

# 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> FA0257201 - LEE'S SANDWICHES		<b>Site Address</b> 279 W CALAVERAS BL, MILPITAS, CA 95035		<b>Inspection Date</b> 09/26/2022		<b>Placard Color &amp; Score</b> <div style="font-size: 2em; font-weight: bold; color: red;">RED</div> <div style="font-size: 3em; font-weight: bold; color: black;">86</div>		
<b>Program</b> PR0375899 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> MCM INVESTMENTS INC		<b>Inspection Time</b> 11:00 - 13:00			
<b>Inspected By</b> FRANK LEONG		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> THANH NGUYEN				<b>FSC JENNY TRUONG</b> 05/06/2023

  

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				N
K07	Proper hot and cold holding temperatures	X						S
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						
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		
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

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

**Inspector Observations:** In the kitchen area, observed multiple live cockroaches behind the 3 door sandwich prep unit. In the same area, in the counter-top slicer, observed live cockroaches and eggs. Throughout the kitchen area, observed dead cockroaches. Underneath the front counter, observed multiple live cockroaches at the far right side. [CA] Ensure facility is kept free of cockroach activity. Clean and sanitize all areas with activity. Contact pest control to provide service for facility. Seal all cracks and crevices in the facility to prevent continued harborage. Remove all unused equipment and clutter to prevent harborage.

Follow-up By  
09/27/2022

### Minor Violations

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

**Inspector Observations:** At the drink prep area, at the handwash station, observed a lack of paper towels in the paper towel dispenser. Observed paper towels stored on a rack in the nearby area. [CA] Ensure all handwash stations are kept stocked with hand soap and paper towels.

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

**Inspector Observations:** In the walk-in refrigerator, measured a container of cooked pork cooling at 90F. Per operator, pork has been cooling for an hour. [CA] Potentially hazardous foods shall be RAPIDLY cooled from 135F to 70F within 2 hours, and then from 70F to 41F within 4 hours. Leave cooling containers of food uncovered to allow for proper ventilation.

### Performance-Based Inspection Questions

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

Needs Improvement - Adequate handwash facilities: supplied or accessible.

### Measured Observations

Item	Location	Measurement	Comments
milk tea	2 door prep unit	41.00 Fahrenheit	
raw pork	walk-in refrigerator	28.00 Fahrenheit	
bbq pork	counter-top steam table	155.00 Fahrenheit	
cooked pork	walk-in refrigerator	90.00 Fahrenheit	cooling for an hour
pate	3 door prep unit	41.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
vietnamese ham	3 door prep unit	41.00 Fahrenheit	
pork sausage	3 door reach in refrigerator	38.00 Fahrenheit	
hot water	3 compartment sink	120.00 Fahrenheit	
turkey	3 door prep unit	41.00 Fahrenheit	
coffee with milk	2 door undercounter refrigerator	41.00 Fahrenheit	
soymilk	3 door reach in refrigerator	38.00 Fahrenheit	
shredded pork	walk-in refrigerator	34.00 Fahrenheit	
grilled pork	counter-top steam table	160.00 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 **10/10/2022**. 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



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Received By: THANH NGUYEN  
PIC  
Signed On: September 26, 2022