

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 FA0257639 - LEE'S SANDWICHES		Site Address 4060 MONTEREY RD, SAN JOSE, CA 95111		Inspection Date 08/11/2022	
Program PR0376949 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name LEE'S SANDWICHES NCA IN		Inspection Time 11:30 - 13:00
Inspected By HENRY LUU	Inspection Type ROUTINE INSPECTION		Consent By HONG	FSC Vu Nguyen 07/31/2024	

Placard Color & Score
RED
57

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification			X				N
K02 Communicable disease; reporting/restriction/exclusion	X						S
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible			X	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		X			N
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	X	
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	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	X	
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

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

Inspector Observations: Employee reheated bowl of cooked meat and placed the bowl inside the hot holding unit. Temperature of the meat measured between 87F to 109F. [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. [COS] Instructed employee to continue reheating item inside the microwave.

Follow-up By 08/16/2022

K14 - 8 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: Dead cockroach observed inside the top cup of the roll of plastic cups used for prepackage desserts and foods. Dead cockroach observed inside opened bag of deli wrap paper. [CA] Food contact surfaces shall be clean and free from contamination.

Follow-up By 08/16/2022

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

Inspector Observations: Cockroach activity observed in the following areas:

- Live adult carrying egg sack observed in-between wall and water filter above the three-compartment sink.
- Numerous live adults observed in-between wall and wall mounted shelves above the meat slicer in the back of the kitchen.
- One live nymph observed crawling on wall above the floor sink next to the hand wash station by the cook line.
- Egg sack observed on floor next to the sandwich preparation refrigerator.

Follow-up By 08/16/2022

Per manager, facility has had one major treatment in October 2021, but has not have any other services done.

[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.

Old rodent droppings observed inside wooden cabinets at the front service counter. Dead cockroaches observed on floor throughout facility underneath equipment and preparation tables. [CA] Clean and sanitize area of dead cockroaches or old droppings.

Employee allowing customer with non-service dog to enter facility. [CA] No live animals may be allowed in a food facility, except in the following situations; decorative fish or shellfish in aquarium, animals intended for consumption if kept separated from other food and food contact surfaces, dogs under the control of on-duty uniformed law enforcement or private patrol, outdoor dining areas, and service animals.

Minor Violations

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

Inspector Observations: Employee's three-year food handler cards unavailable for review. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

Follow-up By 09/11/2022

***** Repeat violation - documented on - 2/16/2021, 9/14/2021, 1/22/2022 *****

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

Inspector Observations: Hand washing station in the kitchen lacked paper towels. Per PIC, facility ran out of towels and is temporarily using napkins. [CA] Single-use sanitary towels shall be provided in dispensers at all times. [SA] Napkins were provided to temporary use.

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K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

Inspector Observations: Multiple PHF items maintained inside the sandwich preparation refrigerator measured between 44F to 45F.

- Sliced ham, sliced fancy pork (cha), head cheese, pate, sliced BBQ pork.

Ambient temperature of the preparation refrigerator measured at 43F to 45F. Reach-in door maintained slightly ajar due to large hotel pan inside the refrigerator preventing doors from completely closing. [CA] PHFs shall be held at 41F or below or at 135F or above.

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: Multiple bags of food stored directly on the floor inside the walk-in freezer. [CA] Food shall be stored at least 6 inches above the floor to prevent contamination.

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

Inspector Observations: Can of domestic pesticide spray maintained on top of the bread display refrigerator.

Bottle of motor oil maintained on shelf directly above mesh bag of peanuts and closed bags of flour. [CA] Store chemicals separate and away from the storage and preparation of food or food contact surfaces and linens. Only those insecticides, rodenticides, and other pesticides that are necessary and specifically approved for use in a food facility may be used.

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

Inspector Observations: Heavy accumulation of grime on the door handles at the three-door preparation refrigerator. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

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 beverage preparation refrigerator measured at 50F. [CA] Refrigeration must be capable of maintaining PHFs at 41°F or below.

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

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Needs Improvement - Proper reheating procedures for hot holding.

Needs Improvement - No rodents, insects, birds, or animals.

Measured Observations

Item	Location	Measurement	Comments
Cooked BBQ pork	Walk-in refrigerator	41.00 Fahrenheit	
Chlorine sanitizer	Three-compartment sink	100.00 PPM	
Hot water	Three-compartment sink	135.00 Fahrenheit	
Chicken wings	Hot display case	140.00 Fahrenheit	
Porridge	Walk-in refrigerator	38.00 Fahrenheit	
Egg rolls	Hot display case	183.00 Fahrenheit	
Cooked BBQ pork	Hot holding unit	158.00 Fahrenheit	

Overall Comments:

- Facility is hereby closed due to the presence of vermin.

- Facility is to remain closed until there is no longer evidence of a vermin infestation and written authorization is provided by this Division to resume operations.

- Subsequent follow-up inspections after the first follow-up shall be billed at \$219/hour, minimum one hour during normal business hours (7:30 AM to 4:30 PM), and \$493/hr, minimum one hour, during non-business hours, and upon inspector availability.

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CLOSURE / PERMIT SUSPENSION NOTICE

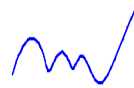
When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **8/25/2022**. 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: Vu Nguyen
Manager
Signed On: August 11, 2022