

**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> FA0257639 - LEE'S SANDWICHES		<b>Site Address</b> 4060 MONTEREY RD, SAN JOSE, CA 95111		<b>Inspection Date</b> 02/16/2021	
<b>Program</b> PR0376949 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> LEE'S SANDWICHES NCA IN		<b>Inspection Time</b> 15:00 - 16:15
<b>Inspected By</b> LAWRENCE DODSON	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> VU		<b>FSC</b> Not Available	

<b>Placard Color &amp; Score</b> <b>YELLOW</b> <b>58</b>
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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						
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					
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	X	
K27 Food separated and protected	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	X	
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use	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		
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

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

**Inspector Observations: Hand wash sink is obstructed by a food cart.[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.**

Follow-up By  
02/19/2021

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

**Inspector Observations: PHF at front counter is subject to TPHC, but is not time marked for discard at 4 hours. [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. [SA] Per PIC, PHF held for <2hrs. PHF was time marked for discard at 4 hours.**

Follow-up By  
02/19/2021

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

**Inspector Observations: Rodent droppings found in cabinets at front service area. Rodents droppings found on the floor of the dry storage room. 1 live adult cockroach found on the wall at 3 three compartment warewash sink. [CA] Clean and sanitize area of dead cockroaches or old droppings. [SA] PIC presented invoice for professional pest control services. No, evidence of contamination of food/food contact surfaces observed. PIC stated facility will self close 2/17 for cleaning and sanitizing the facility.**

Follow-up By  
02/19/2021

### Minor Violations

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

**Inspector Observations: FSC is expired. [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.**

**Food employees are unable to demonstrate food safety knowledge practices and principles applicable to their assigned duties.[CA] All food employees shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties.**

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: Warewash sink observed to be unclean to sight and touch, and used for food preparation. [CA] The warewash sink, if used to wash wiping cloths, wash produce, or thaw food, shall be cleaned and sanitized before and after each specific use.**

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations: Frozen poultry found thawing inside 3 compartment warewash sink without running cold water.[CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.**

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: Food preparation conducted in an active warewash sink.[CA] Food preparation shall only occur in approved areas. Use the available food preparation sink for the preparation of food.**

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

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**Inspector Observations: Heavy buildup of grime and food deposits found on equipment and food containers throughout the facility. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.**

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

**Inspector Observations: Clean equipment is exposed to preparation of raw animal product.[CA] All cleaned utensils shall be stored in a clean, dry location where they are not exposed to splash, dust, or other contamination, and at least six inches above the floor.**

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: Facility is unorganized and cluttered.[CA] The premises of a food facility shall be free of litter and items that are unnecessary to the operation or maintenance of the facility, such as equipment that is nonfunctional or no longer used.**

**Lotion bottle found on drainboard of food preparation sink.[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.**

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

**Inspector Observations: Opening in wall found in storage area and near office. [CA] Repair holes in structure and maintain in good repair to prevent pest harborage.**

**Debris buildup found on the floor throughout the facility. [CA] Regularly clean under cooking equipment to prevent accumulation of debris.**

## Performance-Based Inspection Questions

N/A

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
hot water	hand wash sink	100.00 Fahrenheit	
food preparation refrigerator	service area	40.00 Fahrenheit	
food preparation refrigerator	cook line	40.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
raw chicken	3 compartment sink	38.00 Fahrenheit	thawing
cooked port	hot holding unit	141.00 Fahrenheit	
walk-in refrigerator	storage	36.00 Fahrenheit	

## Overall Comments:

**Official inspection report emailed to [vunguyen1963@gmail.com](mailto:vunguyen1963@gmail.com)**

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 **3/2/2021**. 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.

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**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: \_\_\_\_\_

Signed On: February 16, 2021