

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 FA0207734 - BEN SANDWICHES		Site Address 221 E SAN FERNANDO ST, SAN JOSE, CA 95112		Inspection Date 10/01/2026		Placard Color & Score YELLOW 51		
Program PR0301011 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name BEN SANDWICHES		Inspection Time 10:30 - 12:50			
Inspected By ALEXANDER ALFARO		Inspection Type ROUTINE INSPECTION		Consent By QUAN				FSC Vinh Nguyen 03/20/2031

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		X			
K06	Adequate handwash facilities supplied, accessible		X		X			
K07	Proper hot and cold holding temperatures		X		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				

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties	X	
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		
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	X	
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use		
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored	X	
K41	Plumbing approved, installed, in good repair; proper backflow devices	X	
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

K05 - 8 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations:

Observed employee preparing food touch trash can and then proceed to handle the food again. Employee touched a sandwich and sliced carrots after contacting the trash can.

Follow-up By
10/08/2026

[CA] After touching garbage or other contaminated sources, wash hands with warm water for at least 15 seconds with soap and dry with single use towel, then reapply new gloves before handling food and food contact surfaces.

[COS] Employee was instructed to wash hands and PIC VC&D the sliced carrots and sandwich that were touched with the contaminated gloves.

K06 - 8 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

Employee restroom observed to be out of stock of soap and paper towels.

Follow-up By
10/08/2026

[CA] Ensure all restrooms in facility are adequately supplied.

[COS] Employee restocked soap and paper towels in restroom.

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

Inspector Observations:

Major Violation - Walk in cooler measured to be 47F ambient. New unsealed milk, raw shell eggs, and vietnamese coffee measured 45F. Per PIC, unit was 41F at 9am this morning. Per PIC, coffee was prepared yesterday with condensed milk that requires refrigeration after it is opened

Follow-up By
10/08/2026

[CA] Ensure all equipment intended to cold hold potentially hazardous foods measures 41F or below. All potentially hazardous foods shall be held below 41F or above 135F.

[COS] New, unsealed milk and raw shell eggs were moved to a cooling unit to maintain cold holding temperatures. Vietnamese coffee was VC&D due to failing to be held at proper temperature.

Minor Violation - Frozen french fries and cooked egg rolls observed to be stored at ambient temperature. Egg rolls measured to be 145F and fries measured to be 29F. Per operator, fries were removed from the freezer and egg rolls were removed from the deep fryer 5 minutes prior.

[CA] Ensure all foods are being actively temperature controlled if not using Time as a Public Health control (TPHC). Potentially hazardous foods shall be held below 41F or above 135F.

[COS] Operator moved egg rolls to the steam table and the fries back to the freezer to maintain temperature control.

Minor Violations

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

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Inspector Observations:

Observed fried eggs and cooked spam in the top of the prep cooler at back of front prep area to be measured at 56F Per PIC, items were prepared 30 minutes ago..Plastic container holding the eggs and spam were double stacked in a manner that does not allow proper airflow to cool effectively.

[CA] When cooling items, ensure that they are stored in a way that allows the cold air to ventilate and properly cool the food.

[COS] PIC moved the food to the walk in cooler to reach 41F.

K19 - 3 Points - Non-compliance with consumer advisory for raw or undercooked foods; 114012, 114093

Inspector Observations:

Per PIC, mayonnaise is prepared at other location on Story road. Mayonnaise contains raw eggs.

[CA] Provide consumer warning for use of raw shell eggs in uncooked foods.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations:

Observed a dead, juvenile cockroach underneath the three compartment sink

[CA] Ensure that facility is free of all vermin. Clean and sanitize the area where cockroach was.

K24 - 2 Points - Person in charge not present and not performing duties; 113945-113945.1, 113984.1, 114075

Inspector Observations:

A customer was observed entering the food preparation area. Per PIC, the customer was to package their own order of bread as PIC did not want to wash his hands and change gloves.

[CA] The "person in charge" shall ensure that persons unnecessary to the food facility operation shall not be allowed in the food preparation, food storage, or warewashing areas.

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

Inspector Observations:

Observed white powder above the baking counter in unlabeled containers.

[CA] Ensure that all foods removed from their original packaging are easily identifiable in their new containers.

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

Inspector Observations:

Lids of bread containers are soiled with build up of debris.

[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:

Walk in cooler measured to be 47F ambient.

[CA] Ensure all units are functioning correctly for their intended purposes. Cold holding units shall maintain a temperature of 41F or below.

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

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Inspector Observations:

In sugar bag, scoop was stored inside bag with handle touching the sugar.

[CA] Store scoop handle in a manner that the handle or contact surfaces do not touch the foodproduct.

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

Inspector Observations:

Observed wiping cloths out on food contact surfaces between usage.

[CA] When not in use, wiping cloths shall be submerged in a sanitizer solution of 100PPM for chlorine or 200PPM for quat.

[COS] PIC removed all wiping cloths and supplied new ones with a sanitizer bucket of chlorine at 100PPM for use.

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations:

Three compartment sink observed to be leaking from the faucet.

[CA] Ensure that all plumbing fixtures are in good repair and free of leaks throughout the facility.

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:

Front door, back door, propped open and screen is left open as well.

[CA] Keep all doors in the facility closed to reduce access by vermin.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
COOKED EGGS	TWO DOOR REACH AT FRONT COUNTER TOP	145.00 Fahrenheit	
RAW SHELL EGGS	WALK IN COOLER	45.00 Fahrenheit	
RAW SHELL EGGS	TWO DOOR REACH IN COOLER AT BACK WALL	41.00 Fahrenheit	
MEAT PATE	TWO DOOR REACH AT FRONT COUNTER TOP	21.00 Fahrenheit	
HOT WATER	PREP SINK	120.00 Fahrenheit	
HOT WATER	THREE COMPARTMENT SINK	120.00 Fahrenheit	
DELI MEATS	TWO DOOR REACH AT FRONT COUNTER TOP	40.00 Fahrenheit	
WARM WATER	HANDSINK AT FRONT PREP AREA	100.00 Fahrenheit	
VIETNAMESE COFFEE	WALK IN COOLER	45.00 Fahrenheit	
WARM WATER	HANDSINK IN REAR KITCHEN	100.00 Fahrenheit	
COOKED CHICKEN	TWO DOOR REACH IN AT BACK WALL	29.00 Fahrenheit	
SEALED MILK GALLONS	WALK IN COOLER	45.00 Fahrenheit	

Overall Comments:

Notes:

- A follow up inspection will be conducted within 5 business days to verify compliance with major violations noted. The first follow up inspection shall be free of charge. Any and all subsequent inspection shall be charged at the approved hourly rate of \$290.00/hr, minimum of 1 hour.

- Join inspection with Shannon R.

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- Report written by Shannon R.

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 **10/15/2026**. 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: Quan
Owner
Signed On: October 01, 2026