

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 FA0202158 - ROSY YOGURT		Site Address 464 N SANTA CRUZ AV, LOS GATOS, CA 95030		Inspection Date 03/14/2025		Placard Color & Score RED 88		
Program PR0303512 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name ROSY YOGURT, INC.		Inspection Time 13:20 - 15:00			
Inspected By PRINCESS LAGANA		Inspection Type ROUTINE INSPECTION		Consent By FARZANEH BERENJI				FSC Negin Jafari Motlagh 01/27/2027

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						
K07	Proper hot and cold holding temperatures	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						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					N
K22	Sewage and wastewater properly disposed							
K23	No rodents, insects, birds, or animals							

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	X	
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		
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		
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		
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: Facility lacks continuous running hot water. Maximum water temperature found at 3 comp sink and mop sink measured at 65F at the beginning of inspection.

Note: Specialist initially measured water temperature at hand sink next to 3 comp sink at 100F. A few seconds later, Specialist measured the 3 comp sink and did not observe hot water. Owner asked me to re-check the water temperature at the 3 comp sink and the maximum water temperature was measured at 116F but the temperature immediately started to decrease to below 100F.

[CA]: Hot water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility except at handwash sinks.

Minor Violations

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations: Frozen yogurt observed thawing out without temperature control.

[CA]: Frozen food shall be thawed using the following approved methods:

-Under refrigeration that maintain the food temperature at 41F or below.

-Completely submerged under cold running water or a period not to exceed two hours at a water temperature of 70F or below.

-In microwave oven as long as it is cooked immediately.

-As part of the cooking process

[COS]: PIC relocated frozen yogurt to 3 door reach in to thaw.

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: Unapproved electric water heater observed (Stiebel Eltron; Model: SHC 4; Capacity: 4 gal/15l

[CA]: All equipment must be commercial grade and certified for sanitation by ANSI accredited certification program (NSF, UL EPH, UL Sanitation, CSA Sanitation, ETL Sanitation).

Note: facility has (3) hand sinks, (1) 3 comp sink, (1) mop sink

Performance-Based Inspection Questions

Needs Improvement - Hot and cold water available.

Measured Observations

Item	Location	Measurement	Comments
milk	1 door under counter	38.00 Fahrenheit	
ambient temp	1 door freezer	1.30 Fahrenheit	
Chlorine sanitizer	3 comp sink	100.00 PPM	
milk	3 door reach in	40.00 Fahrenheit	
ambient temp	chest freezer	8.30 Fahrenheit	

Overall Comments:

FACILITY ORDERED CLOSED due to lack of hot water. Facility shall remain closed until approval from this department has been obtained. Facility shall not conduct food preparation and food sale until facility has obtained approval from Specialist to re-open.

Red placard posted at front window. Red Placard must be displayed until facility has been re-inspected, and cannot be removed, relocated, defaced, marred, camouflaged, or hidden so as to prevent the public from observing it. A facility found to be in continued operation without approval 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

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Failure to comply may result in enforcement actions per County Ordinance Section B 11-55. Subsequent follow-up inspection after first follow-up shall be billed \$298/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 Am to 4:30 PM), and \$645/hour, minimum two hours, during non-business hours, and upon inspector availability.

NOTES:

- Permit owner shall submit plans to DEH Plan Check prior to installation of water heater.
- Permit owner shall obtain final inspection and approval from DEH Plan Check regarding water heater prior to re-opening.

Plan Check General and Technical Questions:

email: dehplanchek@deh.sccgov.org

phone: (408) 918-3400

Guidelines for Sizing Water Heaters sent to Owner via email.

CLOSURE / PERMIT SUSPENSION NOTICE

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 **3/28/2025**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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:	Mariam Vafa Owner
Signed On:	March 14, 2025
Comment:	Owner refused to sign