

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 FA0209912 - BIRRIERIA EL PRIMO #2		Site Address 5320 MONTEREY RD A, SAN JOSE, CA 95111		Inspection Date 04/01/2026		Placard Color & Score YELLOW 64		
Program PR0302715 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name MONDRAGON, HERACLIO		Inspection Time 11:00 - 12:30			
Inspected By JENNIFER RIOS		Inspection Type ROUTINE INSPECTION		Consent By BLANCA K.				FSC Heraclio Mondragon 08/12/2027

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						
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		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		
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						
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		
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

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: *Tomato based sauce on counter measured 111F. Per PIC, it was reheated to 165F less than 2 hours prior for hot holding. [CA] PHFs shall be held at 41°F or below or at 135°F or above. [COS] Sauce was reheated to 165F for hot holding.*

Follow-up By
04/06/2026

MINOR: *Multiple items in walk in fridge measured 44F-49F, ambient air measured 51F and then dropped to 40F. [CA] PHFs shall be held at 41°F or below or at 135°F or above.*

K15 - 8 Points - Food not obtained from approved source; 113980, 113982, 114021-114031, 114041

Inspector Observations: *Observed several bottles of honey that was not labeled. PIC was unable to provide invoice or original containers. [CA] Food must be from an approved source or properly documented. [SA] Honey was impounded until an invoice or proof of source can be provided.*

Follow-up By
04/06/2026

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

Inspector Observations: *Cold water was not available at handwash sink making hot water too hot to wash hands. [CA] Hot and cold water shall be available at handwash sink at all times during operation. [SA] Wash hands in warewashing compartment of three compartment sink.*

Follow-up By
04/06/2026

Minor Violations

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

Inspector Observations: *Food handler cards were not available for employees. [CA] 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.*

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

Inspector Observations: *Observed small black flies in back service area. [CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.*

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: *Observed raw shelled eggs stored above ready to eat food items in walk in fridge. [CA] All food shall be separated and protected from cross-contamination. Store all raw meat or other raw products of animal origin below ready-to-eat food items.*

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 coleman ice chest used to store consumable ice. HDX storage containers used to store foods in walk in fridge. [CA] Food equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation).*

Handle of walk in fridge was broken, door is not able to be maintained closed without locking it. Thermometer on exterior of walk in fridge did not appear to be working. [CA] Repair/replace handle and thermometer, maintain good condition.

Walk in fridge was not maintaining PHF at 41F or below. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below. Recommend getting walk in fridge serviced.

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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: *Observed the working ends of knives stored between food equipment. [CA] Multi-use utensils will be stored in a way that the working part of the utensil may not become contaminated.*

Observed bowls used as scoops in bulk storage containers and then handles of some scoops in contact with food in bulk storage containers. [CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.

Performance-Based Inspection Questions

N/A

Measured Observations

Item	Location	Measurement	Comments
Chicken	Reach in freezer	19.00 Fahrenheit	
Diced tomato	Cold holding insert	40.00 Fahrenheit	
Rice	Container on counter	67.00 Fahrenheit	
Beef	Reach in freezer	17.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Salsa	Reach in fridge	41.00 Fahrenheit	
Warm water	Handwash	100.00 Fahrenheit	
Refried beans	Hot holding	147.00 Fahrenheit	
Warm water	Restroom handwash	100.00 Fahrenheit	
Tomato sauce	On counter	111.00 Fahrenheit	
Birrieria	Hot holding	143.00 Fahrenheit	
Chlorine	Sanitizing bucket	100.00 PPM	
Carne asada	Reheated for hot holding	168.00 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 **4/15/2026**. 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

Blanca Cabrera

Received By: Blanca K.
PIC
Signed On: April 01, 2026