

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

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Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0254829 - LEE'S SANDWICHES		Site Address 990 STORY RD 30, SAN JOSE, CA 95122		Inspection Date 05/30/2023	
Program PR0371964 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name LALUAN HUYNH		Inspection Time 11:15 - 12:45
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By BAO	FSC Not Available	

Placard Color & Score
GREEN
62

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use			X				N
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible			X				
K07 Proper hot and cold holding temperatures	X						N
K08 Time as a public health control; procedures & records		X		X			N
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		
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	X	
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		
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		
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing	X	
K45 Floor, walls, ceilings: built, maintained, clean	X	
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

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: Multiple PHF items subjected to time as public health control (TPHC) lacked labels:

- **Prepackaged food items stored on sales floor for customer self-service.**
- **Baked items inside the hot holding unit.**
- **Cooked tapioca pearls.**

Manager stated that items were prepared at approximately 9:00 AM this morning.

[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.

Minor Violations

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

Inspector Observations: Five-year Food Safety Certified (FSC) manager certificate unavailable for review. [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. Provide within 60 days.

Employees' three-year food handler cards unavailable for review. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Employees' opened food and beverages stored in areas of food preparation, food storage, and/or food contact surfaces.

[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Employee's restroom hand wash station lacked hand soap.

[CA] Provide handwashing cleanser in dispenser at handwash stations 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: Minor black growth matter observed on the plastic white baffle inside the ice machine.

[CA] Clean, sanitize, and maintain ice machine.

K22 - 3 Points - Sewage and wastewater improperly disposed; 114197

Inspector Observations: Observed waste water below the two-compartment food preparation sink being collected with large pots. Waste drain pipe observed completely disconnected from the sink and placed on floor behind pots.

[CA] Liquid waste shall be disposed of through the approved plumbing system and shall discharge into the public sewerage or into an approved private sewage disposal system.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

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Inspector Observations: Observed rodent droppings in the following areas:

Follow-up By
06/01/2023

- 5+ on floor underneath racks in the dry storage area near the sandwich preparation area.
- 5+ on floor behind baking ovens.
- 5+ on floor underneath three-compartment ware-wash sink.

Per manager, facility has pest control servicing facility. Pest control reports were unavailable for review. No live activity observed. No contamination of food contact surfaces or food observed.

[CA] Clean and sanitize area of dead cockroaches or old droppings. The premises of each food facility shall be kept free of vermin. A food facility shall not operate when there is a vermin infestation that has resulted in the contamination of food contact surfaces, food packaging, utensils, food equipment, or adulteration of food(s). The food facility shall cease operation of the food facility immediately. The food facility shall remain closed until: there is no longer evidence of a vermin infestation; all contaminated surfaces have been cleaned and sanitized; and contributing factors such as cleaning, repairs, and the elimination of harborages have been resolved.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: Heavy build up of flour observed on equipment, preparation tables, utensils, etc. at the bread preparation room.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris. Equipment food-contact surfaces and utensils shall be clean to sight and touch.

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: Observed strainer wrapped with paper towels and plastic wrap used as stopped at the three-compartment ware wash sink in the kitchen. [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: Observed can, previously used to store food, used as food ingredient scoop.

[CA] All utensils and 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). Food containers intended for single use shall not be reused.

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: Waste drain pipe of the two-compartment food preparation sink is completely disconnected. Observed waste water at both basin being collected with large pots. Employee stated that a work order has been placed by manager to repair drains.

[CA] Food preparation sink shall discharge liquid waste by means of indirect waste pipes into a floor sink or other approved type of receptor equipped with a minimum 1" air gap.

[SA] Discontinue use of food preparation sink until plumbing has been repaired and waste water is properly disposed of into floor drain. Temporarily utilize three-compartment sink to conduct food preparation. Clean and sanitize three-compartment sink in-between uses to prevent contamination of food and food contact surfaces.

Follow-up By
06/01/2023

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: Employees' personal items, jackets, purses, etc., stored in areas of food storage and/or on top of food equipment.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

Observed approximate one inch gap below side door of facility by the dry storage area.

[CA] Eliminate gap greater than 1/4" to prevent the entrance and harborage of vermin.

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K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: Heavy build up of food debris, unopened cans, garbage, etc., observed on floors throughout facility, especially underneath equipment.

[CA] Walls and/or floors in food preparation area shall be kept clean. Regularly clean under equipment to prevent accumulation of debris.

Performance-Based Inspection Questions

- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Demonstration of knowledge; food manager certification.
- Needs Improvement - Proper hot and cold holding temperatures.
- Needs Improvement - Time as a public health control; procedures & records.

Measured Observations

Item	Location	Measurement	Comments
Milk	Three-door reach-in refrigerator	39.00 Fahrenheit	
Cooked chicken	Hot holding unit	186.00 Fahrenheit	
Pate	Sandwich preparation refrigerator	38.00 Fahrenheit	Top insert
Sliced BBQ pork	Hot holding unit	143.00 Fahrenheit	
Warm water	Hand wash sinks	102.00 Fahrenheit	
Sliced headcheese	Sandwich preparation refrigerator	39.00 Fahrenheit	
Mayonnaise	Sandwich preparation refrigerator	39.00 Fahrenheit	Top insert
Sliced ham	Sandwich preparation refrigerator	40.00 Fahrenheit	Top insert
Raw BBQ pork	Walk-in refrigerator	41.00 Fahrenheit	
Cooked shrimp	Two-door reach-in refrigerator	40.00 Fahrenheit	
Hot water	Three-compartment sink	120.00 Fahrenheit	Beverage preparation sink
Cooked vermicelli	Two-door reach-in refrigerator	41.00 Fahrenheit	
Cooked rice	Rice cooker	152.00 Fahrenheit	
Egg cake	Walk-in refrigerator	41.00 Fahrenheit	
Hot water	Three-compartment sink	122.00 Fahrenheit	Kitchen

Overall Comments:

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 **6/13/2023**. 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.

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: Martin P.
Manager

Signed On: May 30, 2023