

# 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> FA0209728 - SWAAD INDIAN CUISINE		<b>Site Address</b> 498 N 13TH ST, SAN JOSE, CA 95112		<b>Inspection Date</b> 08/03/2020	
<b>Program</b> PR0304881 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 3 - FP11			<b>Owner Name</b> NIYANJAN DAS REDDY MET		<b>Inspection Time</b> 13:15 - 14:00
<b>Inspected By</b> ANJANI SIRCAR		<b>Inspection Type</b> RISK FACTOR INSPECTION		<b>Consent By</b> NIRANJAN METTU	
<b>FSC</b> Not Available					

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>N/A</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						S
K03 No discharge from eyes, nose, mouth	X						S
K04 Proper eating, tasting, drinking, tobacco use	X						S
K05 Hands clean, properly washed; gloves used properly	X						S
K06 Adequate handwash facilities supplied, accessible		X		X			N
K07 Proper hot and cold holding temperatures	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					

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

### Social Distancing Protocol

01 - Signage Violation

**Inspector Observations:** Updated "Visitor Information" sign not posted [CA] Submit social distance protocol at [www.covid19prepared.org](http://www.covid19prepared.org) within 24 hours. Print the "Visitor Information" page and post at the entrance of the facility.

Follow-up By  
08/04/2020

Updated "COVID-19 Prepared" sign not posted [CA] Submit social distance protocol at [www.covid19prepared.org](http://www.covid19prepared.org) within 24 hours. Print the "COVID-19 Prepared" page and post at the entrance of the facility.

There is no sign posted to prohibit the entry of personal who have COVID-19 symptoms [CA] Post signs to prohibit entry to the facility if any person has symptoms of COVID-19.

02 - Face Covering Violation

**Compliance of this category has been verified.**

03 - Social Distance Violation

**Compliance of this category has been verified.**

04 - Clean and Sanitize Violation

**Compliance of this category has been verified.**

05 - General Violation

**Compliance of this category has been verified.**

### Major Violations

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

**Inspector Observations:** Paper towel not available at both hand wash sinks - food prep area and ware wash area. [CA] Single-use sanitary towels shall be provided in dispensers; heated-air hand drying device may be substituted for single-use towels.

Follow-up By  
08/10/2020

**"Repeat Violation"**

**Minor Violation:** Hand wash sink was observed to be blocked by a container stored inside its basin. [CA] Hand washing facility shall be clean, unobstructed, and accessible at all times.

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

**Inspector Observations:** Observed one live cockroach crawling on walking near the hand wash sink and ware wash sink. Observed several dead cockroaches near the floor sink in the facility [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 harborage have been resolved.

Follow-up By  
08/10/2020

Facility is hereby closed. Clean and sanitize area of dead cockroaches or old droppings prior to reaching out to the district specialist.

### Minor Violations

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

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**Inspector Observations: "Repeat violation"**

**Lacking food safety managers certification[CA] Food facilities that prepare, handle, or serve nonprepackaged foods shall have a valid FSC available for review at all times.**

**Lacking food handler cards[CA] 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.**

## Performance-Based Inspection Questions

Needs Improvement - Adequate handwash facilities: supplied or accessible.

## Measured Observations

Item	Location	Measurement	Comments
Hot water	Prep sink	123.00 Fahrenheit	
Curry	Walk in refrigeration	39.00 Fahrenheit	
Hot water	Ware wash sink	123.00 Fahrenheit	
Yogurt	Walk in refrigeration	38.00 Fahrenheit	
Milk	Walk in refrigeration	38.00 Fahrenheit	
Hot water	Hand wash sink	100.00 Fahrenheit	
Chlorine	Mechanical dishwasher	50.00 PPM	

## Overall Comments:

**A risk factor inspection is an inspection focusing on factors known to directly contribute to causing a food borne illness . Structural issues and good retail practices are not assessed during this inspection. Risk factor inspection are not scored.**

### **CLOSURE:**

**FACILITY IS HEREBY CLOSED UNTIL THE FOLLOWING CONDITIONS ARE MET:**

- 1) OBTAIN PROFESSIONAL PEST CONTROL WITH REPORT OF OBSERVATIONS AND TREATMENT**
  - 2) CLEAN AND SANITIZE ALL CONTAMINATED OR POTENTIALLY CONTAMINATED AREAS WITH APPROVED SANITIZER**
  - 3) REMOVE CLUTTER AND REPAIR ALL HOLES AND CRACKS GREATER THAN 1/4"**
  - 4) UPON RE-INSPECTION NO EVIDENCE OF COCKROACHES (OR OTHER VERMIN) MAY BE PRESENT, LIVE OR DEAD.**
- CONTACT DISTRICT SPECIALIST – ANJANI SIRCAR @ 408.918.3440 WHEN READY TO REOPEN**

## **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 **8/17/2020**. 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.

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**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:**

**Signed On:** August 03, 2020

**Comment:** No signature obtained due to COVID-19