

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 FA0271023 - UNITED PALETERIA Y NEVERIA		Site Address 410 S KING RD, SAN JOSE, CA 95116		Inspection Date 04/30/2026	
Program PR0408921 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name MERCADO, MARTIN		Inspection Time 10:25 - 11:35
Inspected By ALEXANDER ALFARO	Inspection Type ROUTINE INSPECTION		Consent By DANIEL MERCADO	FSC Not Available	

Placard Color & Score
GREEN
82

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						S
K06 Adequate handwash facilities supplied, accessible	X						S
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				
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		
K25 Proper personal cleanliness and hair restraints		
K26 Approved thawing methods used; frozen food		
K27 Food separated and protected	X	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	X	
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	
K36 Equipment, utensils, linens: Proper storage and use	X	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	X	
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		

OFFICIAL INSPECTION REPORT

Facility FA0271023 - UNITED PALETERIA Y NEVERIA	Site Address 410 S KING RD, SAN JOSE, CA 95116	Inspection Date 04/30/2026
Program PR0408921 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09	Owner Name MERCADO, MARTIN	Inspection Time 10:25 - 11:35
K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

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

Inspector Observations:

Facility lacks a valid Food Safety Certificate available upon request.

[CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times.

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:

The non food contact surfaces of the ice machine have an accumulation of biological growth.

[CA] Ensure to maintain the food contact surfaces of equipment clean and in good repair.

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:

Raw shelled eggs were found stored above strawberries and other produce in the upright 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.

[COS] Eggs were moved to the bottom of the prep cooler.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations:

Facility lacks drain plugs to fill the basins of the three compartment sink. Facility was using saran wrap.

[CA] Plugs/stoppers shall be available to fill up the warewashing sink.

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:

Facility has non ANSI equipment: Chest Freezer & Microwave.

[CA] New and/or replacement 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).

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

OFFICIAL INSPECTION REPORT

Facility FA0271023 - UNITED PALETERIA Y NEVERIA	Site Address 410 S KING RD, SAN JOSE, CA 95116	Inspection Date 04/30/2026
Program PR0408921 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09	Owner Name MERCADO, MARTIN	Inspection Time 10:25 - 11:35

Inspector Observations:
Facility was storing ice cream scoopers in standing water.

Note: Scoops were in a heated element that was turned off.

[CA] Utensils shall be stored in the following manner: 1) in the food with their handles above the top of the food and the container, 2) in running water, 3) in a container of water at 135°F or above, 4) at room temperature if washed within 4 hours of initial use.

[COS] Permit holder washed the scoopers and turned on the unit.

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:
1. The atmospheric valve at the mop sink is in disrepair.

[CA] Repair plumbing fixture and maintain in clean and good repair.

2. Repeat Violation: There is a waste water hose that is leading directly into the floor sink.

[CA] All equipment that discharges liquid waste shall be drained by means of indirect waste pipes, and all wastes drained by them shall discharge through an airgap into a floor sink or other approved type of receptor.

K43 - 2 Points - Toilet facilities: improperly constructed, supplied, cleaned; 114250, 114250.1, 114276

Inspector Observations:
The restroom door does not self close.

[CA] Toilet rooms shall be separated by well-fitted, self-closing doors that prevent the passage of flies, dust, or odors.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
Chlorine - Sanitizer	Three Compartment Sink	100.00 PPM	
Ice Cream	Ice Cream Freezer	20.00 Fahrenheit	
Water	Handwash Sinks	100.00 Fahrenheit	
Watermelon	Prep Cooler	38.00 Fahrenheit	
Cantaloupe	Prep Cooler	39.00 Fahrenheit	
Eggs	Upright Cooler	39.00 Fahrenheit	IR
Water	Three Compartment Sink	120.00 Fahrenheit	
Ice Cream	Ice Cream Freezer	10.00 Fahrenheit	

Overall Comments:

Notes:

- *Onsite for the first routine inspection after a change of ownership.*
- *Obtained a completed permit application and menu to process change of ownership conducted on 10/21/2025.*
- *Facility will be permitted as a FP10 due to food preparation of crepes, shaved ice, and ceviche. Per permitholder, they will be using frozen, fully cooked shrimp for the ceviche.*
- *Facility is storing raw bacon, hot dogs, and churros. Per permit holder, they are for a Community Event in San Benito County this weekend.*

OFFICIAL INSPECTION REPORT

Facility FA0271023 - UNITED PALETERIA Y NEVERIA	Site Address 410 S KING RD, SAN JOSE, CA 95116	Inspection Date 04/30/2026
Program PR0408921 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09	Owner Name MERCADO, MARTIN	Inspection Time 10:25 - 11:35

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 **5/14/2026**. 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: Daniel Mercado
Owner

Signed On: April 30, 2026