

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 FA0201995 - HERCULES DRAFT HOUSE & CANTINA		Site Address 165 LOS GATOS-SARATOGA RD, LOS GATOS, CA 9		Inspection Date 02/29/2024		Placard Color & Score <div style="background-color: green; color: white; padding: 10px; text-align: center;"> GREEN 71 </div>		
Program PR0303537 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HERCULES RESTAURANT G		Inspection Time 14:40 - 17:00			
Inspected By FRANK LEONG		Inspection Type ROUTINE INSPECTION		Consent By NIKO MARVI				FSC NICHOLAS GERA 05/07/2024

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						S
K06	Adequate handwash facilities supplied, accessible	X						S
K07	Proper hot and cold holding temperatures		X		X			N
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods			X	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	X	
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	X	
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	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: *In the kitchen area, at the right end of the prep line, at the 2 drawer single door prep unit, measured pico de gallo at 45F and shrimp ceviche at 57F. Per operator, pico de gallo stored within the last hour and shrimp ceviche stored since 9:00am. In the same area, in the middle of the prep line, at the 2 drawer single door prep unit, measured roasted salsas between 49F and 54F, cooked macaroni at 55F, and cheese at 60F. Per operator, roasted salsas, cooked macaroni, and cheese stored since 10:00am. On the counter-top, measured refried beans stored on the counter-top at 78F. Per operator, refried beans prepared about 1.5 hours prior. [CA] Ensure potentially hazardous foods are held cold at 41F or below or held hot at 135F or above to prevent bacterial growth. [SA] Operator discarded containers of roasted salsa, macaroni, cheese, and shrimp ceviche. Pico de gallo was moved to nearby refrigeration to facilitate proper holding temperatures.*

Minor Violations

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

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

Inspector Observations: *At the bar area, measured sanitizer in the warewash machine at 10 PPM. Observed lines for chemicals to the warewash machine are mixed and improperly installed. [CA] Ensure sanitizer at the warewash machine is maintained at 50 PPM chlorine.*

In the kitchen area, at the ice machine, observed rust and mold like growth on the inner panel. [CA] Ensure inner panel is properly cleaned and sanitized to prevent possible contamination of food (ice).

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: *In the dry storage area, and in the prep area, observed rodent droppings. [CA] Ensure facility is kept free of rodent droppings. Clean and sanitize all areas with activity. Seal all crevices to prevent an entrance for and possible harborage of vermin. Contact pest control to provide further service.*

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

Inspector Observations: *In the dry storage room, observed an open bag of beans stored in the area. [CA] Ensure open bags of dry food are immediately transferred to food grade containers and covered with a fitted lid.*

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: *Observed handwash sink installed at the kitchen area is not in use due to long installed distance from the edge of the counter. [CA] Ensure handwash station is properly installed in a manner where it is easily accessible for use.*

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: *At the cookline, observed tongs hanging on the ANSUL system line running across the hood. [CA] Ensure utensils and equipment are properly stored in a manner that prevents contamination.*

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

Inspector Observations: *In the kitchen area, at the cookline, observed wiping cloths stored on counter-tops. [CA] Ensure wiping cloths are stored in sanitizer buckets with applicable sanitizer such as chlorine at 100PPM or quaternary ammonia sanitizer at 200PPM.*

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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: In the kitchen area, observed employee items such as bags and shoes stored. [CA]
Ensure a designated employee storage area such as locker storage or shelving is provided.

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

Inspector Observations: In the kitchen area, underneath the cookline, observed accumulation of grease and food debris. [CA] **Ensure facility floors are frequently cleaned and maintained to prevent harborage of vermin.**

Observed cracks and crevices on wooden shelving in the employee service area. [CA] **Ensure cracks and crevices on shelving are sealed to prevent harborage of vermin.**

Performance-Based Inspection Questions

Needs Improvement - Food contact surfaces clean, sanitized.
 Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
roasted vegetables	2 drawer single door prep unit	41.00 Fahrenheit	
pico de gallo	2 drawer single door prep unit	41.00 Fahrenheit	
cheese	2 drawer single door prep unit	60.00 Fahrenheit	
cooked rice	hot holding (steam container on stovetop)	140.00 Fahrenheit	
hot water	handwash sink (bar)	100.00 Fahrenheit	
pozole	steam table	165.00 Fahrenheit	
hot water	3 compartment sink (bar)	120.00 Fahrenheit	
cooked chicken	steam table	155.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
macaroni	2 drawer single door prep unit	55.00 Fahrenheit	
refried beans	counter-top	78.00 Fahrenheit	
red salsa	ice bath by employee service area	41.00 Fahrenheit	
refried beans	hot holding (steam container on stovetop)	138.00 Fahrenheit	
chlorine sanitizer	warewash machine (kitchen)	50.00 PPM	
chlorine sanitizer	warewash machine (bar)	10.00 PPM	
cooked rice	cooling rack	110.00 Fahrenheit	cooling for an hour
consomme	steam table	160.00 Fahrenheit	
roasted salsa	2 drawer single door prep unit	54.00 Fahrenheit	3 containers of roasted salsas measured between 49F and 54F.
cheese	walk-in refrigerator	37.00 Fahrenheit	
cooked chicken	walk-in refrigerator	146.00 Fahrenheit	
pico de gallo	2 drawer single door prep unit	45.00 Fahrenheit	
hot water	handwash sink	100.00 Fahrenheit	
shredded beef	steam table	155.00 Fahrenheit	
shrimp ceviche	2 drawer single door prep unit	57.00 Fahrenheit	
red salsa	walk-in refrigerator	38.00 Fahrenheit	

Overall Comments:

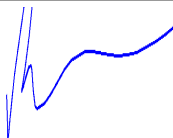
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **3/14/2024**. 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.

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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: NIKO MARVI
OWNER
Signed On: February 29, 2024