

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 FA0301583 - PALETERIA NEVERIA LUPITAS	Site Address 680 N FAIR OAKS AV, SUNNYVALE, CA 94085	Inspection Date 03/30/2023
Program PR0442994 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 1 - FP09	Owner Name ARTURO RIVERO-MARTINEZ	Inspection Time 09:30 - 10:20
Inspected By TRAVIS KETCHU	Inspection Type LIMITED INSPECTION	Consent By ARTURO RIVERO

Placard Color & Score RED N/A

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

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

Inspector Observations: Facilities temporary permit expired on 6/30/2022 and failed to meet the condition to obtain an official Department of Environmental Health permit.

[CA] A food facility shall not be open for business without a valid health permit.

CEASE AND DESIST ALL ACTIVITIES.

A permit shall be issued by this department when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements set forth by this department.

Please contact local health department at 408-918-3400 to obtain a valid health permit.

Performance-Based Inspection Questions

N/A

Measured Observations

N/A

Overall Comments:

Facility was granted a temporary permit to operate with a condition to obtain final Plan Check approval by 6/30/2022.

Facility has failed to meet the permit condition and as such is operating without a valid Department of Environmental Health permit.

The submitted plans (SR0867658) were rejected due to the lack of prior City of Sunnyvale approval.

Resubmit plans to the plan check department with the requested edits. Facility will be reopened by the plan check department upon final plan approval.

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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 **4/13/2023**. 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: Arturo Rivero
PIC

Signed On: March 30, 2023