

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 FA0209885 - SOL DE NAYARIT | | Site Address 5272 MONTEREY RD D, SAN JOSE, CA 95111 | | Inspection Date 08/16/2023 | |
| Program PR0302667 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | | | Owner Name GERARDO SOLIS | | Inspection Time 15:00 - 17:00 |
| Inspected By MARCELA MASRI | Inspection Type ROUTINE INSPECTION | Consent By GERARDO | FSC GERARDO SOLIS 8-24-23 | | |

Placard Color & Score
GREEN
78

| 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 | | | | | | 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 | | | | | | | |
| K21 Hot and cold water available | | X | | 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 | 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 | 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 | 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 | | |
| 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 | |
| K58 | Placard properly displayed/posted | |

Comments and Observations

Major Violations

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: FOUND NO HOT WATER AT ANY OF THE SINKS. [CA] PROVIDE HOT WATER AT THE 3 COMPARTMENT SINK, MOP SINK AND FOOD PREPARATION SINK AT 120F. PROVIDE HOT WATER AT 100F AT THE HAND WASH SINK. THE OWNER WAS CLOSING AT THE TIME OF INSPECTION DUE TO HAVING NO HOT WATER.

Minor Violations

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

Inspector Observations: REPEAT VIOLATION:

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

FAILURE TO COMPLY WITH THIS VIOLATION MAY RESULT IN OFFICE HEARING OR FURTHER LEGAL ACTION.

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations: MISSING THE CONSUMER ADVISORY FOR RAW FOODS. [CA] PROVIDE THE CONSUMER ADVISORY.

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: REPEAT VIOLATION:

FOUND THE MEXICAN RICE STORED INSIDE GROCERY PLASTIC BAG IN THE HOT HOLDING UNIT. [CA] USE FOOD GRADE BAGS OR REMOVE THE BAG.

FAILURE TO COMPLY WITH THIS VIOLATION MAY RESULT IN OFFICE HEARING OR FURTHER LEGAL ACTION.

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

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

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: FOUND A STYROFOAM CUP BEING USED TO SCOOP THE SALT BY THE FOOD PREPARATION AREA NEAR THE STOVES. [CA] USE FOOD GRADE WASHABLE SCOOPS WITH A HANDLE AND KEEP THE HANDLE OUTSIDE THE FOOD.

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

Inspector Observations: FOUND A WIPING CLOTH STORED ON THE FOOD COUNTER IN THE FRONT FOOD PREPARATION AREA. [CA] STORE WIPING CLOTHS IN A SANITIZER SOLUTION WHILE NOT IN USE.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

| <u>Item</u> | <u>Location</u> | <u>Measurement</u> | <u>Comments</u> |
|------------------|-------------------------|--------------------|-----------------|
| EGGS | SLIDE DOOR REFRIGERATOR | 41.00 Fahrenheit | |
| CHICKEN | REACH IN FREEZER | 18.00 Fahrenheit | |
| HOT WATER | 3 COMPARTMENT SINK | 82.00 Fahrenheit | |
| CHICKEN NUGGETS | REACH IN FREEZER | 16.00 Fahrenheit | |
| BREADED SHRIMP | REACH IN FREEZER | 26.00 Fahrenheit | |
| OCTOPUS | REACH IN FREEZER | 16.00 Fahrenheit | |
| SCALLOPS | REACH IN FREEZER | 13.00 Fahrenheit | |
| RAW SHRIMP | SERVICE REFRIGERATOR | 40.00 Fahrenheit | |
| BEANS | HOT HOLDING | 137.00 Fahrenheit | |
| POZOLE | REACH IN FREEZER | 20.00 Fahrenheit | |
| BEANS | REACH IN REFRIGERATOR | 40.00 Fahrenheit | |
| RICE | HOT HOLDING | 149.00 Fahrenheit | |
| RICE | SLIDE DOOR REFRIGERATOR | 38.00 Fahrenheit | |
| COOKED SHRIMP | SERVICE REFRIGERATOR | 40.00 Fahrenheit | |
| CHICKEN IN SAUCE | REACH IN REFRIGERATOR | 40.00 Fahrenheit | |
| HOT WATER | FOOD PREP SINK | 82.00 Fahrenheit | |
| OCTOPUS | SERVICE REFRIGERATOR | 40.00 Fahrenheit | |
| HOT WATER | HAND WASH SINK | 82.00 Fahrenheit | |
| MEAT | REACH IN REFRIGERATOR | 41.00 Fahrenheit | |
| FISH | REACH IN REFRIGERATOR | 41.00 Fahrenheit | |
| SHRIMP | REACH IN FREEZER | 16.00 Fahrenheit | |

Overall Comments:

FOUND THE FACILITY WITHOUT ANY HOT WATER. THE OWNER HAD CLOSED THE FACILITY.

CALL MARCELA WHEN THE HOT WATER HAS BEEN RE-STORED.

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 **8/30/2023**. 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.

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: GERARDO SOLIS
OWNER

Signed On: August 16, 2023