

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 FA0284024 - CAPITOL SHELL		Site Address 1601 N CAPITOL AV, SAN JOSE, CA 95132		Inspection Date 06/03/2025		Placard Color & Score GREEN 84		
Program PR0425995 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name AU ENERGY, LLC		Inspection Time 16:05 - 17:05			
Inspected By MAMAYE KEBEDE		Inspection Type ROUTINE INSPECTION		Consent By JOSIE				FSC Jemma Montano 1/25/2029

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						N
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						N
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures		X		X			
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		N
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	X	
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		
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		
K45	Floor, walls, ceilings: built, maintained, clean	X	
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available	X	

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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: *Some potentially hazardous food stored on the hot dog roller like hot dog and taquito were measured below 120 °F.*

[CA] *All potentially hazardous foods like garlic in oil, cut melons, raw sprouts; cooked foods of plant origin; foods of animal origin and any other food capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms or the slower growth of Clostridium botulinum shall always be held at 41°F or below or at 135°F or above. If any of these food products are going to be stored at room temperature, time might be used as a public health control with implementing a proper time/temperature control mechanism. The person in charge said the food was cooked more than two hours ago. Therefore, about 12 Hot Dogs and Taquitos were voluntarily condemned and destroyed (COS).*

Follow-up By
06/03/2025

Minor Violations

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: *Many food products on boxes were stored directly on the floor or on milk crate back in the storage area.*

[CA] *To prevent insect hiding and breeding and for easy cleaning of the floor area, please store all food products at least six inches off the floor on approved shelf or dunnage rack.*

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: *Repeated violation: Drainpipe from one of the drink dispenser was immersed inside the floor sink.*

[CA] *To prevent possible contamination from backup of sewage, please provide at least one inch air gap between the floor sink and the drainpipes.*

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

Inspector Observations: *There are some missing ceiling panels above the three compartment warewash sink.*

[CA] *To prevent vermin infestation and hiding, please replace the missing ceiling panel immediately.*

K47 - 2 Points - Signs not posted; last inspection report not available; 113725.1, 113953.5, 113978, 114381(e)

Inspector Observations: *Current Environmental Health permit was not posted on public view.*

[CA] *The most current Environmental Health permit must be posted on public view at all the time.*

Copy of the most recent inspection report was not found on file.

[CA] *Copy of the most recent inspection report must be kept on file and should be given to anyone for review upon request.*

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

Needs Improvement - Communicable disease; reporting/restriction/exclusion.

Needs Improvement - Food contact surfaces clean, sanitized.

Measured Observations

Item	Location	Measurement	Comments
Cheese	Display case	37.00 Fahrenheit	
Ice cream	Reach-in freezer	0.00 Fahrenheit	
Hot Dog	Hot Dog roller	115.00 Fahrenheit	
Sandwich	Display case	37.00 Fahrenheit	
Ice cream	Ice cream cooler	0.00 Fahrenheit	
Chicken strips	Hot holding unit	140.00 Fahrenheit	
Taquito	Hot Dog roller	117.00 Fahrenheit	

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Overall Comments:

Note: 1. Food safety manager certificate: [- 1/25/2029

2. The store sells Hot Dogs, Taquitos, and other food products which come precooked. There is no cutting, portioning, or other form of food preparation. Therefore, the risk category shall be changed to RC02 and the program element to FP09.

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 **6/17/2025**. 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: Jemma Montano
Manager

Signed On: June 03, 2025