

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 FA0285302 - LUPITA'S TAQUERIA & PANADERIA		Site Address 2341 EL CAMINO REAL, SANTA CLARA, CA 95050		Inspection Date 04/13/2026		Placard Color & Score YELLOW 75		
Program PR0427778 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name J&M FOODS, INC.		Inspection Time 14:15 - 16:15			
Inspected By KATHY VO		Inspection Type ROUTINE INSPECTION		Consent By MARIANA				FSC Joanna Hernandez 06/26/2026

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			N
K08	Time as a public health control; procedures & records					X		
K09	Proper cooling methods		X		X			N
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				
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	X	
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		
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: *In the steam table, measured plastic container of rice from 98-128F. Per PIC, rice was cooked and placed into steam table less than 2 hours prior to temperature measurement. [CA] Potentially Hazardous Foods shall be kept at 41F or below or 135F or above. [COS] Rice was reheated to 165F to be transferred to hot holding during inspection.*

Follow-up By 04/20/2026

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: *Observed large, deep trays of rice and beans cooling at ambient temperature on the preparation counter. Measured rice and beans from 90-104F. Per PIC, foods were cooked less than 2 hours prior to temperature measurement. [CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool. [COS] Rice and beans were reheated to 165F to restart the cooling process. Specialist instructed employees to portion rice and beans into smaller containers and stir frequently.*

Follow-up By 04/20/2026

Minor Violations

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

Inspector Observations: *Measured the maximum water temperature at the 3-compartment sink and the preparation sink at 112F. [CA] Water shall be supplied at a minimum temperature of at least 120°F measured from the faucet throughout facility (or from 100-108F at handwash sinks).*

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

Inspector Observations: *No person in charge present at the time of inspection. Manager arrived at the end of inspection to review report. [CA] A designated person in charge who is responsible for operation of facility shall be present at the food facility during all hours of operation.*

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: *1) Observed raw shelled eggs stored above milk and strawberries in the walk-in cooler. [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.*

2) Observed bulk ingredient bags are open and uncovered. [CA] After transferring, bulk ingredients shall be transferred to

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: *In bulk ingredient bins, observed scoop handles stored in direct contact with food. [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

Needs Improvement - Proper cooling methods.
Needs Improvement - Proper hot and cold holding temperatures.

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Measured Observations

Item	Location	Measurement	Comments
salsa	ice bath on preparation counter	40.00 Fahrenheit	
water	handwash sink	100.00 Fahrenheit	
milk	walk-in cooler (bakery)	40.00 Fahrenheit	
rice	steam table	98.00 Fahrenheit	98-128F
rice	preparation counter	90.00 Fahrenheit	90-103F
cut tomato	2-door preparation unit	41.00 Fahrenheit	
water	3-compartment sink	120.00 Fahrenheit	
water	preparation sink	120.00 Fahrenheit	
beans	preparation counter	87.00 Fahrenheit	87-104F
carne asada	steam table	165.00 Fahrenheit	
water	3-compartment sink (bakery)	120.00 Fahrenheit	
horchata	drink dispensers	41.00 Fahrenheit	
ambient	walk-in freezer	5.00 Fahrenheit	
flan	3-door glass cooler	41.00 Fahrenheit	
raw beef	walk-in cooler	39.00 Fahrenheit	

Overall Comments:

A follow-up inspection to verify compliance of major violations will be conducted within five business days. The first follow-up inspection is free of charge. Subsequent follow-up inspections after the first follow-up shall be billed at \$298/hour (one hour minimum) during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$645 (minimum of two hours) during non-business hours, and upon inspector availability.

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 **4/27/2026**. 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



Received By: Liesa Hernandez
Manager
Signed On: April 13, 2026