.

Observed employee's personal belonging stored in areas of food preparation, food contact surfaces, and/or food storage.

- Cellphone on dry storage rack above opened containers of dried chili peppers.
- Cellphone and glasses on wiping racks at the ware washing area.

[CA] No person shall store clothing or personal effects (cell phone, car keys, and jackets) in any area used for the storage and preparation of food or food contact surfaces. Employee's personal effects shall be stored in employee lockers or other designated areas for employee storage.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

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Inspector Observations: Facility is currently operating on an expired health permit.

Follow-up By
05/22/2024

--48 HOUR NOTICE--

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$ 1,925.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

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.

Invoice was provided to PIC after the inspection.

Performance-Based Inspection Questions

- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Demonstration of knowledge; food manager certification.

Measured Observations

Item	Location	Measurement	Comments
Hot water	Three-compartment sink	126.00 Fahrenheit	
Warm water	Hand wash sink - restroom	101.00 Fahrenheit	
Raw shrimp	Food preparation refrigerator	41.00 Fahrenheit	
Cooked rice	Steam table	139.00 Fahrenheit	
Milk	Walk-in refrigerator	42.00 Fahrenheit	
Tamales	Food preparation refrigerator	41.00 Fahrenheit	
Beef tripe	Walk-in refrigerator	38.00 Fahrenheit	
Carne asada	Steam table	142.00 Fahrenheit	
Refried beans	Steam table	140.00 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 **6/3/2024**. 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.

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: Octavio E.
PIC
Signed On: May 20, 2024