

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 06/14/2023		Placard Color & Score <div style="background-color: green; color: white; padding: 10px; text-align: center;"> GREEN 67 </div>		
Program PR0303537 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HERCULES RESTAURANT G		Inspection Time 14:50 - 17:05			
Inspected By NHA HUYNH		Inspection Type ROUTINE INSPECTION		Consent By NICHOLAS GERA				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						S
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly			X	X			N
K06	Adequate handwash facilities supplied, accessible		X		X			
K07	Proper hot and cold holding temperatures	X						
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	X			
K22	Sewage and wastewater properly disposed			X	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		
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		
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		

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Program PR0303537 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name HERCULES RESTAURANT GROUP LLC	Inspection Time 14:50 - 17:05
K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

Handwash sink at the bar lacked handwashing soap. [Corrective Action] Handwashing soap shall be available at all times. [Suitable Alternative] Employee provided liquid soap in a squeeze bottle.

Lack of paper towels in the paper towel dispenser at the handwash sink at the cookline. [Corrective Action] Paper towels shall be available at all times. [Corrected on Site] Chef refilled the paper towel dispenser.

Minor Violations

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

Inspector Observations:

Food Handler Cards for all employees not available for review. [Corrective Action] 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.

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations:

Observed multiple employees rinsing hands in the prep sink and drying hands on their shirts. Hands were not observed dirty prior to rinsing hands. [Corrective Action] Properly wash hands with soap, warm water and dry using single use paper towels as required. Hand sanitizer must be approved and shall be applied only to hands that have been properly cleaned.

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:

Chlorine concentration in the dishwasher at the bar was measured at 0 ppm. No active warewashing at the time of inspection. [Corrective Action] Ensure chlorine concentration is at 50 ppm. [Suitable Alternative] Use the dishwasher at the warewash area to wash and sanitize equipment used at the bar until the dishwasher at the bar has been serviced.

The metal shield inside the ice machine was observed with grime or rust. The grime or rust was not in contact with the ice. [Corrective Action] Clean and sanitize the metal shield inside the ice machine. If not able to clean, the metal shield may need to be replaced.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations:

Lack of hot and cold water at the handwash sink at the bar. [Corrective Action] Provide hot and cold water at the handwash sink. [Corrected on Site] The repair person fixed the issue. Hot and cold water available now.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations:

The floor drain under the handwash sink at the cookline was observed clogged. [Corrective Action] Ensure floor drains are properly draining. [Corrected on Site] The repair person unclogged the drain. Floor drain observed draining properly.

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)

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Inspector Observations:

Observed open bag of flour in the dry storage room. [Corrective Action] Store bulk items in an approved NSF large bulk bin and cover with a tight fitting 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 pooling of water at the bottom shelf of both the 2 door prep unit#1 and single door prep unit at the cook line. [Corrective Action] Repair refrigeration units to stop pooling of water inside the units.

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:

Multiple pressurized cylinders were observed not chained to a rigid structure. [Corrective Action] Secure the pressurized cylinders to a rigid structure.

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:

The copper pipe under the prep sink was observed installed past the rim of the floor sink. [Corrective Action] Provide an air gap of at least 1 inch or twice the diameter of the pipe.

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

Inspector Observations:

Missing tiles on the wall under the prep sink exposing holes. [Corrective Action] Replace the tiles to seal exposed holes in the wall.

Performance-Based Inspection Questions

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

Measured Observations

Item	Location	Measurement	Comments
cooked shrimp	2 door prep unit #2	43.00 Fahrenheit	
chlorine saniizer	dishwasher - bar	0.00 PPM	
raw shell eggs	walk-in cooler	36.00 Fahrenheit	
bean	stove	168.00 Fahrenheit	reheated
hot water	handwash sink - prep area	121.00 Fahrenheit	
ambient air	2 door prep unit #2	44.00 Fahrenheit	
chlorine sanitizer	dishwasher	50.00 PPM	
beans, cheese	walk-in cooler	41.00 Fahrenheit	
beef, shrimp, pico de gallo	door prep unit #2	50.00 Fahrenheit	prepped 30 minutes prior to inspection
salsa, chicken, shrimp	2 door prep unit #1	42.00 Fahrenheit	
pozole, braised pork	hot holding	190.00 Fahrenheit	
meat	3 door upright freezer	6.00 Fahrenheit	infrared
beef, shrimp	single door prep unit	41.00 Fahrenheit	
hot water	3 compartment sink - bar	121.00 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 **6/28/2023**. 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: Nicholas Gera
Partner

Signed On: June 14, 2023