

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 FA0254829 - LEE'S SANDWICHES | | Site Address 990 STORY RD 30, SAN JOSE, CA 95122 | | Inspection Date 11/21/2023 | |
| Program PR0371964 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 | | | Owner Name LALUAN HUYNH | | Inspection Time 12:45 - 14:45 |
| Inspected By HENRY LUU | Inspection Type ROUTINE INSPECTION | | Consent By VY | FSC Jennifer Le Nguyen 06/18/2024 | |

| |
|-----------------------|
| Placard Color & Score |
| RED |
| 66 |

| RISK FACTORS AND INTERVENTIONS | IN | OUT | | COS/SA | N/O | N/A | PBI |
|---|----|-------|-------|--------|-----|-----|-----|
| | | Major | Minor | | | | |
| K01 Demonstration of knowledge; food safety certification | X | | | | | | S |
| 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 | | | | N |
| K07 Proper hot and cold holding temperatures | X | | | | | | |
| K08 Time as a public health control; procedures & records | | 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 | | | | | N |

| 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 | X | |
| 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 | | |
| 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 | |
| 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: *PHF items maintained at the front service counter as well as the counters for customer self-service subjected to time as a public health control lacked labels.*

Follow-up By
11/24/2023

[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.*

**** Repeat violation**

K11 - 8 Points - Improper reheating procedures for hot holding; 114014, 114016

Inspector Observations: *Sliced BBQ pork and grilled pork maintained inside hot holding unit measured between 108F to 120F. Manager on site stated that items are cooked, cooled, and is reheated to be hot held.*

Follow-up By
11/24/2023

[CA] *Any PHF that has been cooked, cooled, and reheated for hot holding shall be reheated to a minimum internal temperature of 165°F for 15 seconds. Reheating for hot holding shall be done rapidly, and the time the food is between 41°F and 165°F shall not exceed two hours.*

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

Inspector Observations: *Two live cockroaches observed on floor and on door hinge at the entrance door into the public restroom.*

Follow-up By
11/24/2023

10+ live cockroaches of various life stages observed crawling on floor and wall by the two-door beverage preparation refrigerator directly to the left at the entrance into the kitchen.

5+ live cockroaches of various life stages observed crawling on floor between the two-door reach-in refrigerator and ice machine, outside of the employee restroom.

One live adult cockroach observed between center door hinge of the inoperable three-door reach-in refrigerator by the back door of the facility. 2+ live juveniles observed crawling on floor in front of refrigerator.

Per manager, facility is serviced by pest control weekly.

[CA] *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.*

Minor Violations

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

Inspector Observations: *Employee's opened beverage stored on food preparation counter.*

[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: *Hand wash station at the cook line obstructed with floor fan, hanging wires, cleaning equipment and lacked paper towels. Hand wash station also observed with build up of grime.*

[CA] *Handwashing facility shall be clean, unobstructed, and accessible at all times. Handwashing facilities shall have handwashing cleanser and single-use sanitary towels in dispensers, easily accessible and readily available at all times.*

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K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: *Observed spray bottle of domestic insecticide stored on bottom storage shelf next to food paper. Numerous cans of insecticide spray observed stored below the three-compartment sink at the beverage preparation area.*

[CA] *Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used. Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens.*

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

Inspector Observations: *Build up of grime observed on refrigerator door handles.*

[CA] *Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.*

Performance-Based Inspection Questions

- Needs Improvement - Adequate handwash facilities: supplied or accessible.
- Needs Improvement - Proper eating, tasting, drinking, tobacco use.
- Needs Improvement - Time as a public health control; procedures & records.
- Needs Improvement - No rodents, insects, birds, or animals.

Measured Observations

| Item | Location | Measurement | Comments |
|------------------------|-----------------------------------|-------------------|-----------------------|
| Sliced tomatos | Sandwich preparation refrigerator | 40.00 Fahrenheit | Top insert |
| Sliced red ham | Sandwich preparation refrigerator | 39.00 Fahrenheit | |
| Braised clay pot fish | Walk-in refrigerator | 41.00 Fahrenheit | |
| BBQ pork belly - diced | Sandwich preparation refrigerator | 39.00 Fahrenheit | |
| Hot water | Three-compartment sink | 120.00 Fahrenheit | |
| Milk | Two-door reach-in refrigerator | 41.00 Fahrenheit | Front service counter |
| Sliced fancy pork | Sandwich preparation refrigerator | 40.00 Fahrenheit | Top insert |
| Grilled chicken | Hot holding unit | 149.00 Fahrenheit | Sandwich prep area |
| BBQ pork belly - diced | Hot holding unit | 142.00 Fahrenheit | Sandwich prep area |
| Pate | Sandwich preparation refrigerator | 40.00 Fahrenheit | Top insert |
| Ham | Sandwich preparation refrigerator | 40.00 Fahrenheit | Top insert |
| Steamed egg cake | Walk-in refrigerator | 41.00 Fahrenheit | |
| Grilled pork | Sandwich preparation refrigerator | 37.00 Fahrenheit | |
| Grilled chicken | Sandwich preparation refrigerator | 41.00 Fahrenheit | |

Overall Comments:

- **Facility is hereby closed due to presence of vermin.**
- **Facility shall remain closed until there is no longer evidence of a vermin infestation.**
- **Facility shall:**
 - **Obtain service/treatment from licensed pest control company. Provide pest control report upon follow-up inspection.**
 - **Eradicate all live and dead cockroach activity from facility. Sanitize all affected areas.**
 - **Seal any holes, gaps, cracks, and/or crevices to prevent harborage of vermin.**
- **Subsequent follow-up inspection after first follow-up shall be billed \$290/hour, minimum one hour, during normal business hours (Monday - Friday, 7:30 AM to 4:30 PM), and \$629/hour, minimum two hours, during non-business hours, and upon inspector availability.**
- **The posted placard is property of the Santa Clara County Department of Environmental Health and shall not be removed, covered-up, relocated, tampered, or copied. Failure to comply may result in enforcement actions per County Ordinance Code Section B11-55.**
- **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.**

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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 **12/5/2023**. 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: Anh H.
Manager

Signed On: November 21, 2023