

**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**

<b>Facility</b> FA0283381 - SMITTEN ICE CREAM		<b>Site Address</b> 3055 OLIN AV 1055, SAN JOSE, CA 95128	<b>Inspection Date</b> 01/09/2024
<b>Program</b> PR0425071 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09		<b>Owner Name</b> SMITTEN VENTURES INC	<b>Inspection Time</b> 15:30 - 16:10
<b>Inspected By</b> DENNIS LY	<b>Inspection Type</b> LIMITED INSPECTION	<b>Consent By</b> DANIEL SALGUERO	

<b>Placard Color &amp; Score</b>  <b>RED</b> <b>N/A</b>
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**Comments and Observations**

**Major Violations**

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

*Inspector Observations: At time of inspection, more than ten cockroaches, nymphs and adults, observed around the outlet behind the ice cream prep unit. One live cockroach observed behind the handwash sink located next to the three compartment sink. Three live cockroaches observed under the counter of the waffle prep area. [CA] The premises of a food facility shall be kept free of vermin. A food facility shall not operate when there is an active infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or the adulteration of food(s). The food facility shall immediately cease all food operation. Facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and any contributing factors such as cleaning, repairs, and elimination of harborage have been resolved.*

**Minor Violations**

No minor violations were observed during this inspection.

**Performance-Based Inspection Questions**

N/A

**Measured Observations**

N/A

**Overall Comments:**

*Facility is CLOSED due to vermin infestation and shall cease all food operations. Facility will remain closed until there is no longer evidence of a vermin infestation.*

*Facility shall:*

*Obtain service of a licensed pest control service. Provide service report from pest control upon follow-up inspection*

*Eliminate all live and dead cockroaches from facility and sanitize affected areas.*

*Seal or repair areas of harborage (gaps, holes, or crevices)*

*Please contact the main office at 408-918-3400 or district specialist to schedule a follow-up inspection to re-open facility.*

*If a subsequent follow-up inspection is required, it will be billed \$290/hour, minimum one hour, during normal business hours (Mon - Fri 7:30am - 4:40pm), and \$629/hour, minimum two hours, during non business hours and subject to availability of an inspector.*

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## 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 1/23/2024. 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: Daniel Salguero  
PIC

Signed On: January 09, 2024