

**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](http://www.ehinfo.org)



**OFFICIAL INSPECTION REPORT**

| Facility<br>FA0209728 - SWAAD INDIAN CUISINE  | Site Address<br>498 N 13TH ST, SAN JOSE, CA 95112 | Inspection Date<br>03/20/2019    | <b>Placard Color &amp; Score</b><br><b>YELLOW</b><br><b>68</b> |     |              |        |     |     |     |
|---|---|----------------------------------|--|-----|--------------|--------|-----|-----|-----|
| Program<br>PRO304881 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11                | Owner Name<br>AMIT AGGARWAL                       | Inspection Time<br>11:50 - 13:30 |  |     |              |        |     |     |     |
| Inspected By<br>ANJANI SIRCAR   | Inspection Type<br>ROUTINE INSPECTION             | Consent By<br>BITTU NALLA        | FSC Amit Aggarwal<br>3/23/22                                   | IN  | OUT<br>Major | COS/SA | N/O | N/A | PBI |
| <b>RISK FACTORS AND INTERVENTION</b>  |   |                                  |  |     |              |        |     |     |     |
| 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                                |  |     |              |        |     |     |     |
| 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  |     |              |        |     | X   |     |
| K18 Compliance with variance/ROP/HACCP Plan   |   |                                  |  |     |              |        |     |     | X   |
| K19 Consumer advisory for raw or undercooked foods                                      |   | X                                |  |     |              |        |     |     | X   |
| K20 Licensed health care facilities/schools: prohibited foods not being offered         |   |                                  | X  |     |              |        |     |     | X   |
| K21 Hot and cold water available  | X   |                                  |  |     |              |        |     |     |     |
| K22 Sewage and wastewater properly disposed   | X   |                                  |  |     |              |        |     |     |     |
| K23 No rodents, insects, birds, or animals  |   | X                                |  | X   |              |        |     |     |     |
| <b>GOOD RETAIL PRACTICE</b>   |   |                                  |  | 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  |   |                                  |  |     |              |        | X   |     |     |
| 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  |   |                                  |  |     |              |        | X   |     |     |
| 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                                |   |                                  |  |     |              |        | X   |     |     |
| 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 |   |                                  |  |     |              |        | X   |     |     |
| K45 Floor, walls, ceilings: built,maintained, clean                                     |   |                                  |  |     |              |        |     |     |     |
| K46 No unapproved private home/living/sleeping quarters                                 |   |                                  |  |     |              |        |     |     |     |
| K47 Signs posted; last inspection report available                                      |   |                                  |  |     |              |        |     |     |     |
| K48 Plan review   |   |                                  |  |     |              |        |     |     |     |
| K49 Permits available   |   |                                  |  |     |              |        |     |     |     |
| K50 Placard properly displayed/posted   |   |                                  |  |     |              |        |     |     |     |

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|  |   |                                  |
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| Program<br>PRO304881 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11 | Owner Name<br>AMIT AGGARWAL                       | Inspection Time<br>11:50 - 13:30 |

## Comments and Observations

### **Major Violations**

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

**Inspector Observations:** Lack of paper towel in dispenser in the hand wash sinks in the food prep area and in the hand wash sink adjacent to the ware wash sink. [CA] Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels. [COS] PIC restocked

Follow-up By  
03/25/2019

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

**Inspector Observations:** Rat droppings as evidence of vermin activity were observed in the back storage area to the facility. Droppings were observed under the dry storage racks. [CA] Each food facility shall be kept free of vermin: rodents (rats, mice), cockroaches, flies. Each food facility shall be kept free of vermin: rodents (rats, mice), cockroaches, flies. Clean facility, remove excess clutter, remove unused equipment, no cardboard liners or storage. Clean facility, remove excess clutter, remove unused equipment, no cardboard liners or storage. Clean and sanitize all food contact surfaces, equipment surface and cooking surface. Close all openings to the facility

Follow-up By  
03/25/2019

As per PIC the droppings were old from an old infestation. A follow up inspection will be conducted to verify evidence for vermin activity. Any evidence of vermin activity or droppings at the time of the follow up will indicate and active infestation and may lead into enforcement action.

### **Minor Violations**

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

**Inspector Observations:** Lack of food handler cards upon request. [CA] All food employees shall have adequate knowledge of, and shall be properly trained in, food safety as it relates to their assigned duties. Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations:** Paneer, cabbage, onion and tomatoes in an ice bath measured at 47F [CA] PHFs shall be held at 41°F or below or at 135°F or above.

When using an ice bath the level of the ice shall be at the level of the food being held inside the container.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

**Inspector Observations:** Uncovered container of a white crystalline substance was observed to be stored on a shelf under the counter without any labels in the food prep area. [CA] All food shall be separated and protected from cross-contamination.

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

**Inspector Observations:** Observed grime buildup and food debris on the inside of the microwave, on the sides of the cooking equipment, on the shelves of the wire rack in the dry storage area and on the floor in the back area. [CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris

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

**Inspector Observations:** Grease accumulation on the hood exhaust filters above the cook line. [CA] Ventilation hood filters shall be maintained clean and good repair.

Two light bulbs in the food prep area not operating. [CA] Replace/Repair light bulbs.

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:** Hand wash sink in the food prep area was draining slowly. [CA] All plumbing and plumbing fixtures shall be installed in compliance with applicable local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair.

Drain line of the food prep sink was found extending into the floor sink. [CA] All waste drained into the floor sink shall discharge through an approved solid pipe providing an air gap

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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:** *Mop not left to dry when not in use. [CA] Mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.*

## Performance-Based Inspection Questions

N/A

## Measured Observations

| Item         | Location               | Measurement       | Comments |
|--------------|------------------------|-------------------|----------|
| Meat         | Walk in refrigerator   | 36.00 Fahrenheit  |          |
| Chicken      | Cold holding insert    | 32.00 Fahrenheit  |          |
| Curry        | Walk in refrigerator   | 35.00 Fahrenheit  |          |
| Hot Water    | Hand wash sink         | 100.00 Fahrenheit |          |
| Chlorine     | Mechanical dishwasher  | 50.00 PPM         |          |
| Cabbage      | Ice bath               | 47.00 Fahrenheit  |          |
| Hot Water    | Prep sink              | 120.00 Fahrenheit |          |
| Milk         | Under counter reach in | 39.00 Fahrenheit  |          |
| Channa       | Cold holding insert    | 32.00 Fahrenheit  |          |
| Tomatoes     | Ice bath               | 47.00 Fahrenheit  |          |
| Mango Lassi  | Under counter reach in | 38.00 Fahrenheit  |          |
| paneer       | Ice bath               | 47.00 Fahrenheit  |          |
| Hot Water    | Ware wash sink         | 120.00 Fahrenheit |          |
| Onion        | Ice bath               | 47.00 Fahrenheit  |          |
| Veggie curry | Cold holding insert    | 33.00 Fahrenheit  |          |

## Overall Comments:

*A follow up inspection will be conducted to validate that the evidence for vermin activity were from an old infestation. Any evidence of vermin activity or droppings at the time of the follow up will indicate an active infestation and may lead into enforcement action.*

**Minimize vermin problems by:**

- 1-Clean your food facility routinely (insecticides are most effective in controlling when combined with sanitation and exclusion practices)
- 2-Seal holes, around pipes, and conduits
- 3-Maintain equipment in good repair
- 4-Cover all your food containers with tight fitting lids
- 5-Put all food waste in plastic bags and seal tightly
- 6-Keep exterior area clean and free of food particles and food scraps
- 7-Avoid leaving overnight soiled dishes and utensils in the 3-compartment sink.
- 8-Obtain service of a professional pest control company and use effective measures to control the entrance and harborage of cockroaches
- 9-Discard unused or old equipment
- 10-Obtain the service of a professional pest control company if necessary.

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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 4/3/2019. 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: Bittu Nalla

PIC

Signed On: March 20, 2019