

# 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 FA0230136 - HIMALAYAN MAGIC MASALA		Site Address 1600 SARATOGA AV 203, SAN JOSE, CA 95129		Inspection Date 01/14/2025	
Program PR0330159 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name HIMALAYAN MAGIC MASALA		Inspection Time 14:30 - 16:35
Inspected By DENNIS LY	Inspection Type ROUTINE INSPECTION		Consent By PAWAN	FSC Not Available	

Placard Color & Score
<b>RED</b>
<b>69</b>

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						
K06 Adequate handwash facilities supplied, accessible	X						S
K07 Proper hot and cold holding temperatures		X		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		
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		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	X	
K27 Food separated and protected		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used	X	
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		
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	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		
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

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

**Inspector Observations:** *By the cook line, rice is measured at 110F and tomato based sauce is measured at 96F. [CA] Potentially hazardous foods shall either be cold holding at or below 41F; or hot holding at or above 135F. [COS] Per employee, the food was prepared an hour ago and is relocated into the walk-in cooler.*

Follow-up By  
01/15/2025

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

**Inspector Observations:** *Observed one live cockroach run behind the three compartment sink. About 20-30 dead cockroaches observed in the facility including three dead cockroaches on the food prep table. Dead cockroaches were also observed along the wall from the walk-in cooler to around the prep table; underneath and around the three compartment sink; by bulk containers of dry foods; by the upright reach-in cooler at the cook line; and along the window facing the parking lot of the dining area. [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.*

Follow-up By  
01/15/2025

### Minor Violations

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

**Inspector Observations:** *Food Safety Certificate for Managers is expired. [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have at least one valid Food Safety Certificate available.*

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

**Inspector Observations:** *Observed raw meats thawing at room temperature on top of and underneath the food prep table. [CA] Frozen potentially hazardous food shall only be thawed in one of the following ways: 1) under refrigeration that maintains the food temperature at 41°F or below, 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain, 3) in a microwave oven if immediately followed by immediate preparation, 4) as part of a cooking process.*

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

**Inspector Observations:** *Operator used pesticide in the form of a white powder that is spread along the walls and around equipment in the kitchen. [CA] Facility may only used pesticides that are approved for use within a food facility. A licensed pest control service is recommended.*

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

**Inspector Observations:** *Containers of food are stored on the floor inside the walk-in freezer. [CA] Food shall be stored a minimum of 6 inches off the floor to protect the food from contamination and to allow adequate space for ease of frequent cleaning.*

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

**Inspector Observations:** *Accumulation of mold and debris build up on the floor sinks located inside the kitchen under the food prep sink. [CA] Frequently clean and sanitize nonfood contact surfaces to prevent accumulation of debris.*

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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, 114166, 114167, 114169, 114175, 114177, 114180, 114182

**Inspector Observations: Knife stored on cutting board is observed with a chip on the blade. [CA] Remove and replace equipment/utensils that are damaged,**

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: Leak observed under the three compartment sink. [CA] Repair leak and maintain plumbing of the facility in good repair.**

## Performance-Based Inspection Questions

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

## Measured Observations

Item	Location	Measurement	Comments
Raw fish	Walk-in cooler	40.00 Fahrenheit	
Hot water	Handwash sink	100.00 Fahrenheit	
Lamb	Walk-in cooler	39.00 Fahrenheit	
Rice	Cook line	110.00 Fahrenheit	
Goat	Drawer cooler	41.00 Fahrenheit	
Cheese	Upright reach-in cooler	41.00 Fahrenheit	
Cut tomatoes	Food prep unit	41.00 Fahrenheit	
Chicken	Walk-in cooler	38.00 Fahrenheit	
Raw chicken	Upright reach-in cooler	40.00 Fahrenheit	
Lamb	Drawer cooler	41.00 Fahrenheit	
Lentils	Walk-in cooler	40.00 Fahrenheit	
Goat	Walk-in cooler	39.00 Fahrenheit	
Tomato based sauce	Cook line	96.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	

## Overall Comments:

**Facility is CLOSED due to vermin infestation and shall cease all food operations. Facility will remain closed until there is no longer evidence of a vermin infestation.**

### **Facility shall:**

- Eliminate all live and dead cockroaches from facility and sanitize affected areas.
- Seal or repair areas of harborage (gaps, holes, or crevices)
- It is recommended that facility obtains the service of a licensed pest control. Provide service report from pest control upon follow-up inspection if available.

**Please contact the main office at 408-918-3400 or district specialist to schedule a follow-up inspection to re-open facility.**

**\*If a subsequent follow-up inspection is required, it will be billed \$298/hour, minimum one hour, during normal business hours (Mon - Fri 7:30am - 4:30pm), and \$645/hour, minimum two hours, during non business hours and subject to availability of an inspector.**

**\*\* The posted placard is property of Santa Clara County Department of Environmental Health and shall not be removed, covered, relocated, tampered, or copied. Failure to comply may result in enforcement action per County Ordinance Code section B 11-55.**

**\*\*\* A Facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee and fee(s) for re-inspection(s) charged at the current hourly rate approved by Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.**

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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 **1/28/2025**. 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.

### 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:** Pawan  
Manager/Owner

**Signed On:** January 14, 2025