

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 FA0259130 - LA PRIMITA FRUTERIA Y NEVERIA		Site Address 4130 MONTEREY RD A, SAN JOSE, CA 95111		Inspection Date 12/04/2025		Placard Color & Score RED 79		
Program PR0379655 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09			Owner Name MARIA FELIX OCHOA MENDI		Inspection Time 11:45 - 13:15			
Inspected By MARCELA MASRI		Inspection Type ROUTINE INSPECTION		Consent By YOSELIN BELLO				FSC Not Available

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		X			S
K07	Proper hot and cold holding temperatures	X						S
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					N
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		
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		
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	X
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: MISSING PAPER TOWELS AT THE WALL DISPENSER IN THE RESTROOM. [CA] PROVIDE PAPER TOWELS.

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

Inspector Observations: FOUND THE HOT WATER AT 61F AT ALL HAND WASH SINKS. [CA] PROVIDE HOT WATER AT 120F AT THE 3 COMPARTMENT SINK, 120F AT THE FOOD PREP SINK AND 100F AT THE HAND WASH SINK.

Follow-up By
12/09/2025

Minor Violations

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

Inspector Observations: REPEAT VIOLATION:

MISSING THE FOOD SAFETY CERTIFICATE FOR MANAGERS. [CA] PROVIDE THE FOOD SAFETY CERTIFICATE.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

Inspector Observations: THE PERMIT HAS EXPIRED. [CA] IN ORDER TO OBTAIN A PERMIT, THE PERMIT FEE AND LATE FEE MUST BE PROVIDED.

Performance-Based Inspection Questions

Needs Improvement - Hot and cold water available.

Measured Observations

Item	Location	Measurement	Comments
HOT WATER	3 COMPARTMENT SINK	61.00 Fahrenheit	
BEVERAGES	REACH IN REFRIGERATOR	40.00 Fahrenheit	
HOT WATER	FOOD PREP SINK	61.00 Fahrenheit	
CHURROS	REACH DOWN FREEZER	-5.00 Fahrenheit	
HOT WATER	HAND WASH SINK	61.00 Fahrenheit	

Overall Comments:

--48 HOUR NOTICE--

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$815.00. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

A facility found to be in continued operation without a permit 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.

NOTE:

THE OPERATOR IS NOTIFYING THE DEPARTMENT THAT THEY WILL BE CLOSING THIS SATURDAY PERMANENTLY.

THEY WILL NOT RENEW THE PERMIT, PER OPERATOR. THEY WOULD LIKE TO INACTIVATE THIS ACCOUNT AS OF TODAY.

NOTE; THE FACILITY MUST CLOSE TODAY.

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CLOSURE / PERMIT SUSPENSION NOTICE

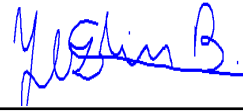
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **12/18/2025**. 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: YOSELIN BELLO
MANAGER
Signed On: December 04, 2025