

# 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 FA0257074 - LEE'S SANDWICHES		Site Address 2471 BERRYESSA RD 3, SAN JOSE, CA 95133		Inspection Date 03/20/2024	
Program PR0375608 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name B & H ESTABLISHMENTS INC		Inspection Time 13:15 - 15:15
Inspected By YUEN IP	Inspection Type ROUTINE INSPECTION	Consent By DIEM NGUYEN (YOON)	FSC DIEM NGUYEN 04/17/2026		

Placard Color & Score
<b>GREEN</b>
<b>78</b>

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		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	X			S
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	X
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	X	
K36 Equipment, utensils, linens: Proper storage and use		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use	X	
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	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: Pre-packaged chow mein, pre-packaged fried rice, pre-packaged shrimp spring roll, Prepackaged chicken bun measured between 73-76F at front cashier station. No time mark observed. Per PIC, food was prepared this morning at 10am and will be discarded at 2pm. Food has been out of temperature control for 3 hours. Employee may forget to put label for food.**  
**[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.**  
**[COS] PIC time marked items and discard in 1 hour. Observed item discarded after writing this report.**

### Minor Violations

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: Chlorine concentration measured at 10ppm at the 3rd compartment sink.**  
**[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.**  
**[COS] PIC added chlorine. Correct to 100ppm.**

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

**Inspector Observations: Several gnats observed at the dry storage area.**  
**[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies.**

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

**Inspector Observations: A box of minced raw chicken was thawing on a tray and on top of bags of flour in dry storage area. Per PIC, chef wants to thaw in room temperature a little bit before putting into the fridge.**  
**[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.**  
**[COS] PIC relocated box of chicken to walk-in fridge.**

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: Cracks observed on ice machine door.**  
**[CA] Repair or replace ice machine.**

**Cardboards were used to line shelves throughout facility.**  
**[CA] Discontinue the use of cardboard boxes to line shelves/flooring, use approved equipment made of materials that is easily cleanable, durable, smooth, and nonabsorbent.**

**Sealant of the hood is detached and hanging on the hood.**  
**[CA] Remove old sealant to prevent physical contamination. Reseal gaps**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations: Cooking equipment of both ends of hood did not have 6inches overhang.**  
**[CA] There shall be a minimum of 6 inches overhang of ventilation hood over cooking equipment.**

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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: Big gaps on the wall near mop sink at the back.**

**[CA] Repair holes in structure and maintain in good repair to prevent pest harborage. Repair the wall with a durable, smooth, nonabsorbent, and easily cleanable surface.**

## Performance-Based Inspection Questions

Needs Improvement - Time as a public health control; procedures & records.

## Measured Observations

Item	Location	Measurement	Comments
Sliced Cha Lua	Open top fridge	41.00 Fahrenheit	
Char siu	Walk-in fridge	38.00 Fahrenheit	
Chicken bun	Front cashier station	82.00 Fahrenheit	No time marked. Prepared at 11am.
Nem bo	Reach-in fridge customer sitting area	32.00 Fahrenheit	
Raw pork	Fridge drawer	38.00 Fahrenheit	
Raw shrimp	Fridge drawer	36.00 Fahrenheit	
Marinated raw pork	Walk-in fridge near cooking station	37.00 Fahrenheit	
Water	2 compartment sink	131.00 Fahrenheit	
Char siu	Steam table	136.00 Fahrenheit	
Water	Hand wash sink Entrance of kitchen	108.00 Fahrenheit	
Chow mein	Front cashier station	76.00 Fahrenheit	No time marked. Prepared at 10am.
Egg roll	Warmer	136.00 Fahrenheit	
Taro	Open top fridge	35.00 Fahrenheit	
Spring roll	Front cashier station	73.00 Fahrenheit	No time marked. Prepared at 10am.
Pork	Steam table	149.00 Fahrenheit	
Water	Hand wash sink near smoothie	102.00 Fahrenheit	
Milk	3 doors counter fridge	35.00 Fahrenheit	
Cut tomato	Open top fridge	41.00 Fahrenheit	
Water	Restroom	105.00 Fahrenheit	
Char siu	3 doors counter fridge	39.00 Fahrenheit	
Fried rice	Front cashier station	76.00 Fahrenheit	No time marked. Prepared at 10am.
Bean sprouts	3 doors counter fridge	31.00 Fahrenheit	
Chlorine	3rd compartment sink	10.00 PPM	
Noodle	2 doors counter fridge	34.00 Fahrenheit	
Raw pork	On the rack across from 2 compartment sink	33.00 Fahrenheit	Per PIC, cook will cook the pork in boiling water in a few minutes. Waiting water to boil

## 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 **4/3/2024**. 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.

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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



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**Received By:** DIEM NGUYEN  
Manager

**Signed On:** March 20, 2024