

# 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> FA0257639 - LEE'S SANDWICHES		<b>Site Address</b> 4060 MONTEREY RD, SAN JOSE, CA 95111		<b>Inspection Date</b> 01/27/2025		<b>Placard Color &amp; Score</b> <div style="background-color: black; color: white; padding: 10px; text-align: center;"> <b>RED</b>  <b>65</b> </div>		
<b>Program</b> PR0376949 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> LEE'S SANDWICHES NCA IN		<b>Inspection Time</b> 07:00 - 09:45			
<b>Inspected By</b> MARCELA MASRI		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> DUNG PHAN				<b>FSC</b> Not Available

  

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						
K06	Adequate handwash facilities supplied, accessible	X						S
K07	Proper hot and cold holding temperatures		X		X			N
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		
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used		
K30	Food storage: food storage containers identified	X	
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented	X	
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	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use	X	
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored	X	
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	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

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

**Inspector Observations: FOUND THE CHICKEN AT 75F, THE EGGROLLS AT 101F AND THE CHICKEN WINGS AT 97F IN THE HOT HOLDING UNIT. [CA] KEEP HOT POTENTIALLY HAZARDOUS FOOD AT 135F MINIMUM. RE-HEAT THE FOOD TO 165F THEN HOT HOLD AT 135F MINIMUM.**

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

**Inspector Observations: FOUND RAT DROPPINGS IN THE BACK STORAGE AREA. [CA] FOOD FACILITIES SHALL NOT HAVE ANY RATS/RAT DROPPINGS ON THE PREMISES. REMOVE THE RAT DROPPINGS, CLEAN THE FACILITY CLEAN THE FACILITY, MOVE THE EQUIPMENT TO CHECK AND SEAL ANY GAPS OR CREVICES ON THE WALLS, FLOORS AND CEILINGS. DISCARD ANY FOOD THAT MAY BE CONTAMINATED BY RATS, THEIR DROPPINGS AND URINE. REMOVE ANY UNUSED EQUIPMENT OR CLUTTER. REMOVE ANY ENCRUSTED FOOD ON THE FOOD PREPARATION TABLES, UNDER EQUIPMENT, ON THE FLOORS AND WALLS. HIGHLY RECOMMEND HAVING A PEST CONTROL COMPANY PROVIDE A TREATMENT. CLEAN AND SANITIZE ALL SURFACES PRIOR TO CONTACTING THE DEPARTMENT. NOTE: RODENT ELIMINATION IN FOOD FACILITIES HANDOUT WAS PROVIDED. NOTE: ONE RE-INSPECTION WILL BE FREE OF CHARGE, IF ADDITIONAL RE-INSPECTIONS ARE NEEDED FOR THE SAME ISSUE, THEY WILL BE CHARGED AT \$298 PER HOUR DURING BUSINESS HOURS, MINIMUM ONE HOUR. CALL MARCELA AT 408-687-3451 WHEN READY FOR A RE-INSPECTION.**

### Minor Violations

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

**Inspector Observations: MISSING THE FOOD SAFETY CERTIFICATE FOR MANAGERS AND FOOD HANDLER'S CARDS FOR THE FOOD EMPLOYEES. [CA] PROVIDE THE FOOD SAFETY CERTIFICATE AND FOOD HANDLER'S CARDS.**

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

**Inspector Observations: FOUND SOME BOXES ON THE FLOOR IN THE WALK IN FREEZER. [CA] STORE FOOD 6 INCHES ABOVE THE FLOOR.**

K32 - 2 Points - Food improperly labeled & not honestly presented: 114087, 114089, 114089.1(a, b), 114090, 114093.1

**Inspector Observations: FOUND THE CRISPY ONION CUPS WITHOUT A LABEL. [CA] PROVIDE LABEL WITH THE FOLLOWING ITEMS.**

- 1. NAME OF THE FOOD**
- 2. CONTENTS OF THE FOOD IE: OZ**
- 3. INGREDIENTS**
- 4. NAME AND ADDRESS OF MANUFACTURER**

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: THE UNDERSIDE OF THE LID FOR THE DESSERT REFRIGERATOR IS CHIPPING OFF. [CA] REPLACE THE LID.**

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

**Inspector Observations: FOUND A HOT PLATE BEING USED TO FRY EGGS IN THE FRONT SERVICE AREA. [CA] USE THE COOKING EQUIPMENT TO COOK.**

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

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**Inspector Observations:** *THE LIGHT IN THE STORAGE AREA IS NOT WORKING. [CA] PROVIDE A WORKING LIGHT.*

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

**Inspector Observations:** *FOUND A WIPING CLOTH ON THE COUNTER IN THE SERVICE AREA. [CA] STORE WIPING CLOTHS IN A SANITIZER SOLUTION WHILE NOT IN USE.*

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

**Inspector Observations:** *FOUND THE MOP IN THE MOP BUCKET. [CA] HANG THE MOP TO AIR DRY.*

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

**Inspector Observations:** *THE CEILING PANELS IN THE RESTROOMS HAVE HOLES. [CA] REPLACE THE PANELS.*

## Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.

## Measured Observations

Item	Location	Measurement	Comments
PORK	WALK IN COOLER	34.00 Fahrenheit	
CHICKEN	HOT HOLDING	75.00 Fahrenheit	
HOT WATER	HAND WASH SINK	100.00 Fahrenheit	
PATE	SANDWICH REFRIGERATOR	41.00 Fahrenheit	
SHRIMP	WALK IN COOLER	32.00 Fahrenheit	
WHIPPED CREAM	DESSERT REFRIGERATOR	41.00 Fahrenheit	
HOT WATER	3 COMPARTMENT SINK	120.00 Fahrenheit	
EGG ROLLS	HOT HOLDING	101.00 Fahrenheit	
EGG ROLLS	WALK IN FREEZER	-1.00 Fahrenheit	
CHICKEN WINGS	HOT HOLDING	97.00 Fahrenheit	
MEAT	REACH IN FREEZER	-4.00 Fahrenheit	

## Overall Comments:

**THIS FACILITY IS NOW CLOSED DUE TO HAVING RAT DROPPINGS IN THE STORAGE ROOM.**

**ONE RE-INSPECTION WILL BE FREE OF CHARGE, IF ADDITIONAL RE-INSPECTIONS ARE NEEDED FOR THE SAME ISSUE, THEY WILL BE CHARGED AT \$298 PER HOUR DURING BUSINESS HOURS, MINIMUM ONE HOUR. CALL MARCELA AT 408-687-3451 WHEN READY FOR A RE-INSPECTION. 0p0**

## 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 **2/10/2025**. 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.

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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:** VU NGUYEN  
OWNER  
**Signed On:** January 27, 2025