

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 FA0257052 - L & M BAKERY & DELI		Site Address 1741 BERRYESSA RD A, SAN JOSE, CA 95133		Inspection Date 07/16/2025	
Program PR0375578 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			Owner Name LY, LIZA & LY, MAI		Inspection Time 11:15 - 13:20
Inspected By MINDY NGUYEN	Inspection Type ROUTINE INSPECTION	Consent By ANDY	FSC MAI LY 02/08/2026		

Placard Color & Score
YELLOW
78

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		X			N
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						

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					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						
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	X	
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: *Measured temperature of che dessert and hopia cakes at the service counter to be 70F. PIC stated foods had been held for less than 4 hours.*

Follow-up By
07/21/2025

[CA] *Keep potentially hazardous foods at 41F and below or 135F and above. Alternatively, use TPHC.*

[COS] *Che was time-marked to be discarded by the 4-hour mark, and the hopia cakes were transferred to a refrigerator.*

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

Inspector Observations: *Multiple foods under TPHC were missing their time-marking/time labels (cooked meat, prepared foods in customer self-service area).*

Follow-up By
07/21/2025

[CA] *When using TPHC, foods must be IMMEDIATELY time-marked with the discard time.*

[SA] *Foods were time-marked.*

REPEAT VIOLATION See notes below.

Minor Violations

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

Inspector Observations: *Throughout facility: observed prepackaged foods (breads, che, pickled vegetables, banh bo lot, etc) lacked sufficient labeling.*

[CA] *Food prepackaged in a food facility shall bear a label that includes:*

- 1.** *The common name of the food.*
- 2.** *If made from two or more ingredients, a list of ingredients in order of weight.*
- 3.** *Quantity of the contents.*
- 4.** *Name and place of business of the manufacturer, packer, or distributor.*

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: *Observed aluminum foil and cardboard were used to line shelves/surfaces.*

[CA] *Discard foil and cardboard. All surfaces must be smooth, durable, and easily cleanable.*

K48 - 2 Points - Plan review unapproved; 114380

Inspector Observations: *Observed waffle maker in front service area without a hood. PIC stated they purchased the waffle maker last year.*

[CA] *Any new cooking equipment must undergo Plan Review before purchase and installation/use. Submit plans for waffle maker to Plan Check by 9/16/25 or remove from facility. Failure to comply may result in enforcement action.*

For general inquiries or to schedule a consultation, site assessment, or plan check inspection, please email us at dehplancheck@deh.sccgov.org or call us at (408) 918-3400 Monday through Friday between 7:30am and 4:30pm. To assist you with technical questions, a Plan Checker is available by phone during these hours on a first come-first served basis Monday through Friday.

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Performance-Based Inspection Questions

Needs Improvement - Proper hot and cold holding temperatures.
Needs Improvement - Time as a public health control; procedures & records.

Measured Observations

Item	Location	Measurement	Comments
CHE, HOPIA CAKES	FRONT SERVICE AREA	70.00 Fahrenheit	
WARM WATER	HANDSINK	100.00 Fahrenheit	
MEATS, TOFU, RICE	UPRIGHT REFRIGERATORS	41.00 Fahrenheit	
SAUCES, PICKLES	SANDWICH PREP UNIT	41.00 Fahrenheit	
STEAMED BUN	STEAMER	150.00 Fahrenheit	
YOGURT, BEVERAGES	FRONT GLASS DOOR	41.00 Fahrenheit	
	GRAB-AND-GO REFRIGERATOR		
HOT WATER	3-COMPARTMENT SINK, 2-COMPARTMENT SINK	120.00 Fahrenheit	

Overall Comments:

A follow up inspection will be conducted to assess the major violations listed above. The first follow-up is free of charge. Any additional follow-up inspection(s) shall each be billed \$298/hr during business hours. Failure to comply may result in enforcement action. Please call Mindy Nguyen at (408) 918-3490 if there are any changes or updates.

This facility has had multiple major TPHC time-marking violations during consecutive routine inspections. If any future TPHC violations are observed, this Agency may revoke this facility's privilege of using TPHC, and all potentially hazardous foods will have to be kept at 41F and below or 135F and above at all times. In addition, repeat violations may result in office hearings.

All utensils and equipment shall be certified or classified for sanitation by an American National Standards Institute (ANSI) accredited certification program (e.g. NSF, UL EPH, UL Sanitation, CSA Sanitation, or ETL Sanitation). Contact Plan Check at (408) 918-3400 for questions related to approved equipment.

Discussed potential alternatives/methods of time-labeling with PIC (time log, timers).

Due to technical difficulties, this report will be emailed to the facility.

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 **7/30/2025**. 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.

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: Andy Ly
Employee
Signed On: July 16, 2025