

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 FA0240240 - CAPITAN TAQUERIA & DELI		Site Address 635 W CAPITOL EX, SAN JOSE, CA 95136		Inspection Date 11/14/2025	
Program PR0340282 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name MARQUEZ, EZEQUIEL		Inspection Time 11:25 - 13:00
Inspected By MARCELA MASRI		Inspection Type ROUTINE INSPECTION		Consent By DIANA RODRIGUEZ	
FSC Not Available					

Placard Color & Score
GREEN
80

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				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		
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	X	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

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

Inspector Observations: FOUND THE COOKED BEANS AT 49F AND THE MEXICAN RICE AT 47F AND 52F IN THE UNDER COUNTER REFRIGERATOR. [CA] KEEP COLD POTENTIALLY HAZARDOUS FOOD AT 41F OR BELOW. NOTE: THE FOOD HAS BEEN STORED IN THIS REFRIGERATOR FOR LESS THAN 4 HRS, PER OPERATOR. SA: THE FOOD WAS TRANSFERRED TO A WORKING REFRIGERATOR. MAY USE TIME AS A PUBLIC HEALTH CONTROL TEMPORARILY AS WELL. MARK THE FOOD AND AFTER 4 HRS, DISCARD THE REMAINING FOOD.

Minor Violations

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

Inspector Observations: REPEAT VIOLATION

THE FOOD SAFETY CERTIFICATE AND THE FOOD HANDLER'S CARDS ARE EXPIRED. [CA] PROVIDE CURRENT FOOD SAFETY CERTIFICATE AND FOOD HANDLER'S CARD WITHIN 2 WEEKS.

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

Inspector Observations: FOUND THE PAPER TOWELS OUTSIDE THE WALL DISPENSER. [CA] PROVIDE PAPER TOWELS INSIDE THE WALL DISPENSER.

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

Inspector Observations: FOUND MOLD LIKE SUBSTANCE ON THE WHITE PLASTIC FLAP IN THE ICE MACHINE. [CA] CLEAN THIS PART MORE OFTEN.

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 A BOX WITH SILICONE AND OTHER CONSTRUCTION ITEMS AND A BLANKET STORED ON A SHELF ABOVE FOOD ITEMS IN THE BACK. [CA] STORE PERSONAL ITEMS SEPARATE AND AWAY FROM FOOD OR FOOD RELATED ITEMS. COS

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

Inspector Observations: FACILITY IS OPERATING WITH AN EXPIRED ENVIRONMENTAL HEALTH PERMIT. [CA] PROVIDE PAYMENT AS SOON AS POSSIBLE, 48 HR NOTICE PROVIDED.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
PASTRAMI	REACH IN FREEZER	-7.00 Fahrenheit	
RICE	UNDER COUNTER REFRIGERATOR	52.00 Fahrenheit	
COOKED POTATOES	WALK IN COOLER	37.00 Fahrenheit	
CHLORINE SANITIZER	3 COMPARTMENT SINK	100.00 PPM	
GROUND BEEF	SLIDE DOOR REFRIGERATOR	33.00 Fahrenheit	
RICE	HOT HOLDING	171.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
CHEESE	WALK IN COOLER	32.00 Fahrenheit	
BEANS	UNDER COUNTER REFRIGERATOR	49.00 Fahrenheit	
CARNE ASADA	HOT HOLDING	175.00 Fahrenheit	
CUT TOMATO	WALK IN COOLER	36.00 Fahrenheit	
SHRIMP	REACH IN FREEZER	-7.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	

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Overall Comments:

--48 HOUR NOTICE--

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$1,383.75. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

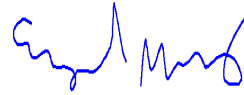
A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s)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

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 **11/28/2025**. 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.

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: EZEQUIEL MARQUEZ
OWNER

Signed On: November 14, 2025