

**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> FA0240285 - SUBWAY		<b>Site Address</b> 43 S 1ST ST, SAN JOSE, CA 95113		<b>Inspection Date</b> 07/29/2021	
<b>Program</b> PR0340352 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			<b>Owner Name</b> SHAYA ANDREWS ALBERT &		<b>Inspection Time</b> 09:00 - 10:00
<b>Inspected By</b> GINA STIEHR	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> AURA ALVARADO	<b>FSC</b> Not Available		

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>76</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						S
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						S
K06 Adequate handwash facilities supplied, accessible			X				
K07 Proper hot and cold holding temperatures		X		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						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		
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		
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

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Observed potentially hazardous foods located in the food prep cold hold unit that measured in the temperature danger zone (ham 44F, turkey 48F, chicken 51F, pepperoni 51F, cheese 48F, tomatoes 48F). [CA] Ensure PHFs are properly cold held at 41F or below. Repair or adjust units to properly cold hold. [COS] Facility is closing due to hot water violation, so PIC will put items back in walk-in cooler.**

Follow-up By  
08/03/2021

K21 - 8 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

**Inspector Observations: Hot water at handwash sink and food prep sink measured at 77F. [CA] Provide hot water of 100F at handwash sink and 120F at food prep and 3 comp sink.**

Follow-up By  
08/03/2021

**MEETS CRITERIA FOR CLOSURE.**

### Minor Violations

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

**Inspector Observations: The facility is unable to produce a Food Safety Certificate(FSC). [CA]Facilities serving food shall have evidence of at least one valid FSC available at all times and valid Food Handler Cards for all other employees who serve or handle food.**

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

**Inspector Observations: Handwash sink is not accessible and/or obstructed. Observed bowls in back handwash sink. [CA]Handwash sink shall be accessible and/or unobstructed. Remove bowls from sink.**

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: Observed bag of onions next to handwash sink that gets sprayed with water during handwashing. [CA] Separate and protect food. Relocate bag of onions or install 12" stainless steel splash guard (obtain Departmental approval prior to installation).**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

### Measured Observations

Item	Location	Measurement	Comments
quat	3 comp sink	200.00 PPM	
turkey	food prep cold hold	48.00 Fahrenheit	
broccoli cheddar soup	walk-in freezer	15.00 Fahrenheit	infrared
chicken	walk-in cooler	37.00 Fahrenheit	
cheese	food prep cold hold	48.00 Fahrenheit	
hot water	food prep sink	77.00 Fahrenheit	
chicken	food prep cold hold	52.00 Fahrenheit	
tomatoes	food prep cold hold	48.00 Fahrenheit	
hot water	handwash sink	77.00 Fahrenheit	
ham	food prep cold hold	44.00 Fahrenheit	
meatballs	hot hold	165.00 Fahrenheit	
pepperoni	food prep cold hold	51.00 Fahrenheit	

### Overall Comments:

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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 **8/12/2021**. 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.

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



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**Received By:** Aura Alvarado  
Sandwich Maker

**Signed On:** July 29, 2021