

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 12/11/2024	
Program PR0371964 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name LALUAN HUYNH		Inspection Time 12:45 - 14:00
Inspected By HENRY LUU	Inspection Type RISK FACTOR INSPECTION		Consent By STEVEN	FSC	

Placard Color & Score

YELLOW

N/A

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		X			N
K08 Time as a public health control; procedures & records		X		X			
K09 Proper cooling methods		X		X			N
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		
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		
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	X
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: Flat of raw shelled eggs maintained out in ambient temperature at the cook line measured at 66F. Employee stated that the eggs were removed from temperature control at 10:00 AM, an elapsed time of 3 hours.

Follow-up By
12/16/2024

[CA] PHFs shall be held at 41°F or below or at 135°F or above, with the exception of eggs, and unopened pasteurized dairy products (45F).

[COS] Eggs were VC&D.

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

Inspector Observations: Numerous PHF items for customer self-service subjected to time as a public health control (TPHC) lacked any labels or time documentation. Manager stated that the items were prepared and brought out at approximately 9:00 AM.

Follow-up By
12/16/2024

[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] At time of inspection, maximum 4 hour was exceeded. Items were VC&D.

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Container of cooked BBQ pork and cooked grilled chicken maintained inside the sandwich preparation refrigerator measured between 80F to 87F. Employee stated that items were prepared at approximately 8:30 - 9:00 AM, an elapsed time of 4 hours.

Follow-up By
12/16/2024

[CA] Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

[COS] Items were VC&D.

Minor Violations

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

Inspector Observations: Hand wash station inside the kitchen was obstructed with equipment placed inside the wash basin.

[CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.

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: Ambient temperature of the sandwich preparation refrigerator measured at 44F via probe thermometer placed inside.

[CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

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Inspector Observations: Facility has gone through a change of ownership and is currently operating without a valid health permit.

Follow-up By 12/13/2024

[CA] A food facility shall not be open for business without a valid health permit.

A permit shall be issued by this department when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements set forth by this department.

Please contact local health department at 408-918-3400 to obtain a valid health permit.

**** Application and request for facility evaluation shall be submitted within 48-hours.**

Performance-Based Inspection Questions

- Needs Improvement - Proper cooling methods.
- Needs Improvement - Proper hot and cold holding temperatures.

Measured Observations

Item	Location	Measurement	Comments
Sliced head cheese	Bread proofer	38.00 Fahrenheit	
Sliced cheese	Bread proofer	38.00 Fahrenheit	
Sliced tomatoes	Sandwich preparation refrigerator	41.00 Fahrenheit	
Pate	Sandwich preparation refrigerator	41.00 Fahrenheit	
Raw pork	Walk-in refrigerator	49.00 Fahrenheit	
Hot water	Three-compartment sink - kitchen	126.00 Fahrenheit	
Hot water	Three-compartment sink - beverage preparation	120.00 Fahrenheit	
Cooked shrimp	Two-door reach-in refrigerator	35.00 Fahrenheit	
Sliced fancy pork roll	Sandwich preparation refrigerator	40.00 Fahrenheit	

Overall Comments:

- On-site for a permit investigation and to issue 48-hour notice to pay for facility operating on an expired health permit.
- This Division was made aware that ownership has changed and thus a risk factor inspection was conducted. See violation above.
- New owners are to submit change of ownership/facility evaluation request form within 48-hours. See violation above.

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 **12/25/2024**. 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.

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: Huy V. Manager
Signed On: December 11, 2024