



Needham Board of Health

AGENDA

Tuesday May 24, 2022

6:00 p.m. to 8:00 p.m.

**Charles River Room
Public Services Administration Building
500 Dedham Avenue, Needham MA 02492**

Or via Zoom

To listen/view this meeting, download the "Zoom Cloud Meeting" app in any app store or at www.zoom.us. At the above date and time, click on "Join a Meeting" and enter the meeting ID **891 4407 7546** and passcode **390222** or click the link below to register: <https://us02web.zoom.us/j/89144077546?pwd=SC9PSW83ZG1zUitVZkdQdENRaXh2Zz09>

- **6:00 to 6:05 – Welcome & Review of Minutes (April 25, April 27)**
- **6:05 to 6:25 – COVID-19 Update and Discussion**
- **6:25 to 6:30 – Continued Discussion of Entheogenic Plants and their Impacts**

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Board of Health Public Hearing

- **6:30 to 7:00 – Proposed Revisions to Article 20: Regulation to Ensure the Sanitary and Safe Operations of Marijuana Treatment Centers**

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- **7:00 to 7:25 – Follow-up from Rice Barn Hearing on April 25, Outcomes of Legal Proceedings, and Continued Discussion of Restaurant Non-Compliance**
- **7:25 to 7:55 – April Monthly Reports, including Priority Food Code Violations**
- **7:55 to 8:00 – Board Re-Organization**
- **Other Items**
- **Next BOH meetings**
 - **Regular Monthly Meeting** **June TBD, 2022** **TBD**
- **Adjournment**

(Please note that all times are approximate)



NEEDHAM PUBLIC HEALTH DIVISION



Board of Health Meeting Minutes DRAFT

Date: April 25, 2022

Location: Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020 and amended as of 6/15/2021

Members: Robert A. Partridge, MD, MPH, Chair
Tejal K. Gandhi, MD, MPH, Member
Stephen Epstein, MD, MPP, Member
Kathleen Ward Brown, ScD, Member

Absent: Edward Cosgrove, PhD

Staff Present: Timothy Muir McDonald, Health and Human Services Director; Tara Gurge, Assistant Director of the Public Health Division; Tiffany Zike, Assistant Director of the Public Health Division; Diana Acosta, Shared Services Manager; Monica Pancare, Environmental Health Agent; Ally Littlefield, Environmental Health Agent. Also in attendance was Christopher Heep, Town Counsel

Call to Order

Dr. Partridge called the meeting to order at 7:00PM and initiated roll call. Present were Dr. Partridge-Y, Dr. Brown-Y, Dr. Gandhi-Y and Dr. Epstein-Y.

The meeting is being conducted remotely using Zoom consistent with Governor Baker's March 12, 2021 executive order and as amended on June 15, 2021, regarding COVID-19. The materials for this meeting were circulated previously and are available on the Town website. This meeting is being recorded.

Public Hearing – The Rice Barn Restaurant

Dr. Partridge stated that the purpose of the meeting is to discuss the emergency closure and summary suspension of food service establishment operating permit of the Rice Barn Restaurant. The permit holder is given the opportunity to provide testimony and to explain to the Board of Health why the order issued on April 20, 2022, should be modified or withdrawn. The hearing suspension order and the hearing packet are attached hereto as part of the record.

Ms. Gurge provided a summary report. Due to the history of the Rice Barn Restaurant located at 1037 Great Plain Ave. having ongoing issues of repeat food safety violations; insufficient staff or not the required full-time ServSafe food safety trained staff; high staff turnover; general lack of overall control and insufficient restaurant oversight, with little improvements day-to-day, the Public Health Division is obligated to issue an emergency closure and summary suspension order to this food establishment. These ongoing food safety violations have been most recently observed, by Needham food inspectors,



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Ally Littlefield and Monica Pancare, on a follow-up food safety inspection conducted on Saturday, April 16th, during which twenty food safety violations were observed. Needham Public Health finds this is unacceptable. Immediately after the order was issued to owner Charles Intha on Wednesday, April 20th, the owner asked to be heard at a hearing before the Board of Health. Mr. Intha is present tonight, along with his food safety consultant, Maureen Lee from Mojin Solutions, LLC. This hearing will enable Mr. Intha to give his testimony before the Board of Health.

Dr. Brown questioned why the pest inspection completed days before the health inspection did not find evidence of pests. Ms. Gurge stated that she had reached out to the pest control company and has not yet had a response. Dr. Brown also questioned if the installation of the sink should have been done at the opening of the restaurant. Ms. Gurge stated this was for an additional 3-bay sink in the basement and that the restaurant had been opened with the proper equipment. Ms. Acosta stated that the food code was updated in 2013, and the owner was advised that the installation of the sink had to be approved by the building inspector.

Dr. Partridge invited Mr. Intha to give testimony. Mr. Intha has no attorney to represent him. He addressed the violations as follows:

1. With regard to the training of staff, Mr. Intha has done his best but is committed to doing better. He has worked with Mojin Solutions to train staff. He showed graphic wall drawings he has made himself to communicate with his staff with regard to proper storage and separation of foods in the refrigerator. He stated that the refrigerator has been disorganized with boxes of food in the refrigerator. He also showed graphic wall drawings he has made to address carelessness and communicate the importance of cleanliness of the equipment.
2. Mr. Intha has agreed, as per the food inspector, to store raw meats separately.
3. With regard to system maintenance and repair, Mr. Intha has agreed to fix equipment that is broken or remove it from the premises, as well as accumulated litter and trash. He has fixed the hand-washing sink and unclogged the drain. Until he purchases new cutting boards, Mr. Intha has resurfaced the ones he has, and color coded for usage. Proper fitting trash can covers have been purchased.
4. Mr. Intha has addressed Ms. Pancare's advice to move ceramic dishes away from high foot traffic.
5. Mr. Intha stated that pest control did not look behind equipment to see mouse droppings, and he is working more closely with the company to address pest control.
6. Mr. Intha has addressed temperature control of ready to eat food by decreasing the temperature of the refrigerator to allow for better control of spikes of temperature in the kitchen.



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7. Mr. Intha introduced two staff members (Jackie Pierce and “Andy” Wei Zheng) who have completed food safety training and are now ServSafe certified. A total of four employees are ServSafe certified and trained for openings and closings. (Ms. Gurge stated that completion of trainings has been a continuing problem over the years. She stated that she had received the certifications of the two new employees, including allergy awareness, this afternoon from Maureen Lee.)
8. In response to Dr. Gandhi’s question about the management plan to address carelessness of staff and provide proper oversight, Mr. Intha stated he is onsite every one to two hours to inspect the kitchen and refrigerator and ensure a safe level of operation. He had previously visited the restaurant every four-five hours. A checklist has been developed for kitchen staff to follow proper safety protocols.

Dr. Partridge expressed his concern over the number of repeat violations but appreciated Mr. Intha’s present efforts of engagement to make the restaurant safe and sanitary. He noted that four or five violations listed in the MOU were not corrected despite multiple notifications, and he expressed concern that the restaurant would not be in the same situation it is now in six months.

Ms. Pierce stated that she was not part of the operations when the violations were noted. Mr. Intha stated that he is confident in her performance. He blamed himself for not coming to the restaurant sooner than every four hours, and is now committed to coming to the restaurant every hour or two to check the kitchen and refrigerator. This has been the spot that has been most problematic as his staff has carelessly put boxes in the refrigerator straight from the supermarket, rather than storing them downstairs in the basement.

Dr. Brown asked what is being done to address repairs in the basement and blocking entry points for pests. The cracks in the wall have been there for a long period of time, as have been leaking pipes. Boxes have been tossed under the stairs rather than being removed.

Mr. Intha responded that when the three-compartment sink was removed, more debris was found from the former owner. When the boxes were removed, more things were discovered. He has removed the steel leg of the table and the floor of the large walk-in cooler has been painted with two coats. Nevertheless, rust comes through the paint. He will continue to repaint. He has plugged the holes by the pipes in the wall. Equipment that is not being used has been discarded.

Dr. Gandhi asked what steps are being taken to address the turnover in staff and training new staff to ensure competence and ability to comply with high expectations of quality work.

Ms. Pierce responded that she is confident that she can supervise staff to produce a high quality of work and ensure they are aware of expectations and not be sloppy or forgetful. Mr. Intha stated that he is in communication with his current staff who have been with him the longest. He is confident that the five of them can manage the business. He has shared his intentions with them of a stake in business ownership.



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Dr. Epstein noted Mr. Intha's efforts to clean. He noted that a closure of a restaurant is a very stiff penalty imposed for violations. If inspections fail, the restaurant is shut down for a longer period of time. A process is set up to maintain a standard of operation that guarantees safe and sanitary condition.

Ms. Gurge stated that a condition of the memorandum of understanding required Mr. Intha to work with consultant Maureen Lee in training staff. Ms. Gurge asked Ms. Lee to give testimony to her work as consultant.

Ms. Lee stated that this is the second time she has worked with Mr. Intha. At the beginning of Covid, the restaurant was required to engage consultation services. She implemented a self-inspection checklist and daily checklist as well as reviewing standards and requirements with pest control and the implementation of integrated pest management.

In the current engagement, Ms. Lee re-instituted the same tools. Both Ms. Pierce and Mr. Wei Zheng have completed ServSafe training and have been certified. Ms. Lee stated that she was quite impressed with Ms. Pierce's knowledge level and skill. She has not had an opportunity to interact with Andy to comment on his knowledge level, but he appears able to learn and has passed the ServSafe exam. Ms. Lee is not able to comment on the implementation of those skills in the kitchen. She had provided five seats for training in the initial contract, but does believe the training has been completed. This training is essential in sustaining standards through onboarding of new staff and refresher training. Ms. Lee has emphasized to Mr. Intha the importance of the person in charge being responsible for food safety and actively involved in the operations on a day-to-day basis.

Ms. Gurge stated that problems with the restaurant have continued for many years, and she is not confident that there is a clear plan for a person to be responsible for the day-to-day operations of the restaurant. Even after hiring a consultant and after taking steps to ensure staff were properly trained, the problems continue. Ms. Gurge was not confident that the restaurant could maintain a safe and sanitary operation.

Ms. Acosta stated that during 2021, inspections were done every two weeks. Ms. Lee was engaged because the environmental team was seeing very basic violations time after time. There was no control of kitchen staff, and Ms. Acosta witnessed inattentive untrained kitchen staff doing what "they felt like doing." There was no active managerial presence at any point. Staff were not properly trained in understanding very basic food safety requirements. Ms. Acosta expressed alarm that the most recent inspection this past Saturday revealed twenty outstanding violations.

Mr. McDonald stated that he has reviewed the state regulations with Town Counsel. Mr. Intha has exercised his right for a public hearing, and it is now the Board's responsibility to sustain, overturn or modify the emergency order in place.

Dr. Partridge stated that the Board has read and reviewed the terms of the emergency order and the Board needs to sustain the order until corrections are in place.



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Board of Health Vote

Upon motion duly made by Dr. Partridge and seconded by Dr. Brown, it was unanimously voted that, after consideration of the written record and testimony presented today at this public hearing, the Board of Health hereby orders a summary of the suspension order issued by the Public Health Division to The Rice Barn located at 1037 Great Plain Ave on April 20, 2022, is sustained.

Mr. McDonald stated that the Board would consider next steps of addressing violations and developing a roadmap for the future regarding the restaurant's permit at its meeting on Wednesday, April 27th. Mr. McDonald will promptly communicate the Board's findings to Mr. Intha. In the meanwhile, the suspension order is in place.

Dr. Partridge thanked Mr. Intha for his testimony and recognized and appreciated all the changes he has made and looks forward to improving things in the future. Mr. Intha expressed his appreciation for the opportunity for a public hearing and looks forward to the Board's determination of next steps.

Adjournment

Upon motion duly made by Dr. Brown and seconded by Dr. Epstein, it was unanimously voted to adjourn. Dr. Partridge-Y, Dr. Brown-Y, Dr. Gandhi-Y and Dr. Epstein-Y. The meeting adjourned at 6:00PM.

Attachment:

Hearing Suspension Order and Emergency Closure of The Rice Barn Restaurant Packet



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Board of Health Meeting Minutes DRAFT

Date: April 27, 2022

Location: Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020 and amended as of 6/15/2021

Members: Robert A. Partridge, MD, MPH, Chair
Tejel K. Gandhi, MD
Edward Cosgrove, PhD
Stephen Epstein, MD, MPP, Member
Kathleen Ward Brown, ScD, Member

Staff present: Timothy Muir McDonald, Health and Human Services Director; Tara Gurge, Assistant Director of the Public Health Division; Diana Acosta, Shared Services Manager; Ally Littlefield, Environmental Health Agent; Monica Pancare, Environmental Health Agent; Mary Fountaine, Public Health Nurse; Carol Read; Elisa Dockstader; Lynn Schoeff; Michael Lethin; Karen Shannon; and Rebecca Hall

Call to Order

Dr. Partridge called the meeting to order at 6:00PM and initiated roll call. Present were Dr. Partridge-Y, Dr. Brown-Y, Dr. Gandhi-Y and Dr. Epstein-Y.

The meeting is being conducted remotely using Zoom consistent with Governor Baker's March 12, 2021 executive order and as amended on June 15, 2021, regarding COVID-19. The materials for this meeting were circulated previously and are available on the Town website. This meeting is being recorded.

Introduction of New Member

Dr. Partridge introduced the new member, Dr. Tejal K. Gandhi, and asked her to give a brief bio. Dr. Gandhi started her career as a physician in internal medicine at Brigham and Women's Hospital. She transitioned to the area of quality and safety at the Brigham and was the Quality and Safety Director at Partners Healthcare. Dr. Gandhi left Partners to run a non-profit, the National Patient Safety Foundation, and has worked with a number of communities to advance diversity, equity and inclusion. She has been a resident of Needham since 2004 and has raised two children.

Members of the Board and staff introduced themselves to Dr. Gandhi.

Approval of Minutes of March 29, 2022

Upon motion duly made by Dr. Cosgrove and seconded by Dr. Brown, it was voted to approve the above minutes. Dr. Partridge-Y, Dr. Brown-Y, Dr. Cosgrove, Dr. Epstein-Y and Dr. Gandhi-A. Motion passed with 4 votes and with Dr. Gandhi abstaining.



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Public Hearing: Proposed Revision to Article 20: Regulation to Ensure the Sanitary and Safe Operations of Marijuana Treatment Centers

Mr. McDonald stated that Sira Naturals has requested that the hearing be continued to the May meeting. Mr. McDonald said that the hearing must start today but the Board can choose to extend the hearing until the May meeting. Robert Smart, attorney for Sira Naturals, was present at the meeting.

Dr. Partridge opened the hearing. Ms. Zike summarized the company's requests of the Board. The Public Health Division received a letter last September with certain requests followed by an appearance before the Board at its October meeting. After review by the staff, the following recommendations were made:

1. Continue to disallow discounts beyond low-income and elderly persons.
2. Continue to disallow the use of the Sira Naturals logo on promotional items.
3. Continue policy of reviewing packaging for edible products and add reviews of non-edible products.
4. Sira Naturals does not have to submit CORI reports to Needham Public Health but should continue to submit them to the Cannabis Control Commission. However, Sira Naturals should have copies of CORI reports onsite to produce to Health Division staff if requested.
5. Allow posting prices of products inside only with no signs on windows or exterior.
6. Update language in the regulation to reflect current state regulation – marijuana treatment center in place of medical marijuana dispensary.

Based on work completed by staff, a redlined draft of the policy was submitted to Sira Naturals and made available to the public for comment. No comments have been received to date.

Mr. Smart stated that he was asked to represent Sira Naturals in addition to its primary counsel, John Hernandez. Mr. Smart stated that Sira had not received proper notification of the hearing and asked that the hearing remain open until the May Board of Health meeting to give them time to review the redlined draft, and to provide witnesses and documentation as evidence. Mr. McDonald stated that the notice was posted two weeks in advance of the meeting, but that he had not been able to make contact with Sira Naturals until last Friday.

Upon motion duly made by Dr. Epstein and seconded by Dr. Cosgrove, it was unanimously voted to continue the hearing until the next meeting in May. Dr. Partridge-Y, Dr. Brown-Y, Dr. Cosgrove, Dr. Epstein-Y and Dr. Gandhi-Y. Motion passed 5-0.

Following discussion, the meeting was set for Tuesday, May 24, 2022 @ 6:00PM.

Follow-up from The Rice Barn Hearing on April 25th and Continued Discussion of Restaurant Compliance

Mr. McDonald stated that Ms. Gurge had followed up Tuesday afternoon with an official order letter to The Rice Barn of the Board's decision to sustain the suspension. The suspension remains in effect. Mr. McDonald stated that the Board has the discretion to consider a range of options in light of the series



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of violations, consistent pattern of not correcting the violations, and the question of whether this management has the capacity to operate a restaurant safely. Despite the Public Health staff working diligently to assist management to reach compliance, and documentation of those Public Health efforts in hundreds of pages, the restaurant is still not in compliance. The Environmental Health staff has seen best efforts fail in the past, and is doubtful of success in the future.

Discussion ensued. Dr. Gandhi questioned the management team's practice of bringing on new hires. Ms. Gurge stated that the issue of not being able to sustain full-time trained staff began in 2019. When a good employee left, Mr. Intha did not step up in to prevent the operation from going downhill. Additional staff members have subsequently been added. The challenge of maintaining sufficiently trained staff has been exacerbated by Mr. Intha's failing to maintain an active role in leadership and his placing blame on his employees.

Ms. Gurge stated that after repeated attempts to assist Mr. Intha, she does not feel that he has the authority and managerial experience to maintain a safe and sanitary food establishment and that he has an overdependence on his staff to run the operation.

Mr. McDonald began a discussion about involving the Board at an earlier stage when addressing serious restaurant violations. Presently, he and Ms. Gurge conduct administrative hearings. The presence of the Chair or Vice Chair of the Board at these hearings would convey the gravity of the situation. Generally, the Health Division's practice of providing technical assistance to restaurants to get them into compliance has worked for most restaurants. But in some egregious situations like the present one, all attempts have failed. Mr. McDonald suggested a public process of engagement with restaurants requiring them to appear before a regular meeting of the Board and explain what their intentions are to reach compliance. In this way, the seriousness of the situation will be conveyed with progressive discipline as a goal.

Discussion ensued. Dr. Partridge was in favor of an arrangement that would require owners and managers to appear before the Board to understand the consequences for their continued non-compliance. Dr. Cosgrove noted that staff has gone well beyond reasonable forbearance in the present case. Dr. Epstein stated that a proactive stance of the Board will result in a clear path of progressive discipline. While "hand-holding" of establishments may be reasonable at the start for minor violations, serious violations require a formal process of accountability. Dr. Gandhi agreed that escalation of the matter by the entire Board is needed to prevent long-standing issues from continuing.

Dr. Brown noted that pest control is a major issue. Mr. McDonald stated that pest control had ceased because Mr. Intha had stopped paying the company. Mr. Intha also stopped paying the trash company. Baiting and trapping is needed at the foundation as well as filling cracks in parts of the wall and floor to seal points of entry.

Mr. McDonald noted that Ms. Gurge had researched the state regulations which were clear that the Board of Health had the right to issue an emergency order to close for serious violations. If the restaurant owner has remedied all violations upon reinspection, the permit may be re-issued. Mr. Intha's violations are so significant and complicated that Mr. McDonald is doubtful they can be remedied over a weekend.



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Discussion ensued on the process for reissuing a permit for a short period of time followed by a reasonably quick re-inspection. In that instance, if the restaurant passes inspection, there is no charge for the re-inspections to grant a longer operating permit. Ms. Gurge noted that the original permit was extended for one month in January followed by two more months to March. Mr. McDonald will ask Mr. Intha if he is ready for a re-inspection on Saturday, or if he needs more time. If the restaurant is in compliance, the permit will be issued for a forty-five-day period followed by an inspection in two or three weeks.

Dr. Epstein suggested that the staff draft a policy based on discussions today. Mr. McDonald noted that with regard to accreditation and standardization of work and continuity of staff, a number of policies can be looked at. The highest priority will be to draft a strict food code enforcement protocol which will be presented to the Board at an upcoming meeting.

Needham Housing Authority Modernization and Redevelopment Initiative with Reg Foster, Chair of the Needham Housing Authority

Reg Foster, Chair of the Needham Housing Authority (NHA), and Steve Merritt, recently hired as Interim Director of the Housing Authority, appeared before the Board. Mr. Foster reviewed the PowerPoint presentation on the Housing Authority's Modernization and Redevelopment Initiative including the following highlights:

- Background executive summary
 - 2019 NHA facilities master plan
- The problem
- Summary of projects
- Overall timeline
- NHA development partner: Cambridge Housing Authority

Mr. Foster was pleased to report that the Finance Committee had voted last Wednesday to recommend approval of the project.

Discussion ensued. Mr. Foster reported that the architects and engineers will be assessing what can be done in phases at the Chambers Street site and in consideration of zoning changes, geo-tech boring, utilities, tenant relocation and Conservation Commission restrictions. Consideration also is being given to constructing a building in between the two sites of Seabeds and Chambers.

Mr. Foster reported that the NHS plans to use any combination of engineering and funding to make the plan possible, and that the Housing Authority is the elected board to determine policy. The NHA is following the model of the Cambridge Housing Authority which has been successful in renovation and improvement.

Mr. Foster reported that there are currently 296 units that need immediate attention. Relocation of residents will be a high concern, and the Housing Authority is watching redevelopment efforts in Needham, e.g., the Avery redevelopment, for consideration in the relocation plan.



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Mr. Foster reported that the Militia Heights property is federally owned land that is being offered for sale at fair market value by special legislation passed in 2018. The complex has 12 three-bedroom units and the Housing Authority did consider purchase, with a fix-up cost of approximately \$1M. It is appraised at \$1.8M and for a total price of approximately \$3M, units cannot be built for that price. The proposal was withdrawn because Charles River Center and its supportive day programs had escalated its intention to purchase the property in March.

Mr. Foster stated that 152 units must be kept as deeply affordable, and although serving that demographic is the mission of the NHA, mixed-use development may be considered to make the financials work.

Mr. Foster recognized the current environmental problems in public housing units and stated that they are addressing the current mildew problems by power washing and cutting back on plant and tree overgrowth.

Mr. Foster asked for the support of the Board and spreading the word to Town Meeting members of the value of the Modernization and Redevelopment Initiative.

Continued Discussion of Synthetic Field Turf Testing and Results

Ms. Gurge reported that Wendy Tram of Fuss & O'Neill had responded to the Board's concerns as follows: a) blank testing can be added for future testing; and b) recommendation for the next test as a dry test for September or October. Ms. Gurge added that Mike Retzky of DPW had confirmed that the drainage from the field does not go into the groundwater but is tied to the stormwater drainage system.

Staff Reports

Emergency Management – Michael Lethin

Mr. Lethin reported that he attended the basic shelter operations training hosted by MEMA in March. This will be followed up with shelter operations training for the Medical Reserve Corp sponsored by the American Red Cross. If unavailable, MEMA can also conduct training. Mr. Lethin also reported that the hazard vulnerability tool has been finalized, and the list of hazards, hazard definitions and grading scale has been completed. The hazard vulnerability assessment will be officially completed at the May 9th Local Emergency Planning Committee meeting.

Emergency Management Support – Taleb Abdelrahim

In Mr. Abdelrahim's absence, Ms. Zike reported that he had assisted Ms. Fountaine and herself to conduct CPR training for Medical Reserve Corps volunteers. Mr. Abdelrahim is also continuing to work on the Covid Drive-thru PCR testing action plan and OSHA training.

Substance Use Prevention – Karen Shannon

Ms. Shannon reported that SPAN held a virtual event on March 14th with over twenty-eight attendees at which former N.H. Supreme Court Justice John Broderick presented his personal story of drug addiction in his family. This event was advertised as a way to share with young people that the intersection of mental health and substance abuse can be debilitating for the family. The presentation also provided steps to gain awareness around identifying mental health issues in a family member.



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“We Card” calendars were distributed to thirty Needham alcohol licensees with day-to-day reminders of the minimum age for the safe sales and purchase of alcohol.

A Mental Health First Aid training was conducted for nine participants of the High Rock Metro West Church. Drug Take-Back Day is planned for April 30th in partnership with the Needham Police Department. The 2022 Parent Survey for parents of students in grades 6-12 launched in April. The survey collects parent perspectives on youth substance use.

Ms. Shannon reported that an alcohol compliance check on April 6th resulted in five sales-to-minor violations, three in carry-out stores and two in restaurants. One business failed both December and April compliance checks. Of those businesses that attended TIPS training in January, six businesses passed the compliance checks. However, two of the businesses that had attended TIPS training in January had violations in April.

Discussion ensued. Ms. Shannon stated that she has forwarded the information about the alcohol compliance failures to the Town Manager’s office for sharing with the Select Board. Of those that failed in December, the Select Board required businesses to appear at a hearing before them. A progressive course of discipline for first, second and subsequent violations is established.

Covid Update – Tiffany Zike for Julie McCarthy

In Ms. McCarthy’s absence, Ms. Zike updated the Board. Ms. McCarthy is working on updating the website to be more user-friendly. Ms. McCarthy is preparing to attend the three-day ArcGIS training in April. This will enable her to work with IT to install the license and gain access to the Needham ArcGIS online tools to better track data. Ms. McCarthy is also working with the contact tracer to compile historical data from MetroWest Adolescent Health Survey. The goal is to compare local data on mental health, alcohol, marijuana, cigarette and vaping use with data from state, regional, and federal sources.

Ms. Zike reviewed the PowerPoint presentation on Covid data including the following highlights:

- Incidence rate, percent positivity, vaccination rates
- Needham daily cases 11/15/21-4/18/22
- Cases by age – Marc
- Cases by age – April
- Cases by vaccination status
- Needham vaccination and booster rate
- State trends in cases and hospitalizations
- New Omicron sub-lineage
- MA new confirmed cases by age
- MWRA wastewater monitoring
- Hospitalization rates (per 100K)
- Total Covid patient in hospital vs hospitalized primarily due to Covid



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Public Health Nursing – Mary Fountaine

Ms. Fountaine reported that the Needham Public Schools mask policy change took effect on March 7th. This prompted an increase in calls and confusion on mask usage as it related to Covid isolation and quarantine. There was a higher proportion of Covid cases in daycares than had been seen in previous months. Ms. Fountaine is currently assisting two residents to be seen for potential TB diagnoses, and notes there were over 12,000 cases of latent tuberculosis diagnosed in Massachusetts in 2020. Ms. Burnett has completed a training session for *au pairs* on household poison control and is teaching a series of classes on fall prevention (Matter of Balance).

Traveling Meals Program – Rebecca Hall

Ms. Hall reported that 918 meals were delivered in March to 46 consumers by 28 volunteers. 38 of those were Springwell consumers and 8 were private-pay consumers. There were no 911 calls initiated. Two new clients joined in March, one private pay and one Springwell. March meals delivered represented a 2% increase over last year's delivered meals. The meals are being packaged by Beth Israel Deaconess staff, but Ms. Hall is meeting this week to discuss Traveling Meals resuming the packaging. She will be in contact with former volunteers to assess their availability for the task. The summer program starts on June 20th.

Accreditation Team Report – Lynn Schoeff

Ms. Schoeff reported that her team now includes two part-time staff members, Cindi Melanson and Jessica Kent. In addition, two staff members from the shared services grant will be working on accreditation as well. Today Ms. Schoeff met with folks from Aging Services and the Needham Community Council to discuss the focus of the senior survey to be administered in June. Rather than look again on transportation and housing, the new survey will focus on the ongoing psycho-social effects of Covid, such as isolation and food insecurity.

Dr. Gandhi asked about the inclusion of race and ethnicity in the survey. Ms. Schoeff stated that the question about gender identity will be expanded, but there has been no discussion about adding race and ethnicity. Dr. Gandhi offered assistance in the design of the survey based on best practices to include gender identity as well as race and ethnicity. Ms. Schoeff was grateful for the offer of support and perspective.

Environmental Health – Tara Gurge and Ally Littlefield

Ms. Gurge reported that Ally Littlefield started as the full-time Health Agent on April 4th. Thaleia Stampoulidou-Rocha started a part-time position working Fridays and weekends on April 19th.

There were two extreme hoarding cases this month. The occupant of one of the locations has vacated the unit and it is being professionally cleaned and disinfected and prepared for follow-up inspection. Resources are being offered to the occupants and occupants' families for setting up timeframes for compliance.

Ms. Littlefield reported that she had applied for a National Environmental Health Association intern on March 31st to assist on continuing work on the FDA Retail Program Standards and other projects including, the Nutritionally Needham healthy eating initiative.



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Permitting of food vendors has begun for the Needham Farmers Market to take place on Greene's Field due to Town Common renovations. Ms. Littlefield asked for the Board's input on vendors' offering food samples this year. Discussion ensued. With proper food safety, the Board agreed that food samples can be allowed. While pre-packaged food could also be allowed with proper cold holding processes, cooking is not allowed on the premises of the market. The YMCA will be open for use of the facilities for hand washing stations and rest rooms.

Shared Services Grants – Diana Acosta

Ms. Acosta reported that she is managing the Public Health Excellence Grant and the Contact Tracing Grant with Dover and Medfield. On February 28th Roland Abuntori began as a part-time Environmental Health Agent. Best practices are being developed to share the public services grants with the other towns. Dover has one full-time staff members and Medfield one public health nurse.

Ten PurpleAir sensors have been received from the Department of Environmental Protection. Ms. Acosta is working with Dr. Brown to plan out where to set up the sensors at different locations in town.

Continued Discussion of Entheogenic Plants and their Impacts

Dr. McDonald suggested moving this item to the next meeting.

Other:

Board of Health Reorganization at May 2022 Meeting

Mr. McDonald stated that because the Chair of the Board is a de facto member of Town Meeting, reorganization cannot be conducted within ten days of Town Meeting.

Next meeting

Tuesday, May 24th from 6:00-8:00PM

June meeting – To be determined

Mr. McDonald suggested that the Board return to a set date and time for each month's meeting. He also stated that the Select Board suggested inviting public comment at the beginning of each meeting.

Adjournment

Upon motion duly made by Dr. Epstein and seconded by Dr. Cosgrove, it was unanimously voted to adjourn. Dr. Partridge-Y, Dr. Brown-Y, Dr. Gandhi-Y and Dr. Epstein-Y. The meeting adjourned at 8:16PM.

Attachment:

April 27th Meeting Packet

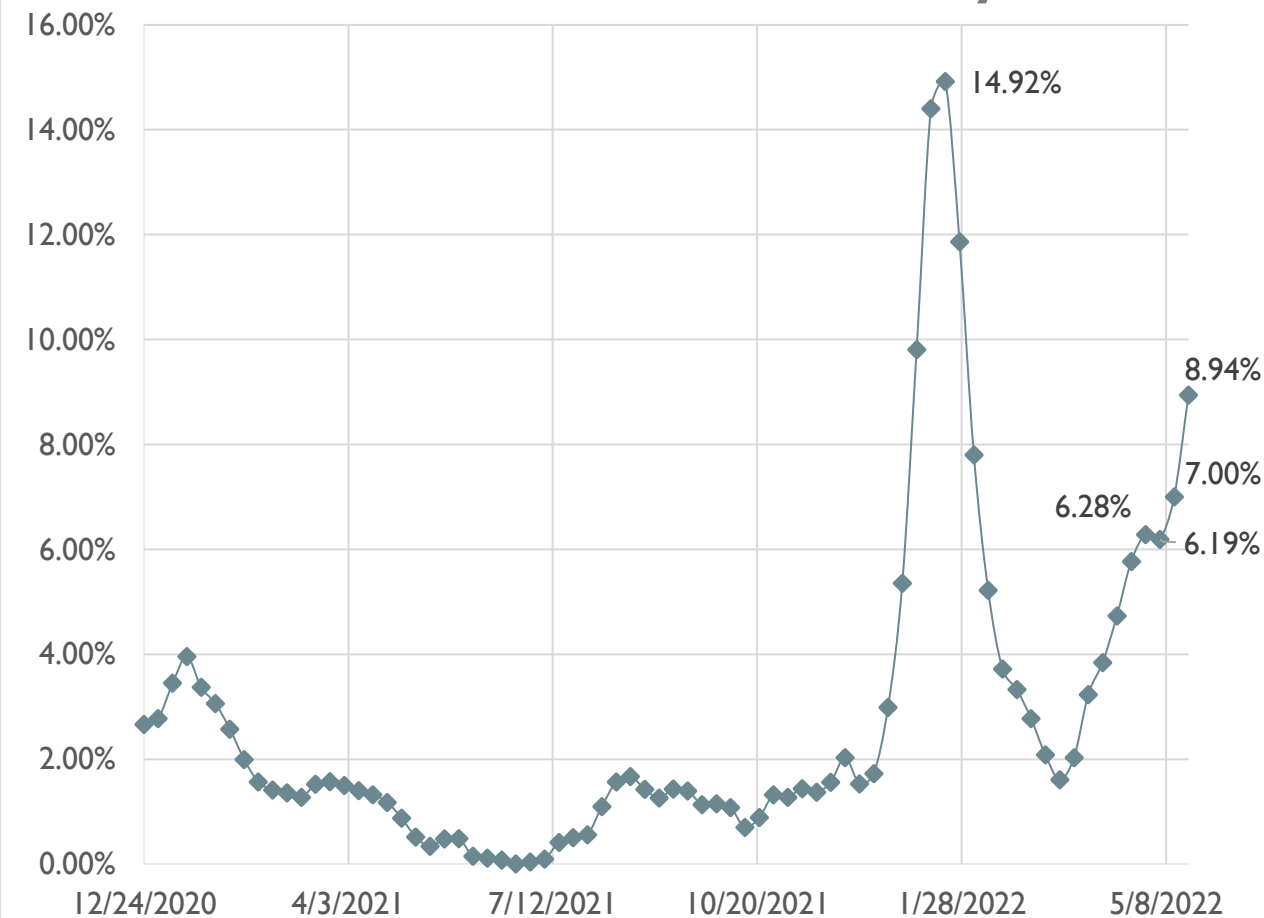
COVID-19 UPDATE

May 24th, 2022

Needham Public Health

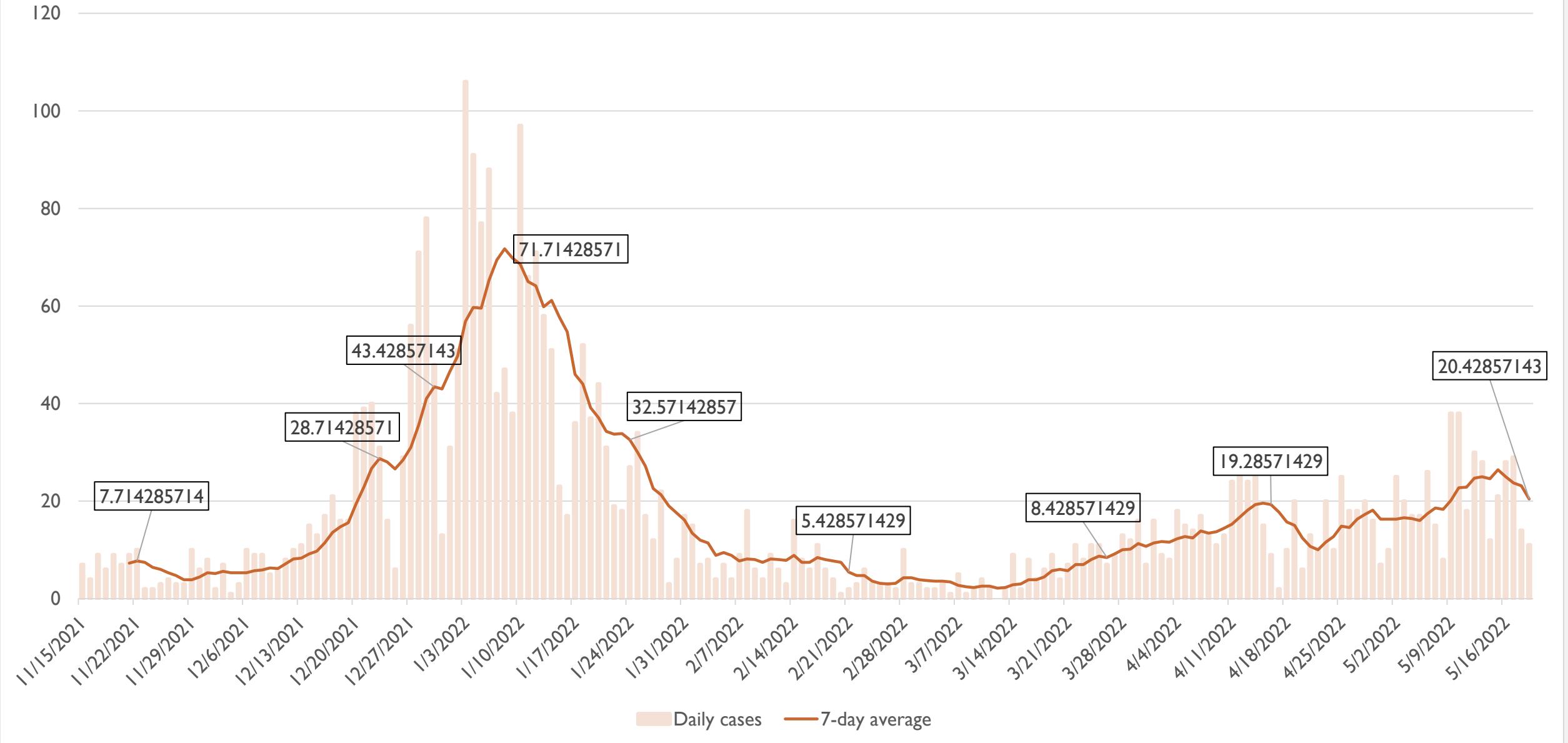
INCIDENCE RATE, PERCENT POSITIVITY, VACCINATION RATES

Needham Percent Positivity



City/Town/County	Avg. Daily Incidence Rate per 100K (last 14 days)	Percent Positive Tests (last 14 days)	Fully vaccinated individuals per capita	Individuals with booster doses per capita
Massachusetts	51.2 ↗	8.11% ↗	-	-
Needham	75.3 ↗	8.94% ↗	>95%	66%
Middlesex County	57.8 ↗	8.07% ↗	-	-
Newton	55.1 ↗	7.71% ↗	90%	60%
Norfolk County	48.9 ↗	9.04% ↗	-	-
Dedham	43.5 ↗	8.64% ↗	75%	47%
Norwood	46.7 ↗	9.01% ↗	81%	47%
Wellesley	64.9 ↗	10.13% ↗	78%	52%
Westwood	48.6 ↗	10.62% ↗	94%	62%
Suffolk County	58.6 ↗	7.31% ↗	-	-
Boston	61.3 ↗	7.25% ↗	72%	39%

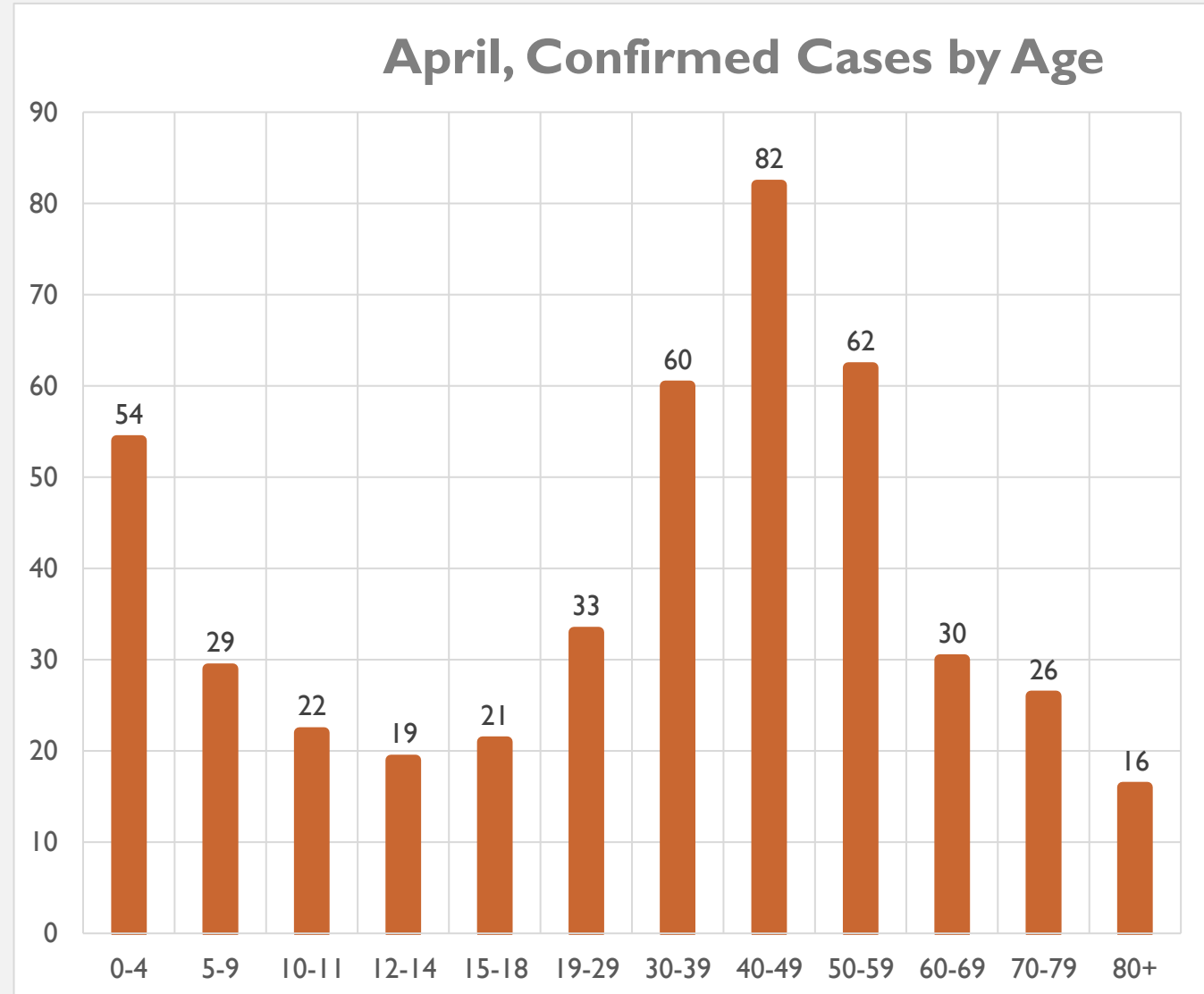
Needham Daily Confirmed Cases 11/15/21-5/19/22



• NOTE: Does NOT include at-home tests

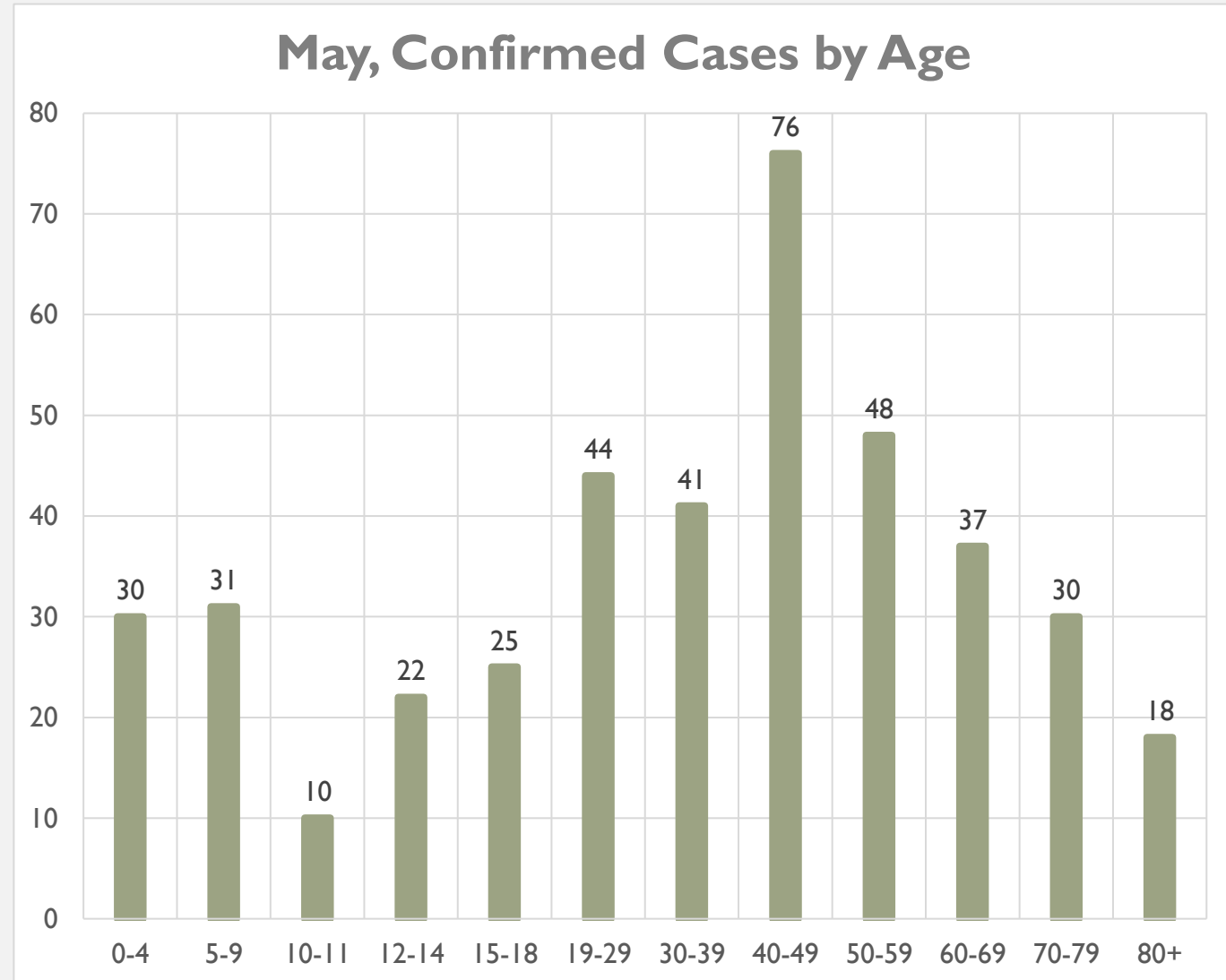
NEEDHAM: APRIL CASES BY AGE

454 cases in April
Average Age: 36.43



NEEDHAM: MAY CASES BY AGE

412 cases in May (up to 5/19)
Average Age: 38.55



POSITIVE AT HOME TESTS (SELF-REPORTED)

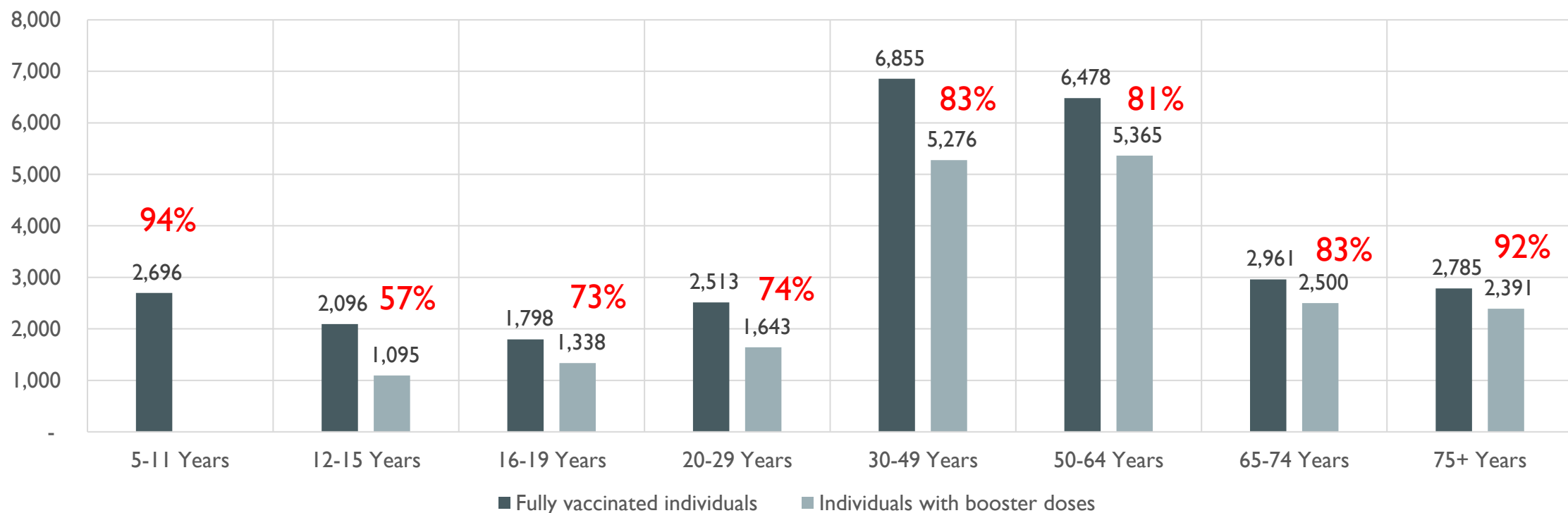
- **29** positive home tests reported in April
- **14** positive home tests reported in May
- Most respondents tested because they had symptoms of COVID; most common symptom is sore throat
- Antigen tests performed by healthcare providers are presumptive laboratory evidence and positives would be considered probable cases
- At-home tests are not included in official case counts; If individuals seek out a PCR test (confirmed) or an antigen test (probable) with a healthcare provider, it is counted as an official test

NEEDHAM VACCINATION AND BOOSTER RATE

>95% fully vaccinated in ages 12 and up

>95% of Needham residents are fully vaccinated; 67% have received booster doses

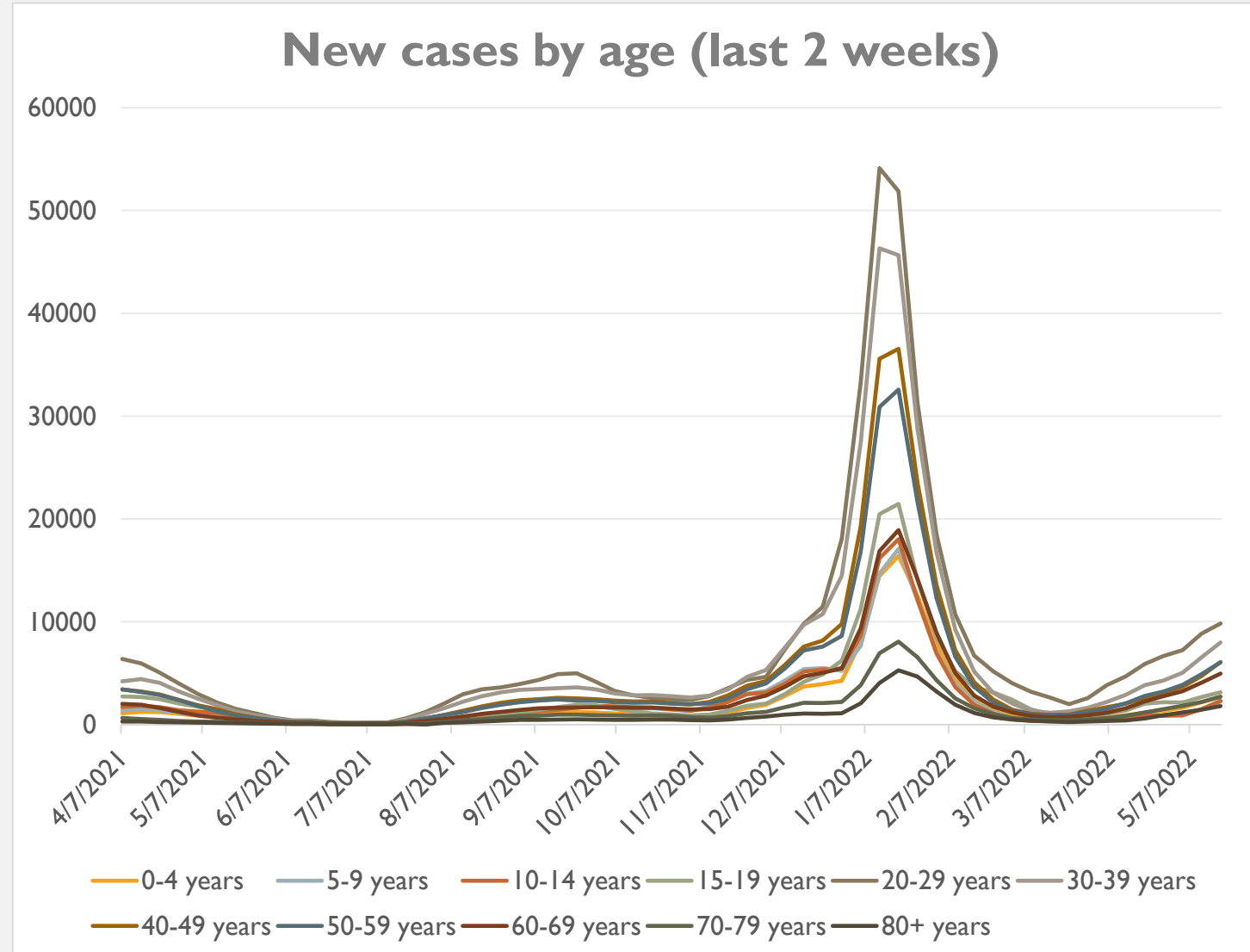
Needham Vaccination Rates



STATE TRENDS IN CASES AND HOSPITALIZATIONS

MA NEW CONFIRMED CASES BY AGE

Age Group	# cases <u>current</u> reporting period (5/1-5/14/22)	# cases <u>previous</u> reporting period (4/24-5/7/22)	# cases <u>1 month ago</u> (4/3-4/16/22)
0-4	2,713	2,185	1,158
5-9	2,252	1,489	878
10-14	2,311	1,500	939
15-19	3,147	2,696	2,030
20-29	9,848	8,841	5,901
30-39	7,985	6,553	3,834
40-49	6,092	4,720	2,610
50-59	6,051	4,900	2,792
60-69	4,964	4,081	2,256
70-79	2,716	2,206	1,196
80+	1,795	1,449	601

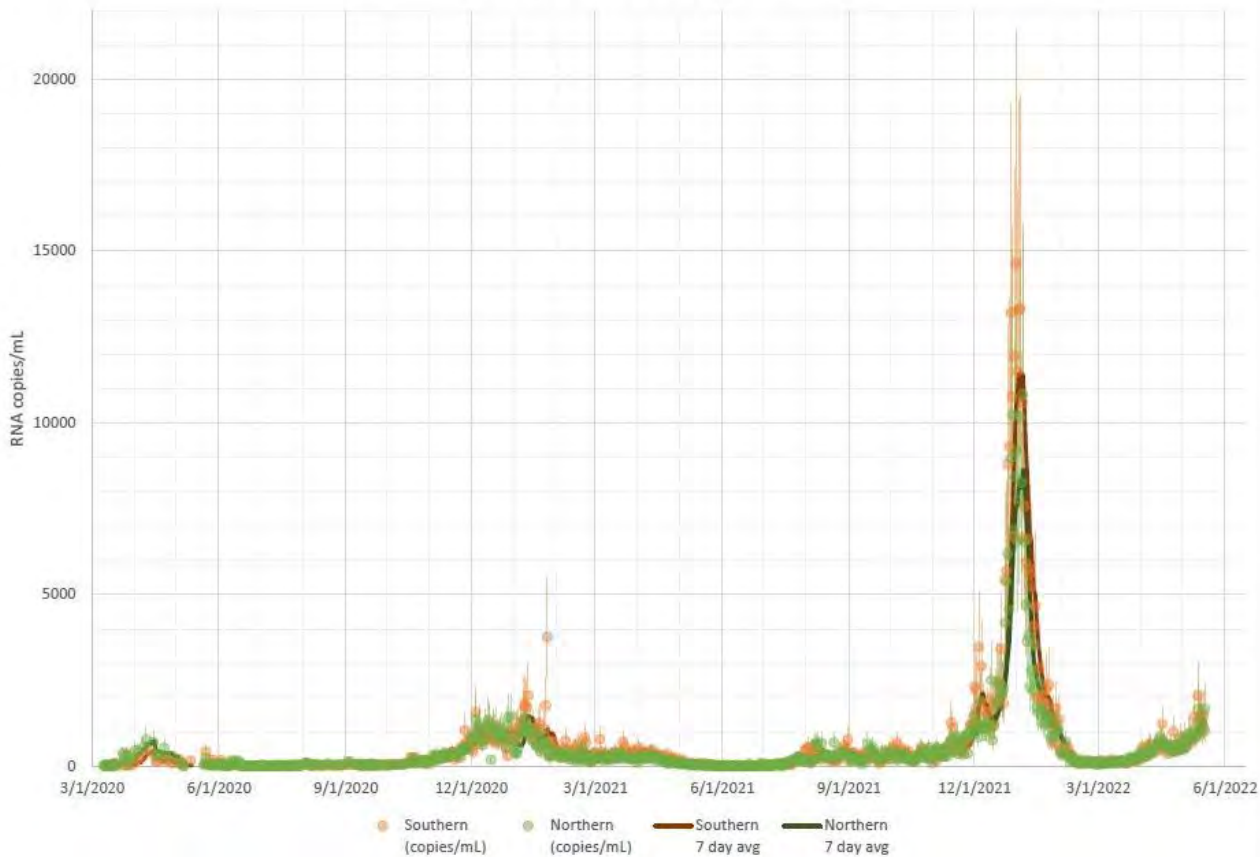


Data from: <https://www.mass.gov/info-details/covid-19-response-reporting>

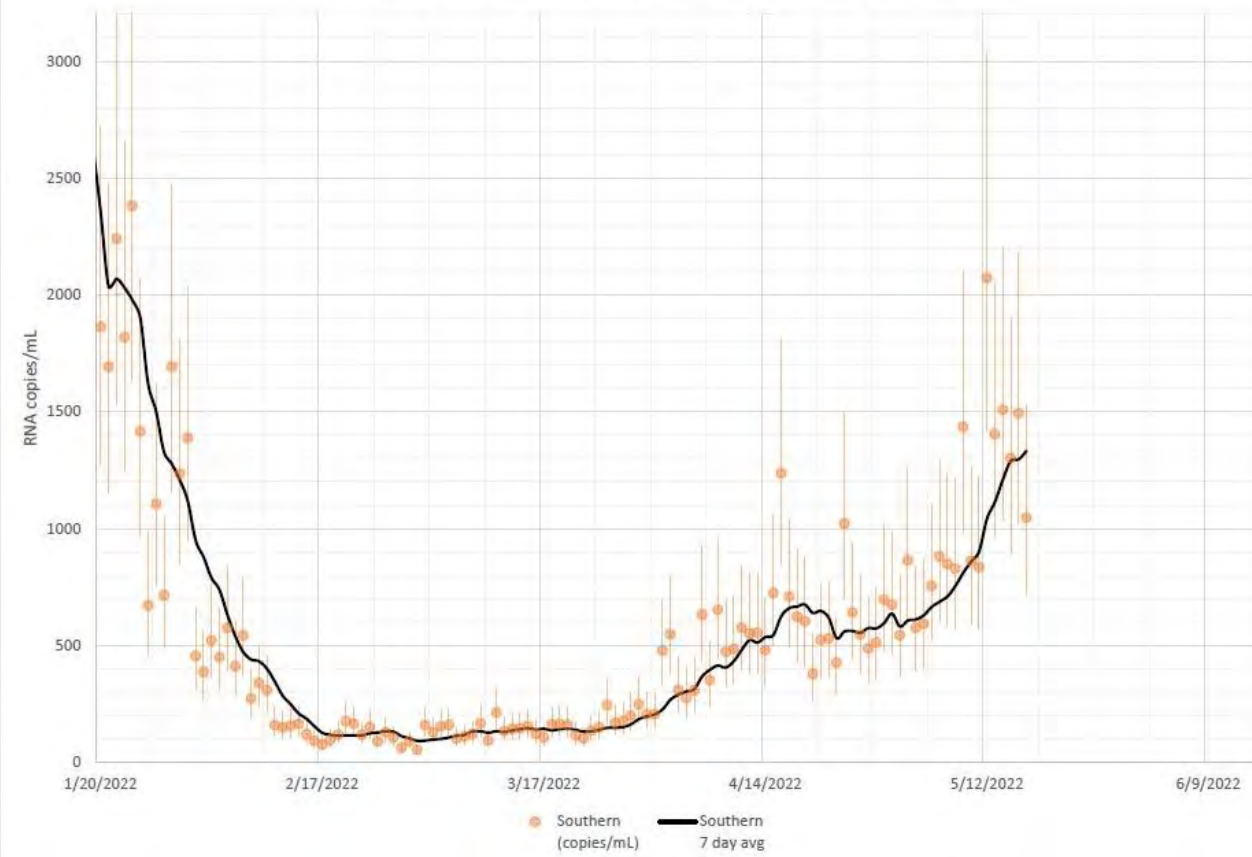
Data as of 5/19/22

MWRA WASTEWATER MONITORING

DITP Viral RNA Signal by Date

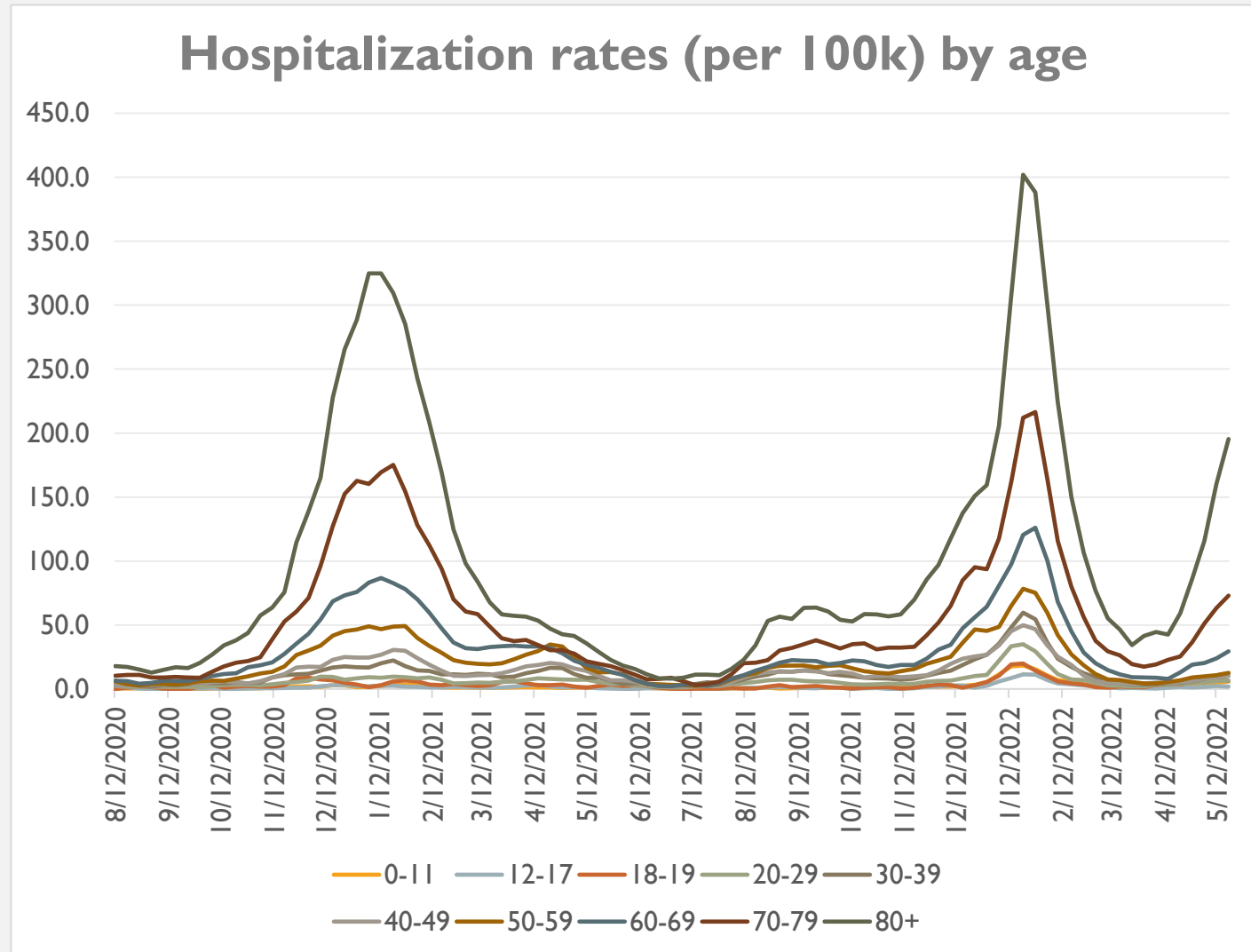


Recent South System Viral RNA Signal by Date

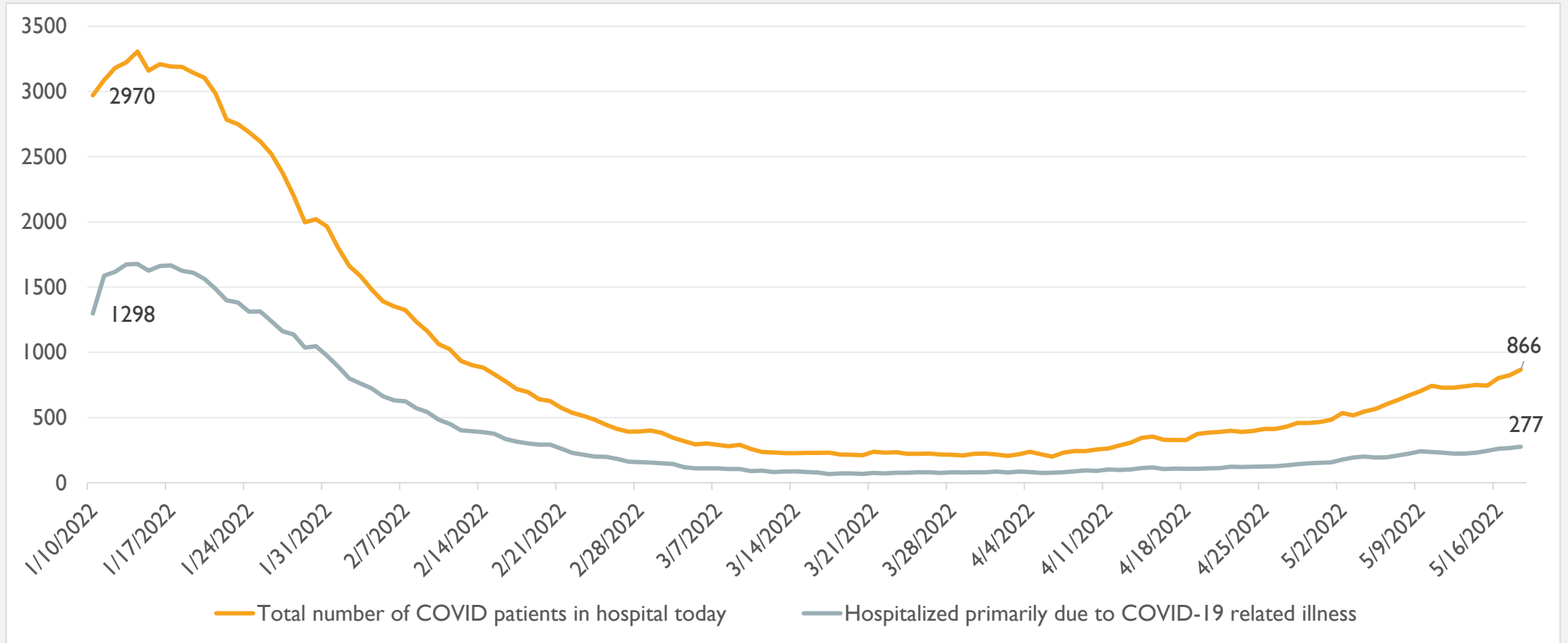


HOSPITALIZATION RATES (PER 100K)

Age Group	Hosp. rate <u>current</u> reporting period (5/1-5/14/22)	Hosp. rate <u>previous</u> reporting period (4/24-5/7/22)	Hosp. rate <u>1 year ago</u> (5/2-5/15/21)
0-11	6.0	4.9	1.1
12-17	2.0	2.4	0.6
18-19	6.5	9.0	2.5
20-29	6.7	6.3	5.5
30-39	12.4	10.6	9.1
40-49	10.1	9.4	10.5
50-59	12.5	10.9	13.2
60-69	29.6	24.0	16.6
70-79	72.9	63.2	19.7
80+	195.3	160.2	29.0



TOTAL COVID PATIENTS IN HOSPITAL VS HOSPITALIZED PRIMARILY DUE TO COVID





**Board of Health
TOWN OF NEEDHAM
AGENDA FACT SHEET**



MEETING DATE: 5/24/2022

Agenda Item	Continued Discussion of Entheogenic Plants and Their Impacts
Presenter(s)	Timothy McDonald, Director of Health & Human Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Continued discussion about entheogenic plants and the movement to decriminalize their use. Materials were submitted by Needham resident Micah Bernat in December following discussion with BOH.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
No vote is required, nor is one expected.	
3.	BACK UP INFORMATION:
- Needham Resolution - How Decriminalization Serves our Criminal Justice System - LEAP Endorsement Letter	

A Resolution Protecting Adult Access to Plant Medicines & Prioritizing Public Health Responses to Controlled Substance Possession

- WHEREAS:** Substance use disorders, post-traumatic stress disorder (PTSD), Persistent Traumatic Stress Environment (PTSE), depression, end-of-life anxiety, grief, cluster headaches, tendencies toward recidivism, and other ailments are plaguing Norfolk County communities, and the use of entheogenic (psychedelic) plants such as psilocybin, ayahuasca, ibogaine have been shown to be beneficial for treating these ailments via scientific and clinical studies and within continuing indigenous practices that catalyze profound experiences of personal and spiritual growth, including for marginalized people like veterans and first-responders; and
- WHEREAS:** The COVID-19 pandemic has led to a resurgence of heroin and opioid overdose deaths and depression in Massachusetts communities, two ailments that entheogenic plants have been shown to have particularly strong utility in treating according to published, peer-reviewed medical research; and
- WHEREAS:** Indigenous people have used these plants for thousands of years in spiritual and health rituals, demonstrating a critical need to preserve the ability of native peoples to access Lophophora—Southwestern cacti that are extremely slow-growing and endangered by animal farming, mining, natural gas development, and non-native poaching—including the ability for ethnobotanists to cultivate these cacti while discouraging non-native use; and
- WHEREAS:** As American popular culture promotes these compounds for spiritual growth, there exists potential for the extinction and extremely cruel treatment of Bufo Alvarius toads native to the Sonoran Desert and Phyllomedusa bicolor frogs native to the Amazon basin, and communities have a moral obligation to construct policies protecting these animals and biodiversity; and
- WHEREAS:** Decriminalization of controlled substances represents a necessary step to providing effective substance use disorder treatment, eliminating stigma so residents can seek treatment without fear of criminalization, and sending a message to the community that investment in comprehensive services in harm reduction and education leveraging American Recovery Act funds must be among Needham's top public health priorities; and
- WHEREAS:** Access to entheogenic plants and compounds such as MDMA should not be monopolized nor controlled by just a small number of corporations, which may lobby to place overbearing restrictions on use, counseling, cultivation, and transport to protect their market share; and
- WHEREAS:** The War on Drugs has led to the unnecessary penalization, arrest, and incarceration of vulnerable people, particularly people of color and people of limited financial means, rather than prioritizing harm reduction policies to treat drug use as an issue of public health; and
- WHEREAS:** The City Councils of Somerville (9-0), Cambridge (8-1), Northampton (8-0), and Easthampton (7-0) have passed substantially similar resolutions and that Portugal, Oregon, and Baltimore have deprioritized or eliminated criminal charges for possession of all controlled substances with notable benefits for public safety; and
- RESOLVED:** That the Needham Public Health Board hereby recommends that the no Needham department, agency, board, commission, officer or employee of the city, including without limitation, Needham Police Department personnel, use any city, state, or federal funds or resources to assist in the enforcement of laws imposing criminal penalties for the use and possession of any controlled substance by adults except Lophophora and animal-derived controlled substances; and be it further

Commented [JD1]: Intention: this whereas centers the issues that the resolution seeks to alleviate. Rather than providing a scientific definition of entheogens, it provides a brief overview of the four primary entheogens the city would endorse.

The Native American Church and Indigenous Peyote Conservation Initiative (IPCI) have asked that resolutions a) do not mention "peyote" b) do not decriminalized possession of peyote and c) do not mention the Native American Church or IPCI d) does not make any explicit statements against cultivating peyote, which might be necessary to ensure the species survives. The intention of the a-c are to avoid inadvertently mainstreaming the use of peyote by non-indigenous people.

This paragraph mentions entheogens as a category of plants because we feel it is useful to communicate, broadly, what the resolution endorses for physical and spiritual relief. The "Resolved" clauses make it clear

Commented [JD2]: Intention: Center the public health crises in the fallout from the pandemic to add urgency to the need for the resolution.

Commented [JD3]: Intention: this section has been updated to include mention the need to grow peyote because it is very much on the verge of extinction. This is a very tragic reality, and we sadly do not believe this or any resolution has the ability to stop poaching in the Southwestern United States or the devastation wrought by these industries. IPCI and NAC have voiced support for this provision because they ask that a) personal possession of peyote not be decriminalized at this point in time for non-indigenous people and that b) peyote not be explicitly mentioned in resolutions to avoid its mainstreaming (hence why we use the term

Commented [JD4]: Intention: these resolutions are largely statements of values to guide state and federal policymakers in a direction to adopting the ideal policy. Our coalition's state task force bill would have the experts carefully study the intention of the city resolutions passed across Massachusetts and in other states, state lawmakers will carefully look to what localities do.

The Weeknd, Mike Tyson, and all matter of pop culture have been promoting Bufo 5-Meo-DMT (which can be created artificially), which has driven these toads near

Commented [JD5]: There are many actors in the space, including the Greater Boston area, that will lobby for restrictions that confine psychedelics to a purely medical model – permanently denying working class people access by charging nearly \$11,000 to \$15,000 for treatment regimens. Even if covered by insurance eventually (which will take at minimum five more years and potentially decades for plants like ayahuasca to even get FDA approval or rescheduling), 30 million Americans lack health insurance, the average American cannot afford a \$500 emergency expense let alone their \$8,000 per year deductible, at

RESOLVED: That the Needham Public Health Board hereby maintains that the use and possession of all controlled substances should be understood first and primarily as an issue of public health by city departments, agencies, boards, commissions, and all employees of the city, that harm reduction and recovery service funding should be a top priority for the use of American Recovery Act funds, and that cost savings from reduced criminal enforcement should be used to enhance comprehensive services for people experiencing substance use disorder; and be it further

RESOLVED: That the Board recommends it should be the policy of the Town of Needham and its departments, agencies, boards, commissions, officers and employees, including without limitation, Needham Police Department, that the investigation and arrest of persons for planting, producing, purchasing, transporting, distributing, and/or engaging in ceremonial practices with entheogenic plants in Classes A-E of Chapter 94C § 31 of Massachusetts law or Schedules I-V of 21 U.S.C. § 812 of the Controlled Substances Act shall be amongst the lowest law enforcement priority for the Town of Needham; and be it further

RESOLVED: That the Board recommends it should be the policy of the Town of Needham and its departments, agencies, boards, commissions, officers and employees, including without limitation, Needham Police Department, that the arrest of persons for using or possessing pipes, syringes, needles, or testing strips as well as controlled substances except Lophophora and animal-derived controlled substances shall be amongst the lowest law enforcement priority for the Town of Needham; and be it further

RESOLVED: That this resolution does not address the enforcement of possessing or distributing any controlled substance on school grounds nor driving under the influence of controlled substances or public disturbance; and be it further

RESOLVED: That the Board calls upon the city's officials work in support of decriminalizing the use and possession of all controlled substances, except Lophophora and animal-derived controlled substances, the planting, cultivating, purchasing, transporting, distributing, and engaging in ceremonial practices of entheogenic plants, and approaching controlled substance use first and primarily through the lens of public health when representing the city in conversations with state and federal agencies as well as state and federal lawmakers; and be it further

RESOLVED: That the Board recommends the Norfolk County District Attorney cease prosecution of persons involved in the cultivation or distribution of entheogenic plants and the use or possession without the intent to distribute of any controlled substance excepting Lophophora and animal-derived controlled substances; and be further

RESOLVED: That the Board expresses support for HD1763 An Act providing easier and greater access to record sealing, which would assist in the automatic expungement and sealing of records to the benefit of generations of Massachusetts residents; and be it further

RESOLVED: A Board Member shall send a copy of this Resolution to Representative Denise Garlick, Senator Rebecca Rausch, Senator Michael Rush, Joint Committee on Mental Health, Substance Use and Recovery Chairpersons Representative Adrian Madaro and Senator Cyr, Governor Charles Baker, Attorney General Maura Healey, Norfolk County District Attorney Michael Morrissey, Needham Police Chief John Schlittler, Norfolk County Sheriff Patrick W. McDermott, Massachusetts Sheriff's Association Director Carrie Hill, Secretary of Veterans' Services Cheryl Lussier Poppe, and the Board of Registration of Allied Mental Health and Human Services Professions.

Commented [JD6]: Notice that this "Resolved" does not include possession, so it would technically allow for the cultivation of peyote (a necessary reality so it doesn't go extinct).

Important to note here is that to our knowledge, the use of peyote is already allowed for indigenous ceremony under the 1994 Religious Freedom Restoration Act. So indigenous people are still and already protected even if possession of it is not decriminalized generally.

Commented [JD7]: This would keep possession of Bufo technically criminalized as a signaling of values. I sincerely doubt that poachers care about the resolution. I sincerely doubt that BPD officers know what Bufo is. This is a statement of values to guide state and federal reform. It does not criminalize Kambo, which remains completely legal and unregulated for now but leaves open penalties for procuring those frogs if the federal government scheduled Kambo (an opioid 40x stronger than morphine that causes vomiting and hallucinations).

How Decriminalization Serves Our Justice System!



Who Are We: Bay Staters for Natural Medicine is a grassroots community group of first responders, healthcare professionals, scientists, and ordinary people whose lives have been impacted by prohibition. We have worked with the Somerville, Cambridge, Northampton, Easthampton and soon Burlington (VT), Newton, Salem, Medford, Amherst, Worcester, and Boston city councils to pass resolutions that achieve two core objectives:

1. **Allow Adults to Grow and Distribute Entheogenic Plants:** psilocybin mushrooms, ayahuasca, mescaline-containing cacti, and ibogaine are naturally-occurring and non-addictive compounds proven by clinical trials and thousands of years of tradition to treat trauma and addiction.
2. **Prioritize Transition Services Over Incarceration:** our resolutions formalize a policy that possession of any controlled substance without intent to distribute is to be treated as public health rather than criminal issue. We commit our partner cities to investing in interventions like housing, harm reduction equipment, and modern treatment facilities.

Why We Care: our first responders, including corrections personnel, suffer PTSD at rates nearly five times that of civilians & lose their lives more to their own firearms than in the line of duty. Nearly one in three heroin users pass through corrections, and half of all deaths by former inmates are opioid related. We're experiencing the deadliest years on record for overdoses, as our communities struggle with a shortage of mental health providers. Entheogenic plants are safe, cost-effective tools that solve these challenges.

Compound	 BSNM	Frequency of Use	Annual Cost	Addictive?
Methadone		Daily	\$6,500	Yes.
Buprenorphine (Suboxone)		Daily, 3x Per Week	\$7,200	Yes.
Naltrexone (Vivitrol)		Monthly	\$14,000	No.
Ibogaine Tree Bark		Single Use Only	\$50 - \$100	No.
Psilocybin Mushrooms		Single Use Only	\$30 - \$200	No.

What Does the Research Say?

Our Plan to Outmaneuver Big Pharma: FDA and DEA have recently fast-tracked this research, the Federal Controlled Substance Act (1971) requires Phase III trials that cost hundreds of millions of dollars for rescheduling. Corporations are thus prioritizing trials of artificial versions of these plants as well as MDMA so they can secure decades-long FDA monopolies to charges tens of thousands per treatment. Our vision is city by city decriminalization to save lives now and eventually force the U.S. attorney general to unilaterally reschedule these plants to allow their use by federally-funded providers and corrections facilities.

Luoma et al (2020). A Meta-Analysis of Placebo-Controlled Trials of Psychedelic-Assisted Therapy. *J Psychoactive Drugs*. [Web](#): "Overall, analyses support the efficacy of psychedelic-assisted therapy across four mental health conditions - post-traumatic stress disorder, anxiety/depression associated with a life-threatening illness, unipolar depression & social anxiety among autistic adults."

Pisano, V. D., et al (2017). The association of psychedelic use and opioid use disorders among illicit users in the U.S. *Journal of Psychopharmacology*. [Web](#). "Among respondents with a history of illicit opioid use, psychedelic use is associated with 27% reduced risk of past year opioid use and 40% reduced risk of past year opioid abuse." [sample size: 44,000]

Aregento et. al (2021). Psychedelic use is associated with reduced daily opioid use among people who use illicit drugs in a Canadian setting. *International Journal of Drug Policy*. [Web](#). "Recent psychedelic use was associated with 55% reduced odds of daily opioid use."

•Hendricks et al. (2014). Hallucinogen use predicts reduced recidivism among substance-involved offenders under community corrections supervision. *Journal of Psychopharmacology*. [Web](#). "In this longitudinal study, we examined the relationship between naturalistic hallucinogen use and recidivism among individuals under community corrections supervision with a history of substance involvement. We found that hallucinogen use predicted a reduced likelihood of supervision failure (e.g. noncompliance with legal requirements including alcohol and other drug use) while controlling for an array of potential confounding factors." [Southeastern United States, Felony Inmates, sample size: 25,622].

Brown, T.K., & Alper, K. (2018). Treatment of opioid use disorder with ibogaine: detoxification and drug use. *American Journal of Drug and Alcohol Abuse*. [Web](#). "Ibogaine was associated with substantive effects on opioid withdrawal symptoms and drug use in subjects for whom other treatments had been unsuccessful."

Noeller, G.E. et al (2018). Ibogaine treatment outcomes for opioid dependence from a twelve-month follow-up observational study. *The American Journal of Drug and Alcohol Abuse*. [Web](#). "A single ibogaine treatment reduced opioid withdrawal symptoms and achieved opioid cessation or sustained reduced use in dependent individuals as measured over 12 months. Ibogaine's legal availability in New Zealand may offer improved outcomes where legislation supports treatment providers to work closely with other health professionals."



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Medford, Massachusetts 02155
T: (781) 393.6985

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Detective Sergeant Neil Woods, Ret.
Derbyshire, England, LEAP UK

Date: August 18, 2021

Re: Deprioritizing Enforcement of Controlled Substance Possession

Dear Local Leaders,

We are writing today as Massachusetts law enforcement and as speakers for the Law Enforcement Action Partnership (LEAP) to explain why we support deprioritizing the use of justice resources for controlled substance possession. LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and restoring police-community trust.

As current and former law enforcement, we know firsthand that justice resources are limited and need to be prioritized toward the greatest threats of public safety. Oftentimes, low priority cases create a backlog and more serious cases are put on the backburner. Drug arrests are so frequent and use a substantial amount of justice system resources.

Arresting someone for drug possession not only fails to make our communities safer, it also criminalizes people at the expense of helping them. Often, an arrest means spending time in jail. When people cannot show up to work or take care of family, it can cost them employment, family relationships, and access to housing. Nothing destabilizes someone's life like an arrest, and instability and stress are key triggers for drug relapses and mental health issues.

One way to better focus justice system resources is for cities to officially deprioritize enforcement of possession of controlled substances. In 2017, a MassInc poll found that [two in three voters](#) in Massachusetts view drug addiction as a public health problem rather than a crime problem. Several jurisdictions across the country have already declined to prosecute drug possession, including Baltimore City, Maryland, King County, Washington,

and Contra Costa County, California. At the state level, Oregon has decriminalized low-level possession of all drugs.

In addition, cities should deprioritize enforcement of laws concerning the cultivation, transportation, and exchange of psychedelic plants. In the past few years, Denver, Colorado; Oakland and Santa Cruz, California; Ann Arbor, Michigan. and Washington, D.C. have deprioritized offenses related to psychedelic plants.

Massachusetts is emerging as a leader in deprioritizing drug offenses. Somerville, Cambridge, and Northampton have deprioritized all controlled substances and psychedelics. Several other jurisdictions are moving forward with deprioritization, including Boston, Salem, and Easthampton.

Police do not want to be asked to arrest people seeking solutions for mental health issues. A study from the Journal of the American Medical Association found that psilocybin mushroom use combined with therapy or counseling puts major depression in remission for one in two patients – that is [more than four times more effective](#) than conventional medication. MDMA is also in advanced stages of FDA approval. Police officers respond to many mental health crisis calls and suicide attempts. We also struggle with PTSD and depression at far higher rates than the general public, and suicide is a leading cause of officer mortality.

Deprioritizing drug enforcement can also improve police-community trust, particularly in communities of color. One study showed that at least 65 percent of Bostonians arrested for drug possession were Black or Hispanic, while these groups represent only 37 percent of the population and do not use drugs at higher rates. With decriminalization, Oregon [projects a 95 percent decrease](#) in racial inequalities in controlled-substance related arrests.

Officers are also affected by having to enforce these laws. Encounters for controlled substance possession can go tragically wrong, endangering civilians and officers alike while further eroding trust in law enforcement.

In light of the addiction and mental health crisis, made even worse by the pandemic, we believe deprioritization is the answer. Our communities would benefit by making drug possession the lowest law enforcement priority.

Thank you for the opportunity to share our experience in support of this effort.

Respectfully,

Lt. Sarko Gergerian
Winthrop Police Department, MA

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition

Corrections Officer Patrick Heintz (Ret.)
Hampden County Sheriff's Department
Agawam, MA

Regina Hufnagel
Federal Corrections Officer (Fmr.)
Federal Bureau of Prisons
Boston, MA

Officer Karen Hawkes (Ret.)
Massachusetts State Police
Rowley, MA

LawEnforcementActionPartnership.org

Formerly known as Law Enforcement Against Prohibition



**Board of Health
TOWN OF NEEDHAM
AGENDA FACT SHEET**



MEETING DATE: 5/24/2022

Agenda Item	Proposed Revisions to Article 20: Marijuana Treatment Centers
Presenter	Tiffany Zike and Tara Gurge, Assistant Directors of Public Health

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
In a letter dated September 17, 2021 to Timothy McDonald, the Director of Health and Human Services, Sira Natural RMD requested the following changes to Article 20 of the Board of Health (BOH) regulations: 1. Revise 20.6.5 to allow coupons and discounts sale including promotional gifts and materials with references to marijuana or MIPs, including the logo of Sira Naturals, Inc. d/b/a Ayr. Thus, we request the BOH amend regulation 20.6.10 (A) to allow the logo of Sira Naturals, Inc. d/b/a Ayr and brand. 2. Amend 20.6.10 to allow the logo of Sira Naturals on promotional items and materials. 3. Change its policy of requiring approval of edible packaging before allowing sales. 4. Discontinue the requirement to submit CORI reports now that the Cannabis Control Commission has that requirement. The Public Health Division provided a summary of these requests and recommendations to the BOH at the January 20, 2022 meeting. The BOH discussion included questions which the Public Health Division has researched and presents to the BOH for follow-up discussion. A summary of the research and a draft revision of Article 20 follow this document.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
Vote is required.	
3.	BACK UP INFORMATION ATTACHED:
Letter from Sira Naturals, dated September 17, 2021, from Dwan Packnett, VP Gov't Relations & Community Investment Medical Marijuana Summary, dated March 22, 2022, from the Needham Public Health Division Needham Public Health Draft revision of Article 20; Sira Naturals suggested redline version & letter	



September 17, 2021

Mr. Timothy Muir McDonald
Director of Public Health
Needham Board of Health
178 Rosemary Street
Needham, MA 02494

RE: Sira Naturals, Inc. Request to Appear before the Needham Board of Health

Founded and operated by Massachusetts natives and residents since 2013, Sira Naturals weathered the unpredictable cannabis market to become one of the state's largest employers and vertically integrated cultivator, product manufacturer, and retailer of cannabis products for both the medical and adult-use markets in Massachusetts. Through a Community Benefits Agreement (CBA) signed by the Needham Board of Selectmen on June 14, 2016; the Special Permit granted by the Needham Planning and Community Development Department on June 13, 2017; and subject to the provisions of Article 20 of the Board of Health (BOH) Regulations effective March 31, 2016; Sira Naturals opened a retail medical facility at 27-29 Franklin in the Town of Needham in June 2017.

Sira Naturals seeks the Board of Health's reconsideration of Article 20 BOH Regulations governing discounted products and labeling, signage and other materials more particularly described below. The medical cannabis industry has had no detrimental impacts in the Commonwealth of Massachusetts since its introduction in 2013. And the medical marijuana industry has undergone significant technological improvements such as state monitored seed to sale Metric Tracking systems allowing data visibility to retailers across the state allowing a safe and reliable distribution to and accessibility for medical marijuana patients.

Such accessibility, however, is not available for cost-conscious consumers or those living on a fixed income who enjoy discounts similar to those provided every day at local pharmacies like Walgreens, CVS, or Walmart. The failure to provide discounts can become a barrier to use that reinforces the "illegal" stigma of cannabis. We believe promotional discounts will help to relieve this stigma by providing a more welcoming environment - similar to any pharmacy - for those marginalized by the war on drugs.



Thus, we request the BOH remove or amend regulations 20.6.5 (B) and (C) set forth below so Sira may provide discounts and loyalty programs to Needham residents.

1. 20.6.5 Registered Sales by Registered Marijuana Dispensary

B. No person shall Accept or redeem, offer to accept, or redeem, or cause or hire any person to accept or redeem, or offer to accept or redeem, through any coupon or other method, any marijuana or marijuana-infused product for less than the listed or non-discounted price; or

C. Sell marijuana or a marijuana-infused product through any discounts (e.g., “buy-two-get-one-free”) or otherwise provide any marijuana or marijuana-infused product for less than the listed or non-discounted price in exchange for the purchase of any other product.

Sira Naturals also requests the BOH allow us to discount products for sale including promotional gifts and materials with references to marijuana or MIPs, including the logo of Sira Naturals, Inc. d/b/a Ayr. Thus, we request the BOH amend regulation 20.6.10 (A) to allow the logo of Sira Naturals, Inc. d/b/a Ayr and brand.

2. 20.6.10 Marketing and Advertising Requirements

A. A RMD may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of marijuana and marijuana-related paraphernalia, or colloquial references to cannabis and marijuana. Likewise, a RMD may not offer for sale or as a promotional gift any items which contain symbol of or references to marijuana or MIPs, including the logo of the RMD.

Finally, while not specifically listed in Article 20, Sira Naturals is currently required to send all edible packaging to the Needham Board of Health for pre-approval before being offered for sale to patients. Since packaging and labelling is currently regulated by the Cannabis Control Commission, we would like to request amending this municipal specific requirement.

Sira is prepared to highlight specific data that shows the potential anticipated benefits of easing these restrictions and would very much like to review additional requirements such as background checks and CORIs reviewed by the Needham BOH that may have worked theoretically and before the CCC was established. But now after four years of practice with excellent outcomes, we are confident this heightened level of scrutiny has become burdensome to both Sira Naturals and the Needham BOH and is no longer needed in every instance.



Thank you for your consideration. If you have any questions, or if additional information is needed, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Dwan Packnett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dwan Packnett
VP Gov't Relations & Community Investment

cc: Kate Fitzpatrick, Needham Town Manager
David Davis, Needham Director of Finance
Matthew Radebach
Louis Karger
Michelle Foley
Andrea Odian



NEEDHAM PUBLIC HEALTH DIVISION



TO: Needham Board of Health

FROM: Julie McCarthy, Epidemiologist

SUBJECT: Question on Psychotropic Effects Following Topical Application of THC- Summary for 3.29.22 Board of Health Meeting

There are very few peer reviewed articles discussing psychotropic effects of THC after topical application. However, from the available literature, it seems that THC does not enter systemic circulation when applied topically and thus would not produce the psychotropic effects that are typically associated with THC.

First, as demonstrated in Hess et al., when 3 volunteers applied salves containing THC over a period of 3 days, every 2-4 hours, THC could not be detected in their blood or urine (samples taken ever 2-4 hours until 15 hours after the last application; n=10 for urine and blood samples). One participant applied the salve to broken skin, as this may enhance transdermal uptake by increasing permeability, but the blood and urine samples collected from this participant remained negative for THC.

As mentioned in Hess et al. but detailed more in Touitou et al. and Tijani et al., the chemistry of THC does not allow for permeation of the skin into the dermis, where it would enter systemic circulation. THC is a highly lipophilic molecule (lipophilic= ability to dissolve in fats/oils) and is sensitive to degradation by light and heat (i.e. some of the product is lost immediately after application due to UV rays, heat/etc). When applied to skin, substances penetrate from the outer layer of the skin into the deeper layers. The lipophilic nature of THC means it tends to stay in the stratum corneum (main barrier- first layer of the epidermis) of the skin versus moving deeper into the layers of the skin and then systemic circulation. In fact, it seems that THC creates a reservoir in the stratum corneum; it doesn't reach systemic circulation because it does not permeate the aqueous epidermis underneath the stratum corneum (due to its highly lipophilic nature versus hydrophilic nature, which would mean ability to mix in/dissolve in water). It is possible that certain THC products could be transdermal with the addition of agents to assist in penetration of the stratum corneum, but it seems that there are very few of these products available on the market and when available, may come in the form of gels or patches.

Sources (PDF documents available upon request):

Hess C, Krämer M, Madea B. Topical application of THC containing products is not able to cause positive cannabinoid finding in blood or urine. *Forensic Sci Int.* 2017 Mar;272:68-71. doi: 10.1016/j.forsciint.2017.01.008. Epub 2017 Jan 16. PMID: 28122323

Touitou E, Fabin B. Altered skin permeation of a highly lipophilic molecule: tetrahydrocannabinol. *Int J Pharm* 1988; 43; 17-22

Tijani AO, Thakur D, Mishra D, Frempong D, Chukwunyere UI, Puri A. Delivering therapeutic cannabinoids via skin: Current state and future perspectives. *J Control Release.* 2021 Jun 10;334:427-451. doi: 10.1016/j.jconrel.2021.05.005. Epub 2021 May 6. PMID: 33964365



Board of Health

Edward Cosgrove, PhD
Vice Chair, Board of Health

Stephen Epstein, MD, MPP
Chair, Board of Health

Jane Fogg, MD, MPH
Member, Board of Health

ARTICLE 20 **REGULATION TO ENSURE THE SANITARY AND SAFE OPERATIONS OF ~~REGISTERED MARIJUANA DISPENSARIES~~ MARIJUANA TREATMENT CENTERS ~~MARIJUANA TREATMENT CENTERS~~ AND THE SALE OF MARIJUANA TO PERSONS WITH DOCUMENTED MEDICAL NEEDS**

SECTION 20.1 **AUTHORITY**

This regulation is promulgated under the authority granted to the Needham Board of Health under Massachusetts General Laws Chapter 111, Section 31 which states that "boards of health may make reasonable health regulations," and pursuant to Chapter 369 of the Acts of 2012 An Act for the Humanitarian Medical Use of Marijuana ("The Act") and [the Cannabis Control Commission Massachusetts Department of Public Health Regulations, regulation, 935 CMR 501.000 : MEDICAL USE OF MARIJUANA](#). [The primary purpose of 935 CMR 501.000 is to implement St. 2017, c. 55: An Act to Ensure Safe Access to Marijuana; M.G.L. c.94G and M.G.L. c. 941](#)

SECTION 20.2 **PURPOSE**

The primary purpose of this regulation is to provide for local oversight and inspection of [Registered Marijuana Dispensaries](#) [Marijuana Treatment Centers \(RMDMTCs\)](#) and hardship cultivation sites within the town; oversight and inspections will be provided by Needham's Board of Health and its agents to ensure the safe and sanitary operation of any such [RMDMTC](#) or hardship cultivation site consistent with public health and safety.

The regulation is intended to ensure that only people with a documented medical need will acquire medical marijuana or marijuana-infused products pursuant to the Act, and that

marijuana will not be diverted to individuals without a documented medical need. Since the existence of an ~~RMDMTC~~ or hardship cultivation site present a risk of improper diversion and other collateral consequences within the community, it is necessary to regulate this activity at the local level.

SECTION 20.3 DEFINITIONS

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in ~~935 CMR 501.000105-CMR 725.004~~.

Board of Health: Town of Needham Board of Health and its designated agents.

Board of Health Agent: The Director of Public Health and any town employee designated by the Director, which may include Public Health Department staff, law enforcement officers, fire officials, and code enforcement officials

Business Agent: A ~~Dispensary Treatment Center~~ Agent, as also defined in ~~935 CMR 501.000105-CMR 725.004~~, who has been designated by the ~~RMDMTC~~ Permit Holder to be a manager in charge of the ~~RMDMTC~~ facility and its operations.

Card Holder: A registered qualifying patient, a personal caregiver, or a ~~dispensary Treatment Center~~ agent of a ~~RMDMTC~~ who has been issued and possess a valid registration card.

Director: The Director of Public Health.

~~Dispensary Treatment Center Agent~~: A ~~Dispensary Treatment Center~~ Agent, as also defined in ~~935 CMR 501.000,105-CMR 725.004~~, is a board member, director, employee, executive, manager, or volunteer of a ~~RMDMTC~~, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to a ~~RMDMTC~~ related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

Home Permit: Issued by the Board of Health, to be renewed annually, to the holder of a hardship cultivation registration issued by the ~~Cannabis Control Commission Massachusetts Department of Public Health (DPH(CCC))~~ in ~~935 CMR 501.000105-CMR 725.000~~, which registration is for a specific location within the town.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Period of Performance: The time period for which violations of a ~~RMDMTC~~ or Home Permit are

counted. For example, a violation that occurs in July 2016 will no longer weigh on the ~~RMDMTC~~ or Home Permit holder's record with the Board of Health after the passage of 36 months from the date of the discipline imposed for that violation. If the Board of Health hearing on the violation occurred on July 31, 2016, then the violation will be outside the period of performance and no longer counted on August 1, 2019.

~~Registered Marijuana Dispensary Marijuana Treatment Center (RMDMTC):~~ A ~~Registered Marijuana Dispensary (also known as a Medical Marijuana Treatment Center)~~ is a ~~not-for-profit~~ entity registered under ~~105-CMR-725.100~~935 CMR 501.000, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. The term ~~RMDMTC~~ may also refer, in context, to the site(s) of dispensing, cultivation, and preparation of marijuana by an ~~RMDMTC~~ entity.

Commented [TZ1]: Our current MTC is a for profit business. This should be removed from our regulations to be updated with the changes made by the CCC in 2017 & to be accurate with our current businesses.
<https://www.sec.state.ma.us/cor/coralert/cormedmaralert.htm>

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~~RMDMTC Permit:~~ A ~~Registered Marijuana Dispensary Treatment Center Marijuana Treatment Center~~ Permit, to be renewed annually, which may be issued by the Board of Health to a non-profit corporation holding a Certificate of Registration issued by the Massachusetts Department of Public Health (DPH) pursuant to 935 CMR 501.000~~105-CMR-725.000~~, which permits a ~~RMDMTC~~ to operate within the town.

Self-Service Display: Any display from which customers may select marijuana or a marijuana-infused product without assistance from a ~~Dispensary Treatment Center~~.

Town: The Town of Needham, Massachusetts.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

Verified Financial Hardship: Is an individual's status as a recipient of MassHealth or Supplemental Security Income, or else a determination that an individual's income does not exceed 300% of the federal poverty level when adjusted for family size.

Violation: A failure to comply with an operational requirement outlined in this regulation. For this regulation, a MINOR violation is a failure to comply with specific regulatory requirements which, while important, do not jeopardize the primary purposes of this regulation. A MAJOR violation is one that has the potential to jeopardize the primary purposes of this regulation, meaning that non-compliance in this area may divert marijuana to individuals without a documented medical need and/or which may produce significant collateral consequences to community health and safety.

SECTION 20.4 PERMIT TO OPERATE A REGISTERED MARIJUANA ~~DISPENSARY TREATMENT CENTER~~

20.4.1 – Permits for a ~~Registered Marijuana Dispensaries~~ Marijuana Treatment Centers

- A. No person or organization shall sell or otherwise distribute marijuana or marijuana-infused products within the Town of Needham without first obtaining a RMDMTC Permit. A RMDMTC Permit may only be issued to a nonprofit corporation which:
- (i) has a current Certificate of Registration issued by the ~~Massachusetts Department of Public Health (DPH)~~ Cannabis Control Commission (CCC) pursuant to 935 CMR 501.000 ~~105 CMR 725.000~~; and
 - (ii) has a permanent, non-mobile location in Needham approved by the ~~DPH~~ CCC for use as an RMDMTC; and
 - (iii) ~~is in compliance~~ complies with all applicable zoning requirements.

And which provides satisfactory documentation of compliance with those requirements to the Board of Health.

- B. The applicant shall also submit to the Board of Health a copy of the operating policies and procedures for the RMDMTC which was submitted to ~~DPH~~ CCC pursuant to ~~105 CMR 725.000~~ 935 CMR 501.000 and any other relevant ~~DPH~~ CCC directives, memorandums or notifications.
- C. The applicant shall sign a statement declaring that the applicant understands that, under this local regulation:
- (i) all Dispensary Treatment Center Agents are responsible for complying with all local and state regulations pertaining to the operation of the RMDMTC. Specifically, a violation of any provision of 935 CMR 501.000 ~~105 CMR 725.000~~ or other applicable state regulations constitutes a violation of this regulation, which may be enforced by the Board of Health; and
 - (ii) the applicant is responsible for providing instruction and training for ~~dispensary~~ Treatment Center agents in all applicable local and state regulations; and
 - (iii) the fact that a Dispensary Treatment Center Agent, vendor, or other person associated with the RMDMTC is unaware of a regulation or lacks understanding of its content, shall not be a defense to any violation; and
 - (iv) the Board of Health and its designated agents may conduct periodic, unannounced inspections of the RMDMTC premises.
- D. The fee for a RMDMTC Permit shall be at the level determined in the Needham Board of Health's Fee Schedule. All RMDMTC Permits expire on June 30 annually, regardless of the year or day and month on which they were issued.
- E. The initial plan review for marijuana-infused product (MIP) production facilities (see section 20.5.1) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The initial plan review for the safe and sanitary storage of

marijuana-infused products in a RMDMTC (see section 20.5.2) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The initial plan review for trash collection and the safe and sanitary disposal of waste (see section 20.5.3) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The plan reviews for emergencies and continuity of operations (see section 20.5.4) and for safety and security (see section 20.5.5) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule.

- F. RMDMTC Permits in good standing may be renewed annually by the Board of Health, at the Board's discretion, based on a completed and satisfactory application, in a form required by the Board, filed by the RMDMTC and payment by the RMDMTC of the annual fee according to the fee schedule.
- (i) Any material changes from the most recent approved operating policies and procedures, or from the plans described in Section E above shall be disclosed in the renewal application, and RMDMTC shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
 - (ii) If a permit has been modified by the Board, the RMDMTC shall demonstrate compliance with any requirements of that modification, to the satisfaction of the Board, as a condition of renewal and shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
 - (iii) If a permit has been suspended by the Board, prior to reinstatement of the permit, the RMDMTC shall provide evidence satisfactory to the Board that it will comply with all requirements of the Board and these regulations, and shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal
 - (iv) If a permit has been revoked by the Board, the RMDMTC permit may be reissued based on a new application, all necessary fees, and a public hearing.
- G. A separate RMDMTC Permit is required for each RMDMTC retail establishment selling marijuana or marijuana-infused products within the Town. A violation of this provision constitutes a MINOR violation of these regulations.
- H. Each RMDMTC Permit shall be displayed at the RMDMTC retail establishment in a conspicuous place. A violation of this provision constitutes a MINOR violation of these regulations.
- I. A RMDMTC Permit is non-transferable. A violation of this provision constitutes a MINOR violation of these regulations.
- J. A RMDMTC Permit will not be renewed if the RMDMTC Permit Holder has failed to pay any outstanding fines or fees or failed to satisfy any other penalties or conditions

lawfully imposed by the Town.

- K. A ~~RMDMTC~~ may not open for business before 8:00 A.M. and shall close no later than 8:00 P.M., on each day the ~~RMDMTC~~ is open. Deliveries from, or on behalf of, the ~~RMDMTC~~ that are made to patients must adhere to the same hours. The hours and days of ~~RMDMTC~~ operation must be posted conspicuously on the front entrance door. A violation of this provision constitutes a MINOR violation of these regulations.
- L. Acceptance of a ~~RMDMTC~~ Permit constitutes an agreement by the ~~RMDMTC~~ that it will adhere to the practices, policies, and procedures described or submitted with its application, as well as the relevant laws, state and local regulations, and conditions imposed by the Board of Health as part of the permit process.

20.4.2 – Inspections and Compliance of ~~Registered Marijuana Dispensaries~~ Marijuana Treatment Centers

- A. ~~Dispensary Treatment Center~~ Agents must present their Registration Card on request by any Board of Health agent. A violation of this provision constitutes a MINOR violation of these regulations.
- B. Issuance and maintaining a ~~RMDMTC~~ Permit shall be conditioned on the ~~RMDMTC~~ Permit Holder's ongoing consent to periodic, unannounced inspections of the ~~RMDMTC~~ premises by the Board of Health and its designated agents. The applicant also consents to abide by the provisions relating to inspections found in 935 CMR 501.000 ~~105 CMR 725.300~~ and related sections including, but not limited to, "deficiency statements" and "plans of correction." A violation of this provision constitutes a MINOR violation of these regulations.
- C. There must be a designated Business Agent on the premises at all times that the ~~RMDMTC~~ is open for business. A violation of this provision constitutes a MINOR violation of these regulations.
- D. The Board of Health and its designated agents, as well as the Needham Police Department, shall be provided with an updated phone list through which a Business Agent may be reached on a 24-hour basis. A violation of this provision constitutes a MINOR violation of these regulations.
- E. Issuance and maintaining a ~~RMDMTC~~ Permit shall be conditioned on the ~~RMDMTC~~ Permit Holder's ongoing consent to provide the Board of Health with copies of the Registration Cards for all ~~Dispensary Treatment Center~~ Agents working at the ~~RMDMTC~~, and the names of all Business Agents of the ~~RMDMTC~~, and to submit any changes in staffing and registration information within five (5) business days. The notification and information about changes in staffing and registration shall be submitted in either paper copy via courier or certified mail or else electronically in a

verified/e-signed PDF format. A violation of this provision constitutes a MINOR violation of these regulations.

- F. As per, 935 CMR 501.030 (3), ~~The RMDMTC~~ Permit Holder shall submit to the Cannabis Control Commission the Criminal Offender Record Information (CORI) ~~inquiry~~ and a Sex Offender Registry Information (SORI) ~~inquiry~~ on all applicants for the positions of ~~Dispensary Treatment Center~~ Agent and for Business Agents. ~~Such checks shall be conducted in all states in which the applicant has worked or resided within the last ten (10) years.~~ The results of those inquiries shall be submitted reported to the Needham Public Health ~~Division~~department upon request. A violation of this provision constitutes a MINOR violation of these regulations.

Commented [LS2]: Added per Board discussion

- G. Issuance and maintaining a ~~RMDMTC~~ Permit shall be conditioned on the ~~RMDMTC~~ Permit Holder's ongoing consent to provide the Board of Health with updated copies of all ~~RMDMTC~~ documents including copies of staffing plans, training protocols, audit results, security assessments (subject to appropriate redaction), and all other documents. Updated submissions shall be sent to the Board of Health monthly electronically in a verified/e-signed PDF format. A violation of this provision constitutes a MINOR violation of these regulations.
- H. No ~~RMDMTC~~ Permit Holder shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The term "illegality" includes, but is not limited to, any violation of 935 CMR 501.000 ~~105-CMR 725.000~~ and related directives, memoranda or notifications; and any violation of these regulations promulgated by the Board of Health. The Permit Holder shall be responsible for any disorder, disturbance or illegality of any kind whether present or not. A violation of this provision shall be considered may be considered either a MINOR or a MAJOR violation depending upon the severity of the illegality identified.
- I. Failure or refusal of an ~~RMDMTC~~ or Home Permit holder to cooperate with the Board of Health or its agent shall be considered a MAJOR violation of these regulations.

20.4.3 – Records Retention of ~~Registered Marijuana Dispensaries~~ Marijuana Treatment Centers

- A. A ~~RMDMTC~~ Permit Holder shall notify the Needham Public Health Department and the Board of Health verbally and in writing within 24 hours of a visit to the premises or request for information by any representative of ~~DPH-CCC~~ acting in an official capacity. The ~~RMDMTC~~ Permit Holder shall provide the Board with any reports, correspondence, emails or other information from ~~DPH-CCC~~ on demand or, in any case, within five (5) business days after receipt by the ~~RMDMTC~~. A violation of this provision constitutes a MINOR violation of these regulations.

- B. Video surveillance shall conform to the requirements of ~~105 CMR 725~~935 CMR 501.110 (~~Ø5~~) and any other related regulations, directives, ~~memorandums~~memoranda, or notifications from ~~DPH~~CCC. In addition, as conditions of issuing or maintaining its RMDMTC Permit, the Board of Health may require other, reasonable surveillance operations and security (e.g., an off-site backup system). Furthermore, the RMDMTC must allow for immediate viewing of video surveillance by the Board of Health or its designated agents, upon request. A copy of a requested recording shall be provided as soon as practicable to these officials. All video recordings shall be retained for a minimum of 90 days. Furthermore, as soon as the RMDMTC is aware of any recording that might relate to a criminal, civil or administrative investigation or legal proceeding of any kind, the RMDMTC shall not alter or destroy the recording without the written permission of both the Director and the Chief of Police for the Town of Needham. A violation of this provision constitutes a MAJOR violation of these regulations.
- C. Issuance and maintaining a RMDMTC Permit is conditioned on maintaining all records outlined in ~~935 CMR 501.105~~105 CMR 725.105(4) (9) and other ~~DPH~~CCC regulations, directives, ~~memoranda~~a, um and notifications, along with any other documents reasonably required by the Board of Health in writing. Following closure of an RMDMTC, all records must be kept for at least two (2) years at the expense of the RMDMTC and in a form and location acceptable to the Board of Health. Moreover, as a condition of issuing and maintaining a RMDMTC Permit, the Board of Health may reasonably require that the new owner of a RMDMTC retain records generated by the previous RMDMTC at the expense of the new RMDMTC. A violation of this provision constitutes a MINOR violation of these regulations.

20.4.4 – Other Restrictions for ~~Registered Marijuana Dispensaries~~Marijuana Treatment Centers

- A. For RMDMTCs that cultivate marijuana, the cultivation and processing facility shall not adversely affect the health or safety of the nearby residents or businesses by creating dust, glare, heat, noise, nuisance odors, noxious gases, materials, processes, products or wastes. Growing areas shall be within a self-contained, locked structure, with a 1-hour firewall assembly made of green board or other construction specifically approved by the Town's building inspector, well ventilated with odor control, and shall not create humidity or mold issues within the establishment. A violation of this provision constitutes a MAJOR violation of these regulations.
- B. No RMDMTC is permitted to sell or distribute alcoholic beverages or tobacco products and may not hold either a tobacco sales permit or a liquor license. A violation of this provision constitutes a MAJOR violation of these regulations.
- C. No RMDMTC is permitted to hold a Common Victualler license for on-premises food consumption. A violation of this provision constitutes a MAJOR violation of these regulations.

- D. No ~~RMDMTC~~ is permitted to be a Massachusetts lottery dealer or to engage in any gaming activities. A violation of this provision constitutes a MAJOR violation of these regulations.

SECTION 20.5 PLAN REVIEWS OF ~~REGISTERED MARIJUANA DISPENSARIES~~MARIJUANA TREATMENT CENTERS

20.5.1 – Off-Site Cultivation ~~and /MIP Marijuana-Infused Product~~ Preparation Plan Review

An applicant who wishes to sell edible marijuana-infused products (MIPs) at a ~~RMDMTC~~ must, prior to beginning operations, undergo a plan review of any MIP processing and preparation facilities, regardless of their location, for any MIP that will, at some point, be delivered, distributed, produced, sold, or stored within the Town. The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and processing conditions and practices.

20.5.2 – Plan Review for MIP Storage, ~~and Handling, and Labeling~~ at ~~RMDMTC~~ Retail Location

An applicant who wishes to sell edible marijuana-infused products (MIPs) at a ~~RMDMTC~~ must, prior to beginning operations, undergo a plan review of all MIP storage, handling, and sale locations within the ~~RMDMTC~~. The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and storage conditions and practices in line with the requirements outlined in the 105 CMR 590.000, the State Sanitary Code.

The requirements of 105 CMR 590.000 include specific actions to prevent the growth of bacteria. *Clostridium botulinum* is a bacterium whose spores are present on plant material and in soil. Spores are present in many plant material extractions and can survive cooking ~~and~~ ~~/~~pasteurization temperatures. These spores can spontaneously germinate (grow into bacteria) given the right conditions ~~or~~ ~~/~~substrate. The bacteria can produce a powerful toxin which can cause severe illness or death. Specific actions required of a ~~RMDMTC~~ selling MIP are:

- A. Except during preparation, cooking, or cooling, time ~~and~~ ~~/~~temperature control for safety (TCS) items shall be maintained at 5°C (41°F) or less to prevent the growth of bacteria. This shall apply, unless specifically permitted by the Board of Health or its agents, to all:
 - (i) marijuana extractions and concentrates intended for non-smoking oral consumption (i.e., eating, drinking);
 - (ii) infusions made from those extractions, such as infused oils, butters, honey, etc.;
and
 - (iii) foods that have such infusions ~~or~~ ~~/~~extractions as an ingredient.
- B. If a marijuana extraction, concentrate, or infusion has been continuously refrigerated and is then added as an ingredient into baked goods that have a low water activity, such as most cookies and brownies, these baked products may be considered shelf-stable if

explicitly reviewed and permitted by the Board of Health or its agents.

- C. If the extracted marijuana concentrate is immediately infused into a 190/200 proof alcohol with no additional ingredients (including flavorings or other additives) and the tincture is homogenous, then the growth of *C. botulinum* spores may have been prevented. Homogenous 190/200 proof alcohol tinctures may be safe to store outside of refrigerated temperatures if explicitly reviewed and permitted by the Board of Health or its agents.
- D. Approvals for any variance from the safe and sanitary storage requirements outlined above will be based upon:
 - (i) a review of written procedures that are followed to make the product;
 - (ii) the use of control measures described above; and
 - (iii) any other scientific evidence submitted by the manufacturer from a certified laboratory or process authority that demonstrates the safety of the product in question. For example:
 - a) pH and/or water activity testing must be conducted by an accredited laboratory;
 - b) three samples from separate batches must be tested; and
 - c) all samples must meet the criteria for a non-potentially hazardous food as described in Tables A and B of the 2013 *FDA Food Code*.
- E. At any time, the Board of Health or its agents may require a Hazard Analysis and Critical Control Points (HACCP) plan before approving the distribution of MIPs.
- F. Photos or images of food are not allowed on MIP product labels.
- G. All MIP must be contained in an opaque package.
- H. If the MIP is identified on the label using a common food name (i.e. ~~Brownie~~brownie, ~~Honey~~honey, ~~Chocolate~~chocolate, ~~Chocolate~~chocolate ~~Chip~~chip ~~Cookie~~cookie, or ~~Green~~green ~~Tea~~tea), the phrase "MEDICAL MARIJUANA" must be written before the common food name. This phrase must be as easy to read as the common food name (i.e., same font size).
- I. As per 935 CMR 501.105 (6) (b), packaging is explicitly prohibited from
 - a. Imitating or having a semblance to any existing branded consumer products, including foods and beverages, that do not contain marijuana
 - b. Featuring cartoons
 - c. Featuring a design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors
 - d. Featuring symbols or celebrities that are commonly used to market products to minors

e. Featuring images of minors

f. Featuring words that refer to products that are commonly associated with minors or marketed to minors

Commented [LS3]: This section is new for Article 20

H.J. Only generic food names may be used to describe the MIP. As an example, using “Snickerdoodle” to describe a cinnamon cookie is prohibited.

H.K. All MIP labels must state the following:

- (i) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
- (ii) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with ~~105 CMR 725.105(C)(2)~~ 935 CMR 501.105 (5);
- (iii) The manufacture date as well as a “Best by” or “Use by” or expiration date;
- (iv) Net weight of Medical Marijuana and the THC level in the MIP, and the net weight of Medical Marijuana and the THC level contained per dose/serving (if the MIP is not a single serving/dose);
- (v) A list of ingredients as well as the cannabinoid profile of the marijuana contained within the MIP;
- (vi) A warning if nuts or other known allergens are contained in the product;
- (vii) Directions for use of the product if relevant;
- (viii) The statement “For Medical Use Only”; and
- (ix) The statement, including capitalization: “This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN.”

L. Labels and packaging of edible and non-edible products may be reviewed by a Board of Health agent for compliance with all requirements stated above.

Commented [LS4]: This section is brand new.

A violation of any of the provisions of 20.5.2 (A) through (J) shall constitute a MINOR violation of these regulations.

20.5.3 – Plan Review for Safe and Secure Disposal of Waste, Refuse, or Damaged Product

An applicant for a ~~RMDMTC~~ Permit shall develop a plan for the safe and secure storage and disposal of any waste, refuse, or damaged marijuana, MIPs, and related products. Such a plan will be based on the requirements outlined in 935 CMR 501.105 (12) ~~105 CMR 725.105(J)~~ and will be subject to review and approval by the Board of Health and its designated agents prior to the ~~RMDMTC~~ beginning operations.

20.5.4 – Plan Review for Emergencies and Continuity of Operations

In accordance with emergency planning requirements specified in ~~105-CMR-725.105(A)~~⁹⁹³⁵ CMR 105 (1) (i) and similar to the responsibilities outlined in the Risk Management and Continuous Quality Improvement section of the *Guidelines for the Accreditation of Opioid Treatment Programs* which are authorized in 42 CFR 8.12(c), an applicant for a ~~RMDMTC~~ Permit shall develop an emergency management program to ensure the safety of its staff and customers and a mechanism by which to ensure the continuity of its operations (COOP) in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension) which result in the ~~RMDMTC~~ being unable to provide medical marijuana and MIPs to patients with a documented medical need. Such a program shall include:

- A. A detailed emergency operations plan (EOP) and a process by which staff will be trained on that plan and their knowledge of it tested via drills and exercises. The emergency operations plan will:
 - (i) Include a set of contact procedures for staff, customers, and community partners in the event of an emergency;
 - (ii) Specify a process for contacting ~~Dispensary Treatment Center~~ Agents on a 24-hour, 7-day-a-week basis through a telephone answering service or a similar service provider; and
 - (iii) Include protocols for the maintenance of life safety equipment (fire extinguishers and AEDs, for example) and the training of staff on the proper use of the same;
- B. A detailed continuity of operations (COOP) plan for the emergency administration of medication in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension under these regulations) which result in the ~~RMDMTC~~ being unable to provide medical marijuana and MIPs to patients with a documented medical need. This continuity of operations plan will:
 - (i) Include provisions for the notification of patients in the event that inclement weather, man-made emergencies, supply chain disruptions, or discipline under these regulations might result in a temporary disruption to medication supply; and
 - (ii) Include formal contractual arrangements to fulfill patient orders for medical marijuana and MIPs in the face of service disruption; these plans will specify order fulfillment and delivery arrangements with at least two (2) ~~RMDMTCs~~ that are not otherwise affiliated with the applicant for a Needham ~~RMDMTC~~ Permit.

Such a plan will be subject to review and approval by the Board of Health or its designated agents prior to the ~~RMDMTC~~ beginning operations, and at least annually thereafter.

20.5.5 – Safety and Security Plan Review

In accordance with the criteria specified in ~~105-CMR-725~~⁹⁹³⁵ CMR 105.110—the Security Requirements for ~~Registered Marijuana Dispensaries~~Marijuana Treatment Centers—an applicant for a ~~RMDMTC~~ Permit shall develop a comprehensive security plan. Such a plan will be subject to review and approval by the Director, the Chief of Police, and the Fire Chief prior to the ~~RMDMTC~~ beginning operations, and at least semi-annually thereafter.

**SECTION 20.6 MARIJUANA SALES BY REGISTERED MARIJUANA ~~DISPENSARY~~
TREATMENT CENTER**

20.6.1 – No person or organization shall sell marijuana or marijuana-infused products from any location other than at a ~~RMDMTC~~ that possesses a valid ~~RMDMTC~~ Permit. A violation of this provision constitutes a MAJOR violation.

20.6.2 – A sign shall be conspicuously posted on the exterior of the establishment at each entrance to the ~~RMDMTC~~, indicating that the entry to persons who do not possess either a valid Registration Card or a Personal Caregiver Registration Card is prohibited. The sign shall remain unobstructed, secured to the building at a height of no less than four (4) feet or greater than seven (7) feet from the ground, and maintained in good condition. A violation of this provision shall be considered a MAJOR violation.

20.6.3 – ~~Dispensary Treatment Center~~ Agents or organizations shall verify the Registration Card or Personal Caregiver Registration Card of the Card Holder in accordance with the procedures outlined in ~~105 CMR 725935~~ CMR 105.000 and any other directives, ~~memorandums~~ memoranda, or notifications from DPH. In addition, the Registration Card shall be verified for each and every Card Holder or Personal Caregiver, on each and every occasion that he ~~or~~ she enters the ~~RMDMTC~~, without exception. The failure to verify, regardless of the prior history of the Card Holder at the ~~RMDMTC~~, constitutes a MAJOR violation of this regulation.

20.6.4 – All retail sales of marijuana and marijuana-infused products must be face-to-face between the ~~Dispensary Treatment Center~~ Agent and the Card Holder or Personal Caregiver on the premises of the ~~RMDMTC~~, unless the Card Holder or Personal Caregiver is the proper recipient of home delivery in accordance with all applicable ~~DPH-CCC~~ regulations. A violation of this provision constitutes a MAJOR violation of these regulations.

20.6.5 – No person shall:

- A. Distribute, or cause to be distributed, any free samples of marijuana or marijuana-infused products; or
- B. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem, or offer to accept or redeem, through any coupon or other method, any marijuana or marijuana-infused product for less than the listed or non-discounted price; or
- C. Sell marijuana or a marijuana-infused product through any discounts (e.g., “buy-two-get-one-free”) or otherwise provide any marijuana or marijuana-infused product for less than the listed or non-discounted price in exchange for the purchase of any other product.

- D. The provisions of 20.6.5 shall not prohibit dispensing of free or discounted marijuana or marijuana-infused products to card holders whose ability to pay for a product deemed medically necessary is limited by demonstrable financial hardship.
- E. A violation of any of the provisions of 20.6.5(A) through 20.6.5(D) shall constitute a MAJOR violation of these regulations.

20.6.6 – ~~RMDMTCs~~ are prohibited from using self-service displays. A violation of this provision shall be considered a MINOR violation.

20.6.7 – ~~RMDMTCs~~ are prohibited from using vending machines. A violation of this provision shall be considered a MINOR violation.

20.6.8 – ~~RMDMTCs~~ are prohibited from using Non-Residential Roll-Your-Own machines. A violation of this provision shall be considered a MINOR violation.

20.6.9 – A ~~RMDMTC~~ and its ~~Dispensary Treatment Center~~ agents are prohibited, in accordance with restrictions outlined in 935 CMR 501.105 (4) and (6)~~105 CMR 725.105(K) and (L)~~, from providing:

- A. Any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana for any purpose other than to treat debilitating medical condition or related symptoms;
- B. Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of marijuana;
- C. Any statement, design, representation, picture, or illustration related to the safety or efficacy of marijuana unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Board of Health or its agents; or
- D. Any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.
- E. A violation of any of the provisions of 20.6.9(A) through 20.6.9(D) shall constitute a MINOR violation of these regulations.

20.6.10 – A ~~RMDMTC~~, in accordance with restrictions outlined in 935 CMR 501.105 (4) and (6)~~105 CMR 725.105(K) and (L)~~, must adhere to the following Marketing and Advertising Requirements:

- A. An ~~RMDMTC~~ may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of marijuana and marijuana-related

paraphernalia, or colloquial references to cannabis and marijuana. Likewise, a ~~RMDMTC~~ may not offer for sale or as a promotional gift any items which contain symbol of or references to marijuana or MIPs, including the logo of the ~~RMDMTC~~.

Commented [LS5]: The CCC does allow logos on promotional products, including clothing.

- B. An ~~RMDMTC~~ may only identify the ~~MTC~~ building /~~RMDMTC~~ location by the registered name, and shall not display advertisements for marijuana or any brand name nor utilize graphics related to marijuana or paraphernalia on the building.
- C. ~~RMDMTC~~ external signage shall not be illuminated except for a period of 30 minutes before sundown until closing, and shall comply with Article 5 of the Town of Needham By-Laws which regulates signage advertising. Neon signage is prohibited at all times.
- D. No marijuana, MIPs, and other related products shall be visible or displayed in such a way as to be seen from the exterior of a ~~RMDMTC~~. Within the ~~RMDMTC~~, one sample of each marijuana strain and each MIP may be displayed in a transparent and locked case.
- E. Inside the ~~RMDMTC~~, all marijuana which is not displayed in accordance with state and local restrictions (as outlined in ~~105-CMR-725935 CMR 501.105(4)(a)(410)~~ and in Section 20.6.10(D) above) shall be stored in a locked, access-controlled space in a limited access area during non-business hours. This access-controlled space shall be inaccessible to any persons other than ~~dispensary~~ Treatment Center agents.
- F. An ~~RMDMTC~~ shall provide a catalogue or a printed list of the prices and strains of marijuana available at the ~~RMDMTC~~ to registered qualifying patients and personal caregivers upon request; may display a list of product prices within the MTC as long as it is not visible from outside the MTC; and may list product prices on the MTC website; but shall not advertise productthe prices of marijuana.
- G. A violation of any of the provisions of 20.6.10(A) through 20.6.10(F) shall constitute a MINOR violation.
- H. If, during the course of an inspection or compliance check at the ~~RMDMTC~~ Cultivation/Production Site, mold, infestation, or other diseases affecting marijuana plants is observed, then the Board of Health or its Agents may order the segregation and/or destruction of all such plants (as well as surrounding plants) to prevent a threat to the public's health.

Commented [LS6]: Added per BOH discussion

SECTION 20.7 HOME CULTIVATION

20.7.1 – Marijuana cultivation or processing of any kind is prohibited within the town of Needham without a ~~RMDMTC~~ Permit or Home Permit issued by the Needham Board of Health.

20.7.2 – Prior to any home cultivation taking place within the town, even by a qualifying patient

or caregiver under ~~105-CMR-725.000~~935 CMR 501.000, the respective individual must obtain a Home Permit. Cultivation that takes place without a permit is outside the coverage of the medical marijuana program and is subject to prosecution as a crime under Massachusetts General Laws, Chapter 94C.

20.7.3 – A Home Permit shall be granted if the Board of Health determines that:

- A. The applicant does not have access to an ~~RMDMTC~~ by any of:
 - (i) public or private transportation, or
 - (ii) a caregiver with transportation, or
 - (iii) a ~~RMDMTC~~ that will deliver to the applicant or the applicant's caregiver's primary address.

Or that:

- B. The applicant has a verified financial hardship (as defined in ~~105-CMR725.004~~935 CMR 501.002 as enrollment in either MassHealth or Supplemental Security Income, or else that an individual's income does not exceed 300% of the federal poverty level, adjusted for family size) and does not have access to an ~~RMDMTC~~ willing to provide the applicant marijuana at no or an affordable cost.

Applicants who fail to meet the above-described hardship standard will not receive a Home Permit and will be informed, in a written statement, that marijuana cultivation is prohibited in Needham without a ~~RMDMTC~~ Permit or Home Permit, and that any such cultivation is outside the coverage of the medical marijuana program and is subject to prosecution as a crime under Massachusetts General Laws, Chapter 94C.

20.7.4 – Subject to the provisions of Section 20.7.3, the Board of Health may issue a Home Permit authorizing cultivation activities at a specified address within the town, provided that the applicant:

- A. Submits to a pre-approval inspection by the Board of Health or its designated agents, which may include law enforcement officers and fire officials and building inspectors, to ensure that the location specified in the application meets all of the requirements of this regulation; and
- B. Meets all the requirements for home cultivation contained in ~~105-CMR-725.000~~935 CMR 501.000 and any related directives, memorandums or notifications. These include, but are not limited to, an enclosed, locked space, not viewable from a public location, in which cultivation and storage takes place in accordance with public health and safety requirements as determined by the Board; and
- C. Meets all applicable local regulations within the town including, but not limited, fire safety and building code provisions; and

- D. If not the property owner, the applicant has notified the public or private property owner of the specified address, and obtained from that owner consent to any alteration the property's fixtures or structure, including agreement concerning any increased utility costs likely to result from cultivation activities; and
- E. As per MGL Chapter 94I §2, Ggrows only enough marijuana to maintain a sixty (60) day supply, which has been determined by the CCC to be ~~ten (10)~~ up to 12 flowering plants and up to 12 vegetative plantsources by CCCDPH. The Board of Health or the Director may specifically designate the number and type of plants that may be possessed at any time by the applicant in order to meet this standard; and
- F. Submits to reasonable inspections by the Board of Health or its designated agents, which may include law enforcement officers, to ensure compliance with all of the requirements in this regulation; and
- G. Agrees that a Home Permit only allows for the cultivation and processing of marijuana without the use of any fire, heat source, or gas, except for cooking on a conventional stove originally supplied with the dwelling; and
- H. Agrees that a Home Permit does not allow any method for processing marijuana that presents a risk of explosion or other property damage by any means; and
- I. All Home Permits expire on June 30 annually, regardless of the year or day and month on which there were issued.
- J. If the Board of Health determines that the conditions to achieve the hardship standard permitting a Home Permit for marijuana cultivation no longer exist, the Board of Health may, after notice and opportunity to be heard, revoke the Home Permit and disallow cultivation of marijuana in the home setting of the affected person or persons.
- K. A violation of provision 20.7.4 (B), (C), or (D) shall constitute a MINOR violation of these regulations. A violation of provision 20.7.4 (A), (E), (F), (G), or (H) shall constitute a MAJOR violation of these regulations.
- L. If, during the course of an inspection or compliance check at the Home Permit Site, mold, infestation, or other diseases affecting marijuana plants is observed, then the Board of Health or its Agents may order the segregation and/or destruction of all such plants (as well as surrounding plants) to prevent a threat to the public's health.

Commented [LS7]: This is a change. The original language (10 oz) applies to the general population. For medical marijuana it is the number of plants.

SECTION 20.8 VIOLATIONS

20.8.1 – The period of performance for violations of these regulations is three (3) years. MINOR

violations shall be rectified within 72 hours of the violation, and shall be subject to re-inspection following that period. MAJOR violations shall be rectified within 24 hours, and shall be subject to re-inspection following that period.

20.8.2 – In addition to any penalty that may be imposed under the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D and Town of Needham By Laws, the Board of Health may, after a duly noticed hearing at which the ~~RMDMTC~~ or Home Permit holder has had an opportunity to be heard, suspend, modify, or revoke the ~~RMDMTC~~ Permit or Home Permit. The minimum suspension schedule shall be as follows:

- A. In the case of either five (5) or more MINOR violations or in the case of a MAJOR violation the ~~RMDMTC~~ Permit or Home Permit shall be suspended for seven (7) consecutive business days.
- B. In the case of a second MAJOR violation or in the case of ten (10) or more MINOR violations, the ~~RMDMTC~~ Permit or Home Permit shall be suspended for one (1) month.
- C. In the case of a third MAJOR violation or in the case of fifteen (15) or more MINOR violations, the ~~RMDMTC~~ Permit or Home Permit shall be suspended for six (6) months.
- D. In the case of a fourth MAJOR violation or in the case of twenty (20) or more MINOR violations, the ~~RMDMTC~~ Permit or Home Permit shall be suspended for twelve (12) months and may, at the Board of Health's discretion, be permanently revoked.
- E. Refusal to cooperate with the Board of Health or its designated agents is considered a separate violation of these regulations and shall result in the suspension of the ~~RMDMTC~~ Permit or Home Permit for a minimum of ninety (90) consecutive business days. This shall be in addition to any other penalty imposed for other violations observed.
- F. Any ~~RMDMTC~~ Permit Holder or Home Permit Holder who engages in or allows the sale, distribution or cultivation of marijuana or marijuana-infused products while his or her permit is suspended shall be subject to permanent revocation.

20.8.3 – The penalties mentioned in 20.8.2 represent the guidelines for action to be taken by the Board of Health for violations, and do not preclude the licensing authority from taking additional action after a duly noticed hearing at which the ~~RMDMTC~~ Permit or Home Permit holder has an opportunity to be heard.

20.8.4 – If during an inspection or a compliance check, a Board of Health Agent determines a MAJOR violation of these regulations exists or has occurred, the Director may temporarily suspend the ~~RMDMTC~~ Permit or Home Permit for a period not to exceed 96 hours while public notice of a scheduled Board of Health hearing is posted in accordance with the provisions of the Massachusetts Open Meeting Law (M.G.L. c. 30A, §§ 18-25).

20.8.5 – If an RMDMTC permit is suspended, the permit holder shall cease sale and distribution of marijuana or marijuana-infused products, and close and secure the RMDMTC premises to the satisfaction of the Director or his/her agents for the period of the suspension. Additionally, notice of the suspension must be publicly posted on the RMDMTC to the satisfaction of the Director or his/her agents.

20.8.6 – If an RMDMTC permit is revoked, the permit holder shall cease all sale, distribution or cultivation of marijuana or marijuana-infused products, and shall close and secure the RMDMTC premises to the satisfaction of the Director or his/her agents, and the RMDMTC shall submit subject to the approval of the Board or its designated agents, or the Board may order, implementation of a plan for the removal of marijuana and marijuana-infused products and related implements and equipment from the RMDMTC retail establishment. Additionally, notice of the revocation must be publicly posted on the RMDMTC to the satisfaction of the Director or his/her agents.

20.8.7 – In the case of a suspension or revocation of a Home permit, the Board may order that marijuana or marijuana-infused products and related implements and equipment be removed from the specified Home permit location. The method for removal and storage, and the deadline for compliance, may be specified in the Board's order. In the case of a Home permit, the Board may authorize immediate confiscation of all the items previously mentioned prior to, or after, the hearing, provided that any removed items are not damaged prior to the conclusion of all administrative actions and appeals. Removal and storage of live marijuana plants does not obligate the Board to assure the maintenance of the plants during the period of suspension or confiscation.

20.8.8 – In the event that a RMDMTC permit or Home permit is suspended or modified, the Permit holder may be ordered to submit a remediation plan addressing all causes for the suspension or modification and all appropriate changes to business practices and operations. That remediation plan is subject to review and approval by the Board of Health prior to reinstating the permit.

SECTION 20.9 ENFORCEMENT

20.9.1 – Enforcement of this Regulation shall be by the Board of Health and its designated agents.

20.9.2 – Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D and Town of Needham By Laws, or by filing a criminal complaint.

20.9.3 – Each day any violation exists shall be deemed to be a separate offense.

|

20.9.4 – Any resident who desires to register a complaint pursuant to this Regulation may do so by contacting the Board of Health, the Public Health Department, or the Needham Police Department.

SECTION 20.10 SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

SECTION 20.11 EFFECTIVE DATE

This regulation shall take effect upon March 31, 2016. Public hearings and open meetings regarding this regulation were conducted on November 20, 2015, December 16, 2015, January 8, 2016, and February 12, 2016. This regulation was approved by a unanimous vote of the Board of Health on February 12, 2016.

ROBERT T. SMART, JR., ESQ.

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May 20, 2022

Needham Board of Health
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

Re: Article 20, Regulation to Ensure the Sanitary and Safe Operations of Marijuana Treatment Centers and the Sale of Marijuana to Persons With Documented Medical Needs

Dear Members of the Board:

On behalf of Sira Naturals, Inc., operator of a medical marijuana facility at 29-37 Franklin Street, Needham, it is requested that the Board make limited revisions its Article 20 Regulation, which prohibits discounting. The Regulation currently allows discounting for patients with demonstrable financial hardship. It is requested that discounting also be allowed for certain vulnerable and/or needy categories of patients, those being veterans, seniors, employees, HIV/Aids patients, and cancer patients.

Enclosed with this letter is a proposed revised version of the Board's Article 20 Regulation. We accepted the Board's own proposed redlines, to create a clean starting document, and then added our proposed revisions, which are **underlined and bolded**. The proposed revisions are:

1. To add definitions for veterans, seniors, HIV/Aids patients, and cancer patients, in Section 20.3 Definitions.
2. To correct the definition of MTC permit, to comport with the changes already made by the Board to its definition of Marijuana Treatment Center, in Section 20.3, and
3. To add veterans, seniors, employees of a Marijuana Treatment Center, HIV/Aids patients, and cancer patients, to the categories of persons to whom discounts can be offered, in Section 20.6.5(D).

Since the Board's Article 20 Regulation was adopted, the law and regulations applicable to medical marijuana facilities have changed. Pursuant to Chapter 55 of the Acts of 2017, the Massachusetts Department of Public Health regulations were repealed, the Cannabis Control Commission (CCC) was established, and the CCC issued new regulations to implement the 2017 Act, at 935 CMR 501.000 et seq.

The Department of Public Health regulations for medical marijuana prohibited giving away marijuana, or providing samples, except for required programs to provide reduced cost or free marijuana to patients with documented verified financial hardship. 105 CMR 725.105(N)(4), 105 CMR 725.100(A)(6).

The Cannabis Control Commission's regulations relating to discounting have made a distinction between adult or recreational use marijuana facilities, on the one hand, and medical marijuana facilities on the other. Discounting is prohibited for recreational facilities, but it is not prohibited for medical facilities.

The CCC's recreational regulations list of Prohibited Practices includes the following: "Advertising through the marketing of free promotional items including, but not limited to, gifts, giveaways, discounts, points-based reward systems, customer loyalty programs, coupons, and "free" or "donated" marijuana". 935 CMR 500.105(4)(b)(20).

The CCC's medical regulations list of Prohibited Practices does not mention discounts, customer loyalty programs, coupons, and the like. 935 CMR 501.105(4)b). As a result, discounts are a regular practice of most medical marijuana facilities in Massachusetts.

The Needham Board of Health's broad prohibition on discounting does not align with current CCC regulations, nor with the market. Other medical marijuana facilities in the area, such as Garden Remedies in Newton, Ethos Cannabis in Watertown, Revolutionary Clinics in Cambridge and Boston, and Liberty/Holistics Enterprises in Somerville, advertise discounts to all patients routinely, as they are not subject to local regulations prohibiting discounting.

Medical marijuana facilities are not like pharmacies. While most pharmacy patients have insurance to pay for medical products, and have varying levels of co-pays, patients of medical marijuana facilities pay 100% of the cost of their medicines out of pocket. The mandated discounts for patients with verified financial hardship are only available to a small portion of the patients who come to Sira or other nearby medical marijuana facilities. Most of Sira's patients would benefit from the help that discounts would provide.

Allowing discounts for veterans, seniors, HIV/Aids, and cancer patients will help these vulnerable patients, and it will reduce their incentive to acquire their medications on the black market. Allowing discounts to employees will help Sira to attract and retain employees, as competing medical marijuana facilities are allowed to offer this as a benefit.

Sira Naturals, Inc. is pleased by the Board of Health's effort to align its medical marijuana regulations with the changes in applicable state regulations. We believe that the modest discounting authority Sira is requesting is consistent with the state's regulatory approach, and in the interest of public health.

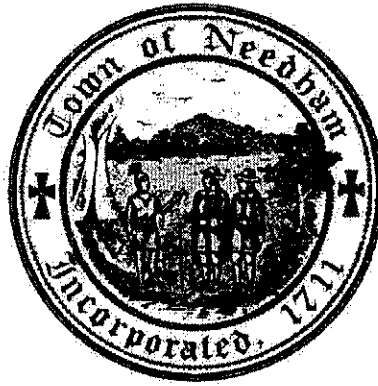
Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "R.T.S.", is positioned above the printed name.

Robert T. Smart, Jr.

Cc: Sira Naturals, Inc.



Board of Health

Edward Cosgrove, PhD
Vice Chair, Board of Health

Stephen Epstein, MD, MPP
Chair, Board of Health

Jane Fogg, MD, MPH
Member, Board of Health

ARTICLE 20 REGULATION TO ENSURE THE SANITARY AND SAFE OPERATIONS OF MARIJUANA TREATMENT CENTERS AND THE SALE OF MARIJUANA TO PERSONS WITH DOCUMENTED MEDICAL NEEDS

SECTION 20.1 AUTHORITY

This regulation is promulgated under the authority granted to the Needham Board of Health under Massachusetts General Laws Chapter 111, Section 31 which states that "boards of health may make reasonable health regulations," and pursuant to Chapter 369 of the Acts of 2012 An Act for the Humanitarian Medical Use of Marijuana ("The Act") and the Cannabis Control Commission Regulation, regulation, 935 CMR 501.000 : MEDICAL USE OF MARIJUANA . The primary purpose of 935 CMR 501.000 is to implement St. 2017, c. 55: An Act to Ensure Safe Access to Marijuana; M.G.L. c.94G and M.G.L. c. 94I

SECTION 20.2 PURPOSE

The primary purpose of this regulation is to provide for local oversight and inspection of Marijuana Treatment Centers (MTCs) and hardship cultivation sites within the town; oversight and inspections will be provided by Needham's Board of Health and its agents to ensure the safe and sanitary operation of any such MTC or hardship cultivation site consistent with public health and safety.

The regulation is intended to ensure that only people with a documented medical need will acquire medical marijuana or marijuana-infused products pursuant to the Act, and that marijuana will not be diverted to individuals without a documented medical need. Since the existence of an MTC or hardship cultivation site present a risk of improper diversion and other collateral consequences within the community, it is necessary to regulate this

activity at the local level.

SECTION 20.3 DEFINITIONS

Unless otherwise indicated, terms used throughout this regulation shall be defined as they are in 935 CMR 501.000.

Board of Health: Town of Needham Board of Health and its designated agents.

Board of Health Agent: The Director of Public Health and any town employee designated by the Director, which may include Public Health Department staff, law enforcement officers, fire officials, and code enforcement officials

Business Agent: A Treatment Center Agent, as also defined in 935 CMR 501.000, who has been designated by the MTC Permit Holder to be a manager in charge of the MTC facility and its operations.

Cancer Patient; a person with a cancer diagnosis from their certifying healthcare provider or treating physician.

Card Holder: A registered qualifying patient, a personal caregiver, or a Treatment Center agent of a MTC who has been issued and possess a valid registration card.

Director: The Director of Public Health.

Treatment Center Agent: A Treatment Center Agent, as also defined in 935 CMR 501.000, is a board member, director, employee, executive, manager, or volunteer of a MTC, who is at least 21 years of age. Employee includes a consultant or contractor who provides on-site services to a MTC related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

HIV/Aids Patient: a person with a diagnosis of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (Aids) from their certifying healthcare provider or treating physician.

Home Permit: Issued by the Board of Health, to be renewed annually, to the holder of a hardship cultivation registration issued by the Cannabis Control Commission (CCC) in 935 CMR 501.000, which registration is for a specific location within the town.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces rolled marijuana products solely for the individual's own personal consumption or use) that is capable of making rolled marijuana products. RYO machines located in private homes used for solely personal consumption

are not Non-Residential RYO machines.

Period of Performance: The time period for which violations of a MTC or Home Permit are counted. For example, a violation that occurs in July 2016 will no longer weigh on the MTC or Home Permit holder's record with the Board of Health after the passage of 36 months from the date of the discipline imposed for that violation. If the Board of Health hearing on the violation occurred on July 31, 2016, then the violation will be outside the period of performance and no longer counted on August 1, 2019.

Marijuana Treatment Center (MTC): A Marijuana Treatment Center is an entity registered under 935 CMR 501.000, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. The term MTC may also refer, in context, to the site(s) of dispensing, cultivation, and preparation of marijuana by an MTC entity.

MTC Permit: A Treatment Center Marijuana Treatment Center Permit, to be renewed annually, which may be issued by the Board of Health to an entity holding a Certificate of Registration issued by the Massachusetts **Cannabis Control Commission** pursuant to 935 CMR 501.000, which permits a MTC to operate within the town.

Self-Service Display: Any display from which customers may select marijuana or a marijuana-infused product without assistance from a Treatment Center.

Senior: A person who is 65 years of age or older.

Town: The Town of Needham, Massachusetts.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes marijuana products.

Verified Financial Hardship: Is an individual's status as a recipient of MassHealth or Supplemental Security Income, or else a determination that an individual's income does not exceed 300% of the federal poverty level when adjusted for family size.

Veteran: A person who served in the active military, naval air, or space service of the United States and who was discharged or released under conditions other than dishonorable.

Violation: A failure to comply with an operational requirement outlined in this regulation. For this regulation, a MINOR violation is a failure to comply with specific regulatory requirements which, while important, do not jeopardize the primary purposes of this regulation. A MAJOR violation is one that has the potential to jeopardize the primary purposes of this regulation, meaning that non-compliance in this area may divert marijuana to individuals without a

documented medical need and/or which may produce significant collateral consequences to community health and safety.

SECTION 20.4 PERMIT TO OPERATE A REGISTERED MARIJUANA TREATMENT CENTER

20.4.1 – Permits for a Marijuana Treatment Centers

- A. No person or organization shall sell or otherwise distribute marijuana or marijuana-infused products within the Town of Needham without first obtaining a MTC Permit. A MTC Permit may only be issued to an entity or person which:
- (i) has a current Certificate of Registration issued by the Cannabis Control Commission (CCC) pursuant to 935 CMR 501.000; and
 - (ii) has a permanent, non-mobile location in Needham approved by the CCC for use as an MTC; and
 - (iii) complies with all applicable zoning requirements.

And which provides satisfactory documentation of compliance with those requirements to the Board of Health.

- B. The applicant shall also submit to the Board of Health a copy of the operating policies and procedures for the MTC which was submitted to CCC pursuant to 935 CMR 501.000 and any other relevant CCC directives, memorandums or notifications.
- C. The applicant shall sign a statement declaring that the applicant understands that, under this local regulation:
- (i) all Treatment Center Agents are responsible for complying with all local and state regulations pertaining to the operation of the MTC. Specifically, a violation of any provision of 935 CMR 501.000 or other applicable state regulations constitutes a violation of this regulation, which may be enforced by the Board of Health; and
 - (ii) the applicant is responsible for providing instruction and training for Treatment Center agents in all applicable local and state regulations; and
 - (iii) the fact that a Treatment Center Agent, vendor, or other person associated with the MTC is unaware of a regulation or lacks understanding of its content, shall not be a defense to any violation; and
 - (iv) the Board of Health and its designated agents may conduct periodic, unannounced inspections of the MTC premises.
- D. The fee for a MTC Permit shall be at the level determined in the Needham Board of Health's Fee Schedule. All MTC Permits expire on June 30 annually, regardless of the year or day and month on which they were issued.
- E. The initial plan review for marijuana-infused product (MIP) production facilities (see section 20.5.1) shall result in a fee at the level determined in the Needham Board of

Health's Fee Schedule. The initial plan review for the safe and sanitary storage of marijuana-infused products in a MTC (see section 20.5.2) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The initial plan review for trash collection and the safe and sanitary disposal of waste (see section 20.5.3) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule. The plan reviews for emergencies and continuity of operations (see section 20.5.4) and for safety and security (see section 20.5.5) shall result in a fee at the level determined in the Needham Board of Health's Fee Schedule.

- F. MTC Permits in good standing may be renewed annually by the Board of Health, at the Board's discretion, based on a completed and satisfactory application, in a form required by the Board, filed by the MTC and payment by the MTC of the annual fee according to the fee schedule.
- (i) Any material changes from the most recent approved operating policies and procedures, or from the plans described in Section E above shall be disclosed in the renewal application, and MTC shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
 - (ii) If a permit has been modified by the Board, the MTC shall demonstrate compliance with any requirements of that modification, to the satisfaction of the Board, as a condition of renewal and shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
 - (iii) If a permit has been suspended by the Board, prior to reinstatement of the permit, the MTC shall provide evidence satisfactory to the Board that it will comply with all requirements of the Board and these regulations, and shall pay the applicable fees for any reviews which the Board deems necessary as a condition of renewal.
 - (iv) If a permit has been revoked by the Board, the MTC permit may be reissued based on a new application, all necessary fees, and a public hearing.
- G. A separate MTC Permit is required for each MTC retail establishment selling marijuana or marijuana-infused products within the Town. A violation of this provision constitutes a MINOR violation of these regulations.
- H. Each MTC Permit shall be displayed at the MTC retail establishment in a conspicuous place. A violation of this provision constitutes a MINOR violation of these regulations.
- I. A MTC Permit is non-transferable. A violation of this provision constitutes a MINOR violation of these regulations.
- J. A MTC Permit will not be renewed if the MTC Permit Holder has failed to pay any outstanding fines or fees or failed to satisfy any other penalties or conditions lawfully imposed by the Town.

- K. A MTC may not open for business before 8:00 A.M. and shall close no later than 8:00 P.M., on each day the MTC is open. Deliveries from, or on behalf of, the MTC that are made to patients must adhere to the same hours. The hours and days of MTC operation must be posted conspicuously on the front entrance door. A violation of this provision constitutes a MINOR violation of these regulations.
- L. Acceptance of a MTC Permit constitutes an agreement by the MTC that it will adhere to the practices, policies, and procedures described or submitted with its application, as well as the relevant laws, state and local regulations, and conditions imposed by the Board of Health as part of the permit process.

20.4.2 – Inspections and Compliance of Marijuana Treatment Centers

- A. Treatment Center Agents must present their Registration Card on request by any Board of Health agent. A violation of this provision constitutes a MINOR violation of these regulations.
- B. Issuance and maintaining a MTC Permit shall be conditioned on the MTC Permit Holder's ongoing consent to periodic, unannounced inspections of the MTC premises by the Board of Health and its designated agents. The applicant also consents to abide by the provisions relating to inspections found in 935 CMR 501.000 and related sections including, but not limited to, "deficiency statements" and "plans of correction." A violation of this provision constitutes a MINOR violation of these regulations.
- C. There must be a designated Business Agent on the premises at all times that the MTC is open for business. A violation of this provision constitutes a MINOR violation of these regulations.
- D. The Board of Health and its designated agents, as well as the Needham Police Department, shall be provided with an updated phone list through which a Business Agent may be reached on a 24-hour basis. A violation of this provision constitutes a MINOR violation of these regulations.
- E. Issuance and maintaining a MTC Permit shall be conditioned on the MTC Permit Holder's ongoing consent to provide the Board of Health with copies of the Registration Cards for all Treatment Center Agents working at the MTC, and the names of all Business Agents of the MTC, and to submit any changes in staffing and registration information within five (5) business days. The notification and information about changes in staffing and registration shall be submitted in either paper copy via courier or certified mail or else electronically in a verified/e-signed PDF format. A violation of this provision constitutes a MINOR violation of these regulations.
- F. As per, 935 CMR 501.030 (3), the MTC Permit Holder shall submit to the Cannabis

Control Commission the Criminal Offender Record Information (CORI) and a Sex Offender Registry Information (SORI) on all applicants for the positions of Treatment Center Agent and for Business Agents. The results of those inquiries shall be submitted to the Needham Public Health Division upon request. A violation of this provision constitutes a MINOR violation of these regulations.

- G. Issuance and maintaining a MTC Permit shall be conditioned on the MTC Permit Holder's ongoing consent to provide the Board of Health with updated copies of all MTC documents including copies of staffing plans, training protocols, audit results, security assessments (subject to appropriate redaction), and all other documents. Updated submissions shall be sent to the Board of Health monthly electronically in a verified/e-signed PDF format. A violation of this provision constitutes a MINOR violation of these regulations.
- H. No MTC Permit Holder shall permit any disorder, disturbance, or illegality of any kind to take place in or on the licensed premises. The term "illegality" includes, but is not limited to, any violation of 935 CMR 501.000 and related directives, memoranda or notifications; and any violation of these regulations promulgated by the Board of Health. The Permit Holder shall be responsible for any disorder, disturbance or illegality of any kind whether present or not. A violation of this provision shall be considered may be considered either a MINOR or a MAJOR violation depending upon the severity of the illegality identified.
- I. Failure or refusal of an MTC or Home Permit holder to cooperate with the Board of Health or its agent shall be considered a MAJOR violation of these regulations.

20.4.3 – Records Retention of Marijuana Treatment Centers

- A. A MTC Permit Holder shall notify the Needham Public Health Department and the Board of Health verbally and in writing within 24 hours of a visit to the premises or request for information by any representative of CCC acting in an official capacity. The MTC Permit Holder shall provide the Board with any reports, correspondence, emails or other information from CCC on demand or, in any case, within five (5) business days after receipt by the MTC. A violation of this provision constitutes a MINOR violation of these regulations.
- B. Video surveillance shall conform to the requirements of 935 CMR 501.110 (5) and any other related regulations, directives, memoranda, or notifications from CCC. In addition, as conditions of issuing or maintaining its MTC Permit, the Board of Health may require other, reasonable surveillance operations and security (e.g., an off-site backup system). Furthermore, the MTC must allow for immediate viewing of video surveillance by the Board of Health or its designated agents, upon request. A copy of a requested recording shall be provided as soon as practicable to these officials. All video recordings shall be

retained for a minimum of 90 days. Furthermore, as soon as the MTC is aware of any recording that might relate to a criminal, civil or administrative investigation or legal proceeding of any kind, the MTC shall not alter or destroy the recording without the written permission of both the Director and the Chief of Police for the Town of Needham. A violation of this provision constitutes a MAJOR violation of these regulations.

- C. Issuance and maintaining a MTC Permit is conditioned on maintaining all records outlined in 935 CMR 501.105 (9) and other CCC regulations, directives, memoranda, and notifications, along with any other documents reasonably required by the Board of Health in writing. Following closure of an MTC, all records must be kept for at least two (2) years at the expense of the MTC and in a form and location acceptable to the Board of Health. Moreover, as a condition of issuing and maintaining a MTC Permit, the Board of Health may reasonably require that the new owner of a MTC retain records generated by the previous MTC at the expense of the new MTC. A violation of this provision constitutes a MINOR violation of these regulations.

20.4.4 – Other Restrictions for Marijuana Treatment Centers

- A. For MTCs that cultivate marijuana, the cultivation and processing facility shall not adversely affect the health or safety of the nearby residents or businesses by creating dust, glare, heat, noise, nuisance odors, noxious gases, materials, processes, products or wastes. Growing areas shall be within a self-contained, locked structure, with a 1-hour firewall assembly made of green board or other construction specifically approved by the Town's building inspector, well ventilated with odor control, and shall not create humidity or mold issues within the establishment. A violation of this provision constitutes a MAJOR violation of these regulations.
- B. No MTC is permitted to sell or distribute alcoholic beverages or tobacco products and may not hold either a tobacco sales permit or a liquor license. A violation of this provision constitutes a MAJOR violation of these regulations.
- C. No MTC is permitted to hold a Common Victualler license for on-premises food consumption. A violation of this provision constitutes a MAJOR violation of these regulations.
- D. No MTC is permitted to be a Massachusetts lottery dealer or to engage in any gaming activities. A violation of this provision constitutes a MAJOR violation of these regulations.

SECTION 20.5

PLAN REVIEWS OF MARIJUANA TREATMENT CENTERS

20.5.1 – Off-Site Cultivation and Marijuana-Infused Product Preparation Plan Review

An applicant who wishes to sell edible marijuana-infused products (MIP) at a MTC must, prior to beginning operations, undergo a plan review of any MIP processing and preparation facilities, regardless of their location, for any MIP that will, at some point, be delivered, distributed, produced, sold, or stored within the Town. The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and processing conditions and practices.

20.5.2 – Plan Review for MIP Storage, Handling, and Labeling at MTC Retail Location

An applicant who wishes to sell edible marijuana-infused products (MIP) at a MTC must, prior to beginning operations, undergo a plan review of all MIP storage, handling, and sale locations within the MTC. The Board of Health and its designated agents will conduct the plan review, which may include a facilities inspection, to ensure sanitary handling and storage conditions and practices in line with the requirements outlined in the 105 CMR 590.000, the State Sanitary Code.

The requirements of 105 CMR 590.000 include specific actions to prevent the growth of bacteria. *Clostridium botulinum* is a bacterium whose spores are present on plant material and in soil. Spores are present in many plant material extractions and can survive cooking and pasteurization temperatures. These spores can spontaneously germinate (grow into bacteria) given the right conditions or substrate. The bacteria can produce a powerful toxin which can cause severe illness or death. Specific actions required of a MTC selling MIP are:

- A. Except during preparation, cooking, or cooling, time and temperature control for safety (TCS) items shall be maintained at 5°C (41°F) or less to prevent the growth of bacteria. This shall apply, unless specifically permitted by the Board of Health or its agents, to all:
 - (i) marijuana extractions and concentrates intended for non-smoking oral consumption (i.e., eating, drinking);
 - (ii) infusions made from those extractions, such as infused oils, butters, honey, etc.; and
 - (iii) foods that have such infusions or extractions as an ingredient.
- B. If a marijuana extraction, concentrate, or infusion has been continuously refrigerated and is then added as an ingredient into baked goods that have a low water activity, such as most cookies and brownies, these baked products may be considered shelf-stable if explicitly reviewed and permitted by the Board of Health or its agents.
- C. If the extracted marijuana concentrate is immediately infused into a 190/200 proof alcohol with no additional ingredients (including flavorings or other additives) and the tincture is homogenous, then the growth of *C. botulinum* spores may have been prevented. Homogenous 190/200 proof alcohol tinctures may be safe to store outside of refrigerated temperatures if explicitly reviewed and permitted by the Board of Health or its agents.

- D. Approvals for any variance from the safe and sanitary storage requirements outlined above will be based upon:
- (i) a review of written procedures that are followed to make the product;
 - (ii) the use of control measures described above; and
 - (iii) any other scientific evidence submitted by the manufacturer from a certified laboratory or process authority that demonstrates the safety of the product in question. For example:
 - a) pH and/or water activity testing must be conducted by an accredited laboratory;
 - b) three samples from separate batches must be tested; and
 - c) all samples must meet the criteria for a non-potentially hazardous food as described in Tables A and B of the 2013 *FDA Food Code*.
- E. At any time, the Board of Health or its agents may require a Hazard Analysis and Critical Control Points (HACCP) plan before approving the distribution of MIPs.
- F. Photos or images of food are not allowed on MIP product labels.
- G. All MIP must be contained in an opaque package.
- H. If the MIP is identified on the label using a common food name (i.e. brownie, honey, chocolate, chocolate chip cookie, or green tea), the phrase "MEDICAL MARIJUANA" must be written before the common food name. This phrase must be as easy to read as the common food name (i.e., same font size).
- I. As per 935 CMR 501.105 (6) (b), packaging is explicitly prohibited from
- a. Imitating or having a semblance to any existing branded consumer products, including foods and beverages, that do not contain marijuana
 - b. Featuring cartoons
 - c. Featuring a design, brand or name that resembles a non-cannabis consumer product of the type that is typically marketed to minors
 - d. Featuring symbols or celebrities that are commonly used to market products to minors
 - e. Featuring images of minors
 - f. Featuring words that refer to products that are commonly associated with minors or marketed to minors
- J. Only generic food names may be used to describe the MIP. As an example, using "Snickerdoodle" to describe a cinnamon cookie is prohibited.
- K. All MIP labels must state the following:
- (i) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;

- (ii) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with 935 CMR 501.105 (5);
- (iii) The manufacture date as well as a "Best by" or "Use by" or expiration date;
- (iv) Net weight of Medical Marijuana and the THC level in the MIP, and the net weight of Medical Marijuana and the THC level contained per dose/serving (if the MIP is not a single serving/dose);
- (v) A list of ingredients as well as the cannabinoid profile of the marijuana contained within the MIP;
- (vi) A warning if nuts or other known allergens are contained in the product;
- (vii) Directions for use of the product if relevant;
- (viii) The statement "For Medical Use Only"; and
- (ix) The statement, including capitalization: "This product has not been analyzed or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN."

- L. Labels and packaging of edible and non-edible products may be reviewed by a Board of Health agent for compliance with all requirements stated above.

A violation of any of the provisions of 20.5.2 (A) through (J) shall constitute a MINOR violation of these regulations.

20.5.3 – Plan Review for Safe and Secure Disposal of Waste, Refuse, or Damaged Product

An applicant for a MTC Permit shall develop a plan for the safe and secure storage and disposal of any waste, refuse, or damaged marijuana, MIPs, and related products. Such a plan will be based on the requirements outlined in 935 CMR 501.105 (12) and will be subject to review and approval by the Board of Health and its designated agents prior to the MTC beginning operations.

20.5.4 – Plan Review for Emergencies and Continuity of Operations

In accordance with emergency planning requirements specified in 935 CMR 105 (1) (j) and similar to the responsibilities outlined in the Risk Management and Continuous Quality Improvement section of the *Guidelines for the Accreditation of Opioid Treatment Programs* which are authorized in 42 CFR 8.12(c), an applicant for a MTC Permit shall develop an emergency management program to ensure the safety of its staff and customers and a mechanism by which to ensure the continuity of its operations (COOP) in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension) which result in the MTC being unable to provide medical marijuana and MIPs to patients with a documented medical need. Such a program shall include:

- A. A detailed emergency operations plan (EOP) and a process by which staff will be trained on that plan and their knowledge of it tested via drills and exercises. The emergency operations plan will:
- (i) Include a set of contact procedures for staff, customers, and community partners in the event of an emergency;
 - (ii) Specify a process for contacting Treatment Center Agents on a 24-hour, 7-day-a-week basis through a telephone answering service or a similar service provider; and
 - (iii) Include protocols for the maintenance of life safety equipment (fire extinguishers and AEDs, for example) and the training of staff on the proper use of the same;
- B. A detailed continuity of operations (COOP) plan for the emergency administration of medication in response to inclement weather, man-made emergencies, supply chain disruptions, or discipline (including permit suspension under these regulations) which result in the MTC being unable to provide medical marijuana and MIPs to patients with a documented medical need. This continuity of operations plan will:
- (i) Include provisions for the notification of patients in the event that inclement weather, man-made emergencies, supply chain disruptions, or discipline under these regulations might result in a temporary disruption to medication supply; and
 - (ii) Include formal contractual arrangements to fulfill patient orders for medical marijuana and MIPs in the face of service disruption; these plans will specify order fulfillment and delivery arrangements with at least two (2) MTCs that are not otherwise affiliated with the applicant for a Needham MTC Permit.

Such a plan will be subject to review and approval by the Board of Health or its designated agents prior to the MTC beginning operations, and at least annually thereafter.

20.5.5 – Safety and Security Plan Review

In accordance with the criteria specified in 935 CMR 105.110—the Security Requirements for Marijuana Treatment Centers—an applicant for a MTC Permit shall develop a comprehensive security plan. Such a plan will be subject to review and approval by the Director, the Chief of Police, and the Fire Chief prior to the MTC beginning operations, and at least semi-annually thereafter.

SECTION 20.6 MARIJUANA SALES BY REGISTERED MARIJUANA TREATMENT CENTER

20.6.1 – No person or organization shall sell marijuana or marijuana-infused products from any location other than at a MTC that possesses a valid MTC Permit. A violation of this provision constitutes a MAJOR violation.

20.6.2 – A sign shall be conspicuously posted on the exterior of the establishment at each entrance to the MTC, indicating that the entry to persons who do not possess either a valid Registration Card or a Personal Caregiver Registration Card is prohibited. The sign shall remain

unobstructed, secured to the building at a height of no less than four (4) feet or greater than seven (7) feet from the ground, and maintained in good condition. A violation of this provision shall be considered a MAJOR violation.

20.6.3 – Treatment Center Agents or organizations shall verify the Registration Card or Personal Caregiver Registration Card of the Card Holder in accordance with the procedures outlined in 935 CMR 105.000 and any other directives, memoranda, or notifications from DPH. In addition, the Registration Card shall be verified for each and every Card Holder or Personal Caregiver, on each and every occasion that he or she enters the MTC, without exception. The failure to verify, regardless of the prior history of the Card Holder at the MTC, constitutes a MAJOR violation of this regulation.

20.6.4 – All retail sales of marijuana and marijuana-infused products must be face-to-face between the Treatment Center Agent and the Card Holder or Personal Caregiver on the premises of the MTC, unless the Card Holder or Personal Caregiver is the proper recipient of home delivery in accordance with all applicable CCC regulations. A violation of this provision constitutes a MAJOR violation of these regulations.

20.6.5 – No person shall:

- A. Distribute, or cause to be distributed, any free samples of marijuana or marijuana-infused products; or
- B. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem, or offer to accept or redeem, through any coupon or other method, any marijuana or marijuana-infused product for less than the listed or non-discounted price; or
- C. Sell marijuana or a marijuana-infused product through any discounts (e.g., “buy-two-get-one-free”) or otherwise provide any marijuana or marijuana-infused product for less than the listed or non-discounted price in exchange for the purchase of any other product.
- D. The provisions of 20.6.5 shall not prohibit dispensing of free or discounted marijuana or marijuana-infused products to card holders (a) whose ability to pay for a product deemed medically necessary is limited by demonstrable financial hardship, (b) veterans, (c) seniors, (d) employees of a Marijuana Treatment Center, (e) HIV/Aids patients, or (f) Cancer patients.
- E. A violation of any of the provisions of 20.6.5(A) through 20.6.5(D) shall constitute a MAJOR violation of these regulations.

20.6.6 – MTCs are prohibited from using self-service displays. A violation of this provision shall be considered a MINOR violation.

20.6.7 – MTCs are prohibited from using vending machines. A violation of this provision shall be considered a MINOR violation.

20.6.8 – MTCs are prohibited from using Non-Residential Roll-Your-Own machines. A violation of this provision shall be considered a MINOR violation.

20.6.9 – A MTC and its Treatment Center agents are prohibited, in accordance with restrictions outlined in 935 CMR 501.105 (4) and (6), from providing:

- A. Any statement, design, representation, picture, or illustration that encourages or represents the use of marijuana for any purpose other than to treat debilitating medical condition or related symptoms;
- B. Any statement, design, representation, picture, or illustration that encourages or represents the recreational use of marijuana;
- C. Any statement, design, representation, picture, or illustration related to the safety or efficacy of marijuana unless supported by substantial evidence or substantial clinical data with reasonable scientific rigor as determined by the Board of Health or its agents; or
- D. Any statement, design, representation, picture, or illustration portraying anyone under 18 years of age.
- E. A violation of any of the provisions of 20.6.9(A) through 20.6.9(D) shall constitute a MINOR violation of these regulations.

20.6.10 – A MTC, in accordance with restrictions outlined in 935 CMR 501.105 (4) and (6), must adhere to the following Marketing and Advertising Requirements:

- A. An MTC may develop and use a logo for labeling, signage, and other materials, but that logo may not contain medical symbols, images of marijuana and marijuana-related paraphernalia, or colloquial references to cannabis and marijuana. Likewise, a MTC may not offer for sale or as a promotional gift any items which contain symbol of or references to marijuana or MIPs, including the logo of the MTC.
- B. An MTC may only identify the MTC building MTC location by the registered name and shall not display advertisements for marijuana or any brand name nor utilize graphics related to marijuana or paraphernalia on the building.
- C. MTC external signage shall not be illuminated except for a period of 30 minutes before sundown until closing and shall comply with Article 5 of the Town of Needham By-Laws which regulates signage advertising. Neon signage is prohibited at all times.

- D. No marijuana, MIPs, and other related products shall be visible or displayed in such a way as to be seen from the exterior of a MTC. Within the MTC, one sample of each marijuana strain and each MIP may be displayed in a transparent and locked case.
- E. Inside the MTC, all marijuana which is not displayed in accordance with state and local restrictions (as outlined in 935 CMR 501.105(4) (a) (4) and in Section 20.6.10(D) above) shall be stored in a locked, access-controlled space in a limited access area during non-business hours. This access-controlled space shall be inaccessible to any persons other than Treatment Center agents.
- F. An MTC shall provide a catalog or a printed list of the prices and strains of marijuana available at the MTC to registered qualifying patients and personal caregivers upon request; may display a list of product prices within the MTC as long as it is not visible from outside the MTC; and may list product prices on the MTC website; but shall not advertise product prices.
- G. A violation of any of the provisions of 20.6.10(A) through 20.6.10(F) shall constitute a MINOR violation.
- H. If, during the course of an inspection or compliance check at the MTC Cultivation/Production Site, mold, infestation, or other diseases affecting marijuana plants is observed, then the Board of Health or its Agents may order the segregation and/or destruction of all such plants (as well as surrounding plants) to prevent a threat to the public's health.

SECTION 20.7 HOME CULTIVATION

20.7.1 – Marijuana cultivation or processing of any kind is prohibited within the town of Needham without a MTC Permit or Home Permit issued by the Needham Board of Health.

20.7.2 – Prior to any home cultivation taking place within the town, even by a qualifying patient or caregiver under 935 CMR 501.000, the respective individual must obtain a Home Permit. Cultivation that takes place without a permit is outside the coverage of the medical marijuana program and is subject to prosecution as a crime under Massachusetts General Laws, Chapter 94C.

20.7.3 – A Home Permit shall be granted if the Board of Health determines that:

- A. The applicant does not have access to an MTC by any of:
 - (i) public or private transportation, or
 - (ii) a caregiver with transportation, or
 - (iii) a MTC that will deliver to the applicant or the applicant's caregiver's primary

address.

Or that:

- B. The applicant has a verified financial hardship (as defined in 935 CMR 501.002 as enrollment in either MassHealth or Supplemental Security Income, or else that an individual's income does not exceed 300% of the federal poverty level, adjusted for family size) and does not have access to an MTC willing to provide the applicant marijuana at no or an affordable cost.

Applicants who fail to meet the above-described hardship standard will not receive a Home Permit and will be informed, in a written statement, that marijuana cultivation is prohibited in Needham without a MTC Permit or Home Permit, and that any such cultivation is outside the coverage of the medical marijuana program and is subject to prosecution as a crime under Massachusetts General Laws, Chapter 94C.

20.7.4 – Subject to the provisions of Section 20.7.3, the Board of Health may issue a Home Permit authorizing cultivation activities at a specified address within the town, provided that the applicant:

- A. Submits to a pre-approval inspection by the Board of Health or its designated agents, which may include law enforcement officers and fire officials and building inspectors, to ensure that the location specified in the application meets all of the requirements of this regulation; and
- B. Meets all the requirements for home cultivation contained in 935 CMR 501.000 and any related directives, memorandums or notifications. These include, but are not limited to, an enclosed, locked space, not viewable from a public location, in which cultivation and storage takes place in accordance with public health and safety requirements as determined by the Board; and
- C. Meets all applicable local regulations within the town including, but not limited, fire safety and building code provisions; and
- D. If not the property owner, the applicant has notified the public or private property owner of the specified address, and obtained from that owner consent to any alteration the property's fixtures or structure, including agreement concerning any increased utility costs likely to result from cultivation activities; and
- E. As per MGL Chapter 94I §2, grows only enough marijuana to maintain a sixty (60) day supply, which has been determined by the CCC to be up to 12 flowering plants and up to 12 vegetative plants by CCC. The Board of Health or the Director may specifically designate the number and type of plants that may be possessed at any time by the applicant in order to meet this standard; and

- F. Submits to reasonable inspections by the Board of Health or its designated agents, which may include law enforcement officers, to ensure compliance with all of the requirements in this regulation; and
- G. Agrees that a Home Permit only allows for the cultivation and processing of marijuana without the use of any fire, heat source, or gas, except for cooking on a conventional stove originally supplied with the dwelling; and
- H. Agrees that a Home Permit does not allow any method for processing marijuana that presents a risk of explosion or other property damage by any means; and
- I. All Home Permits expire on June 30 annually, regardless of the year or day and month on which there were issued.
- J. If the Board of Health determines that the conditions to achieve the hardship standard permitting a Home Permit for marijuana cultivation no longer exist, the Board of Health may, after notice and opportunity to be heard, revoke the Home Permit and disallow cultivation of marijuana in the home setting of the affected person or persons.
- K. A violation of provision 20.7.4 (B), (C), or (D) shall constitute a MINOR violation of these regulations. A violation of provision 20.7.4 (A), (E), (F), (G), or (H) shall constitute a MAJOR violation of these regulations.
- L. If, during the course of an inspection or compliance check at the Home Permit Site, mold, infestation, or other diseases affecting marijuana plants is observed, then the Board of Health or its Agents may order the segregation and/or destruction of all such plants (as well as surrounding plants) to prevent a threat to the public's health.

SECTION 20.8 VIOLATIONS

20.8.1 – The period of performance for violations of these regulations is three (3) years. MINOR violations shall be rectified within 72 hours of the violation and shall be subject to re-inspection following that period. MAJOR violations shall be rectified within 24 hours, and shall be subject to re-inspection following that period.

20.8.2 – In addition to any penalty that may be imposed under the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D and Town of Needham By Laws, the Board of Health may, after a duly noticed hearing at which the MTC or Home Permit holder has had an opportunity to be heard, suspend, modify, or revoke the MTC Permit or Home Permit. The minimum suspension schedule shall be as follows:

- A. In the case of either five (5) or more MINOR violations or in the case of a MAJOR

violation the MTC Permit or Home Permit shall be suspended for seven (7) consecutive business days.

- B. In the case of a second MAJOR violation or in the case of ten (10) or more MINOR violations, the MTC Permit or Home Permit shall be suspended for one (1) month.
- C. In the case of a third MAJOR violation or in the case of fifteen (15) or more MINOR violations, the MTC Permit or Home Permit shall be suspended for six (6) months.
- D. In the case of a fourth MAJOR violation or in the case of twenty (20) or more MINOR violations, the MTC Permit or Home Permit shall be suspended for twelve (12) months and may, at the Board of Health's discretion, be permanently revoked.
- E. Refusal to cooperate with the Board of Health or its designated agents is considered a separate violation of these regulations and shall result in the suspension of the MTC Permit or Home Permit for a minimum of ninety (90) consecutive business days. This shall be in addition to any other penalty imposed for other violations observed.
- F. Any MTC Permit Holder or Home Permit Holder who engages in or allows the sale, distribution or cultivation of marijuana or marijuana-infused products while his or her permit is suspended shall be subject to permanent revocation.

20.8.3 – The penalties mentioned in 20.8.2 represent the guidelines for action to be taken by the Board of Health for violations, and do not preclude the licensing authority from taking additional action after a duly noticed hearing at which the MTC Permit or Home Permit holder has an opportunity to be heard.

20.8.4 – If during an inspection or a compliance check, a Board of Health Agent determines a MAJOR violation of these regulations exists or has occurred, the Director may temporarily suspend the MTC Permit or Home Permit for a period not to exceed 96 hours while public notice of a scheduled Board of Health hearing is posted in accordance with the provisions of the Massachusetts Open Meeting Law (M.G.L. c. 30A, §§ 18-25).

20.8.5 – If an MTC permit is suspended, the permit holder shall cease sale and distribution of marijuana or marijuana-infused products, and close and secure the MTC premises to the satisfaction of the Director or his/her agents for the period of the suspension. Additionally, notice of the suspension must be publicly posted on the MTC to the satisfaction of the Director or his/her agents.

20.8.6 – If an MTC permit is revoked, the permit holder shall cease all sale, distribution or cultivation of marijuana or marijuana-infused products, and shall close and secure the MTC premises to the satisfaction of the Director or his/her agents, and the MTC shall submit subject to the approval of the Board or its designated agents, or the Board may order, implementation of a plan for the removal of marijuana and marijuana-infused products and related implements

and equipment from the MTC retail establishment. Additionally, notice of the revocation must be publicly posted on the MTC to the satisfaction of the Director or his/her agents.

20.8.7 – In the case of a suspension or revocation of a Home permit, the Board may order that marijuana or marijuana-infused products and related implements and equipment be removed from the specified Home permit location. The method for removal and storage, and the deadline for compliance, may be specified in the Board's order. In the case of a Home permit, the Board may authorize immediate confiscation of all the items previously mentioned prior to, or after, the hearing, provided that any removed items are not damaged prior to the conclusion of all administrative actions and appeals. Removal and storage of live marijuana plants does not obligate the Board to assure the maintenance of the plants during the period of suspension or confiscation.

20.8.8 – In the event that a MTC permit or Home permit is suspended or modified, the Permit holder may be ordered to submit a remediation plan addressing all causes for the suspension or modification and all appropriate changes to business practices and operations. That remediation plan is subject to review and approval by the Board of Health prior to reinstating the permit.

SECTION 20.9 ENFORCEMENT

20.9.1 – Enforcement of this Regulation shall be by the Board of Health and its designated agents.

20.9.2 – Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21D and Town of Needham By Laws, or by filing a criminal complaint.

20.9.3 – Each day any violation exists shall be deemed to be a separate offense.

20.9.4 – Any resident who desires to register a complaint pursuant to this Regulation may do so by contacting the Board of Health, the Public Health Department, or the Needham Police Department.

SECTION 20.10 SEVERABILITY

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

SECTION 20.11 EFFECTIVE DATE

This regulation shall take effect upon March 31, 2016. Public hearings and open meetings regarding this regulation were conducted on November 20, 2015, December 16, 2015, January 8, 2016, and February 12, 2016. This regulation was approved by a unanimous vote of the Board of Health on February 12, 2016.

DRAFT



**Board of Health
TOWN OF NEEDHAM
AGENDA FACT SHEET**



MEETING DATE: 5/24/2022

Agenda Item	Follow-up from Rice Barn Hearing on April 25 and Continued Discussion of Restaurant Non-Compliance
Presenter	Timothy McDonald, Director of Health & Human Services Tara Gurge, Assistant Public Health Director Ally Littlefield, Environmental Health Agent

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The Board of Health and the Public Health Division staff members will discuss the results of the April 25 th hearing and the ongoing Food Code compliance challenges from the Rice Barn restaurant.
2.	VOTE REQUIRED BY BOARD OF HEALTH
	Vote is not required.
3.	BACK UP INFORMATION:
	Rice Barn Packet for Board of Health_5.24.2022 (same as the April 25 th hearing), Online Order Receipts and documentation of non-compliance, legal documents



NEEDHAM PUBLIC HEALTH



Memorandum

To: Needham Board of Health
From: Tara Gurge, Assistant Public Health Director
Ally Littlefield, Environmental Health Agent
CC: Timothy McDonald, Director of Health & Human Services
Christopher Heep, Esq., Town Counsel
Date: April 20, 2022
Re: Emergency Closure and Summary Suspension of Food Service Establishment
Operating Permit of the Rice Barn restaurant

Following an inspection of the Rice Barn restaurant conducted on Saturday April 16, 2022 by Ms. Ally Littlefield and Ms. Monica Pancare, Environmental Health Agents of the Needham Public Health Division, an extremely unsatisfactory inspection report was filed by Ms. Littlefield and Ms. Pancare. During the course of their inspection, they found four priority violations of the food code, along with seven priority foundation violations and a further nine core violations. Further a number of the violations were repeat offenses that had not been corrected despite being noted on previous Public Health Division inspections and in a consultant's operational audit report.

Based upon the number and degree of the violations present at the Rice Barn restaurant, Ms. Littlefield and Ms. Pancare recommended the immediate closure of the Rice Barn restaurant. Finding that the Rice Barn restaurant represented an imminent health hazard due to serious and repeated violations of 105 CMR 590.000¹, Ms. Gurge, acting on behalf of the Needham Board of Health and with its designated authority to "examine all nuisances, sources of filth and causes of sickness"² and to act for the destruction, removal, or prevention of the same, did order the emergency closure of the Rice Barn restaurant and the summary suspension of its Food Service Establishment Operating Permit with immediate effect. This emergency closure order and summary suspension of food service establishment operating permit was issued in compliance with all the conditions and criteria specified in 105 CMR 590.014(A).

As part of the terms specified in 105 CMR 590.014(A), the permit holder may request a hearing before the Board of Health within 10 days of receipt of the order. If requested in writing, the Board must schedule a hearing within three business days at which the permit holder may provide testimony and may present evidence as to why the order should be modified or withdrawn. The owner of the Rice Barn restaurant, Mr. Chalernpol Intha, did file a request for a hearing in writing on April 20, 2022, the same day he received the closure order. Thus a hearing must be

¹ 105 CMR 590.00: State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments available at: <https://www.mass.gov/regulations/105-CMR-59000-state-sanitary-code-chapter-x-minimum-sanitation-standards-for-food-establishments>

² M.G.L. ch. 111, s. 122, available at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section122>



NEEDHAM PUBLIC HEALTH



scheduled within three business days, which means on or before midnight on Monday April 25, 2022. Mr. McDonald will contact the Board of Health to schedule the hearing.

* * * * *

Upon reviewing the full record of inspection reports, pest control reports, cleaning logs, corrective action plans, consultant audits, and Memoranda of Understanding (MOUs), Ms. Gurge and Mr. McDonald found a troubling pattern of food code violations, poor staff training, high staff turnover, and a general lack of managerial control over the restaurant and its operations. In the view of Ms. Gurge and Mr. McDonald, the ownership and management team of the Rice Barn has repeatedly demonstrated their collective inability to sustain a safe and sanitary food establishment.

Collaborating with restaurants to improve their safe and sanitary operations remains a top priority of the Needham Public Health Division. However, Needham Public Health staff members have not seen sufficient improvement in the Rice Barn's food safety policies and procedures, despite exhaustive efforts to educate Mr. Intha and his staff over the past four-plus years. While we will await the outcome of the hearing where Mr. Intha will challenge the Emergency Closure and Summary Suspension Order, it is the belief of the staff of the Needham Public Health Division that a permanent revocation of the Rice Barn's operating permit is warranted. That belief, which has not yet been incorporated into an Order Letter, is based on a significant record which is outlined in a series of attached documents.

Attached to this memo is a copy of the Emergency Closure and Summary Suspension Order letter and a summary PowerPoint presentation, along with a series of inspection reports, corrective actions plans, and MOUs. Of particular note are the following:

- On the week of September 18th, 2019 two separate [foodborne illness complaints](#) against the Rice Barn were reported to Environmental Health Agent, Ms. Diana Acosta. In response, an administrative hearing was held with Mr. McDonald, Ms. Gurge, Ms. Acosta, Ms. Tiffany Zike, Mr. Intha, and two Rice Barn staff members.
- Per the Public Health Division's requirements, Mr. Intha [contracted](#) with Mojin Solutions LLC food safety consultant, Maureen Lee from September 30th, 2019 to July 17th, 2020. A total of [12 audits](#) were completed, along with on-going, comprehensive food safety trainings for all staff members. While audits documented improvements in food safety practices and procedures, food safety inspection officers have continued to find priority and priority foundation violations at nearly all [routine inspections](#).
- On November 22, 2021 a [Memorandum of Understanding \(MOU\)](#) was drafted by Ms. Gurge and Ms. Acosta, and signed by Mr. Intha in response to ongoing priority violations found by inspector Ms. Pancare. For renewal of the Rice Barn's January food permit, conditions of the MOU had to be met. Due to minor improvement and Mr. Intha's plea for more time to sufficiently train his staff, the Needham Public Health Division revised the current MOU and required Mr. Intha to re-hire Mojin Solutions LLC. Despite



NEEDHAM PUBLIC HEALTH



multiple extensions, the MOU conditions have still not met, as evidenced by [recent audits](#) completed by Ms. Maureen Lee, and routine inspection reports.

- A [final inspection](#) was conducted by Environmental Health Agents Ms. Monica Pancare and myself on Saturday, April 16th, 2022, which revealed a total of 20 violations. Small improvements were observed, however, many high severity items noted in previous reports and the updated MOU remained uncorrected.

Please let me know if you have questions or concerns, or if I may provide additional information. Thank you for reviewing this information.

Sincerely,

Ally Littlefield, M.S.
Environmental Health Agent

Tara E. Gurge, R.S., C.E.H.T, M.S.
Assistant Director of Public Health



NEEDHAM PUBLIC HEALTH DIVISION



Certified Mail #7016 3010 0001 0243 3094

Return Receipt Requested

SUMMARY SUSPENSION ORDER M.G.L. c.111, §30 and 105 CMR 590.014(C)

Mr. Chalernpol Intha, Owner of the Rice Barn Restaurant
72 Manchester Road
Newton, MA 02461

The Needham Board of Health's authorized agents have determined that an imminent health hazard exists at The Rice Barn restaurant located at 1037 Great Plain Avenue, Needham, MA 02492, and that the imminent health hazard requires the immediate suspension of the food establishment operating permit.

The repeated violations of the *2013 Federal Food Code*¹ and *105 CMR 590- State Sanitary Code Chapter X - Minimum Sanitation Standards for Food Establishments*² that lead to this determination of an imminent health hazard are:

- **FC 2-103.11 (N) Duties of Person in Charge** - The person in charge shall ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.
- **FC 3-302.11 (A)(1) Raw Animal Foods Separated from RTE** - Food shall be protected from cross-contamination by: (1) Separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables, and (b) cooked RTE food.
- **FC 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking** - Time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days.
- **FC 5-205.15 System Maintained in Good Repair** - A plumbing system shall be: (A) Repaired according to LAW; P and (B) Maintained in good repair.
- **FC 4-501.12 Cutting Surfaces** - Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.
- **FC 5-501.13 Receptacles** - (A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent. 167 numbers and capacities.

¹ Available at: <https://www.fda.gov/food/fda-food-code/food-code-2013>

² Available at: <https://www.mass.gov/regulations/105-CMR-59000-state-sanitary-code-chapter-x-minimum-sanitation-standards-for-food-establishments>

- **FC 6-501.114 Maintaining Premises, Unnecessary Items and Litter** -The premises shall be free of: (A) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and (B) Litter.
- **FC 4-601.11 Equipment, Food-Contact Surfaces, Nonfood Contact Surfaces, and Utensils** - (C) nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.
- **6-501.111 Controlling Pest.** The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: (B) Routinely inspecting the PREMISES for evidence of pests and (D) Eliminating harborage conditions.

Based on the foregoing, it is hereby **ORDERED** that all operations of The Rice Barn shall **immediately cease and desist on April 20, 2022**. This emergency closure shall remain in effect until the conditions cited above are corrected, and the corrections have been confirmed by the Board of Health or its authorized agent through reinspection or other means as appropriate.

You have the right to challenge this emergency order at a hearing before the Board of Health, provided you file a written request for a hearing within ten (10) days of receipt of this Summary Suspension Order. In the event of such a request, a hearing will be scheduled within three (3) business days after receipt of a written request. You also have the right to inspect and obtain copies of all relevant inspection reports, orders, notices, and other documentary information in the possession of the Needham Public Health Division and Board of Health. You have the right to be represented at any hearing.

If you wish to request a hearing, a written request should be delivered to:

Ms. Tara Gurge, Assistant Public Health Director
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

As stated above, this Summary Suspension Order is effective immediately; a written request for a hearing **does not** stay the effectiveness of this Order.

Please feel free to contact the Public Health Division if you have any additional questions on what was stated in this emergency order letter. Tara Gurge can be reached at (781) 455-7940; Ext. 211 or via email Tgurge@needhamma.gov. You can also contact Ally Littlefield at (781) 455-7940; Ext. 220 or via email at Alittlefield@needhamma.gov.

Issued this 20th day of April, 2022.



Tara E. Gurge, R.S., C.E.H.T., M.S.
Assistant Public Health Director

cc: Timothy McDonald, Director of Health and Human Services
Needham Board of Health

Christopher Heep, Needham Town Counsel
Ally Littlefield, Environmental Health Agent
Monica Pancare, Environmental Health Agent



Rice Barn History

1037 Great Plain Ave,
Needham, MA

Timeline

9/25/19 Two separate foodborne illness complaints prompted an administrative hearing

9/30/19 Per Public Health Division requirements, a food safety consultant contract was signed (Ms. Maureen Lee; Mojin Solutions)

7/17/20 A total of 12 audits completed by Ms. Maureen Lee, noticeable improvement, training ceased

1/1/22 Certain MOU conditions not met. Due to weekly cleaning logs, improvement noted in cleaning and less pest activity observed. Permit renewed for one month while re-assess.

11/22/21 MOU drafted and signed. Conditions put in place in order to monitor progress to have permit renewed in January.

10/16/21 Food inspector Ms. Monica Pancare observed 17 violations (routine inspection). Re-inspection scheduled, plan of action discussed

1/25/22 MOU revised for 60 day permit. MUST continue weekly logs and pest control service. Must begin working with Ms. Maureen Lee to re-train staff and conduct additional audit inspections to remain open.

3/29/22 60 days up, decision must be made. MOU CONDITIONS STILL NOT MET (still have insufficiently trained staff.) Keeping up with weekly cleaning logs and weekly pest service schedules, however one pest service was not completed.

4/1/22 Extended one last time due to owners' plea to give additional time for 3 staff to get ServSafe Certified, and Food Allergy trained, and will allow to remain open as long as they continue to work with Ms. Maureen Lee.

Most Recent Inspection Violations – 4/16/2022

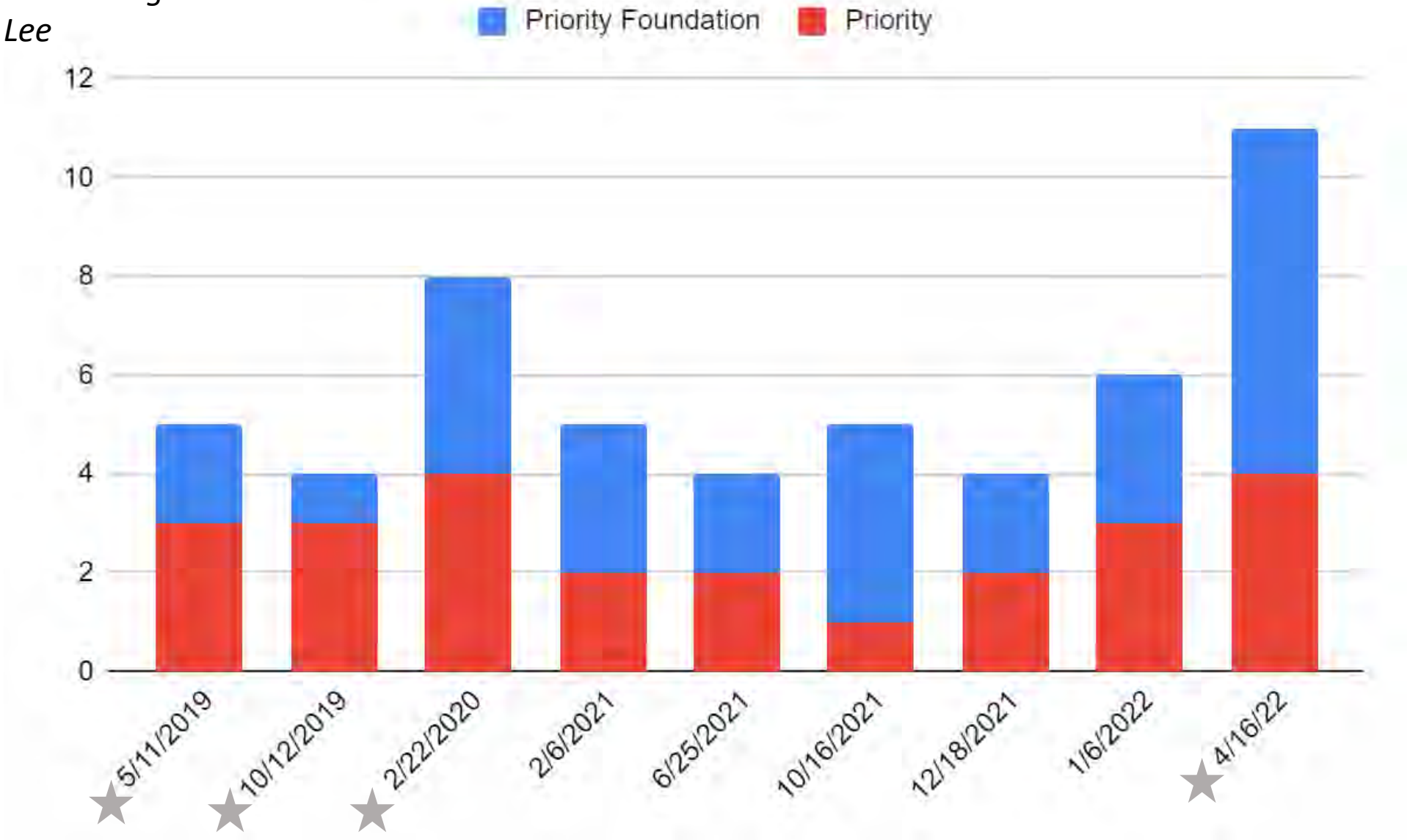
The most recent inspection conducted by Ms. Monica Pancare and Ms. Ally Littlefield revealed 4 priority violations, 7 priority foundation violations, and 9 core violations.

FOOD ESTABLISHMENT INSPECTION REPORT R-10									
Inspection Number	Date	Time In/Out	Inspection Type	Client Type	Inspector				
3422D	4/16/22	1:14 PM 5:45 PM	Routine	Food Service	M.Pancare				
Permit Number	Risk	Variance	Violation Summary:			Priority	Pf	Core	Repeat
						4	7	9	2
Foodborne Illness Risk Factors and Public Health Interventions									
IN = in compliance OUT = out of compliance N/O = not observed NA = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow									
Supervision					Protection from Contamination (Cont'd)				
1. PIC present, demonstrates knowledge, and performs duties					15. Food separated and protected				
2. Certified Food Protection Manager					16. Food-contact surfaces, cleaned & sanitized				
3. Management, food employee and conditional employee knowledge, responsibilities and reporting					17. Proper disposition of returned, previously served,				
4. Proper use of restriction and exclusion					Time/Temperature Control for Safety				
5. Procedures for responding to vomiting and diarrheal events					18. Proper cooking time & temperatures				
Good Hygienic Practices					19. Proper reheating procedures for hot holding				
6. Proper eating, tasting, drinking, or tobacco use					20. Proper cooling time and temperature				
7. No discharge from eyes, nose, and mouth					21. Proper hot holding temperatures				
Preventing Contamination by Hands					22. Proper cold holding temperatures				
8. Hands clean & properly washed					23. Proper date marking and disposition				
9. No bare hand contact with RTE food or a pre-approved					24. Time as a Public Health Control, procedures & records				
10. Adequate handwashing sinks supplied and accessible					Consumer Advisory				
Approved Source					25. Consumer advisory provided for raw/undercooked food				
11. Food obtained from approved source					26. Pasteurized foods used; prohibited foods not offered				
12. Food received at proper temperature					Food/Color Additives and Toxic Substances				
13. Food in good condition, safe & unadulterated					27. Food additives: approved & properly used				
14. Required records available: shellstock tags, parasite					28. Toxic substances properly identified, stored & used				
Repeat Violations Highlighted in Yellow					Conformance with Approved Procedures				
29. Compliance with variance/specialized process/HACCP					Good Retail Practices				
Safe Food and Water					Proper Use of Utensils				
30. Pasteurized eggs used where required					43. In-use utensils: properly stored				
31. Water & ice from approved source					44. Utensils, equip. & items: properly stored, dried & handled				
32. Variance obtained for specialized processing methods					45. Single-use/single-service articles: properly stored & used				
Food Temperature Control					46. Gloves used properly				
33. Proper cooling methods used; adequate equip. for temp.					Utensils, Equipment and Vending				
34. Plant food properly cooked for hot holding					47. All contact surfaces cleanable, properly designed,				
35. Approved thawing methods used					48. Warewashing facilities: installed, maintained & used; test				
36. Thermometers provided & accurate					49. Non-food contact surfaces clean				
Food Identification					Physical Facilities				
37. Food properly labeled; original container					50. Hot & cold water available; adequate pressure				
Prevention of Food Contamination					51. Plumbing installed; proper backflow devices				
					52. Sinks & utensils under permanent disposal				

Documented Violations on Routine Inspections 2019-2022



★ = timeframe working with
Maureen Lee



Last Modified Memorandum of Understanding

Updated on 1/25/2022

Items Added to Original Document

1. Must add exterior service to current pest control plan. An updated pest control contract must be submitted to the Public Health Division.
2. All refrigerated ready-to-eat and Time/Temperature Control for Safety (TCS) foods must be properly datemarked.
3. On-going violations must be corrected immediately. Ex. Clutter in basement must be cleared, items must be stored properly at proper temperatures, etc.
4. ***Must work with a third-party food consultant.***



Needham Public Health Division
178 Rosemary Street, Needham, MA 02494 781-455-7940ext. 504
www.needhamma.gov/health 781-455-7922 (fax)



MODIFIED MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU" or "Memorandum") is entered into on November 22, 2021 (the "Effective Date"), by and between Needham Public Health Division located at 178 Rosemary St, Needham Heights, Massachusetts 02494 (the "First Party"), and The Rice Barn located at 1037 Great Plain Ave, Needham, Massachusetts 02492 (the "Second Party"). First Party and Second Party may be referred to individually as the "Party", or collectively, the "Parties". **This agreement was updated on January 25, 2022.**

1. PURPOSE AND SCOPE

The Parties intend for this Memorandum to provide the cornerstone and structure for any and all future contracts being considered by the Parties, and which may be related to the scope of compliance with state and federal food codes.

2. OBJECTIVES

The Rice Barn shall endeavor to work to develop and establish policies and procedures that will promote and sustain a safe and sanitary Food Establishment which adheres to the 2013 Federal Food Code and 105 CMR 590.00: State sanitary code chapter X: Minimum sanitation standards for food establishments and intend to maintain a product and/or service that meets or exceeds all business and industry standards.

3. RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES

A commitment by Rice Barn with respect to correct the violations described in all previous inspection all reports will result only from execution of definitive agreements, subject to the conditions contained therein.

Needham Public Health Division shall render and provide the following services that include, but are not limited to:

- The Needham Public Health Division and any other parties hired by the Public Health Division will continue to conduct check-ins, at random, to ensure safe and sanitary conditions are being maintained. Any logs can and will be spot checked to ensure compliance.
- Follow up inspections will have a charge of \$125 each. This fee will be added to the renewal fee for the 2022 Food Establishment Permit.

The Rice Barn shall render and provide the following services that include, but are not limited to:

- There must be at **least two trained staff** who hold a Food Protection Manager and Food Allergy Training certificates by **January 1, 2022**. **A Food Protection Manager must be on site at all hours that the establishment is open. This is in addition to the owner**, who already has a ServSafe food training certificate.
- New hires must have food safety training. They must be trained in maintaining the establishment's temperature and cleaning logs. Daily refrigerator temperature logs are required

Memorandum of Understanding Status

Item 1: There must be at least two trained staff who hold a Food Protection Manager and Food Allergy Training certificates by January 1st, 2022. A Food Protection Manager must be on site at all hours that the establishment is open. This is in addition to the owner, who already has a ServSafe food training certificate.



The Rice Barn Staff Certification Status

Ms. Jackie Pierce *Server -Pending*

Mr. Patcharee Puangposob *Chef - Certified*

Mr. Chalernpol (Charles) Intha *Owner/Manager - Certified*

Mr. Andy Zhang *Cook - Pending*

Mr. Luis Marroguin *Cook -Pending*

Mr. Manuel *Chef - Pending*

STATUS: PENDING

Memorandum of Understanding Status

Item 4: Pest control to be performed in all areas of the food establishment both interior and exterior weekly by a licensed pest control operator. All weekly reports must be submitted to the Needham Public Health Division. Any holes or gaps identified in the reports must be repaired as soon as possible. If it cannot be immediately addressed, continued monitoring of holes and gaps must be part of the building envelope maintenance protocols.

STATUS: PENDING



Lapse in Service and Urgent Pest Recommendations Not Addressed

Mr. Chalernpol Intha had one week where there was a lapse in pest services.

Public Health Division staff members have concerns that Mr. Chalernpol Intha has inconsistent pest control services. Whether the result of financial challenges, disorganization, or other reasons, the lack of consistent pest control services is an ongoing challenge and makes it difficult for Mr. Chalernpol Intha to run a food service establishment in a safe and hygienic manner.

On the latest pest control report (3-1-2022), Ehrlich, noted two areas with gaps that need to be filled, which have not been addressed. In addition, there are cleaning suggestions that also require Mr. Chalernpol Intha's attention.

Memorandum of Understanding Status

Item 5: Ownership and staff of The Rice Barn restaurant is on a strict and frequent cleaning protocol. Cleaning logs must be filled out daily by staff and submitted to the Health Division on a weekly basis (does not have to be daily). Ware washing sinks, and sanitizer for storage of wiping cloths must be used. All required thermometers and test strips must be readily available, and staff must be trained in proper use. The restaurant must be maintained and free of excessive food debris and grease buildup on and under any equipment.



Last Audit (3/31/22): Cleaning Violations Observed

The last audit revealed three items that do not meet the requirement for maintaining a clean and sanitary restaurant. These include soiled kitchen refrigeration units (both interior and exterior), cutting board surfaces in poor condition, and surfaces identified that need to be renovated so they're commercial grade, smooth, non-porous and easily cleanable.

Last Inspection (4/16/22)

The last inspection revealed all three items listed above have not been corrected. Most surfaces in the kitchen were observed soiled.

STATUS: NOT MET

Memorandum of Understanding Status

Item 7: All refrigerated ready-to-eat and Time/Temperature Control for Safety (TCS) foods must be properly date marked. The preparation date is Day 1. Foods can only be kept for a maximum of 7 days.



Last Audit (3/31/22): Date Marking Violation Observed

The last audit revealed several items in the 2-door reach-in refrigeration unit without date-marking.

Last Inspection (4/16/22)

The last inspection revealed a few items not date-marked. All items were observed incorrectly labeled (did not include name of food).

STATUS: NOT MET

Memorandum of Understanding Status

Item 8: On-going violations must be corrected immediately. Ex. clutter in basement must be cleared, items must be stored properly at proper temperatures, etc. Refer to past reports emailed.



Last Audit (3/31/22): Observed Repeat Violations

Repeat violations were discovered in the most recent audit. These included unnecessary clutter and soiled equipment found in the basement, and the improper storage of raw beef and chicken, posing threat to cross-contamination of raw animal products.

Last Inspection (4/16/22)

The last inspection revealed that soiled equipment was not removed from basement or cleaned. Improper storage of raw beef and chicken was observed again. Physical facilities were not maintained and cleaned properly. Signs of pest activity was observed (dead mouse and rodent feces).

STATUS: NOT MET

Documented Complaints



September 2019: Two foodborne illness complaints were received from two separate parties who ate at Rice Barn on the same day. A follow up site inspection was conducted. Temperatures were found in range. There was concern with how Pad Thai noodles are prepared as they are left out soaking in room temperature water, but it is not clear how long they stay like this before they are cooked. There was a discussion with the manager emphasizing the importance of allergy awareness and how to prepare/serve meals for those affected. This prompted an administrative hearing with Ms. Tara Gurge, Ms. Tiffany Zike, Diana Acosta, Tim McDonald, Mr. Charles Intha, and two other staff members.

March 2020: Customer reported seeing mice droppings along the windowsill. Inspector Diana Acosta observed them in-person and required them to clean them up and call pest control ASAP.

March 2022: A customer reported they had a reaction to an ingredient in their soup that had gluten in it. The customer told the server that they need gluten free as they have Celiac disease. Maureen Lee educated staff on ingredients and sub-ingredients. Charles realized they are not able to accommodate gluten free requests at this time.

Repeat Violations Observed in 2019-2022

IMPROPER FOOD STORAGE



10/12/2019



10/16/2021

SOILED EQUIPMENT/FOOD CONTACT SURFACES



5/11/2019



10/16/2021

Repeat Violations Observed in 2019-2022

UNNESSECARY CLUTTER (BASEMENT)



5/11/2019



12/18/2021



1/6/2022

Repeat Violations Observed in 2019-2022

IMPROPER COOLING



5/11/2019



1/6/2022

IMPROPER USE/SOILED WIPING CLOTHES



5/11/2019



1/6/2022

These photos are from 5 routine inspection reports.

Conclusion

- Our inspectors have found inconsistent minimal improvement over time regarding the frequency of priority and priority foundation violations, even with extensive ongoing training.
- There are 5 MOU items that are still not met, despite multiple extensions.
- As evidenced by our routine inspection reports, ongoing, repeat violations can be seen from 2019-2022. Several repeat violations were also seen at the most recent inspection, conducted on Saturday, April 16th.
- Our food inspection team feel that we have exhausted all efforts to allow this restaurant to continue to remain open to the public due to the ongoing lack of sufficiently trained staff and the ongoing food safety violations observed.



INSPECTION LIST DETAILED

R-39

Date
4/6/2022

Page Number
1

Inspection Violations List									
Date	Company / Address	Number	Inspector	Time in/Out	Pr	Violations		Total	Notes
						Pf	Core		
11/19/201	The Rice Barn	2F0138		11:56					Hood was inspected August 29, 2018. Another staff member will be trained with ServSafe. Dirty equipment that is not being used in basement
Routine	1037 Great Plain Ave	Diana							
12/05/201	The Rice Barn	DC6C6		12:34					Follow up from 11/19/18. Went over dumpster issue. New hot water heater was installed. The handwash sink next to prep area in kitchen was unblocked but
Re-	1037 Great Plain Ave	Diana							
05/11/201	The Rice Barn	60944		4:14					Owner arrived 3:15pm
Routine	1037 Great Plain Ave	Monica Pancare		4:10	3	2	12	17	Chalermopol Intha- ServeSafe certified Physical review with PIC including the basement and storage
09/23/201	The Rice Barn	1C016		12:04					Complaint received by Donna on sept. 18.
Illness	1037 Great Plain Ave	D.Acosta		12:39	0	0	0	0	Complainant said they are gluten free pad Thai on sent 14 and 17th and was sick both times. Came in
10/12/201	The Rice Barn	670A2		4:33					Hood sticker October 2019
Routine	1037 Great Plain Ave	M.Pancare		6:00	3	1	6	10	Grease trap 9/27/19 Basement needs immediate attention
02/22/202	The Rice Barn	67E29		5:08					Upon arrival no employees were wearing gloves
Routine	1037 Great Plain Ave	M.Pancare		7:42	4	4	17	25	Improper thawing in warewashing sink which was soiled
03/06/202	The Rice Barn	E36E7		2:06					Complaint called in at 1:52 pm. Customer reported just leaving The Rice Barn and reported seeing
General	1037 Great Plain Ave	D.Acosta		2:35	0	0	3	3	rodent droppings on windowsill
03/13/202	The Rice Barn	CC4BD		3:08					Allergy statement is added as an insert to the menu.
Re-	1037 Great Plain Ave	D.Acosta		4:31	0	1	1	2	Will send information on allergy statement.
02/06/202	The Rice Barn	1F1B8		4:21					Hood cleaning compliant
Routine	1037 Great Plain Ave	M.Pancare		6:21	2	3	5	10	Dishmachine 50ppm chlorine Greasetrap 12/14/20
06/25/202	The Rice Barn	068D1		8:22					Hood sticker April 2021
Routine	1037 Great Plain Ave	M.Pancare		9:49	2	2	4	8	Food is stored properly Greasetrap log 5/14/21
10/16/202	The Rice Barn	7E909		3:05					Greasetrap 9-3-21
Routine	1037 Great Plain Ave	M.Pancare		5:35	1	4	10	15	Hoods compliant Overall facility not sanitary and not in good repair

INSPECTION LIST DETAILED (Cont'd)

Inspection Violations List								
Date/Type	Company / Address	Number / Inspector	Time in/Out	Pr	Violations		Total	Notes
				Pf	Core			
10/27/2022	The Rice Barn	113B7	3:06	1	1	8	10	Paper towels available at handsink in basement. There is a smoke detector with a low battery beep in the basement. Droppings observed in the
Re-	1037 Great Plain Ave	D.Acosta	4:26					
11/13/2022	The Rice Barn	EF8E0	5:11	1	1	4	6	Quat 200ppm Hand sinks stocked Overall improvements in cleaning and organization
Re-	1037 Great Plain Ave	M.Pancare	5:59					
12/02/2022	The Rice Barn	E8B24	3:05	0	1	7	8	Pest control came in on Tuesday 11/30/21. Date marking is still not compliant. Explained to
Re-	1037 Great Plain Ave	D.Acosta	4:34					
12/18/2022	The Rice Barn	E85BB	12:34	2	2	4	8	Reinspection 12/18/21 Quat 200 ppm
Routine	1037 Great Plain Ave	M.Pancare	1:38					
01/06/2022	The Rice Barn	54807	3:39	3	3	3	9	Reinspection. Need to print out 2022 permit. Only valid until Jan 31.
Routine	1037 Great Plain Ave	D.Acosta	5:07					



Needham Public Health
178 Rosemary Street
Needham, MA 02494
(781) 455-7940 ext. 504

FOOD ESTABLISHMENT INSPECTION REPORT

R-10

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>			
3422D	4/16/22	1:14 PM 5:45 PM	Routine	Food Service	M.Pancare			
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	Violation Summary:		<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
					4	7	9	2

Violation Summary:

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	✓					15. Food separated and protected	1	✓			✓
2. Certified Food Protection Manager	✓					16. Food-contact surfaces; cleaned & sanitized	1	✓			
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served,		✓			
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	✓					Time/Temperature Control for Safety	IN	OUT	NA	NO	COS
4. Proper use of restriction and exclusion	✓					18. Proper cooking time & temperatures	✓				
5. Procedures for responding to vomiting and diarrheal events	✓					19. Proper reheating procedures for hot holding	✓				
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature	✓				
6. Proper eating, tasting, drinking, or tobacco use	✓					21. Proper hot holding temperatures	✓				
7. No discharge from eyes, nose, and mouth	✓					22. Proper cold holding temperatures	✓				
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition	1	✓			
8. Hands clean & properly washed	✓					24. Time as a Public Health Control; procedures & records	✓				
9. No bare hand contact with RTE food or a pre-approved	1		✓			Consumer Advisory	IN	OUT	NA	NO	COS
10. Adequate handwashing sinks supplied and accessible	1		✓		✓	25. Consumer advisory provided for raw/undercooked food	✓				
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations	IN	OUT	NA	NO	COS
11. Food obtained from approved source	✓					26. Pasteurized foods used; prohibited foods not offered	✓				
12. Food received at proper temperature	✓					Food/Color Additives and Toxic Substances	IN	OUT	NA	NO	COS
13. Food in good condition, safe & unadulterated	✓					27. Food additives: approved & properly used	✓				
14. Required records available: shellstock tags, parasite	✓					28. Toxic substances properly identified, stored & used	2	✓			
						Conformance with Approved Procedures	IN	OUT	NA	NO	COS
						29. Compliance with variance/specialized process/HACCP	✓				

Repeat Violations Highlighted in Yellow

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	✓					43. In-use utensils: properly stored	1	✓			
31. Water & ice from approved source						44. Utensils, equip. & linens: properly stored, dried & handled	1	✓			
32. Variance obtained for specialized processing methods	1		✓			45. Single-use/single-service articles: properly stored & used	1	✓			
Food Temperature Control	IN	OUT	NA	NO	COS	46. Gloves used properly					
33. Proper cooling methods used; adequate equip. for temp.	✓					Utensils, Equipment and Vending	IN	OUT	NA	NO	COS
34. Plant food properly cooked for hot holding						47. All contact surfaces cleanable, properly designed,	1	✓			
35. Approved thawing methods used						48. Warewashing facilities: installed, maintained & used; test	1	✓			✓
36. Thermometers provided & accurate						49. Non-food contact surfaces clean					
Food Identification	IN	OUT	NA	NO	COS	Physical Facilities	IN	OUT	NA	NO	COS
37. Food properly labeled; original container						50. Hot & cold water available; adequate pressure					
Prevention of Food Contamination	IN	OUT	NA	NO	COS	51. Plumbing installed; proper backflow devices	2	✓			
38. Insects, rodents & animals not present	2	✓				52. Sewage & waste water properly disposed					
39. Contamination prevented in prep, storage & display						53. Toilet facilities: properly constructed, supplied, & cleaned					
40. Personal cleanliness						54. Garbage & refuse properly disposed; facilities maintained	1	✓			
41. Wiping cloths; properly used & stored						55. Physical facilities installed, maintained & clean	2	✓			
42. Washing fruits & vegetables						56. Adequate ventilation & lighting; designated areas use					
						60. 105 CMR 590 violations / local regulations	✓				

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal

M.Pancare

Chalermopol Intha - Expires
Certificate #:

Follow Up Required: ☐ Y Follow Up Date: _____

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
3422D

Date
4/16/22

Time In/Out
1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Counter upon arrival. -



88

- -

Hood sticker Compliant -



FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

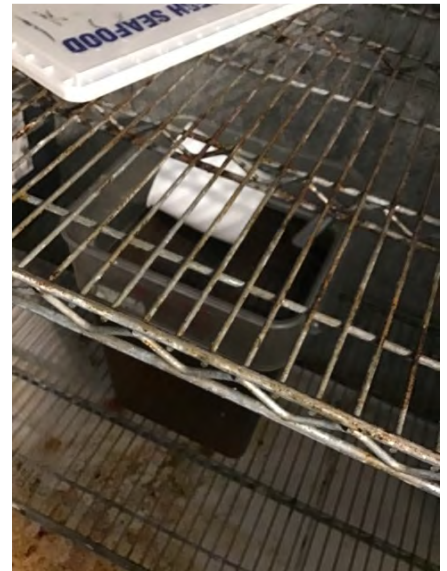
Newly installed 3 compartment sink in basement -



88

- -

Improper storage of in use utensils in basement -



FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

See #43 Improper storage of in use utensils stored in oyster sauce in walk in.

-



88

- -

Floor in walk in had water pooling on floor.
Floor is stained.
Clean floor and keep dry. Suggest using abrasive scour type pad to remove stains -



FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Mice feces in basement -



88

- -

Mice feces noted on bottom shelf where equipment is stored -



FOOD SAFETY INSPECTION REPORT

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1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

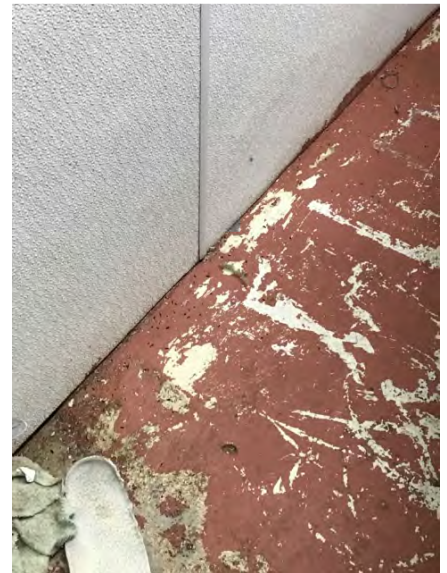
Mice feces too numerous to count in in basement. Along walls -



88

- -

Mices feces behind shelving In basement -



Preventing Contamination by Hands

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

No bare hand contact with RTE food

9 MA 590.003 (C) FC 3-301.11 (B) - Preventing Contamination from Hands - Kitchen -

Pr Latex gloves noted in kitchen on shelf. Do not use. Code: Except when washing fruits and vegetables, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. Single-use natural rubber latex gloves are not recommended for food contact in food establishments.

10 5-204.11 Handwashing-Sinks-Location and Placement - Kitchen -

COS Pf Handsink blocked by trash can at arrival Code: A
handwashing facility shall be located: to allow convenient use by employees in food preparation, food dispensing, and warewashing area; and in, or immediately adjacent to, toilet rooms.



Protection From Contamination

Food Separated and protected

15 3-302.11 (A)(2) Raw Animal Foods Separated from each other - Kitchen -

COS Pr Raw ground beef stored on bottom shelf next to raw chicken Code: Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

16 4-601.11 (A) Equip, Food-Contact Surfaces - Basement -

- Pf** Food processor stored in basement unsanitary. Throughout kitchen area shelves, gaskets not "clean to sight clean to touch" *Code: Equipment food-contact surfaces and utensils shall be clean to sight and touch.*



Time / Temperature Control for Safety

Date marking and disposition

23 3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

- Pf** Improper datemarking. A cooked chicken half had an expiration date of 4/5/22. Product discarded. Other products had inconsistent datemarking. *Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*

Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28 7-102.11 Common Name (Poisonous or Toxic Materials) - Kitchen -

- Pf** Spray device with grease cutter material not labeled. *Code: Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.*

FOOD SAFETY INSPECTION REPORT

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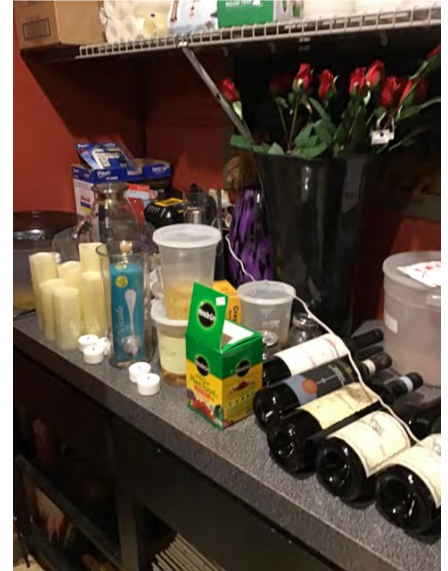
Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

28 7-201.11 Storage Separation - Service Station FOH -

Pr Toxic chemicals "miracle grow". Stored where food and equipment is located. The shelf above had mice glue type traps *Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.*



Safe Food and Water

Variance obtained for specialized processing

32 8-103.11 Documentation of Proposed Variance and Justification - Storefront -

Pf Retail food products observed for sale with "pickling". No ingredient labels noted. This may need a HACCP plan. Please provide process, details, recipe, ingredients for plan review. Cease and desist until approved. *Code: Before a variance from a requirement of this Code is approved, the information that shall be provided by the person requesting the variance and retained in the RA's file on the food establishments includes: a statement of the proposed variance of the Code requirement citing relevant Code section numbers; an analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and a HACCP plan if required as specified that includes the information specified under 8-201.14 as it is relevant to the variance requested.*



FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

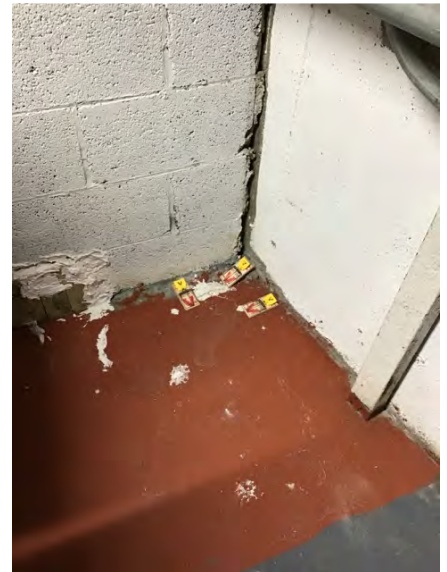
Prevention of Food Contamination

Insect, rodents & animals not present

38 6-501.111 (C) Controlling Pests - Basement -

Pf Pests not controlled.

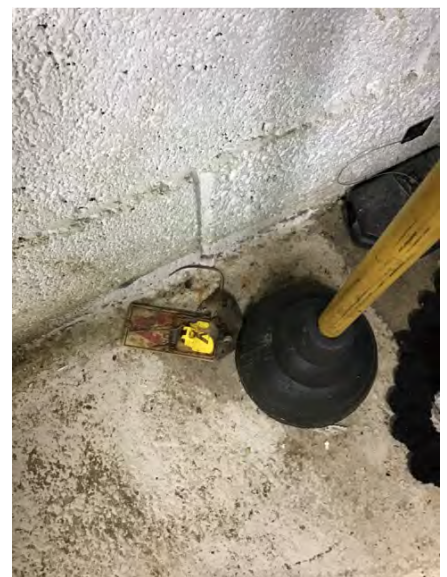
Open traps noted. Please review with PCO. Code: *The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by using methods, if pests are found, such as trapping devices or other means of pest control, such as pesticides, must be used according to law and manufacture's instructions.*



38 6-501.112 Removing Dead or Trapped Pests - Basement -

C Dead and decaying mouse In basement

Remove Code: *Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.*



FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Proper Use of Utensils

In-use utensils; properly stored

43 3-304.12 In-Use Utensils/Between-Use Storage - Basement -

- C** Scoops stored improperly in bulk bins. *Code: During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored: in the food with their handles above the top of the food and the container; in food that is not TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon; on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized every 4 hours; in running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes, in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not TCS food; or in a container of water if the water is maintained at a temperature of at least 135°F and the container is cleaned at at least every 24 hours.*



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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

44 4-903.11 (A)(B)(D) Equip./Uten./Lin./Sing.-Ser/Use Art - Basement -

- C** Plates and flatware were stored on cardboard box which is single use only, and located near pest control traps. Mice feces noted in this area.
Knives and vegetable cutters improperly stored in basement, and were severely soiled with debris. Code: *Cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored: in a clean, dry location; where they are not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor. Clean equipment and utensils shall also be stored: in a self-draining position that allows air drying; and covered or inverted. Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids.*



45 4-903.11 (C) Equip./Uten./Lin./Sing.-Ser/Use Art. - Basement -

- C** Single use items improperly stored in basement. Physical debris noted Code: *Single-service and single-use articles shall also be kept in the original protective package or stored by using other means that afford protection from contamination until used.*



Utensils, Equipment and Vending

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Date
4/16/22

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1:14 PM
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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

All contact surfaces cleanable, properly designed, constructed & used

47 4-501.12 Cutting Surfaces - Kitchen -

- C** Cutting boards soiled, and needs resurfacing to allow for smooth and easily cleanable. Debris noted on rivets adhering to table. *Code: Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.*

48 4-303.11 Cleaning Agents and Sanitizers, Availability - Kitchen -

- COS Pf** Quat sanitizer not available at the dispensing device at the 3 compartment sink. Discussion with owner on having adequate supply. Alternative procedure to use chlorine @ 50ppm
Code: (A) Cleaning agents that are used to clean equipment and utensils as specified under Part 4-6, shall be provided and available for use during all hours of operation. (B) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils as specified under Part 4-7, shall be provided and available for use during all hours of operation.

Physical Facilities

Plumbing installed; proper backflow devices

51 5-205.15 (B) System Maintained/Repair - Kitchen -

- C** Handsink is leaking, and slow drain from basin
Repair or replace within 5 days *Code: A plumbing system shall be maintained in good repair.*

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

51 5-205.15 (A) System Maintained/Repair - Basement

- Pr** 3 bay sink recently installed In basement.
Please provide plumbing permit.
Do not use until approved. *Code: A plumbing system shall be repaired according to law.*



54 5-501.113 Covering Receptacles - Basement -

- C** Trash cans covered improperly *Code: Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered when they contain food residue and are not in continuous use or after they are filled. If kept outside, they shall have tight-fitting lids or doors.*

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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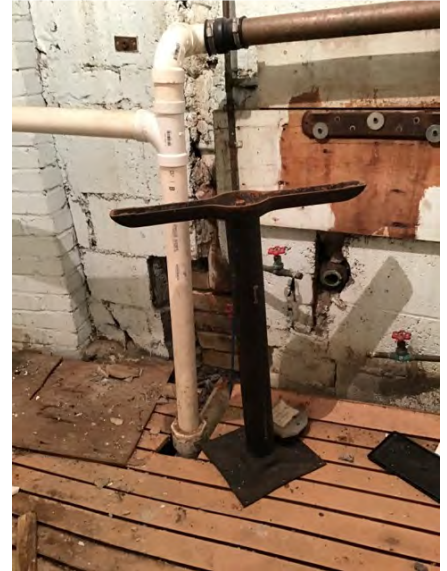
Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

55 6-501.11 Repairing - Basement -

- C** Several locations in basement storage were not in good repair *Code: The physical facilities shall be maintained in good repair.*



55 6-501.114 Unnecessary Items and Litter - Basement -

- C** Excessive amount of debris, and unused desks equipment, miscellaneous storage boxes, decorations, and other clutter are on floor and preventing proper pest control *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Permit. up to date and posted?

IN

Pest control record available?

IN

Written Menus /signs present (allergen)?

NO

Allergen Certificate Posted?

IN

Certified Food Protection Managers Certificate posted?

IN

Food allergy awareness poster visible for employees?

IN

Staff trained in choke-save for every shift.

NO

Ventilation Hood Inspections stickers up to date?

IN

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Date
4/16/22

Time In/Out
1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

	Consumer Advisory Present if needed?	IN
	Grease log up to date?	IN
	Food Employee Reporting Agreement available?	NO
	Procedures outlines for vomit/diarreal event?	IN
	No trans fat?	NO
	"Most recent food inspection" sign posted?	NO

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	2 door glass cooler -	Ground beef		36 °F
Kitchen	Flip top Sandwich	Raw shrimp		30 °F
Kitchen	Flip top near curry	Ambient		36 °F
Kitchen		Ambient		38 °F
Kitchen				°F
Kitchen	Amana white cooler	Ambient		38 °F
Kitchen	Walk in white freezer	Ambient		15 °F
Basement	Walk in cooler	Ambient		36 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

Grease Trap compliant 4/5/22.
Refrigeration temps compliant.
Overall food stored properly on service line.
Continue to focus on interior/exterior of refrigerator surfaces and gaskets."Clean to sight and clean to touch "
Dishmachine 50pp
Mice feces too numerous to count in basement. As previously discussed, patch open holes, cracks

FOOD SAFETY INSPECTION REPORT

Page Number

17

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
3422D

Date
4/16/22

Time In/Out
1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

and crevices.

Discussion with owner on cleaning the floor in walk in to remove "rust" stains and water pooling.

3 compartment sink in kitchen did not have Quat sanitizer. Discussion with alternative procedures to use chlorine as an interim in conjunction with dishmachine.

If the 3 compartment sink in the basement is approved, a NSF barrier is required on the left side of the handsink.

Failure to correct and maintain may result in fines suspension or both immediate attention is required.

Discussion about gluten free procedures and ingredients, for one pad tai recipe. Ingredients approved. Stated that it is the only dish they serve gluten free. Any other recipes must be approved.

4/03/2022 - 4/09/2022

	A	B	C	D	E	F	G	H	I
1			The Rice Barn						
2			Weekly Cleaning Report						
3									
4									
5	Bee		Hand sinks			Soap		Tissues	Cleaning
6			Kitchen			M		M	MTH
7			*TVice Room			M		M	MTH
8			Basement			M		M	MTH
9									
10									
11	Bee		2-3 Compartment sinks						
12									Cleaning
13			Kitchen						MTH
14			Dish Washing area						MTH
15			Basement						MTH
16									
17			Kitchen			Organization			Cleaning
18									
19	Manuel		Floor						TW F
20	Lolus		Walls						TW
21									
22	Charles		Refridge	Inside		SMTWTHFSa			MWF
23	B		Outside						
24	Charles		Freezer	Inside		SMTWTHFSa			MWF
25	B		Outside						
26	Andy		Microwave	Inside					T F
27			Outside						T F
28									
29	Andy		Wok						T F
30	Lolus		Stove						TW
31	Andy		Shelves						T F
32	Manuel		Storage						TW F
33									
34	Kitchen Staff		Trash						SMTWTHFSa
35									
36	Bee		Dish Washing and Area			Organization			Cleaning
37									
38			Floor						MTH
39			Walls						MTH
40									
41			Counter top						MTH
42									
43			Microwave	Inside					MTH
44			Outside						MTH
45									
46	Bee & Packaging Staff		Trash						SMTWTHFSa

4/07/2022 - 4/09/2022

	A	B	C	D	E	F	G	H	I
47	Packaging Staff		Packaging area			Organization		Cleaning	
48									
49				Container covers		SMTWThFSa		SMTWThFSa	
50				Paper bags		SMTWThFSa		SMTWThFSa	
51				Counter top		SMTWThFSa		SMTWThFSa	
52				Telephone		SMTWThFSa			
53				Pen/pencil		SMTWThFSa			
54				Sources		SMTWThFSa			
55				Rice Container		SMTWThFSa			
56				Rice Cooker				SMTWThFSa	
57									
58	Bee		Bar			Organization		Cleaning	
59				Floor				S	W
60				Sheving		S			
61				Refridge		S			
62				Freezer		S			
63				Sink		S			
64	Bee			Trash				MTh	
65									
66	Bee		Ice Room			Organization		Cleaning	
67				Floor				S	
68				Sheving		S		S	
69	Bee			Trash				MTh	
70									
71	Serving staff		Dining			Organization		Cleaning	
72				Floors				SMTWThFSa	
73				furnitures		SMTWThFSa			
74	Bee			Trash				MTh	
75									
76									
77	Bee		Toilets		Toiletpaper	Napkins	Trash	Cleaning	
78				Women's	M	M	M	MTh	
79				Men's	M	M	M	MTh	
80				Unisex	M	M	M	MTh	
81									
82									
83									
84	Bee		Basement			Organization		Cleaning	
85									
86				Equipment		MTh		MTh	
87				Table tops		MTh		MTh	
88									
89	Bee			Refridge		MTh			
90	Bee			Freezers		MTh			
91	Bee			Storage		MTh			
92	Bee			Trash				MTh	

Summary of Service

Client: 1338147
THE RICE BARN
1037 GREAT PLAIN AVE

NEEDHAM MA 02492-2511

Location: 1338147
THE RICE BARN / THE RICE BARN
1037 GREAT PLAIN AVE
NEEDHAM MA, 02492-2511

Time In: 04-12-2022 11:22:22
Time Out: 04-12-2022 11:40:14



04-12-2022 11:39:52
THE RICE BARN



04-12-2022 11:39:57
With thanks, Amaury Rivera

License/Certifications:

Order # / Invoice	Status	Service Date	Service Description	Visit Type
6244 / 788	Completed	04-12-2022	PEST CONTROL MAINTENANCE	SERVICE MAINTENANCE

Recommendations

Area/Device	Recommendation	Severity	Status	Date
Exterior	Debris collecting exterior. Please remove debris to prevent unsanitary conditions and attraction by pests.	High	NEW	03-07-2022
Under stairs.	Water leak/standing water inside. Please remove water and repair leak to prevent unsanitary conditions and attraction by pests.	High	NEW	03-07-2022
Under stairs.	Old boxes collecting under stairs. Please remove debris to prevent unsanitary conditions and attraction by pests. run marks present indicating this may be a harborage space.	High	NEW	03-01-2022
Changing room	Pipes extending through wall allowing pest access. Please fill in gaps between pipes and wall to prevent pest entry. appears to be direct to outside due to activity, but insulation is in way.	High	NEW	03-01-2022
Planet wall left side	Pipes extending through wall allowing pest access. Please fill in gaps between pipes and wall to prevent pest entry.	High	NEW	03-01-2022

Device Summary

Type	With Activity	Without Activity	Unserviceable	Total Inspected
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General Comments:

Inspected restaurant for regular service placed some additional glue boards and snap traps in Basement area and also kitchen. No droppings or issues were found, during inspection.

Detailed Report

Client:	1338147 THE RICE BARN 1037 GREAT PLAIN AVE NEEDHAM MA 02492-2511	Location:	1338147 THE RICE BARN / THE RICE BARN 1037 GREAT PLAIN AVE NEEDHAM MA, 02492-2511
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Summary of Service

Client: 1338147
THE RICE BARN
1037 GREAT PLAIN AVE

NEEDHAM MA 02492-2511

Location: 1338147
THE RICE BARN / THE RICE BARN
1037 GREAT PLAIN AVE
NEEDHAM MA, 02492-2511

Time In: 04-04-2022 11:04:47
Time Out: 04-04-2022 11:22:01

04-04-2022 11:21:41
THE RICE BARN



04-04-2022 11:21:55
With thanks, Amaury Rivera

License/Certifications:

Order # / Invoice	Status	Service Date	Service Description	Visit Type
6244 / 787	Completed	04-04-2022	PEST CONTROL MAINTENANCE	SERVICE MAINTENANCE

Recommendations

Area/Device	Recommendation	Severity	Status	Date
Exterior	Debris collecting exterior. Please remove debris to prevent unsanitary conditions and attraction by pests.	High	NEW	03-07-2022
Under stairs.	Water leak/standing water inside. Please remove water and repair leak to prevent unsanitary conditions and attraction by pests.	High	NEW	03-07-2022
Under stairs.	Old boxes collecting under stairs. Please remove debris to prevent unsanitary conditions and attraction by pests. run marks present indicating this may be a harborage space.	High	NEW	03-01-2022
Changing room	Pipes extending through wall allowing pest access. Please fill in gaps	High	NEW	03-01-2022

between pipes and wall to prevent pest entry. appears to be direct to outside due to activity, but insulation is in way.

Planet wall left side	Pipes extending through wall allowing pest access. Please fill in gaps High between pipes and wall to prevent pest entry.	NEW	03-01-2022
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Device Summary				
Type	With Activity	Without Activity	Unserviceable	Total Inspected

General Comments:
All dining areas and Common areas inspected for pest related issues none were found at this time bait stations also checked no feeding or other pest related activity found.

Detailed Report

Client: 1338147
THE RICE BARN
1037 GREAT PLAIN AVE

NEEDHAM MA 02492-2511

Location: 1338147
THE RICE BARN / THE RICE BARN
1037 GREAT PLAIN AVE
NEEDHAM MA, 02492-2511

Food Establishment Inspection Report

MoJiN Solutions, LLC
18 Shipley Circle, Westford MA 01886
Tel. (978) 692-1096 Fax (978) 692-1096
Email:

Name: Rice Barn	Inspection Date: 03/31/2022	Number of P and PF Violations (Items 1 through 29):	2
Address: 1037 Great Plain Ave	Time In/Out: 11:35 am / 03:24 pm	Number of Repeat P and PF Violations (Items 1 through 29):	0
Phone:	Permit No.:		
Email:	Risk Category: 0 HACCP: No		
Owner: Charles Intha	Type of Operation: Food Service		
Person-in-charge: Charles	Type of Inspection: Audit	Previous Inspection Date:	
Inspector: M. Lee	Date of Re-Inspection:		

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS	
In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation	

Compliance Status	IN	OUT	N/A	N/O	COS	R
Supervision						
1 Person-In-Charge present, demonstrates knowledge, and performs duties						
2 Certified Food Protection Manager	In					
Employee Health						
3 Management, food employee and conditional employee; Knowledge, responsibilities, and reporting	In					
4 Proper use of restriction and exclusion	In					
5 Procedures for responding to vomiting and diarrheal events	In					
Good Hygienic Practices						
6 Proper eating, tasting, drinking, or tobacco use	In					
7 No discharges from eyes, nose and mouth	In					
Preventing Contamination by Hands						
8 Hands clean and properly washed	In					
9 No bare hand contact with RTE food				n/o		
10 Adequate handwashing sinks properly supplied and accessible	In					
Approved Source						
11 Food obtained from source	In					
12 Food received at proper temperature				n/o		
13 Food received in good condition, safe, and unadulterated	In					
14 Required records available, shellstock tags, parasite destruction			n/a			

Compliance Status	IN	OUT	N/A	N/O	COS	R
Protection from Contamination						
15 Food separated and protected		Out				
16 Food contact surface; cleaned and sanitized	In					
17 Proper disposition of returned, previously served, reconditioned and unsafe food	In					
Time/Temperature Control for Safety						
18 Proper cooking time & temperature				n/o		
19 Proper reheating procedures for hot holding				n/o		
20 Proper cooling time and temperature				n/o		
21 Proper hot holding temperature	In					
22 Proper cold holding temperature	In					
23 Proper date marking and disposition		Out				
24 Time as a Public Health Control			n/a			
Consumer Advisory						
25 Consumer advisory provided for raw/ under cooked food	In					
Requirements for Highly Susceptible Populations						
26 Pasteurized foods used; prohibited foods not offered			n/a			
Food/Color Additives and Toxic Substances						
27 Food additives; approved and properly used			n/a			
28 Toxic substances properly identified, stored and used	In					
Conformance with Approved Procedures						
29 Compliance with variance/ specialized process/HACCP plan			n/a			

OFFICIAL ORDER FOR CORRECTION: Based on an inspection

today, the items marked "OUT" indicated violations to 105 CMR 590.000 and applicable sections of 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Inspector:

M Lee

Person In Charge:

Food Establishment Inspection Report

MoJiN Solutions, LLC

Establishment: Rice Barn

Date: 03/31/2022

Page 2 of 5

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Safe food and Water						
30 Pasteurized eggs used where required			n/a			
31 Water and ice from approved source						
32 Variance obtained for specialized processing methods			n/a			
Food temperature control						
33 Proper cooling methods used; adequate equipment for temperature control				n/o		
34 Plant food properly cooked for hot holding			n/a			
35 Approved thawing methods used						
36 Thermometer provided and accurate						
Food Identification						
37 Food properly labeled: original container						
Prevention of Food Contamination						
38 Insects, rodents, and animals not present						
39 Contamination prevented during food preparation, storage and display						
40 Personal cleanliness						
41 Wiping cloths: properly used and stored						
42 Washing fruits and vegetables						
Proper Use of Utensils						
43 In-use utensils properly stored						
44 Utensils, equipment and linens: properly stored, dried, and handled						
45 Single-use/single-service articles: properly stored and used						
46 Gloves used properly						
Utensils, Equipment and Vending						
47 Food and non-food contact surfaces cleanable, properly designed, constructed and used		Out				

Compliance Status	IN	OUT	N/A	N/O	COS	R
48 Warewashing facilities: installed, maintained, and used; test strips						
49 Non-food contact surfaces clean		Out				
Physical Facilities						
50 Hot and cold water available; adequate pressure						
51 Plumbing installed; proper backflow devices		Out				
52 Sewage and waste water properly disposed						
53 Toilet features; properly, constructed supplied, and cleaned						
54 Garbage and refuse properly disposed; facilities maintained		Out				
55 Physical facilities installed, maintained, and clean		Out				
56 Adequate ventilation and lighting; designated areas used						
Massachusetts Requirements						
M1 Anti-choking procedures in food service establishment						
M2 Food allergen awareness						
M3 Caterer						
M4 Mobile Food Operation						
M5 Temporary Food Establishment						
M6 Public Market; Farmers Market						
M7 Residential Kitchen; Bed-and-Breakfast Operation						
M8 Residential Kitchen: Cottage Food Operation						
M9 School Kitchen; USDA Nutrition Program						
M10 Leased Commercial Kitchen						
M11 Innovation Operation						
M12 Frozen Desert						
Local Requirements						
L1 Local law or regulation						
L2 COVID-19						
L3 Reserved						

Fail Code	DESCRIPTION OF VIOLATION
Discussion	Food Protection Manager Status: Two certified staff (1) Charles (2) Patcharee Puangposob (Th, Fri, Sat evenings) One staff member in process of studying to retest. Discussed provisions for additional certified staff needed. SPANISH - bostonfoodsafety.com or Servsafe.com for study materials in Chinese and Spanish Additionally discuss adjusting operating schedule as alternative to provide adequate coverage.
Discussion	Pest Control Status - Most recent pest report dated 3/25/22 identifies rodent situation is under control. All required work completed. Discussed with PIC continue to review written pest reports in addition to verbal review. Continue to follow through and make corrections required from pest operator. **Continue to forward pest reports to Health Office until Health Office no longer requires.
Discussion	Outdoor trash Food debris, beer bottles/cans observed along fence/shed for adjacent business. PIC states belongs to adjacent business. PIC to have area cleaned and address activity with adjacent business owner and Health Department.
6-501.114	OBSERVATION: Outdoor area / few pieces of miscellaneous equipment observed, cigarette butts. Have area cleaned and remove miscellaneous equipment. REGULATION: Item 55 Physical facilities installed, maintained, and clean -- Maintaining Premises, Unnecessary Items and Litter
4-601.11	OBSERVATION: Basement / observed equipment stored in bag. Some pieces soiled. PIC states equipment no longer in use. Remove and clean. All items, used or not, must be in clean condition. REGULATION: Item 49 Non - food contact surfaces clean -- Food-Contact Surfaces,
5-501.13	OBSERVATION: Trash barrels / observed with plywood used as cover. Remove and provide tight fitting lids intended for trash can. All equipment/surfaces are to be commercial grade, smooth, non-porous and easily cleanable. Painted surface is not approved for this use. REGULATION: Item 54 Garbage and refuse properly disposed; facilities maintained -- Refuse Receptacles
5-205.15	OBSERVATION: Basement / pipe located under stairs/ observed leaking. PIC states this was previously repaired and observed corrected by pest operator. Today observed leaking. Repair using approved methods and materials. REGULATION: Item 51 Plumbing installed; proper backflow devices -- Water System Good Repair
Discussion	Basement - (1) revisited plan for basement facilities, specifically, floor and walk-in floor. Identify materials and completion date. Provide information to health office. (2) reminder - as stated on previous audit report prior approval from health office required for sink installations.

Fail Code	DESCRIPTION OF VIOLATION
Discussion	Basement walk-in / during previous and today's audit minimal food observed stored in walk-in. Today bean curd 37F and 2 cases of eggs. no other TCS foods observed in walk-in.
Discussion	Kitchen area / dish machine 50ppm chlorine. Using smaller containers of chlorine for machine. Due to lower demand on ware washing appears chlorine breaking down. ***since last inspection, primer switches located under side of machine. Staff member, Jackie, trained on use of primer switches.
Discussion	Kitchen / refrigerated foods below 41F. in line unit shrimp 37F, cut vegetable 37F, single door in line refrigeration unit bean curd 33F. two door refrigeration unit / fried tofu 39F. Kitchen rice 149F, servers station rice 142F. Handsink stocked, water 102F, 3 bay sink ~300ppm quat, sanitizing solution/bucket 200ppm quat. Food thermometer available to cook. Freezers - foods all observed frozen to touch. Observed minimal foods stored in refrigeration, no cooking observed. Onions observed prepped during audit. PIC states grinder, food processors not in use at this time due to reduced customer counts.
3-501.17-Pf	OBSERVATION: 2 door reach-in refrigeration unit / observed several items without date marking. PIC instructed employee to correct. REGULATION: Item 23 Proper date marking and disposition -- Date Marking RTE, TCS,
3-302.11-P	OBSERVATION: 2 door refrigeration unit / observed bowl of cooked chicken and vegetable on bottom shelf under raw beef and adjacent to raw chicken. Cook states personal lunch. Explanation provided - all food, stored in establishment intended for staff or customer use is to be stored / handled in compliance. Cook corrected. REGULATION: Item 15 Food separated and protected -- Packaged and Unpackaged Food-Separation, Packaging, and Segregation
4-602.13	OBSERVATION: Kitchen / interior and exterior surfaces of refrigeration units observed soiled. REGULATION: Item 49 Non - food contact surfaces clean -- Nonfood Contact Surfaces
4-501.12	OBSERVATION: Cutting boards / observed surfaces in poor condition. Previous audit / PIC sourcing new boards. REGULATION: Item 47 Food and non - food contact surfaces cleanable, properly designed, constructed and used -- Cutting Surfaces
Discussion	Discussed with Charles outcome of today's audit in comparison from last audit. Charles states Manuel has been off since this past Saturday and will be returning next week. revisited discussion: PIC to complete daily checklist every day. Make corrections as needed.

Fail Code	DESCRIPTION OF VIOLATION

Summary of Service

Client: 1338147
THE RICE BARN
1037 GREAT PLAIN AVE

NEEDHAM MA 02492-2511

Location: 1338147
THE RICE BARN / THE RICE BARN
1037 GREAT PLAIN AVE
NEEDHAM MA, 02492-2511

Time In: 03-25-2022 12:53:01
Time Out: 03-25-2022 14:23:46



03-25-2022 14:23:31
THE RICE BARN



03-25-2022 14:23:36
With thanks, Amaury Rivera

License/Certifications:

Order # / Invoice	Status	Service Date	Service Description	Visit Type
5554 / 680	Completed	03-25-2022	PEST CONTROL MAINTENANCE	SERVICE MAINTENANCE

Recommendations

Area/Device	Recommendation	Severity	Status	Date
Exterior	Debris collecting exterior. Please remove debris to prevent unsanitary conditions and attraction by pests.	High	NEW	03-07-2022
Under stairs.	Water leak/standing water inside. Please remove water and repair leak to prevent unsanitary conditions and attraction by pests.	High	NEW	03-07-2022
Under stairs.	Old boxes collecting under stairs. Please remove debris to prevent unsanitary conditions and attraction by pests. run marks present indicating this may be a harborage space.	High	NEW	03-01-2022
Changing room	Pipes extending through wall allowing pest access. Please fill in gaps between pipes and wall to prevent pest entry. appears to be direct to outside due to activity, but insulation is in way.	High	NEW	03-01-2022
Planet wall left side	Pipes extending through wall allowing pest access. Please fill in gaps between pipes and wall to prevent pest entry.	High	NEW	03-01-2022

Device Summary

Type	With Activity	Without Activity	Unserviceable	Total Inspected
Inspection Point	0	2	0	2
Temporary Trap	0	1	0	1

General Comments:

Inspected restaurant interior and exterior all possible entryways and other pest related issues have been sealed and under control. All snap traps glue boards and bait stations placed have zero activity and have been rotated routinely exterior entryways near back door have been sealed for a long while already and still sealed no visible pest related issues found in general area as well. Kitchen and basement were also inspected no pest related issues found either, proceeded to check all traps and other potential areas of contact nothing was found. Thank you for choosing Ehrlich Pest Control.

Detailed Report

Client: 1338147
THE RICE BARN
1037 GREAT PLAIN AVE

NEEDHAM MA 02492-2511

Location: 1338147
THE RICE BARN / THE RICE BARN
1037 GREAT PLAIN AVE
NEEDHAM MA, 02492-2511

Site: The Rice Barn, Basement, Storage

Door way

No Activity @ 03-25-2022 13:09:53

Planet wall left side

No Activity @ 03-25-2022 13:12:25

Site: The Rice Barn, Main, Basement

Far corner vegetable cooler

No Activity @ 03-25-2022 13:12:17

Food Establishment Inspection Report

MoJiN Solutions, LLC
18 Shipley Circle, Westford MA 01886
Tel. (978) 692-1096 Fax (978) 692-1096
Email:

Name: Rice Barn	Inspection Date: 02/16/2022	Number of P and PF Violations (Items 1 through 29):	1
Address: 1037 Great Plain Ave	Time In/Out: 03:29 pm / 04:55 pm	Number of Repeat P and PF Violations (Items 1 through 29):	0
Phone:	Permit No.:		
Email:	Risk Category: 0 HACCP: No		
Owner: Charles Intha	Type of Operation: Food Service		
Person-in-charge: Charles	Type of Inspection: Audit	Previous Inspection Date:	
Inspector: M. Lee	Date of Re-Inspection:		

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Supervision						
1 Person-In-Charge present, demonstrates knowledge, and performs duties						
2 Certified Food Protection Manager						
Employee Health						
3 Management, food employee and conditional employee; Knowledge, responsibilities, and reporting						
4 Proper use of restriction and exclusion						
5 Procedures for responding to vomiting and diarrheal events		Out				
Good Hygienic Practices						
6 Proper eating, tasting, drinking, or tobacco use		Out			cos	
7 No discharges from eyes, nose and mouth						
Preventing Contamination by Hands						
8 Hands clean and properly washed						
9 No bare hand contact with RTE food						
10 Adequate handwashing sinks properly supplied and accessible						
Approved Source						
11 Food obtained from source						
12 Food received at proper temperature						
13 Food received in good condition, safe, and unadulterated						
14 Required records available, shellstock tags, parasite destruction						
Protection from Contamination						
15 Food separated and protected						
16 Food contact surface; cleaned and sanitized						
17 Proper disposition of returned, previously served, reconditioned and unsafe food						
Time/Temperature Control for Safety						
18 Proper cooking time & temperature						
19 Proper reheating procedures for hot holding						
20 Proper cooling time and temperature						
21 Proper hot holding temperature						
22 Proper cold holding temperature						
23 Proper date marking and disposition						
24 Time as a Public Health Control						
Consumer Advisory						
25 Consumer advisory provided for raw/ under cooked food						
Requirements for Highly Susceptible Populations						
26 Pasteurized foods used; prohibited foods not offered						
Food/Color Additives and Toxic Substances						
27 Food additives; approved and properly used						
28 Toxic substances properly identified, stored and used						
Conformance with Approved Procedures						
29 Compliance with variance/ specialized process/HACCP plan						

OFFICIAL ORDER FOR CORRECTION: Based on an inspection

today, the items marked "OUT" indicated violations to 105 CMR 590.000 and applicable sections of 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Inspector:

M. Lee

Person In Charge:

[Signature]

Food Establishment Inspection Report

MoJiN Solutions, LLC

Establishment: Rice Barn

Date: 02/16/2022

Page 2 of 4

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Safe food and Water						
30 Pasteurized eggs used where required						
31 Water and ice from approved source						
32 Variance obtained for specialized processing methods						
Food temperature control						
33 Proper cooling methods used; adequate equipment for temperature control		Out			cos	
34 Plant food properly cooked for hot holding						
35 Approved thawing methods used						
36 Thermometer provided and accurate						
Food Identification						
37 Food properly labeled: original container						
Prevention of Food Contamination						
38 Insects, rodents, and animals not present						
39 Contamination prevented during food preparation, storage and display						
40 Personal cleanliness		Out			cos	
41 Wiping cloths: properly used and stored						
42 Washing fruits and vegetables						
Proper Use of Utensils						
43 In-use utensils properly stored						
44 Utensils, equipment and linens: properly stored, dried, and handled						
45 Single-use/single-service articles: properly stored and used						
46 Gloves used properly						
Utensils, Equipment and Vending						
47 Food and non-food contact surfaces cleanable, properly designed, constructed and used						

Compliance Status	IN	OUT	N/A	N/O	COS	R
48 Warewashing facilities: installed, maintained, and used; test strips						
49 Non-food contact surfaces clean						
Physical Facilities						
50 Hot and cold water available; adequate pressure						
51 Plumbing installed; proper backflow devices						
52 Sewage and waste water properly disposed						
53 Toilet features; properly, constructed supplied, and cleaned						
54 Garbage and refuse properly disposed; facilities maintained						
55 Physical facilities installed, maintained, and clean						
56 Adequate ventilation and lighting; designated areas used						
Massachusetts Requirements						
M1 Anti-choking procedures in food service establishment						
M2 Food allergen awareness						
M3 Caterer						
M4 Mobile Food Operation						
M5 Temporary Food Establishment						
M6 Public Market; Farmers Market						
M7 Residential Kitchen; Bed-and-Breakfast Operation						
M8 Residential Kitchen: Cottage Food Operation						
M9 School Kitchen; USDA Nutrition Program						
M10 Leased Commercial Kitchen						
M11 Innovation Operation						
M12 Frozen Desert						
Local Requirements						
L1 Local law or regulation						
L2 COVID-19						
L3 Reserved						

Fail Code	DESCRIPTION OF VIOLATION
Discussion	PIC in process of installing hand sink at wait station directly outside of kitchen doors. Considering installation of 3 bay sink in basement area. Reviewed prior approval requirement. Before changing floor plan, installing equipment, obtain approval from health office. PIC states he will contact health office for discussion.
Correct On Site 3-501.15-Pf	OBSERVATION: Kitchen / Improper Cold Holding Temperatures in line refrigeration units/ (1) cooked chicken observed in covered bowl nesting on top of insert pan 71F. Chef states cooked at 3 pm. (2) cooked dumplings, portioned into individual bags 56F. Chef states cooked and placed into unit. CORRECTIVE ACTION: Dumplings and chicken placed into refrigeration, single layer , for rapid cooling to 41F.***Reviewed cooling requirements with PIC and Chef. Foods cooked, are to be cooled, single layer in walk-in. Verify time and temperature. Before placing foods into the in line refrigeration unit, verify 41F or below. REGULATION: Item 33 Proper cooling methods used; adequate equipment for -- Cooling Methods
Discussion	Date marking / with the exception of one item (single package opened cooked duck) all necessary food items observed with appropriate date marking in all refrigeration units. Chef corrected.
Discussion	Sanitizing solution / cooks line bucket 200ppm quat, 3 bay sinks 400ppm quat. Sinks observed with clean sanitizing solution.
Discussion	Equipment observed in clean condition.
Discussion	2 door refrigeration unit cut beef 41F, raw storage order in compliance. Minimal inventory observed in units. Rice (kitchen) 154F, rice (serving area) 149F, Small in line unit tofu 40F, 3 door in line refrigeration unit cooked tofu 34F, hand sink, stocked and hot water. Dish machine / final rinse 100ppm chlorine. No evidence of pests, employee reporting agreements available. Basement / equipmnet observed in clean condition, walk-in sauce 38F.
Correct On Site 2-303.11	OBSERVATION: Kitchen / observed chef wearing watch. Chef corrected upon request. REGULATION: Item 40 Personal cleanliness -- Jewelry
Correct On Site 2-401.11	OBSERVATION: Cooks line / observed 2 personal beverages, each without straw. Chef corrected. Reviewed requirement / cup, cover and straw, to prevent possible cross contamination. REGULATION: Item 06 Proper eating, tasting, drinking, tobacco use -- Eating, Drinking, or Using Tobacco
Discussion	PIC states, employee is in process of preparing to take the FPM exam. PIC will contact me when employee ready. States additional certified coverage provided Thursday - Sunday, late afternoon-evening shift.

Fail Code	DESCRIPTION OF VIOLATION
2-501.11-Pf	OBSERVATION: Written procedure for clean up of bodily fluids and tools are not available. Requirement reviewed. Sample kit provided via text. REGULATION: Item 05 Procedures for repounding to vomiting and diarrheal events -- Clean-up of Vomiting and Diarrheal Events

Food Establishment Inspection Report

MoJiN Solutions, LLC
18 Shipley Circle, Westford MA 01886
Tel. (978) 692-1096 Fax (978) 692-1096
Email:

Name: Rice Barn	Inspection Date: 03/16/2022	Number of P and PF Violations (Items 1 through 29):	0
Address: 1037 Great Plain Ave	Time In/Out: 11:43am /	Number of Repeat P and PF Violations (Items 1 through 29):	0
Phone:	Permit No.:		
Email:	Risk Category: 0 HACCP: No		
Owner: Charles Intha	Type of Operation: Food Service		
Person-in-charge: Charles & Jackie	Type of Inspection: Audit	Previous Inspection Date:	
Inspector: M. Lee	Date of Re-Inspection:		

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS									
In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation									

Compliance Status	IN	OUT	N/A	N/O	COS	R
Supervision						
1 Person-In-Charge present, demonstrates knowledge, and performs duties	In					
2 Certified Food Protection Manager	In					
Employee Health						
3 Management, food employee and conditional employee; Knowledge, responsibilities, and reporting	In					
4 Proper use of restriction and exclusion	In					
5 Procedures for responding to vomiting and diarrheal events	In					
Good Hygienic Practices						
6 Proper eating, tasting, drinking, or tobacco use	In					
7 No discharges from eyes, nose and mouth	In					
Preventing Contamination by Hands						
8 Hands clean and properly washed	In					
9 No bare hand contact with RTE food	In					
10 Adequate handwashing sinks properly supplied and accessible	In					
Approved Source						
11 Food obtained from source	In					
12 Food received at proper temperature				n/o		
13 Food received in good condition, safe, and unadulterated	In					
14 Required records available, shellstock tags, parasite destruction						

Compliance Status	IN	OUT	N/A	N/O	COS	R
Protection from Contamination						
15 Food separated and protected	In					
16 Food contact surface; cleaned and sanitized	In					
17 Proper disposition of returned, previously served, reconditioned and unsafe food	In					
Time/Temperature Control for Safety						
18 Proper cooking time & temperature				n/o		
19 Proper reheating procedures for hot holding				n/o		
20 Proper cooling time and temperature				n/o		
21 Proper hot holding temperature	In					
22 Proper cold holding temperature	In					
23 Proper date marking and disposition	In					
24 Time as a Public Health Control			n/a			
Consumer Advisory						
25 Consumer advisory provided for raw/ under cooked food	In					
Requirements for Highly Susceptible Populations						
26 Pasteurized foods used; prohibited foods not offered			n/a			
Food/Color Additives and Toxic Substances						
27 Food additives; approved and properly used			n/a			
28 Toxic substances properly identified, stored and used	In					
Conformance with Approved Procedures						
29 Compliance with variance/ specialized process/HACCP plan			n/a			

OFFICIAL ORDER FOR CORRECTION: Based on an inspection

today, the items marked "OUT" indicated violations to 105 CMR 590.000 and applicable sections of 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Inspector:

M. Lee

Person In Charge:

Food Establishment Inspection Report

MoJiN Solutions, LLC

Establishment: Rice Barn

Date: 03/16/2022

Page 2 of 3

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Safe food and Water						
30 Pasteurized eggs used where required			n/a			
31 Water and ice from approved source						
32 Variance obtained for specialized processing methods			n/a			
Food temperature control						
33 Proper cooling methods used; adequate equipment for temperature control				n/o		
34 Plant food properly cooked for hot holding						
35 Approved thawing methods used						
36 Thermometer provided and accurate						
Food Identification						
37 Food properly labeled: original container						
Prevention of Food Contamination						
38 Insects, rodents, and animals not present						
39 Contamination prevented during food preparation, storage and display						
40 Personal cleanliness						
41 Wiping cloths: properly used and stored						
42 Washing fruits and vegetables						
Proper Use of Utensils						
43 In-use utensils properly stored						
44 Utensils, equipment and linens: properly stored, dried, and handled						
45 Single-use/single-service articles: properly stored and used						
46 Gloves used properly						
Utensils, Equipment and Vending						
47 Food and non-food contact surfaces cleanable, properly designed, constructed and used						

Compliance Status	IN	OUT	N/A	N/O	COS	R
48 Warewashing facilities: installed, maintained, and used; test strips						
49 Non-food contact surfaces clean						
Physical Facilities						
50 Hot and cold water available; adequate pressure						
51 Plumbing installed; proper backflow devices						
52 Sewage and waste water properly disposed						
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M10 Leased Commercial Kitchen						
M11 Innovation Operation						
M12 Frozen Desert						
Local Requirements						
L1 Local law or regulation						
L2 COVID-19						
L3 Reserved						

Fail Code	DESCRIPTION OF VIOLATION
Discussion	Upon entry Staff reported Dish machine rinse below 50ppm. Retested with PIC appears chlorine not dispensing. Solution in container. PIC able to explain approved alternative method - using 3 bay sinks. Owner contacting service provider for repair.
Discussion	3 bay sinks observed set for warewashing. Sanitizing solution 200ppm quat.
Discussion	Owner states last pest control service was Monday 3/14/22. Observed traps in place. Activity appears under control. Pest reports forwarded to Health Office.
Discussion	Food Protection Managers exam results overdue from Servsafe. Status request sent to Servsafe. Maureen will notify owner and Health Office when information available.
Discussion	Cold holding temperatures above 41F, facilities and equipment in clean condition, date marking observed on required products. Hand sinks stocked, hot water above 100F. Food thermometer available. test strips available. Owner reports handling gluten free requests individually, upon request. States product availability continues to fluctuate, making it difficult to commit to gluten free menu items. .
Discussion	Reminder to owner - prior to installing additional sinks, obtain prior approval from health office.
Discussion	Reduced inventory and prepared foods observed.

Establishment: Rice Barn, Needham, MA
Instructor: Maureen Lee
Date: February 2, 2022

In Attendance

Jackie Pierce -	Server
Patcharee Puangposob	Chef / FPM Certificate
Charlertpol Intha	Owner/Manager / FPM Certificate
Andy Zhang	Cook
Luis Marroguin	Cook
Manuel	Chef

Food Protection Manager Certificate Status

Charles Jr. is in process of studying for the Food Protection Managers exam. I expect he will test within 10 days.

Details of Training**Person in Charge Responsibilities and Performing Duties****PIC is responsible for**

- (1) The safety of their customers as it relates to food safety.
- (2) Supervise employees relative to food safety activities. There must be PIC responsible for food safety during ALL operating hours, this includes prior to opening and after closing during prep and clean up.
- (3) The PIC works in the kitchen, directly oversees food handlers.

Employee Reporting Agreement (Form provided in Chinese & English)

Discussed employee-reporting agreement. Reviewed symptoms that must be reported to the manager. Employees with vomiting and diarrhea can not work. In addition, they must be free of symptoms for 24 hours (Norovirus 72 hours) hours before returning to work. Discussed impact of serving contaminated food to the public. Staff may be infected prior to symptoms. Important no bare hand contact with RTE foods, no saliva contamination, wash hands with double handwash after using the rest room.

Post and Review the Employee Reporting Agreement with all current and newly hired staff. Provide to inspectors during inspections.

Hand washing - Demonstration

Where to Wash: Hand washing is to be completed in the hand washing sink. Do not wash/rinse hands in other sinks.

Hand sinks are not used to for other activities such as discarding coffee, rinsing dishes.

When to Wash: Wash hands before beginning work, after handling raw product, after any hand to mouth contact, after blowing nose, upon return from break time or leaving the kitchen/deli area, before putting gloves on.

Restrooms – 2 hand washes recommended. Wash hands before leaving rest room and again when entering the kitchen / work area.

- Wash hands before eating to protect yourself. Wash after eating to protect others.
- Wash hands after touching face or cell phone.

Sequence upon arrival to work: punch in, put hair under restraint, put personal items away in approved area, wash hands, mix sanitizing solution – only then are you ready to handle food.

How to Wash: Complete a 20-second hand wash. Jewelry may not be worn on the hands or wrists other than a plain wedding band. Hand sanitizer may only be used after a 20-second hand wash. If used it must be located at the hand sink.

Keep hand sinks in clean condition, stocked with soap and paper towels as instructed today.

Sanitizing Solution (Demonstration)

How to Mix: Staff can correctly demonstrate method of mixing sanitizer.

How to Use: Sanitizing solution will be used in the 3 compartment sinks, buckets at workstations and spray bottles.

Discussed correct method to set sinks up for washing, rinsing and sanitizing. Air drying will be completed on the shelving provided. Wash sink to be filled with hot soapy water. Change water when suds are gone, or water is cooled. Rinse water is hot clear water. Sanitizing water is warm water with a chemical concentration of 200ppm Quat.

Practice good technique – Scrape pot/pans to remove food particles and excess grease prior to washing. Do not allow grease and food to enter the rinse and sanitizing water.

Organic matter i.e. food/grease/juices will break sanitizing solution down.

Monitoring: Using a quat test strip, test each fresh batch when mixed to verify the correct concentration. Discussed procedure to determine the concentration of solution while in use. Change solution once soiled with food debris or grease.

Gloves

No bare hand contact with ready to eat foods and raw animal proteins.

Discussed when to wear gloves and when to change gloves to avoid cross contamination.

Only wear gloves when handling ready to eat foods and disposable service ware (HSP- best practice). Cuts on hands are to be covered with band aids and gloves or finger cot while in the establishment.

Eating/Drinking/Cell Phone at Workstations

Eating/Drinking/Gum Chewing/Smoking and cell phone use is to be done in a designated break area away from all food handling and clean dish, linen, paper areas. Staff is allowed to have a personal beverage at their workstation if it is in the approved format of cup-cover and straw. Rational provided. This pertains to both hot and cold beverages.

Calibration of Thermometers - Demonstration

Explained the purpose of thermometer calibration and the ice point method. Thermometers should be calibrated at the beginning of each day.

Receiving

Hot Foods- shall be received at 135F or above. If below 135F the food items will be rejected.

Cold Food – shall be received at 41F or below. If above, the food items will be rejected.\

When food is rejected at time of receiving a notation will be made on the log and the PIC will be notified.

Refrigeration Storage Methods

Reviewed correct storage of raw and Ready to Eat foods. Cardboard, egg flats, chicken boxes, cut plastic containers are not to be reused as storage containers.

Approved Thawing Methods

Discussed approved ways to thaw food. Putting in refrigerator, running under water (below 70F) for less than 2 hours, or using a microwave if you will proceed to cook immediately afterwards.

Cooking Food

Discussed proper internal temperatures associated with different food types. *Food cooked in wok or fryer are to have a final cooking temperature of 165F or above. Thermometers should be used to monitor internal temperatures by inserting into the thickest part. *Thermometers are a food contact surface and should be sanitized before use. After use they are to be cleaned and sanitized.

Cooling Cooked Foods

Cooked foods will be cooled from 135F to 70F within 2 hours and then from 70F to 41F within 4 hours. Identify the list of foods cooled. Determine the method for cooling and monitoring time and temperatures during the cooling process.

Foods are to cool to 41F before placing into containers with tight fitting lids.

Identify tools available for cooling foods.

Identify location in refrigeration for completing cooling.

Date Marking - Demonstration

Date marking applies to two types of foods.

1. Foods prepared in the establishment
TCS, RTE, refrigerated foods, stored 24 hours or greater are to have a method to identify the USE-BY DATE, not to exceed 7 days from first ingredient.
2. Commercially prepared RTE, TCS foods, refrigerated and stored 24 hours or greater are to have a method to identify the USE-BY date not to exceed 7 days or the manufacturers expiration date, whichever date is first.

Hot and Cold Holding -Demonstration

Hot food will be held at 135F or above.

Cold food will be held at 41F or below.

Always provide a calibrated thermometer, accessible to staff. Verify food holding temperatures prior to meal service.

Reheating

The training group is aware that all products reheated must be done so within 2 hours to reach an internal temperature of 165F before serving. Re-heating is not a corrective action for received foods.

Respectfully submitted,
Maureen Lee; CP-FS
978-621-2616



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
54807	1/6/22	3:39 PM 5:07 PM	Routine	Food Service	D.Acosta		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				3	3	3	3

Summary of Violations

Priority	Priority f	Core	Total
3	3	3	9

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.

D.Acosta

Chalermopol Intha - Expires
Certificate #:

Notes

Reinspection. Need to print out 2022 permit. Only valid until Jan 31.

Mixer had blue painters tape wrapped around the cord. Cord was cut at some point.

Walk in cooler in basement is not in use. 6 droppings observed in the back corners of basement where floor is painted red underneath electrical panels. White walk in cooler in part of basement where there is workout equipment was not being used. Opened the door and it was 98°F inside the cooler. Absolutely no food being stored inside.

Cleaning Log is not being maintained on a daily basis. It is filled out at the end of week and then sent over to health dept.

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Inspector
D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Supervision

PIC present, demonstrated knowledge & performs duties

1 2-102.11 (A)(B) & (C)(1), (4)-(16) Demonstration of Knowledge - Kitchen -

Pf Explained to two cooks (one in Spanish, one in English) how to properly cool down items. Went over temp danger zone and that foods need to be maintained above 135°F or below 41°F. *Code: The person in charge demonstrate to the RA knowledge of foodborne disease prevention, application of HACCP principles, and the requirements of this code. The person in charge shall demonstrate knowledge by having no violations of priority items during the current inspection; being a certified food protection manager; or responding correctly to the inspectors questions as they relate to the specific food operation.*

Protection From Contamination

Food-contact surfaces, cleaned & sanitized

16 4-501.114 (A)-(C) Chem.San. Temp./pH/Concentr./Hard. - Kitchen -

COS Pr Sanitizer concentration was very low in sanitizer bucket. Buckets were filled around 11 am and not restocked. Staff refilled sanitizer bucket with new solution. *Code: A chemical sanitizer used in a sanitizing solution for a manual or mechanical operation at contact times specified under paragraph 4-703.11(C) shall meet the criteria specified under section 7-204.11 Sanitizers, Criteria, shall be used in accordance with the EPA-registered label use instructions, and shall be used as follows: A chlorine solution shall have a temperature of 55°F-120°F, depending on water hardness, and concentration range of 25ppm to 100ppm. An iodine solution shall have a minimum temperature of 68°F with a concentration range of 12.5ppm to 25ppm. A quaternary ammonium compound solution shall have a minimum temperature of 75°F, have a concentration as specified under section 7-204.11 and as indicated by the manufacturer's use directions included in the labeling, and be used only in water with 500 MG/L*



Time / Temperature Control for Safety

The Rice Barn
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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Hot Holding Temperature

21 3-501.16 (A)(1) Proper Hot Holding Temps. - Kitchen -

Pr The temperature of the Cooked rice on counter in the was 116 degrees. *Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained: at 135°F or above, except that roasts cooked to a temperature and for a time specified in paragraph 3-401.11(B) or reheated as specified in paragraph 3-403.11(E) may be held at a temperature of 130°F or above.*

22 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Kitchen -

Pr The temperature of the Cooked rice in the Reach in was 47 degrees. *Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.*

23 3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

Pf No date marking. Rice was reportedly cooked the day prior. Temperature was 47°F. Voluntarily discarded. *Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*



Food Temperature Control

The Rice Barn
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D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Proper cooling methods used; adequate equipment for temp. control

33 3-501.15 (B) Cooling methods - Kitchen -

- COS Pf** Cooked rice reported being prepared at 11 am and was removed from temperature control. Found on a counter. Temp of 116°F. Voluntarily discarded. *Code: When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be: arranged in the equipment to provide maximum heat transfer through the container walls; and loosely covered, or uncovered if protected from overhead contamination during the cooling period to facilitate heat transfer from the surface of the food.*



Prevention of Food Contamination

Wiping cloths: properly used & stored

41 3-304.14 (A)-(E) Wiping Cloths, Use Limitation - Kitchen -

- C** Soiled wiping cloths on cutting board. Not in sanitizer solution. *Code: Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be maintained dry and used for no other purpose. Cloths in-use for wiping counters and other equipment surfaces shall be held between uses in a chemical sanitizer solution and laundered daily. Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes. Dry wiping cloths and the chemical sanitizing solutions in which wet wiping cloths are held between uses shall be free of food debris and visible soil. Containers of chemical sanitizing solutions shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.*



Utensils, Equipment and Vending

The Rice Barn
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D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

All contact surfaces cleanable, properly designed, constructed & used**47 4-501.11 Good Repair and Proper Adjustment - Basement -**

- C** Mixer used to prepare oyster sauce had blue painters tape holding a part together. Concern that it is not safe when running with electricity. *Code: Equipment shall be maintained in a state of repair and condition that meets FDA requirements. Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturers specifications. Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.*

Physical Facilities**Physical Facilities installed, maintained & cleaned****55 6-501.114 Unnecessary Items and Litter - Basement -**

- C** Cardboard boxes stored under stairs. Owner reports it's rotated each day. Inspector explained it should not be stored overnight as it is a pest concern. *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*

**Notes**

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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Notes**88****Notes - Basement -**

- N** Staff member preparing oyster sauce on the ground in the basement. - General Notes.

**88****Notes - Basement -**

- N** Basement walk in cooler. Floor was recently painted. The cooler is not in as they are not reaching the capacity needed to use it. - General Notes.



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Inspection Report (continued)

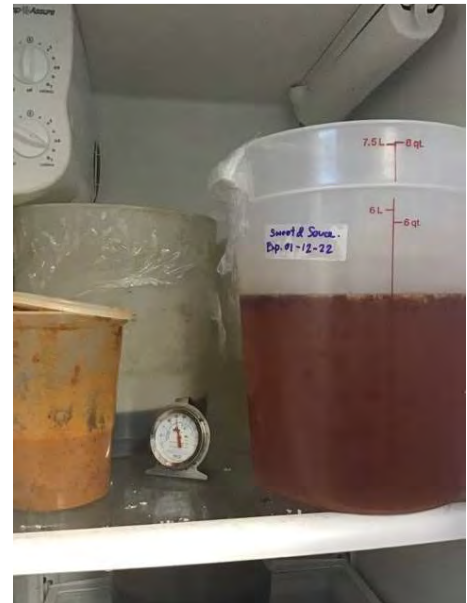
Repeat Violations Highlighted in Yellow

88 Notes - Basement -

N Cleaned cart used to prop up sauce. - General Notes.

**88 Notes - Kitchen -**

N Date marking noted on some items - General Notes.



FOOD SAFETY INSPECTION REPORT

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5:07 PM

Inspector
D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88 Notes - Kitchen -

- N** Sanitizer was very low in dispenser. Owner to replenish bottle. - General Notes.



88 Notes - Kitchen -

- N** Some date marking noted with expiration date. - General Notes.



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88**Notes - -**

- N** Cardboard transported on cart outside nightly according to owner. - General Notes.

**Positive Notes****Proper Food Safety Practices****98****98 Proper Food Safety Practices - -**

- N** Sanitizer at proper concentration at 3 bay sink. - Excellent.



FOOD SAFETY INSPECTION REPORT

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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

98 98 Proper Food Safety Practices - Kitchen -

N Roll top at proper temp - Excellent.



FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Flip top near curry	Ginger		36 °F
Kitchen		Cooked rice on counter		116 °F
Kitchen	Amana white cooler	Ambient		36 °F
Kitchen	Flip top Sandwich	Raw beef		36 °F
Kitchen	Reach in	Cooked rice		47 °F
Kitchen	- Kenmore white	Ambient		-10 °F

Temperatures in RED identify items in the temperature danger zone. See the report notes for specific details.

FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
54807

Date
1/6/22

Time In/Out
3:39 PM
5:07 PM

Inspector
D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494 781-455-7940ext. 504
www.needhamma.gov/health 781-455-7922 (fax)



MODIFIED MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "MOU" or "Memorandum") is entered into on November 22, 2021 (the "Effective Date"), by and between Needham Public Health Division located at 178 Rosemary St, Needham Heights, Massachusetts 02494 (the "First Party"), and The Rice Barn located at 1037 Great Plain Ave, Needham, Massachusetts 02492 (the "Second Party"). First Party and Second Party may be referred to individually as the "Party", or collectively, the "Parties". **This agreement was updated on January 25, 2022.**

1. PURPOSE AND SCOPE

The Parties intend for this Memorandum to provide the cornerstone and structure for any and all future contracts being considered by the Parties, and which may be related to the scope of compliance with state and federal food codes.

2. OBJECTIVES

The Rice Barn shall endeavor to work to develop and establish policies and procedures that will promote and sustain a safe and sanitary Food Establishment which adheres to the 2013 Federal Food Code and 105 CMR 590.00: State sanitary code chapter X: Minimum sanitation standards for food establishments and intend to maintain a product and/or service that meets or exceeds all business and industry standards.

3. RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES

A commitment by Rice Barn with respect to correct the violations described in all previous inspection all reports will result only from execution of definitive agreements, subject to the conditions contained therein.

Needham Public Health Division shall render and provide the following services that include, but are not limited to:

- The Needham Public Health Division and any other parties hired by the Public Health Division will continue to conduct check-ins, at random, to ensure safe and sanitary conditions are being maintained. Any logs can and will be spot checked to ensure compliance.
- Follow up inspections will have a charge of \$125 each. This fee will be added to the renewal fee for the 2022 Food Establishment Permit.

The Rice Barn shall render and provide the following services that include, but are not limited to:

- There must be at **least two trained staff** who hold a Food Protection Manager and Food Allergy Training certificates by **January 1, 2022. A Food Protection Manager must be on site at all hours that the establishment is open. This is in addition to the owner**, who already has a ServSafe food training certificate.
- New hires must have food safety training. They must be trained in maintaining the establishment's temperature and cleaning logs. Daily refrigerator temperature logs are required



Needham Public Health Division

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for all refrigerators, freezers, rolltop, and undercounter refrigeration units, that are used to store food in any form. This must be done at the opening and closing shifts. All hand sinks must remain fully stocked at all times, and employees must understand when and how to wash their hands. Any Bare hand contact with Ready to eat food will not be tolerated.

- The establishment **must remain free of pest activity**. Any droppings found must be immediately cleaned up and reported to the pest control company. Checks for droppings must be completed daily. Copies of weekly pest control reports must be submitted to the Public Health Division.
Must add exterior service to current pest control plan. An updated pest control contract must be submitted to the Public Health Division.
- Pest control to be performed in all areas of the food establishment both interior **and exterior weekly by a licensed pest control operator**. All weekly reports must be submitted to the Needham Public Health Division. Any holes or gaps identified in the reports must be repaired as soon as possible. If it cannot be immediately addressed, continued monitoring of holes and gaps must be part of the building envelope maintenance protocols.
- Ownership and staff of The Rice Barn restaurant is on a strict and frequent cleaning protocol. Cleaning logs must be filled out daily by staff and submitted to the Health Division on a **weekly basis (does not have to be daily)**. Ware washing sinks, and sanitizer for storage of wiping cloths must be used. All required thermometers and test strips must be readily available, and staff must be trained in proper use. The restaurant must be maintained and free of excessive food debris and grease buildup on and under any equipment.
- All Ghost kitchen agreements must be suspended, until future notice, on or before Jan. 1, 2022. This will be a condition of your food permit renewal for this coming year.
- **All refrigerated ready-to-eat and Time/Temperature Control for Safety (TCS) foods must be properly date marked. The preparation date is Day 1. Foods can only be kept for a maximum of 7 days.**
 - **Example, tomatoes were chopped on 1/20/2022. The label must have the prep date of 1/20/2022 and a use by date of 1/26/2022.**
- **On-going violations must be corrected immediately. Ex. clutter in basement must be cleared, items must be stored properly at proper temperatures, etc. Refer to past reports emailed.**
- **Work with a third-party food consultant. Training must include proper hygiene practices, including when, where, and how to wash hands, proper hot and cold holding procedures, proper storage of raw and ready-to-eat foods, and proper date marking. A list of trained employees must be submitted after the training.**
- Failure to correct and maintain may result in modification or restriction of menu items, reduced hours of operation, suspension, closure or any other means as necessary for public health and safety.

4. TERMS OF UNDERSTANDING

The term of this Memorandum shall be for a period of 6 months from the Effective Date of this notice.



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494 781-455-7940ext. 504
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If the establishment is found to continue to be out of compliance in any aspect of the 2013 Federal Food Code and 105 CMR 590.00: State sanitary code chapter X: Minimum sanitation standards for food establishments, the Needham Public Health Division reserves the right to limit (i.e. restrict hours or days of operation including takeout and delivery) or suspend the Food Establishment Permit for The Rice Barn.

5. LEGAL COMPLIANCE

The Rice Barn acknowledges and understands that they must be able to fulfill their responsibilities under this Memorandum in accordance with the provisions of the law and regulations that govern their activities. The Rice Barn assumes full responsibility for their performance under the terms of this Memorandum.

6. NOTICE

Any notice or communication required or permitted under this Memorandum shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such address as one may have furnished to the other in writing. However, if during an inspection the establishment is found to be non-compliant and conditions exist that meet the definition of FC- 8-404.11 considered an imminent health hazard by law. Immediate closure is required without notice.

7. GOVERNING LAW

This Memorandum shall be governed by and construed in accordance with the laws of the State of Massachusetts.

8. AUTHORIZATION AND EXECUTION

The signing of this Memorandum constitutes a formal undertaking, and as such it simply intends that THE RICE BARN shall reach and maintain, the goals and objectives stated in this MOU.

This Agreement shall be signed by Needham Public Health Division and The Rice Barn and shall be effective as of the date first written above.

Needham Public Health Division

178 Rosemary St

Needham Heights, Massachusetts 02494

(Date) 1/25/2022

The Rice Barn

1037 Great Plain Ave

Needham, Massachusetts 02492

(Date) _____



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494 781-455-7940ext. 504
www.needhamma.gov/health 781-455-7922 (fax)



Giana Acosta

Needham Public Health Division

178 Rosemary St

Needham Heights, Massachusetts 02494

(Date) 1/25/2022

The Rice Barn

1037 Great Plain Ave

Needham, Massachusetts 02492

(Date) _____



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
E85BB	12/18/21	12:34 PM 1:38 PM	Routine	Food Service	M.Pancare		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				2	2	4	2

Summary of Violations

Priority	Priority f	Core	Total
2	2	4	8

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.

M.Pancare

Chalermopol Intha - Expires
Certificate #:

Notes

Reinspection 12/18/21
Quat 200 ppm

Continue to remove clutter and equipment that is not used, and store off the floors and protected to prevent pests.
Additional training required for ALL staff to consistently clean as they go, not just one or two people.

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

- -

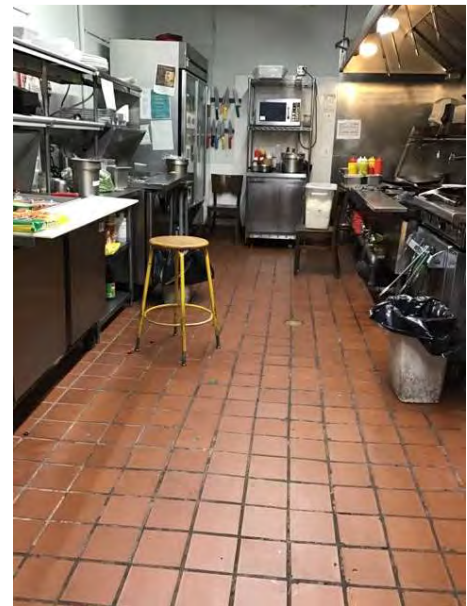
Code:



88

- -

Arrival photo of kitchen -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

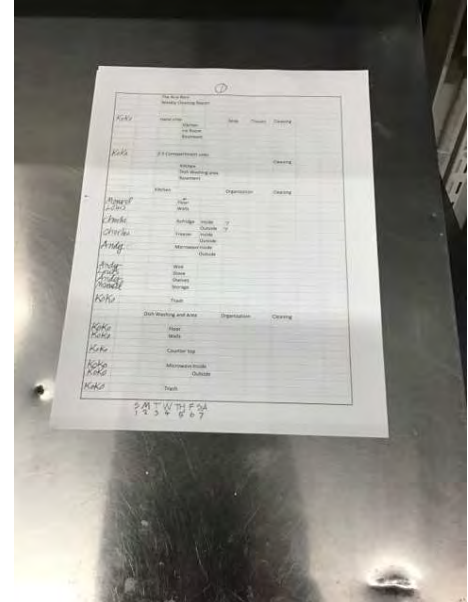
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

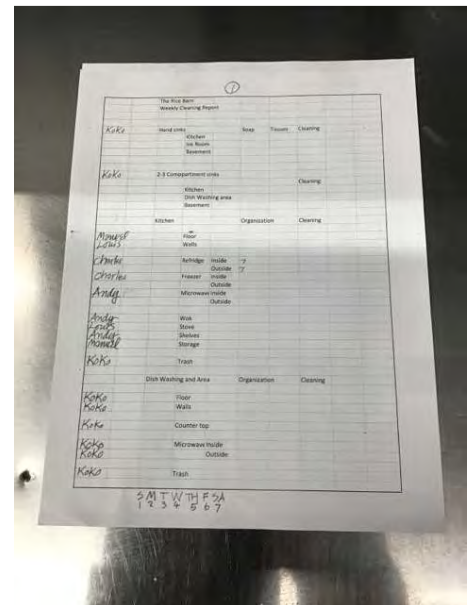
Cleaning log -



88

- -

Cleaning logs are not understandable.
Today is Saturday 12/18/21 and cleaning of refrigerator is marked as complete (7)
This inspector does not understand when the log is used for days of week (1) thru (6). Please provide explanation of who is responsible for cleaning and on what days. -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Storage areas show improvement -

**88**

- -

Storage area show improvements
Store large pots up off floor -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

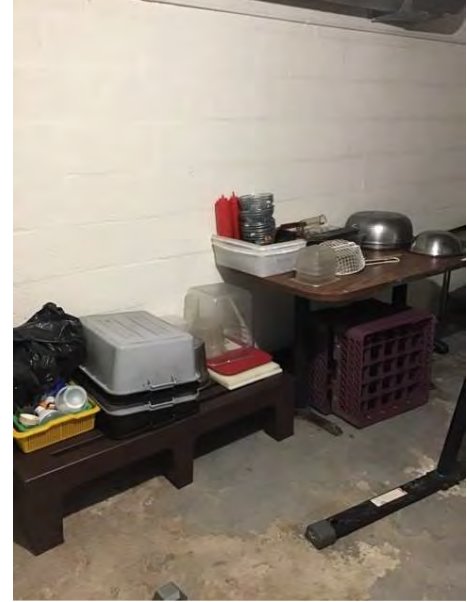
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

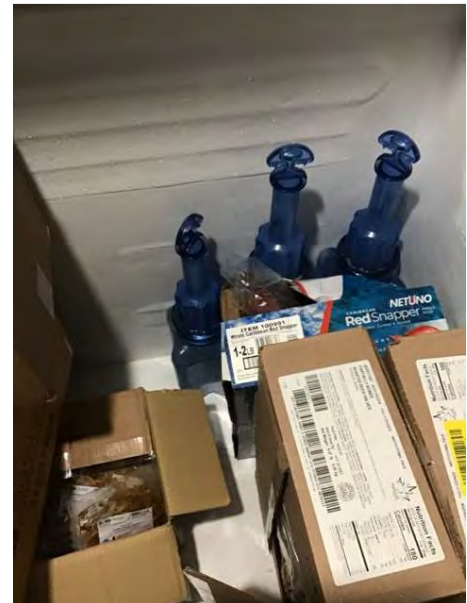
Storage of unused items in basement
After cleaning store covered and protected even if not in
use. -



88

- -

Basement freezer clean #1 -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Basement freezer #2 clean -

**88**

- -

Basement cooler is being repainted -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88 - -

See #15

Table in basement soiled, and prep knives. -



88 - -

Grinder in basement was not clean to sight clean to touch.
This was Corrected on site -

**Protection From Contamination**

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Food Separated and protected

15 3-302.11 (A)(4) Packaged and/or wrapped foods - Kitchen -

- C** French fries not protected *Code: Food shall be protected from contamination by storing the food in packages, covered containers, or wrappings. This does not apply to (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption; (2) primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks; (3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks; (4) FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or shellstock.*



15 3-304.11 Food Contact with Soiled Items - Basement -

- Pr** Knives stored in basement soiled.
Store after cleaning and sanitizing properly *Code: Food shall only contact surfaces of: equipment and utensils that are cleaned and sanitized; single-service and single-use articles; or linens, such as cloth napkins that are used to line a container for the service of foods AND are replaced each time the container is refilled for a new consumer.*



The Rice Barn
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Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

16 4-601.11 (A) Equip, Food-Contact Surfaces - Kitchen -

- Pf** Small refrigerator is broken.
Inside is severely soiled and unsanitary
Clean, sanitize, repair or replace. *Code: Equipment food-contact surfaces and utensils shall be clean to sight and touch.*



Time / Temperature Control for Safety

Cold Holding Temperature

22 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Kitchen -

- Pr** Chicken Satay stored on dish counter at room temp 71f
Product discarded *Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.*



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

23

3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Basement -

- Pf** Rice noodles stored in basement walk-in are not datemarked.
Provide proper datemarking *Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*



Prevention of Food Contamination

Cont. prevented during food prep., storage & display

39

3-305.11 Food Storage - Basement -

- C** Open container with raisins stored unprotected *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*



Utensils, Equipment and Vending

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

All contact surfaces cleanable, properly designed, constructed & used

47

4-101.19 Nonfood-Contact Surfaces - Basement -

- C** Basement walk-in floor is soiled
Clean entire floor and under racks as often as necessary
Code: Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.



Physical Facilities

Physical Facilities installed, maintained & cleaned

55

6-501.114 Unnecessary Items and Litter - Basement -

- C** Debris boxes under stairwell remove to prevent pests
Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.



FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Permit. up to date and posted?

NO

Pest control record available?

NO

Written Menus /signs present (allergen)?

NO

Allergen Certificate Posted?

NO

Certified Food Protection Managers Certificate posted?

NO

Food allergy awareness poster visible for employees?

NO

Staff trained in choke-save for every shift.

NO

Ventilation Hood Inspections stickers up to date?

NO

Consumer Advisory Present if needed?

NO

Grease log up to date?

NO

Food Employee Reporting Agreement available?

NO

Procedures outlines for vomit/diarreal event?

NO

No trans fat?

NO

"Most recent food inspection" sign posted?

NO

FOOD SAFETY INSPECTION REPORT

Page Number

13

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
E85BB

Date
12/18/21

Time In/Out
12:34 PM
1:38 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Magic Chef white	Ambient		10 °F
Kitchen	Flip top near curry	Ambient		35 °F
Kitchen	- Kenmore white	Ambient		-7 °F
Kitchen	Flip top Sandwich	Ambient		35 °F
Kitchen		Chicken Satay		70 °F
Kitchen	Amana white cooler	Ambient		25 °F
Kitchen	2 door glass cooler -	Ambient		34 °F

Temperatures in RED identify items in the temperature danger zone. See the report notes for specific details.



Needham Public Health Division

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MEMORANDUM OF UNDERSTANDING

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1. PURPOSE AND SCOPE

The Parties intend for this Memorandum to provide the cornerstone and structure for any and all future contracts being considered by the Parties and which may be related to the scope of compliance with state and federal food codes.

2. OBJECTIVES

The Rice Barn shall endeavor to work to develop and establish policies and procedures that will promote and sustain a safe and sanitary Food Establishment which adheres to the 2013 Federal Food Code and 105 CMR 590.00: State sanitary code chapter X: Minimum sanitation standards for food establishments and intend to maintain a product and/or service that meets or exceeds all business and industry standards.

3. RESPONSIBILITIES AND OBLIGATIONS OF THE PARTIES

A commitment by Rice Barn with respect to correct the violations described in all previous inspection all reports will result only from execution of definitive agreements, subject to the conditions contained therein.

Needham Public Health Division shall render and provide the following services that include, but are not limited to:

- The Needham Public Health Division and any other parties hired by the Public Health Division will continue to conduct check-ins, at random, to ensure safe and sanitary conditions are being maintained. Any logs can and will be spot checked to ensure compliance.
- Follow up inspections will have a charge of \$125 each. This fee will be added to the renewal fee for the 2022 Food Establishment Permit.

The Rice Barn shall render and provide the following services that include, but are not limited to:

- There must be at **least two trained staff** who hold a Food Protection Manager and Food Allergy Training certificates by **January 1, 2022**. A Food Protection Manager must be on site at all hours that the establishment is open. This is in addition to the owner, who already has a ServSafe food training certificate.
- New hires must have food safety training. They must be trained in maintaining the establishment's temperature and cleaning logs. Daily refrigerator temperature logs are required for all refrigerators, freezers, rolltop, and undercounter refrigeration units, that are used to



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494 781-455-7940ext. 504
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store food in any form This must be done at the opening and closing shifts. All handsinks must remain fully stocked at all times, and employees must understand when and how to wash their hands. Any Bare hand contact with Ready to eat food will not be tolerated.

- The establishment **must remain free of pest activity**. Any droppings found must be immediately cleaned up and reported to the pest control company. Checks for droppings must be completed daily. Copies of weekly pest control reports must be submitted to the Public Health Division.
- Pest control to be performed in all areas of the food establishment both interior and exterior **weekly by a licensed pest control operator**. All weekly reports must be submitted to the Needham Public Health Division. Any holes or gaps identified in the reports must be repaired as soon as possible. If it cannot be immediately addressed, continued monitoring of holes and gaps must be part of the building envelope maintenance protocols.
- Ownership and staff of The Rice Barn restaurant is on a strict and frequent cleaning protocol. Cleaning logs must be filled out daily by staff and submitted to the Health Division on a weekly basis. Warewashing sinks, and sanitizer for storage of wiping cloths must be used. All required thermometers and test strips must be readily available, and staff must be trained in proper use. The restaurant must be maintained and free of excessive food debris and grease buildup on and under any equipment.
- All Ghost kitchen agreements must be suspended, until future notice, on or before Jan. 1, 2022. This will be a condition of your food permit renewal for this coming year.
- Failure to correct and maintain may result in modification or restriction of menu items, reduced hours of operation, suspension, closure or any other means as necessary for public health and safety.

4. TERMS OF UNDERSTANDING

The term of this Memorandum shall be for a period of 6 months from the Effective Date of this notice.

If the establishment is found to continue to be out of compliance in any aspect of the 2013 Federal Food Code and 105 CMR 590.00: State sanitary code chapter X: Minimum sanitation standards for food establishments, the Needham Public Health Division reserves the right to limit (i.e. restrict hours or days of operation including takeout and delivery) or suspend the Food Establishment Permit for The Rice Barn. This also includes

5. LEGAL COMPLIANCE

The Rice Barn acknowledges and understands that they must be able to fulfill their responsibilities under this Memorandum in accordance with the provisions of the law and regulations that govern their activities. The Rice Barn assumes full responsibility for their performance under the terms of this Memorandum.



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494 781-455-7940ext. 504
www.needhamma.gov/health 781-455-7922 (fax)



6. NOTICE

Any notice or communication required or permitted under this Memorandum shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such address as one may have furnished to the other in writing. However, if during an inspection the establishment is found to be non-compliant and conditions exist that meet the definition of FC- 8-404.11 considered an imminent health hazard by law. Immediate closure is required without notice.

7. GOVERNING LAW

This Memorandum shall be governed by and construed in accordance with the laws of the State of Massachusetts.

8. AUTHORIZATION AND EXECUTION

The signing of this Memorandum constitutes a formal undertaking, and as such it simply intends that THE RICE BARN shall reach and maintain, the goals and objectives stated in this MOU.

This Agreement shall be signed by Needham Public Health Division and The Rice Barn and shall be effective as of the date first written above.

Needham Public Health Division

178 Rosemary St

Needham Heights, Massachusetts 02494

(Date) 11/22/2021

The Rice Barn

990 Great Plain Ave

Needham, Massachusetts 02492

(Date) 11/22/2021

Needham Public Health Division

178 Rosemary St

Needham Heights, Massachusetts 02494

(Date) 11/22/2021

The Rice Barn

990 Great Plain Ave

Needham, Massachusetts 02492

(Date) _____



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
7E909	10/16/21	3:05 PM 5:35 PM	Routine	Food Service	M.Pancare		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				1	4	10	3

Summary of Violations

Priority	Priority f	Core	Total
1	4	10	15

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.



M.Pancare



Chalerm Pol Intha - Expires
Certificate #:

Notes

Greasetrap 9-3-21

Hoods compliant

Overall facility not sanitary and not in good repair.

Immediate correction is required to clean all food and non food contact surfaces

Train staff proper food storage practices and segregation and all correct all other violations in this report and all previous reports.

Provide a detailed timeline and action plan for review.

This inspector recommends a third party consultant to assist with overall food safety, sanitation and storage practices to assist in compliance. Contact LBOH for review.

Erlich Pest Control last visit was May 2021.

Immediate Pest Control required 2x per month.

FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
7E909

Date
10/16/21

Time In/Out
3:05 PM
5:35 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

15

- -

Raw TCS foods stored above Ready to eat food. Code:

**15**

- -

Raw beef cubes stored above Ready to eat food Code:



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
7E909

Date
10/16/21

Time In/Out
3:05 PM
5:35 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

15

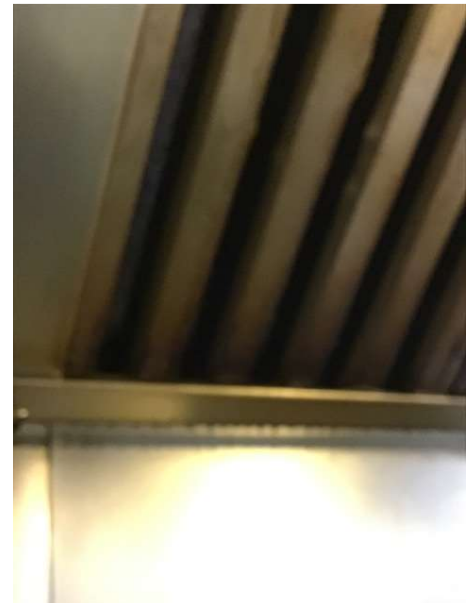
- -

Unsanitary equipment in basement
Wash clean and sanitize as often as necessary, and store
protected. Code:

**88**

- -

Hoods severely soiled.
Scheduled cleaning due by end of October 2021 -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
7E909

Date
10/16/21

Time In/Out
3:05 PM
5:35 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Hoods side view due end of October 2021 -

**Supervision****PIC present, demonstrated knowledge & performs duties**

1

2-103.11 (I) Duties of Person in Charge - Kitchen -**Pf**

Person in charge of this facility is not conforming to Food safety practices and training of staff
As evidenced in this and previous reports *Code: The person in charge shall ensure that employees are properly maintaining the temperatures of TCS foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures.*

Preventing Contamination by Hands

The Rice Barn
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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Adequate handwashing sinks properly supplied and accessible

10 6-301.14 Handwashing- Signage - Kitchen -

- C** Handsink is soiled.
Proper handwashing signage required. *Code: A sign or poster that notifies food employees to wash their hands shall be provided at all handwashing lavatories used by food employees and shall be clearly visible to food employees.*



10 6-301.12 Hand Drying Provision - Basement -

- Pf** No paper towels in food prep area in basement.
Provide *Code: Each handwashing lavatory or groups of adjacent lavatories shall be provided with: individual, disposable towels; a continuous towel system that supplies the user with a clean towel or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.*



Protection From Contamination

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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Food Separated and protected

15 3-302.11 (A)(2) Raw Animal Foods Separated from each other - Kitchen -

- Pr** Raw ground pork, raw beef cubes were stored above ready to eat food.
Repeat discussion with the owner on proper food storage
Code: Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.



15 3-302.11 (A)(3) Using clean and sanitized equipment - Basement -

- C** Food equipment unsanitary with debris
Wash rinse and sanitize keep stored covered and protected. Clean to sight and clean to touch.
Code: Food shall be protected from cross contamination by cleaning equipment and utensils as specified under paragraph 4-602.11(A) and sanitizing as specified under section 4-703.11.



Time / Temperature Control for Safety

The Rice Barn
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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Date marking and disposition

23

3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

- Pf** No datemarking on prepared and TCS foods as required *Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*

Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28

7-209.11 Storage (Personal Care Items) - Kitchen -

- C** Personal items stored on table in kitchen *Code: Employees shall store their personal care items (medications, first aid supplies, cosmetics and toiletries such as toothpaste and mouthwash) in lockers or other suitable facilities away from food and equipment.*



Food Temperature Control

The Rice Barn
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Inspection Number
7E909

Date
10/16/21

Time In/Out
3:05 PM
5:35 PM

Inspector
M.Pancare

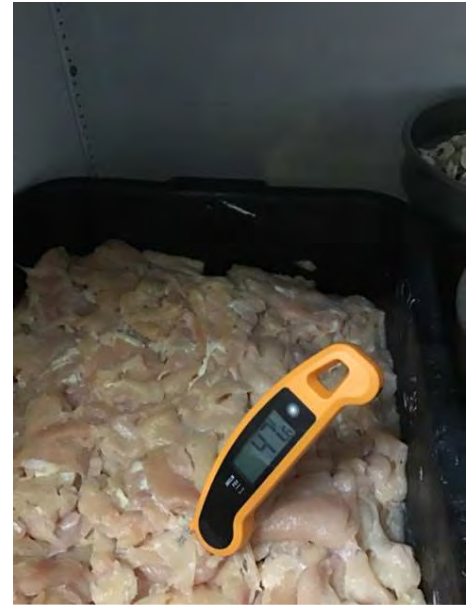
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Proper cooling methods used; adequate equipment for temp. control

33 4-301.11 Cooling/Heating/Holding Capacities - Kitchen -

- Pf** Raw chicken 43-45f Cook stated it was left on counter for less than 1 hour.
Product was removed smaller containers, and stored in freezer.
Discussion with owner on having adequate amounts of refrigeration available for proper food storage and separation *Code: Equipment for cooling and heating food, and holding cold and hot food, shall be sufficient in number and capacity to provide food temperatures as specified under Chapter 3.*



Prevention of Food Contamination

Insect, rodents & animals not present

38 6-501.111 (A)(B)(D) Controlling Pests - Basement -

- C** Mice feces too numerous to count in basement where food and equipment, and eating utensils are stored. Remove all items wash rinse and sanitize, and store covered and protected *Code: The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

39 3-305.14 Food Preparation - Kitchen -

- C** Egg rolls not covered in freezer.
A container of salt was stored behind the magic chef refrigerator on floor uncovered. Discarded
Raw chicken in refrigerator not covered. *Code: During preparation, unpackaged food shall be protected from environmental sources of contamination.*

**39 3-305.11 Food Storage - Kitchen -**

- C** Salt stored behind a refrigerator uncovered, unsanitary and around electrical wires from refrigerator *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

41

3-304.14 (A)-(E) Wiping Cloths, Use Limitation - Kitchen -

- C** Sanitizer and wiping cloths were not in use during prep. Cloths were not stored properly.
Code: Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be maintained dry and used for no other purpose. Cloths in-use for wiping counters and other equipment surfaces shall be held between uses in a chemical sanitizer solution and laundered daily. Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes. Dry wiping cloths and the chemical sanitizing solutions in which wet wiping cloths are held between uses shall be free of food debris and visible soil. Containers of chemical sanitizing solutions shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.

Utensils, Equipment and Vending

All contact surfaces cleanable, properly designed, constructed & used

47

4-101.19 Nonfood-Contact Surfaces - Basement -

- C** Standing Mop water in soiled mop bucket with debris.
Mold on surface of water is visible
Remove all waste and clean mop bucket frequently.
It was observed that worktable stainless steel shelving doors of refrigerators and microwaves and the inside of these same items were not clean. Spills, embedded food debris were observed. Refrigerator gaskets were soiled, and ripped. Discussion with the owner on cleaning and sanitizing as often as necessary to keep them clean clean to site and clean to touch. *Code: Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.*



Physical Facilities

The Rice Barn
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5:35 PM

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M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Physical Facilities installed, maintained & cleaned**55 6-501.11 Repairing - Kitchen -**

- C** Missing coving wall tiles near handsink
Repair within 10 days.
Floor areas very soiled in around and under wok areas.
Clean more frequently *Code: The physical facilities shall be maintained in good repair.*

**55 6-501.114 Unnecessary Items and Litter - Basement -**

- C** Walk in cooler (s) in basement unsanitary *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*



FOOD SAFETY INSPECTION REPORT

The Rice Barn
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Inspection Number
7E909

Date
10/16/21

Time In/Out
3:05 PM
5:35 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Pest control record available?

OUT

Written Menus /signs present (allergen)?

OUT

Allergen Certificate Posted?

IN

Certified Food Protection Managers Certificate posted?

IN

Food allergy awareness poster visible for employees?

OUT

Staff trained in choke-save for every shift.

IN

Ventilation Hood Inspections stickers up to date?

IN

Consumer Advisory Present if needed?

OUT

Grease log up to date?

IN

Food Employee Reporting Agreement available?

OUT

Procedures outlines for vomit/diarrheal event?

OUT

No trans fat?

NO

"Most recent food inspection" sign posted?

OUT

FOOD SAFETY INSPECTION REPORT

Page Number

13

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
7E909

Date
10/16/21

Time In/Out
3:05 PM
5:35 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	- Kenmore white	Ambient		-2 °F
Kitchen	2 door glass cooler -	Ambient		38 °F
Kitchen	Flip top near curry	Ambient		40 °F
Kitchen		Amana		32 °F
Kitchen	Magic Chef white	Ambient		17 °F
Kitchen	Flip top Sandwich	Ambient		39 °F
Basement	Walk in cooler	Ambient		30 °F
Kitchen				°F

Temperatures in RED identify items in the temperature danger zone. See the report notes for specific details.

Food Establishment Inspection Report

Name: Rice Barn	Inspection Date: 07/17/2020	Number of Priority and Priority Foundation Violation(s):	0
Address: 1037 Great Plain Ave	Time In/Out: 04:00 pm / 06:38 pm	Number of Repeat P and PF Violation(s):	0
Phone:	Permit No.:		
Email:	Risk Category: 0 HACCP: No		
Owner: Charles Intha	Type of Operation: Food Service		
Person-in-charge: Charels, Manuel	Type of Inspection: Other: Audit	Previous Inspection Date:	
Inspector: M. Lee	Date of Re-Inspection:		

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS	
In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation	

Compliance Status	IN	OUT	N/A	N/O	COS	R
Supervision						
1 Person-In-Charge present, demonstrates knowledge, and performs duties	In					
2 Certified Food Protection Manager	In					
Employee Health						
3 Management, food employee and conditional employee; Knowledge, responsibilities, and reporting	In					
4 Proper use of restriction and exclusion	In					
5 Procedures for responding to vomiting and diarrheal events	In					
Good Hygienic Practices						
6 Proper eating, tasting, drinking, or tobacco use	In					
7 No discharges from eyes, nose and mouth	In					
Preventing Contamination by Hands						
8 Hands clean and properly washed	In					
9 No bare hand contact with RTE food	In					
10 Adequate handwashing sinks properly supplied and accessible	In					
Approved Source						
11 Food obtained from source	In					
12 Food received at proper temperature				n/o		
13 Food received in good condition, safe, and unadulterated	In					
14 Required records available, shellstock tags, parasite destruction			n/a			

Compliance Status	IN	OUT	N/A	N/O	COS	R
Protection from Contamination						
15 Food separated and protected	In					
16 Food contact surface; cleaned and sanitized	In					
17 Proper disposition of returned, previously served, reconditioned and unsafe food	In					
Time/Temperature Control for Safety						
18 Proper cooking time & temperature				n/o		
19 Proper reheating procedures for hot holding				n/o		
20 Proper cooling time and temperature				n/o		
21 Proper hot holding temperature	In					
22 Proper cold holding temperature	In					
23 Proper date marking and disposition	In					
24 Time as a Public Health Control			n/a			
Consumer Advisory						
25 Consumer advisory provided for raw/ under cooked food	In					
Requirements for Highly Susceptible Populations						
26 Pasteurized foods used; prohibited foods not offered			n/a			
Food/Color Additives and Toxic Substances						
27 Food additives; approved and properly used			n/a			
28 Toxic substances properly identified, stored and used		Out				
Conformance with Approved Procedures						
29 Compliance with variance/ specialized process/HACCP plan			n/a			

OFFICIAL ORDER FOR CORRECTION: Based on an inspection

today, the items marked "OUT" indicated violations to 105 CMR 590.000 and applicable sections of 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Inspector:

M. Lee

Person In Charge:

[Signature]

Food Establishment Inspection Report

MoJiN Solutions, LLC

Establishment: Rice Barn

Date: 07/17/2020

Page 2 of 4

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

In = in compliance Out = out compliance n/o = not observed n/a = not applicable cos = corrected on-site r = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Safe food and Water						
30 Pasteurized eggs used where required			n/a			
31 Water and ice from approved source						
32 Variance obtained for specialized processing methods			n/a			
Food temperature control						
33 Proper cooling methods used; adequate equipment for temperature control				n/o		
34 Plant food properly cooked for hot holding				n/o		
35 Approved thawing methods used				n/o		
36 Thermometer provided and accurate						
Food Identification						
37 Food properly labeled: original container						
Prevention of Food Contamination						
38 Insects, rodents, and animals not present						
39 Contamination prevented during food preparation, storage and display						
40 Personal cleanliness						
41 Wiping cloths: properly used and stored						
42 Washing fruits and vegetables						
Proper Use of Utensils						
43 In-use utensils properly stored						
44 Utensils, equipment and linens: properly stored, dried, and handled						
45 Single-use/single-service articles: properly stored and used						
46 Gloves used properly						
Utensils, Equipment and Vending						
47 Food and non-food contact surfaces cleanable, properly designed, constructed and used		Out				
Compliance Status	IN	OUT	N/A	N/O	COS	R
48 Warewashing facilities: installed, maintained, and used; test strips						
49 Non-food contact surfaces clean		Out				
Physical Facilities						
50 Hot and cold water available; adequate pressure						
51 Plumbing installed; proper backflow devices						
52 Sewage and waste water properly disposed						
53 Toilet features; properly, constructed supplied, and cleaned						
54 Garbage and refuse properly disposed; facilities maintained						
55 Physical facilities installed, maintained, and clean						
56 Adequate ventilation and lighting; designated areas used						
Massachusetts Requirements						
M1 Anti-choking procedures in food service establishment				n/o		
M2 Food allergen awareness				n/o		
M3 Caterer				n/o		
M4 Mobile Food Operation				n/o		
M5 Temporary Food Establishment				n/o		
M6 Public Market; Farmers Market				n/o		
M7 Residential Kitchen; Bed-and-Breakfast Operation				n/o		
M8 Residential Kitchen: Cottage Food Operation				n/o		
M9 School Kitchen; USDA Nutrition Program				n/o		
M10 Leased Commercial Kitchen				n/o		
M11 Innovation Operation				n/o		
M12 Frozen Desert				n/o		
Local Requirements						
L1 Local law or regulation				n/o		
L2 COVID-19				n/o		
L3 Reserved				n/o		

Fail Code	DESCRIPTION OF VIOLATION
Discussion .	Kitchen dish rinse 100ppm chlorine on first run of machine. Test strips available. Rice scoop holder 141F, white rice 156F, brown rice 145F. 2 door refrigeration observed raw chicken and raw shrimp defrosting in separate containers - bottom shelf of refrigeration, each on different sides of the 2 door unit. undercounter refrigerator raw chicken 40F, in line unit fried tofu 40F, cabinet storage, sauce 40F, in line unit observed with whole produce only, no TCS foods, in line unit cabinet storage dumpling 40F. 3 compartment sinks observed in clean condition, test strips available. sanitizing buckets at work stations 200ppm quat. hand sinks stocked. Basement walk-in tofu 39F, walk-in freezer - food frozen solid. .
Discussion .	Opening status - PIC has submitted a floor plan for re-opening. Discussed reviewing the Heath Departments email or to determine if approval was required to re-open or submittal was adequate. If unable to determine, recommend contacting the Health Office for a determination, provided opening is desired. .
Discussion .	COVID Compliance - social distancing markers, hand sanitizer, signage and tables designated 6ft apart provided. Disinfectant in spray bottle labeled "disinfectant". Reviewed contact time required - surface is to remain wet for 10 minutes to be effective. Used for high touch surfaces, and intended for tables and chairs. If 10 minute wait time becomes burdensome there are pre-made spray disinfectants available. EPA web site listing disinfectants provided during audit. *****Should a disinfectant not be available, bleach and water can be used 4tsp to 1-quatrt of water or 1/3 c (liquid measuring cup) to 1 gallon water. If bleach is used be sure to mix fersh daily - no not use left over solution. .
Discussion .	Discussed finished surfaces in basement. Surfaces are required to be smooth, non-porous, easily cleanable. In addition, coving is required to seal where the floor and wall meet. When areas are not properly sealed and coving is not applied rodents will be able to access walls and areas under raised flooring. *****Discussed with PIC basement areas are not smooth, non-porous and easily cleanable. Flooring in basement area / flooring area located where stairs removed observed with what appears to be broken concrete. Repair using approved methods and materials yielding a smooth floor that is smooth, level, non-porous and easily cleanable. .
7-209.11	OBSERVATION: Cooks line / observed purse, phone and personal water bottle with cap at work station. Chef instructed employee to remove and store in dedicated area. REGULATION: Item 28 Toxic substances properly identified, stored and used -- Storage-Other Personal Care Items
4-602.13	OBSERVATION: Exterior surfaces of single door refrigeration units, char brolier, window shelf above sinks, floor under sinks and items on small storage shelf on side of freezer observed soiled. Surfaces require cleaning. REGULATION: Item 49 Non - food contact surfaces clean -- Nonfood Contact Surfaces

Fail Code	DESCRIPTION OF VIOLATION
Discussion .	Reminders: lower and upper shelves in kitchen / remove all items and clean as often as needed to keep clean. This practice also will assist in keeping areas free of clutter. Remove items not in use and organize remaining. ***Apply concept to all areas fo establishment. .
Discussion .	PIC reports power washing flloor. Expects to continue service routinely. Please note (1) Be aware pilots may need to be checked after cleaning and re-lit if needed. (2) after power washing surfaces of equipment will require sanitizing before food handling can resume. (3) power washing can not be done during operating hours. .
4-101.11	OBSERVATION: White fish buckets and lids observed in basement . These containers are not approved for re-use. Discard or remove from establishment. REGULATION: Item 47 Food and non - food contact surfaces cleanable,properly designed, constructed and used -- FCS Characteristics-Materials for Construction and Repair
Discussion .	Chef able to provide correct food temperatures for cooked foods, reheat and holding TCS foods. Chaf observed with calibrated food thermometer. .
Discussion .	Charles to continue to work with the Health Office to complete repairs. .



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
E36E7	3/6/20	2:06 PM 2:35 PM	General	Food Service	D.Acosta		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				0	0	3	3

Summary of Violations

Priority	Priority f	Core	Total
0	0	3	3

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.

D.Acosta

Manuel - Expires
Certificate #:

Notes

Complaint called in at 1:52 pm. Customer reported just leaving The Rice Barn and reported seeing rodent droppings on windowsill.

Observed droppings in corners of window sill in customer area. Staff on site swept off droppings. Washed down window sill with soapy water, rinsed and then and sanitizer. Table tops cleaned and sanitized.

Need to call pest control for service ASAP. Need to send most recent pest control report.

The Rice Barn
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Inspection Number
E36E7

Date
3/6/20

Time In/Out
2:06 PM
2:35 PM

Inspector
D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Prevention of Food Contamination**Insect, rodents & animals not present**

38

6-501.111 (A)(B)(D) Controlling Pests - Storefront -

- C** Droppings observed on window sills. Code: *The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*



38

6-501.111 (A)(B)(D) Controlling Pests - Storefront -

- C** Droppings observed on window sill. Code: *The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*



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D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

38

6-501.111 (A)(B)(D) Controlling Pests - Storefront -

- C** Droppings observed on window sill. *Code: The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*



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2:06 PM
2:35 PM

Inspector
D.Acosta

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
------	-----------	---------	-------	-------

Temperatures in RED identify items in the temperature danger zone. See the report notes for specific details.

Food Establishment Inspection Report

Name: Rice Barn	Inspection Date: 10/18/2019	Number of Priority and Priority Foundation Violation(s):	2
Address: 1037 Great Plain Ave	Time In/Out: 01:39 pm / 03:35 pm	Number of Repeat P and PF Violation(s):	0
Phone:	Permit No.:		
Email:	Risk Category: 0 HACCP: No		
Owner: Charles Intha	Type of Operation: Food Service		
Person-in-charge: Pat, Charles, Charles K	Type of Inspection: Other	Previous Inspection Date:	
Inspector: M. Lee	Date of Re-Inspection:		

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

IN = in compliance OUT = out compliance N/O = not observed N/A = not applicable COS = corrected on-site R = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Supervision						
1 Person-In-Charge present, demonstrates knowledge, and performs duties	In					
2 Certified Food Protection Manager	In					
Employee Health						
3 Management, food employee and conditional employee; Knowledge, responsibilities, and reporting	In					
4 Proper use of restriction and exclusion	In					
5 Procedures for responding to vomiting and diarrheal events						
Good Hygienic Practices						
6 Proper eating, tasting, drinking, or tobacco use	In					
7 No discharges from eyes, nose and mouth	In					
Preventing Contamination by Hands						
8 Hands clean and properly washed	In					
9 No bare hand contact with RTE food	In					
10 Adequate handwashing sinks properly supplied and accessible	In					
Approved Source						
11 Food obtained from source	In					
12 Food received at proper temperature				n/o		
13 Food received in good condition, safe, and unadulterated						
14 Required records available, shellstock tags, parasite destruction	In					

Compliance Status	IN	OUT	N/A	N/O	COS	R
Protection from Contamination						
15 Food separated and protected	In					
16 Food contact surface; cleaned and sanitized	In					
17 Proper disposition of returned, previously served, reconditioned and unsafe food	In					
Time/Temperature Control for Safety						
18 Proper cooking times & temperatures		out				
19 Proper reheating procedures for hot holding				n/o		
20 Proper cooling time and temperature				n/o		
21 Proper hot holding temperature	In					
22 Proper cold holding temperature	In					
23 Proper date marking and disposition		out				
24 Time as a Public Health Control			n/a			
Consumer Advisory						
25 Consumer advisory provided for raw/ under cooked food						
Requirements for Highly Susceptible Populations						
26 Pasteurized foods used; prohibited foods not offered			n/a			
Food/Color Additives and Toxic Substances						
27 Food additives; approved and properly used			n/a			
28 Toxic substances properly identified, stored and used	In					
Conformance with Approved Procedures						
29 Compliance with variance/specialized process/HACCP plan			n/a			

OFFICIAL ORDER FOR CORRECTION: Based on an inspection

today, the items marked "OUT" indicated violations to 105 CMR 590.000 and applicable sections of 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

Inspector: 	Person In Charge: 
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Food Establishment Inspection Report

MoJiN Solutions, LLC

Establishment: Rice Barn

Date: 10/18/2019

Page 2 of 4

GOOD RETAIL PRACTICES AND MASSACHUSETTS-ONLY SECTIONS

IN = in compliance OUT = out compliance N/O = not observed N/A = not applicable COS = corrected on-site R = repeat violation

Compliance Status	IN	OUT	N/A	N/O	COS	R
Safe food and Water						
30 Pasteurized eggs used where required			n/a			
31 Water and ice from approved source						
32 Variance obtained for specialized processing methods			n/a			
Food temperature control						
33 Proper cooling methods used; adequate equipment for temperature control				n/o		
34 Plant food properly cooked for hot holding				n/o		
35 Approved thawing methods used				n/o		
36 Thermometer provided and accurate						
Food Identification						
37 Food properly labeled: original container		out				
Prevention of Food Contamination						
38 Insects, rodents, and animals not present						
39 Contamination prevented during food preparation, storage and display						
40 Personal cleanliness						
41 Wiping cloths: properly used and stored		out				
42 Washing fruits and vegetables						
Proper Use of Utensils						
43 In-use utensils properly stored		out				
44 Utensils, equipment and linens: properly stored, dried, and handled						
45 Single-use/single-service articles: properly stored and used						
46 Gloves used properly						
Utensils, Equipment and Vending						
47 Food and non-food contact surfaces cleanable, properly designed, constructed and used		out				

Compliance Status	IN	OUT	N/A	N/O	COS	R
48 Warewashing facilities: installed, maintained, and used; test strips						
49 Non-food contact surfaces clean						
Physical Facilities						
50 Hot and cold water available; adequate pressure						
51 Plumbing installed; proper backflow devices						
52 Sewage and waste water properly disposed						
53 Toilet features; properly, constructed supplied, and cleaned						
54 Garbage and refuse properly disposed; facilities maintained						
55 Physical facilities installed, maintained, and clean						
56 Adequate ventilation and lighting; designated areas used						
Massachusetts Requirements						
M1 Anti-choking procedures in food service establishment				n/o		
M2 Food allergen awareness				n/o		
M3 Caterer				n/o		
M4 Mobile Food Operation				n/o		
M5 Temporary Food Establishment				n/o		
M6 Public Market; Farmers Market				n/o		
M7 Residential Kitchen; Bed-and-Breakfast Operation				n/o		
M8 Residential Kitchen: Cottage Food Operation				n/o		
M9 School Kitchen; USDA Nutrition Program				n/o		
M10 Leased Commercial Kitchen				n/o		
M11 Innovation Operation				n/o		
M12 Frozen Desert				n/o		
Local Requirements						
L1 Local law or regulation				n/o		
L2 Other				n/o		

Fail Code	DESCRIPTION OF VIOLATION
3-304.12	OBSERVATION: Rice station / observed rice scoops and mold for rice in standing water. Reviewed approved methods to maintain in use utensils. Utensils cleaned and sanitized, will be kept in available crock pot. *****CODE STATES: (C) On a clean portion of the FOOD preparation table or cooking EQUIPMENT only if the in-use UTENSIL and the FOOD-CONTACT surface of the FOOD preparation table or cooking EQUIPMENT are cleaned and SANITIZED at a frequency specified under §§ 4-602.11 and 4-702.11; (D) In running water of sufficient velocity to flush particulates to the drain, if used with moist FOOD such as ice cream or mashed potatoes; (E) In a clean, protected location if the UTENSILS, such as ice scoops, are used only with a FOOD that is not TIME/TEMPERATURE CONTROL FOR SAFETY FOOD; or (F) In a container of water if the water is maintained at a temperature of at least 57oC (135oF) and the container is cleaned at a frequency specified under Subparagraph 4-602.11(D) (7). REGULATION: In-Use Utensils, Between-Use Storage
3-304.14	OBSERVATION: Cooks line/ observed wet cloths on counters next to sanitizing solution. explanation provided to employees and Pat - cloths place in bucket. REGULATION: Wiping Cloths, Use Limitation
3-302.12	OBSERVATION: Cooks line / observed sauce in squeeze bottles without labels. DIScussed labels required for products that are not easily recognized. *****CODE STATES: Except for containers holding FOOD that can be readily and unmistakably recognized such as dry pasta, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD. REGULATION: Food Storage Containers Identified with Common Name of Food
4-501.12	OBSERVATION: Cooks line , middle in line unit / cutting board observed in poor condition, scratches. *****CODE STATES: Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not capable of being resurfaced. REGULATION: Cutting Surfaces
3-401.14-Pf	OBSERVATION: Cooks line / in line unit / observed par-cooked (non continuous cooking) chicken, pork and beef. Requirement for written procedure and adherence to procedure reviewed. establishment will discontinue process and determine if procedure will continue. *****CODE STATES: Non-Continuous Cooking of Raw Animal Foods 3-401.14-Pf, Raw animal FOODS that are cooked using a NON-CONTINUOUS COOKING process shall be: (F) Prepared and stored according to written procedures that: (1) Have obtained prior APPROVAL from the REGULATORY AUTHORITY REGULATION: Non-Continuous Cooking of Raw Animal Foods
3-501.17-Pf	OBSERVATION: Kitchen / 2 door reach in refrigerator / observed cooked rice from previous day without date marking. Identified foods in refrigeration requiring date marking. PIC is aware of requirement - reviewed previous day. PIC had employee correct. REGULATION: Date Marking RTE, TCS,

Fail Code	DESCRIPTION OF VIOLATION
Discussion	Hand sink accessible, refrigeration units ground pork 40F, in line unit par-cooked chicken 40F, bean curd 39F, dumplings 33F, in line unit pork 40F, bean sprouts 40F. dish machine rinse 100ppm, quat dispensed at 400ppm, drain stoppers available for sinks, equipment on cooks line in clean condition, no bare hand contact observed. food thermometer, chlorine and quat test strips available. PIC reports all fish is fully cooked. .
Discussion	According to menu no foods identified as undercooked. *****NOTE: The consumer advisory is to be provided to the customer in writing. If customer requests for undercooked food is accepted - the consumer advisory must be provided in writing. **Rice Barn management has decided all animal proteins will be fully cooked. .
Discussion	Charles reports PCO Service due next week. Charles will accompany the tech during the service. **Discussed - PCO to identify possible entry points and nesting sites. All entry points are to be sealed. .
Discussion	Picture taken of several areas and forwarded to the Health Office. Improvement noted - clutter removed, areas cleaned, floor in process of painting. PIC knowledgeable of temperatures, set up of 3 bay, testing sanitizing solution, cleaning equipment and utensils. Minimal food handling and no cooking during inspection due to time of day. .



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
670A2	10/12/19	4:33 PM 6:00 PM	Routine	Food Service	M.Pancare		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				3	1	6	3

Summary of Violations

Priority	Priority f	Core	Total
3	1	6	10

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.


M.Pancare

Notes

Hood sticker October 2019
Grease trap 9/27/19
Basement needs immediate attention

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Preventing Contamination by Hands

Adequate handwashing sinks properly supplied and accessible

10

5-204.11 Handwashing-Sinks-Location and Placement - Kitchen -

- Pf** Handsink blocked Code: A handwashing facility shall be located: to allow convenient use by employees in food preparation, food dispensing, and warewashing area; and in, or immediately adjacent to, toilet rooms.



Protection From Contamination

Food Separated and protected

15

3-302.11 (A)(1) Raw Animal Foods Separated from RTE - Kitchen -

- Pr** Cooked sliced chicken stored below raw ground chicken and raw salmon filets Code: Food shall be protected from cross-contamination by: (1) Separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables, and (b) cooked RTE food.



Food/Color Additives and Toxic Substances

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M. Pancare

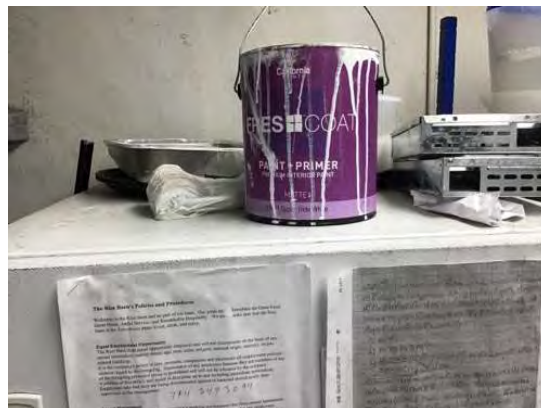
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Toxic substances properly identified, stored & used

28 7-201.11 Storage Separation - Kitchen -

- Pr** Paint stored above food refrigerator near back door along with soiled cleaning gloves. Mice rodent traps also stored on top of refrigerator
Store segregated away from all food and equipment
Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles.



28 7-201.11 Storage Separation - Basement -

- Pr** Drains stored above sink in basement
Store away from food equipment *Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles.*



Prevention of Food Contamination

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

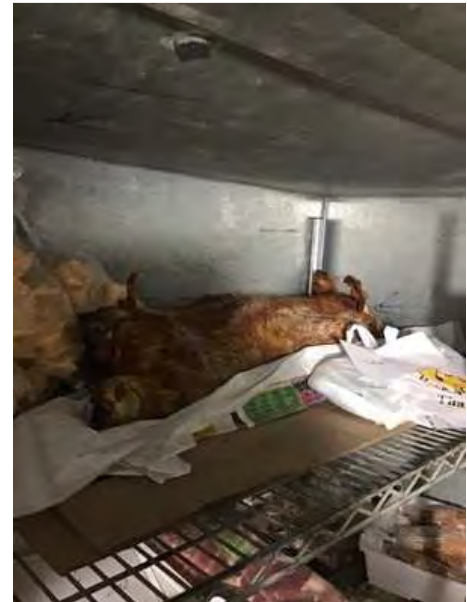
Repeat Violations Highlighted in Yellow

Insect, rodents & animals not present**38 6-202.15 (A) Outer Openings, Protected - Basement -**

- C** Open holes cracks and crevices
Mice feces noted on floor too numerous to count
Repair all holes. *Code: Outer openings of a food establishment shall be protected against the entry of insects and rodents by: filling or closing holes and other gaps along floors, walls, and ceilings; closed, tight-fitting windows; and solid, self-closing, tight fitting doors.*

**39 3-305.11 Food Storage - Basement -**

- C** A whole cooked pig stored uncovered in basement freezer
Freezer burn noted product discarded *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*

**Proper Use of Utensils**

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Uten./equip./linens; properly stored, dried, handled

44

4-903.11 (A)(B)(D) Equip./Uten./Lin./Sing.-Ser/Use Art - Basement -

- C** Equipment stored improperly. Cease and desist all equipment storage on the lower shelf
Provide proper shelving to prevent contamination
Rearrange and or correct within 72 hours. *Code: Cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored: in a clean, dry location; where they are not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor. Clean equipment and utensils shall also be stored: in a self-draining position that allows air drying; and covered or inverted. Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids.*



Physical Facilities

Plumbing installed; proper backflow devices

51

5-205.15 System Maintained/Repair - Basement -

- C** Excess water over flowing from condensate line.
Repair or replace to prevent standing water *Code: A plumbing system shall be maintained in good repair.*



The Rice Barn
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Time In/Out
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6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

52**5-403.12 Other Liquid Wastes and Rainwater - Basement -**

- C** Discharge hoses draining into handsink in basement
Remove all discharge hoses within 72 hours. Cease and desist *Code: Condensate drainage and other nonSEWAGE liquids and rainwater shall be drained from point of discharge to disposal according to law.*

**55****6-501.114 Unnecessary Items and Litter - Basement -**

- C** Punching bag bicycle and misc debris noted in location where food equipment is stored.
Remove all unnecessary items in the entire basement
Remove all litter and clutter in all areas of basement within 10 days Clean all floors remove debris *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*

**Notes**

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Notes**88****Notes - Basement -**

N See 38 above - General Notes.

**88****Notes - Basement -**

N See above 55 - General Notes.



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88 Notes - Basement -

N See above 55 - General Notes.

**88 Notes - Basement -**

N See 44 - General Notes.



FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Permit up to date and posted?

IN

In compliance with allergen reg-poster?

IN

Written Menus /signs present (allergen)?

IN

Allergen Certificate Posted?

IN

Certified Food Protection Managers Certificate posted?

IN

Certified in MA Allergy Awareness and Certificate posted?

NO

Staff trained in choke-save for every shift.

NO

Ventilation Hood Inspections stickers up to date?

IN

Consumer Advisory Present if needed?

IN

Ventilation Hood Inspections stickers up to date?

IN

Food Employee Reporting Agreement available?

NO

Procedures outlines for vomit/diarrheal event?

NO

Employee wearing purple hats?

NO

FOOD SAFETY INSPECTION REPORT

Page Number

10

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
670A2

Date
10/12/19

Time In/Out
4:33 PM
6:00 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Flip top near curry	Ambient		38 °F
Kitchen	Walk in cooler	Ambient		39 °F
Kitchen	Flip top Sandwich			38 °F
Basement	Walk in white freezer	Ambient		0 °F
Kitchen	Flip top Sandwich	Ambient		35 °F
Basement	Veg walk in -	40		°F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494
www.needhamma.gov/health

781-455-7940 ext. 504
781-455-7922(fax)



September 25, 2019

Mr. Charles Intha
The Rice Barn
1037 Great Plain Ave.
Needham, MA 02492

RE: The Rice Barn Administrative Hearing Requirements

Charles –

Thank you again for meeting with us yesterday, September 24, 2019 at 1 PM, for your administrative hearing which was scheduled with you, along with your staff, due to the recent increased amount of food-borne illness complaints we have received. During this hearing we discussed the next steps going forward that you must follow in order to ensure that your food establishment, The Rice Barn, can maintain proper food safety compliance standards and remain open to the public. Listed below is a review of what was discussed at our Administrative Hearing yesterday:

- You must ensure additional staff members are ServSafe Food Manager certified and Food Allergy trained at once. You stated to us that you are in the process of hiring more staff to fill vacant positions to ensure your restaurant can continue to run in a safe manner. You also mentioned that you will be sending more staff for these required trainings ASAP. Please ensure you forward along the ServSafe training dates for your staff for our records once confirmed. Please forward copies of these training certificates for our file, which we must receive prior to the issuance of your 2020 food establishment permit, **or on or before January 1, 2020.**
- You must set up on-going audit/trainings with your previous food safety trainer, Maureen Lee, with MoJin Solutions, LLC, **THIS WEEK.** Please forward to us a copy of your signed/dated contract with Maureen Lee for our record, and please confirm which date this week you have scheduled her to start your trainings. You will need to have on-going trainings set up with her and copies of these on-going audit reports must be forwarded to the Public Health Division for our review. **(PLEASE NOTE:** The Public Health Division will need to decide when you can be released from these on-going food safety trainings.)
- Please ensure you continue to maintain your routine pest control inspections with Catseye Pest Control, as requested. Please also forward copies of your pest control reports to date for our record. You mentioned that you would forward copies of those reports ASAP. You must also continue to send copies of all future pest control reports to us for our record.

Please let us know if you have any additional questions on these requirements. We appreciate your willingness to work with us on these requirements to ensure on-going proper food safety standards are met and you can continue operate The Rice Barn in a safe manner. Our goal is to improve and maintain proper the food safety standards on site. We will look forward to hearing back from you soon on these requirements.

Sincerely,

Diana C. Acosta, MPH
Environmental Health Agent

Tara E. Gurge, R.S., C.E.H.T., M.S.
Assistant Public Health Director

CC: Timothy McDonald, Director of Health and Human Services
Tiffany Zike, Public Health Nurse
Donna Carmichael, Public Health Nurse
Maureen Lee, MoJin Solutions, LLC



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
60944	5/11/19	4:14 PM 4:10 PM	Routine	Food Service	Monica Pancare		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				3	2	12	

Summary of Violations

Priority	Priority f	Core	Total
3	2	12	17

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.



Monica Pancare



Narubet Boonkerd - Expires
Certificate #:

Notes

Owner arrived 3:15pm
Chalernpol Intha- ServeSafe certifiedPhysical review with PIC including the basement and storage areas
Immediate attention is required to correct and maintain a comprehensive food safety and defense program
Additional training of staff is required.
Remove debris from basement within 10 days.
Datemarking required of all TCS foods- train staff on this.
Provide a training plan to LBOH on basic of food safety for cooks/staff by 5/17/2019

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

00

- -

See #49 Code:

**00**

- -

See #28 above Code:



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

00

- -

Section of wall is missing allowing pests
see #28 Code:

**00**

- -

See #28 Code:



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

00

- -

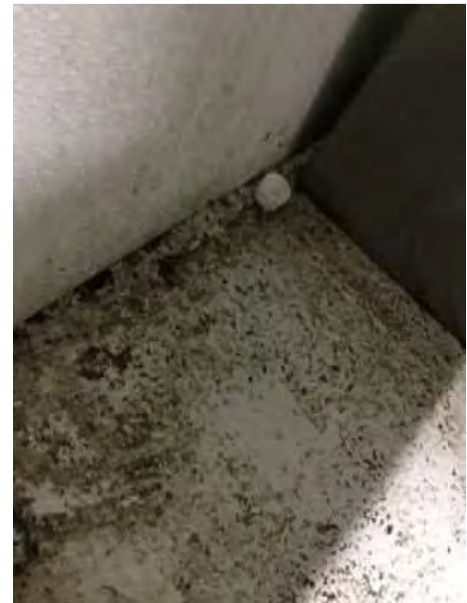
See # 55

Litter and squalor in basement storage area where
employee uniforms and side towels are stored.
Broken hot water heater. Litter debris, no light fixtures
Code:



00

- -

See 38# *Code:*

FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

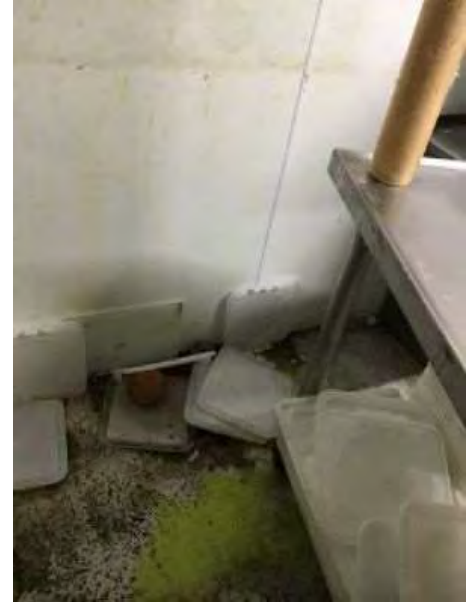
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

00

- -

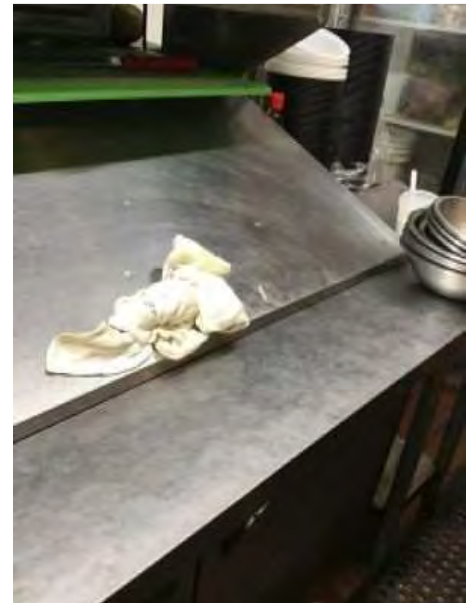
See #38 above Code:



00

- -

See #41 above Code:



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

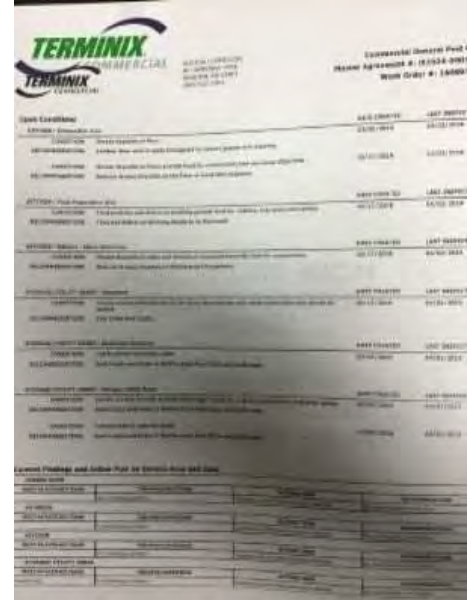
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

00

- -

Pest control reports-April 2019:
Open conditions / items not corrected from 2018 Code:



99

- -

Floors walls ceilings,backsplash severely soiled
Cobwebs noted on wall corners too numerous to count -



Supervision

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

PIC Present / Knowledgeable / Duties

1 2-102.11 (A)(B) & (C)(1), (4)-(16) Demonstration of Knowledge - Kitchen -

Pf No designated person in charge during visit who could demonstrate knowledge of food safety and protection *Code: The person in charge demonstrate to the RA knowledge of foodborne disease prevention, application of HACCP principles, and the requirements of this code. The person in charge shall demonstrate knowledge by having no violations of priority items during the current inspection; being a certified food protection manager; or responding correctly to the inspectors questions as they relate to the specific food operation.*

Preventing Contamination by Hands

Adequate handwashing sinks properly supplied and accessible

10 5-204.11 Handwashing-Sinks-Location and Placement - Kitchen -

Pf Handsink blocked upon entry. *Code: A handwashing facility shall be located: to allow convenient use by employees in food preparation, food dispensing, and warewashing area; and in, or immediately adjacent to, toilet rooms.*



10 6-301.13 Handwash Aids and Devices. Use Restrictions - -

C *Code: A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the handwashing aids and devices required for a handwashing sink.*

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

51 5-202.12 (C) Handwashing Sink, Installation - Kitchen -

COS

C

The cold water nozzle on the handsink is broken and does not work. PIC Repair or replace to allow a minimum of 100F between both mixing valves, for proper handwashing. Currently the hot water is in excess of 110 F and making handsink in operable.

At end of inspection it was observed that the handwashing sink was fixed, and working properly Code: A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet

Protection From Contamination

Food-contact surfaces, cleaned & sanitized

16 4-602.12 Cooking and Baking Equipment - Kitchen -

C

Basement

Grinder, food process equipment, blender cutting boards severely soiled and unsanitary

Clean and sanitize as often as necessary Code: The food contact surfaces of cooking and baking equipment shall be cleaned at least every 24 hours.

The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

16 4-501.111 Manual Warewashing - Sanitization Water Temp 4-501.112 Mechanical Warewashing -

Pr It was observed that female cook did not sanitize equipment properly in the 3 compartment sink. She rinsed in in water, from faucet, did not properly wash rinse or sanitize to prevent contamination *Code: If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at 171°F or above.*



Time / Temperature Control for Safety

Cooling

20 3-501.14 (A) Cooling Cooked Foods - Kitchen -

Pr Basement
Observed 3 metal containers of sauce/ liquid cooling improperly *Code: Cooling cooked TCS foods shall be done within 2 hours from 135°F to 70°F and then within 4 hours from 70°F to 41°F.*



Food/Color Additives and Toxic Substances

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Toxic substances properly identified, stored & used

28 7-301.11 Separation - Kitchen -

- Pr** Cleaning chemical cal spray bottle stored where cooked rice is located
Butane torch stored on top of refrigerator next to food equipment storage shelf *Code: Poisonous or toxic materials shall be stored and displayed for retail sale so they can not contaminate food, equipment, utensils, linens, and single service and single-use articles by separating the poisonous or toxic materials by spacing or partitioning, and locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.*



Prevention of Food Contamination

Insect, rodents & animals not present

38 6-202.15 (D) Outer Openings. Protected - Kitchen -

- C** Screen door ripped
Door base has large hole
The back door was propped open by rodent trap *Code: If the windows or doors of a food establishment are kept open for ventilation or other purposes, the opening shall be protected against the entry of insects and rodents by 16 mesh screens, properly designed and installed air curtains; or other effective means.*



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

38 6-501.111 (A)(B)(D) Controlling Pests - Kitchen -**C** Basement

Excessive mice feces too numerous to count on floor behind prep tabs *Code: The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*

**38 6-501.112 Removing Dead or Trapped Pests - Kitchen -****C** Basement

Dead mouse on glue trap behind carrier unit
Remove pests. *Code: Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.*



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

41 3-304.14 Wiping Cloths, Use Limitation - Kitchen -

- C** Code: Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be maintained dry and used for no other purpose. Cloths in-use for wiping counters and other equipment surfaces shall be held between uses in a chemical sanitizer solution and laundered daily. Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes. Dry wiping cloths and the chemical sanitizing solutions in which wet wiping cloths are held between uses shall be free of food debris and visible soil. Containers of chemical sanitizing solutions shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.



Proper Use of Utensils

In-use utensils; properly stored

43 3-304.12 In-Use Utensils/Between-Use Storage - Kitchen -

- C** Cook knives stored in between side of roll top refrigerator on wok line.
Store all utensils in a clean and sanitary area. Code: During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored: in the food with their handles above the top of the food and the container; in food that is not TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon; on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food contact surface of the food preparation table or cooking equipment are cleaned and sanitized every 4 hours; in running water of sufficient velocity to flush particulates to the drain, in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not TCS food; or in a container of water if the water is maintained at a



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

45 4-502.13 Single-Ser./Use Art. Use Limitation - Kitchen -

- C** Previously used tofu containers were observed with paper towel to absorb grease from cooked foods. These containers are considered single use only. Cease this practice.
Code: Single-service and single-use articles may not be reused. The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one inch protruding from the chilled dispensing head.

Utensils, Equipment and Vending

Nonfood contact surfaces clean

49 4-602.13 Nonfood -Contact Surfaces - Kitchen -

- C** Floors walls ceilings backsplash,inside of all refrigerators severely soiled. The wall and area next to handwashing station has black soil/ debris.
Overall surface areas of equipment in kitchen Ned to be cleaned *Code: Nonfood contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.*



Physical Facilities

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Physical Facilities installed, maintained & cleaned

55 6-501.114 Unnecessary Items and Litter - Kitchen -

- C** Basement storage room near handsink excessively littered
Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.



56 4-204.11 Ventilation Hoods Drip Prevention - Kitchen -

- C** Excess grease on baffles, sides and wall.
Grease Hood sticker appears to be expired *Code: Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES.*



FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

	Permit up to date and posted?	IN
	In compliance with allergen reg-poster?	NO
	Written Menus /signs present (allergen)?	IN
	Allergen Certificate Posted?	IN
	Certified Food Protection Managers Certificate posted?	IN
	Food allergy awareness poster visible for employees?	IN
	Staff trained in choke-save for every shift.	IN
	Ventilation Hood Inspections stickers up to date?	NO
	Consumer Advisory Present if needed?	NA
	Grease log up to date?	IN
	Food Employee Reporting Agreement available?	NO
	Procedures outlines for vomit/diarreal event?	NO
	No trans fat?	NO

FOOD SAFETY INSPECTION REPORT

Page Number

16

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
60944

Date
5/11/19

Time In/Out
4:14 PM
4:10 PM

Inspector
Monica Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Flip top near curry	Ambient		40 °F
Kitchen	Flip top Sandwich	Ambient		38 °F
Kitchen	2 door glass cooler	Ambient		35 °F
Kitchen		Rice		141 °F
Kitchen		Ambient		-6 °F
Kitchen	Walk in cooler	Ambient		35 °F
	Veg walk in	Ambient		35 °F

Temperatures in RED identify items in the temperature danger zone. See the report notes for specific details.

MoJin Solutions, LLC

18 Shipley Circle,
Westford, MA. 01886
978-621-2616

Let this serve as a Letter of Agreement between MoJin Solutions and Mr. Charles Intha, owner of The Rice Barn located at 1037 Great Plain Ave. Needham, MA 02492.

MoJin Solutions LLC Solutions agrees to provide the following:

- Provide 2-hour Safe Food Handling Class, written materials provided in Thai and Spanish. Verbal presentation in English.
- Provide unannounced audits to verify staff is able to execute knowledge. The first audit occurring 7-14 days after Safe Food Handling Class. Verbal instruction and demonstrations to correct observed deficiencies will be provided to the Person in Charge (PIC) and employee. Written audit report will be provided to the PIC.
- Per Needham Health Department audits are required until such time Needham Health Department determines otherwise.
- Forward audit reports to the Charles Intha and the Needham Health Department within 24 hours of completion.
- All violations, when possible, will be corrected during the audit.
- Provide training and administer Food Protection Manager exam for designated PIC.

The establishment will provide the following:

- Provide a date and time all employees are available to attend the Safe Food Handling Class without interruption.
- Provide an on-site Person in Charge (PIC) in the establishment during all operating hours. The assigned PIC is responsible for food safety.
- Provide a copy of most recent health inspection report. Information from this report will be included in the training.
- Maintain pest control reports on site and make available to inspector during audits. In addition, forward copies of Pest Control reports to the Health Office within 24 hours of completion.

Fee:

See Attachment A

This contract may be terminated:

- Immediately upon failure to provide payment according to the payment schedule.
- Immediately should the establishment fail to promptly correct an Imminent Health Hazard as defined by 105CMR 590.00 of the Massachusetts State Sanitary Code. Please be aware it is the responsibility of MoJin Solutions; LLC staff to report all Imminent Health Hazards as defined by the Code immediately to the local regulatory authority.
- With 30-day written notice by either party.

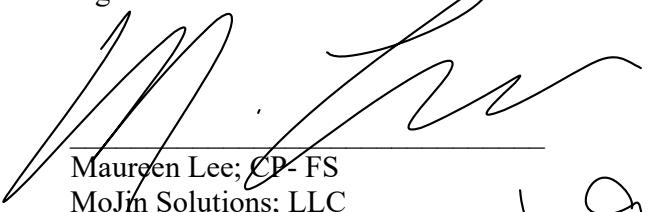
The agreement will be binding when signed by both parties. Signature indicates above terms as stated are agreed to:

Name: _____

Title: _____

Company: _____

Date: _____


Maureen Lee; CP- FS
MoJin Solutions; LLC

Date: 9 / 30 / 19



The Rice Barn - Needham

Thanks for your order (#180504924)!

To: jraeahmann@icloud.com,

Reply-To: thericebarn1037@gmail.com

Inbox - iCloud April 21, 2022 at 5:21 PM

Order Receipt

Thanks for your order, Jennifer Ahmann! Your order has been submitted to **The Rice Barn - Needham**. You'll receive a second email letting you know when it's ready for pickup.

DETAILS FOR ORDER #180504924

1 **Pad Thai Noodles**

Regular	\$15.50
Protein Selection Dinner Pad Thai	
Tofu	-
<i>extra tofu if possible, please</i>	

1 **Pad Thai Noodles**

Regular	\$15.50
Protein Selection Dinner Pad Thai	
Chicken	-
Make It Gluten-Free	
Make It Gluten-Free	-

Sub-total:	\$31.00
Taxes:	\$0.00
Tip:	\$6.20
Total:	\$37.20



The Rice Barn - Needham

Your order will be ready around 5:52 PM

To: jraeahmann@icloud.com,

Reply-To: thericebarn1037@gmail.com

Inbox - iCloud April 21, 2022 at 5:32 PM

Your order (#180504924) will be ready for pick-up around

5:52 PM Today

See you soon at

The Rice Barn - Needham

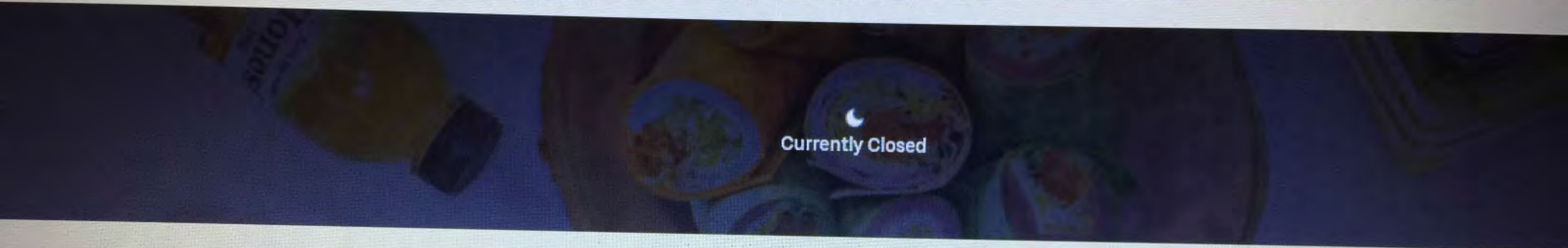
1037 Great Plain Ave

Needham, MA 02492

Click [here](#) for directions.

Questions about your order?

Reach The Rice Barn - Needham at [\(781\) 449-8300](#).



Blue Mountains Thai Food (Needham, Massachusetts)

Salads • \$\$ • [More info](#)
1037 Great Plain Ave, Needham, MA 02492
Tap for hours, address, and more

📅 Schedule

Picked for you

Appetizers

Soups

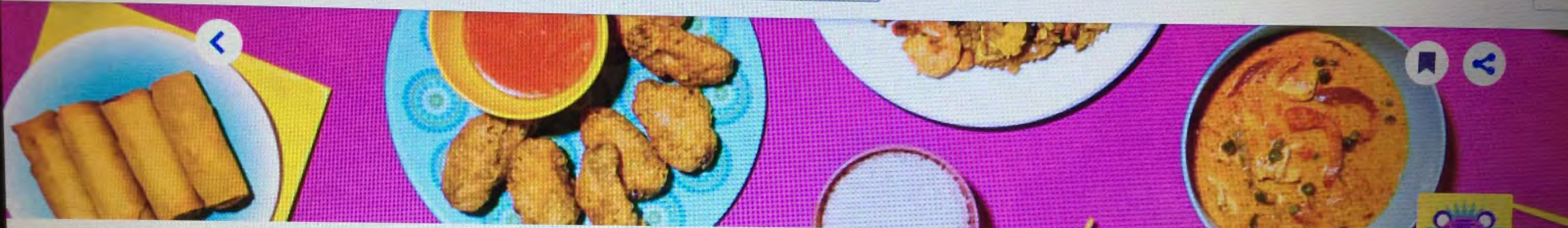


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Needham, MA

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5 ratings

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ASAP, 20-30min Change

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**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT**

NORFOLK, ss

CA. No. _____

TARA GURGE, as Assistant Public Health
Director for the TOWN OF NEEDHAM and
Agent of the TOWN OF NEEDHAM
BOARD OF HEALTH,

Plaintiff,

v.

ZUCCHINI GOLD, LLC, d/b/a The Rice
Barn and CHALERMPOL INTHA,

Defendants.

VERIFIED COMPLAINT

1. Tara Gurge Assistant Public Health Director for the Town of Needham, acting on behalf of the Town of Needham Board of Health (the “Board”), brings this action to enforce a Summary Suspension Order dated April 20, 2022, issued pursuant to *M.G.L. c. 111, §30*, and 105 C.M.R. 590.014, by which the defendant Chalermopol Intha was ordered to immediately cease operation of the restaurant business known as The Rice Barn located at 1037 Great Plain Avenue, Needham Massachusetts as a result of violations of the State Sanitary Code.

2. Upon information and belief, The Rice Barn continues to operate in violation of the Summary Suspension Order (the “Suspension Order”).

3. In the interest of the health of the public, the Plaintiff seeks immediate injunctive relief enforcing the Suspension Order and enjoining Mr. Intha and The Rice Barn from further operations until the violations cited in the said Suspension Order are corrected.

Parties

4. The plaintiff, Tara Gurge, acting as the Assistant Public Health Director for the Town of Needham, and as agent of the Town of Needham Board of Health, has an address of 178 Rosemary Street, Needham, MA 02492.

5. Upon information and belief, the defendant Zucchini Gold, LLC d/b/a The Rice Barn is a Massachusetts Limited Liability Company with a principal place of business located at 172 North Main Street, No. 9, Mansfield, MA 02048.

6. Upon information and belief, the defendant, Chalernpol Intha is the Manager of Zucchini Gold, LLC. Mr. Intha is also listed as owner of The Rice Barn in the restaurant permit application on file with the Town of Needham Public Health Division, and is listed in that application as having a residential address of 72 Manchester Road, Newton, MA 02461.

105 CMR 590.014—Restaurant Permits: Suspension and Revocation

7. 105 CMR 590.014(A)(1) states: “In accordance with *M.G.L. c.111, §30*, the board of health or its authorized agent, as determined by the board of health, may, without a prior hearing, suspend a permit to operate a food establishment or to operate one or more particular operations if an imminent health hazard is found to exist.”

8. 105 CMR 590.014(A)(3) states: “A summary suspension order shall be in writing and shall be posted at a public entrance to the food establishment and a copy provided to the permit holder of the food establishment, pursuant to 105 CMR 590.015(A). The order suspending the permit or specific operation of the permit holder shall be immediately effective upon posting of the order at the food establishment by an authorized agent of the board of health.” (Emphasis added).

9. 105 CMR 590.014(A)(4)(f) provides that upon receipt of a summary suspension order, a restaurant may request a hearing before the Board of Health. If such a hearing is requested, the Board of Health must hold the hearing within three (3) business days after the request, 105 CMR 590.014(A)(5), and provide written notice of its decision to the restaurant following the hearing. 105 CMR 590.015(B)(3). If the Board of Health votes to sustain the summary suspension order after hearing, “it shall be carried out within the time period allotted in the original order or in the modification.” 105 CMR 590.015(B)(3).

Jurisdiction

10. Pursuant to *M.G.L. c.111, §187*, “[t]he supreme judicial or superior court, upon the application of the board of health of a town, may enforce the orders of said board relative to public health.”

Facts

11. The Defendants operate The Rice Barn restaurant located at 1037 Great Plain Avenue, Needham, MA 02492.

12. The Rice Barn has a history of complaints of foodborne illness, and reported State Sanitary Code violations from at least September 2019.

13. In 2019 and 2020, the Town of Needham Public Health Division required The Rice Barn to hire food safety consultants to improve food safety at the restaurant. During this time Sanitary Code violations were found at nearly all routine inspections by the Needham Public Health Division.

14. On or about November 11, 2021, in response to continued Sanitary Code violations the Defendants entered into a Memorandum of Understanding with the Needham

Public Health Division to direct the improvement of operating conditions at the restaurant and to correct Sanitary Code violations.

15. On or about April 16, 2022, the Town of Needham Public Health Division inspected The Rice Barn and found numerous and repeated violations of the Sanitary Code, including improper storage of food, failure to control rodents, and other sanitary violations. A true and accurate copy of the April 16, 2022, inspection report is attached hereto as Exhibit A.

16. On April 20, 2022, finding that the conditions at The Rice Barn presented an imminent health hazard, Ms. Gurge, acting on behalf of the Board issued the Suspension Order requiring that “all operations of The Rice Barn shall **immediately cease and desist on April 20, 2022.**” A true and accurate copy of the Suspension Order is attached hereto as Exhibit B.

17. The Suspension Order identified the following violations of the sanitary code at The Rice Barn:

- **FC 2-103.11 (N) Duties of Person in Charge** - The person in charge shall ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.
- **FC 3-302.11 (A)(1) Raw Animal Foods Separated from RTE** - Food shall be protected from cross-contamination by: (1) Separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables, and (b) cooked RTE food.
- **FC 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking** - Time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5oC (41oF) or less for a maximum of 7 days.
- **FC 5-205.15 System Maintained in Good Repair** - A plumbing system shall be: (A) Repaired according to LAW; P and (B) Maintained in good repair.

- **FC 4-501.12 Cutting Surfaces** - Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.
- **FC 5-501.13 Receptacles** - (A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent. 167 numbers and capacities.
- **FC 6-501.114 Maintaining Premises, Unnecessary Items and Litter** -The premises shall be free of: (A) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and (B) Litter.
- **FC 4-601.11 Equipment, Food-Contact Surfaces, Nonfood Contact Surfaces, and Utensils** - (C) nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.
- **6-501.111 Controlling Pest.** The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: (B) Routinely inspecting the PREMISES for evidence of pests and (D) Eliminating harborage conditions.

18. On April 20, 2022, Ms. Gurge posted the Suspension Order on public entrance to The Rice Barn, located on Great Plain Avenue, and sent a copy to Mr. Chatermpol Intha, Owner, at 72 Manchester Road, Newton MA 02461, by certified mail, return receipt requested.

19. Mr. Intha requested that the Board of Health hold a hearing on the Suspension Order pursuant to 105 C.M.R. 590.015.

20. The Board of Health held the hearing on the Suspension Order on April 25, 2022. Mr. Intha attended the hearing and provided testimony to the Board.

21. Following the Board's hearing, which included documentary evidence and oral testimony, the Board sustained the Suspension Order, and provided notice to the Defendants by a letter dated April 26, 2022. The Board's written notice to Mr. Intha stated, in pertinent part:

In response to your written request, the Town of Needham Board of Health held a hearing on April 25, 2022 pursuant to 105 CMR 590.015. This hearing concerned the Summary Suspension Order issued by the Town of Needham Public Health Division to The Rice Barn restaurant (1037 Great Plain Avenue) on April 20, 2022. The purpose of this hearing was to provide the petitioner with an opportunity to be heard, and to show cause why the Summary Suspension Order should be modified or withdrawn. 105 CMR 590.015(B)(2).

After the hearing, and based upon consideration [of] the complete hearing record (including documentary evidence and oral testimony), the Board of Health **ORDERED** that the Summary Suspension Order dated April 20, 2022 is sustained. Here is the motion that was given by the Board for your reference—*“After consideration of the written record and testimony presented during the hearing held on April 25, 2022, the Board of Health hereby orders that the Summary Suspension Order issued by the Needham Public Health Division to the Rice Barn located at 1037 Great Plain Avenue on April 20, 2022 is sustained.”*

Pursuant to 105 CMR 590.015(B)(3) when the Board of Health sustains a suspension order, “it shall be carried out within the time period allotted in the original order.” The Summary Suspension Order, which ordered The Rice Barn to immediately cease and desist all operations, was effective when posted at the restaurant’s public entrance door on Wednesday, April 20, 2022. 105 CMR 590.014(A)(3).

A true and accurate copy of the Board’s April 26, 2022 notice to Mr. Intha is attached hereto as Exhibit C.

22. On or about April 30, 2022, in response to reports that The Rice Barn was operating in violation of the April 20 Suspension Order agents of the Needham Public Health Division performed another inspection of The Rice Barn, the results of which indicated that The Rice Barn was indeed continuing to operate and serve food in violation of the Suspension Order.

23. The April 30 inspection revealed transaction data for orders fulfilled on April 23 and 24, and food products which has been prepared on April 26 and April 28. The inspection also found numerous and repeated violations of the Sanitary Code, including improper storage of

food, failure to control rodents, and other sanitary violations. A true and accurate copy of the April 30 inspection report is attached hereto as Exhibit D.

COUNT I (*M.G.L. c. 111, §30, 105 C.M.R. 590.014*)

24. The Board incorporates the preceding paragraphs 1-23 as if recited fully herein.

25. Pursuant to *M.G.L. c. 111, §187*, “[t]he supreme judicial or superior court, upon the application of the board of health of a town, may enforce the orders of said board relative to public health.”

26. The continued operation of The Rice Barn by the Defendants, including the preparation and sale of food products is an ongoing violation of the Suspension Order and presents an imminent health hazard.

Prayer for Relief

WHEREFORE, the Plaintiff respectfully requests that the Court grant the following relief:

1. Enter a preliminary injunction that orders the Defendants to immediately cease all food service operations unless and until the Suspension Order is lifted or otherwise ceases to have force and effect.
2. Enter a permanent injunction that orders the Defendants to immediately cease all food service operations unless and until the Suspension Order is lifted or otherwise ceases to have force and effect.
3. Award costs and attorney’s fees to the Plaintiff.
4. Grant such other relief as the Court deems to be just and equitable.

Respectfully submitted,

Tara Gurge, Assistant Public Health
Director for the Town of Needham
and agent of the Town of Needham
Board of Health

By her attorneys:

A handwritten signature in blue ink, appearing to be "CH", is written over a horizontal line.

Christopher Heep, BBO # 661618

Ethan Dively, BBO # 703372

Miyares and Harrington LLP

40 Grove Street, Suite 190

Wellesley, MA 02482

(617) 489-1600

cheep@miyares-harrington.com

edively@miyares-harrington.com

Dated: May 5, 2022

VERIFICATION

I, Tara Gurge, on oath depose and say that I am the Assistant Public Health Director for the Town of Needham, and a plaintiff in the foregoing action, that I have read the allegations of the Complaint, and that they are true to the best of my knowledge, information, and belief.

Signed under the penalties of perjury this 5 day of May 2022.

A handwritten signature in dark ink, appearing to read "Tara Gurge", is written over a horizontal line.

Tara Gurge
Assistant Public Health Director

EXHIBIT A



FOOD ESTABLISHMENT INSPECTION REPORT

R-10

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number	Date	Time In/Out	Inspection Type	Client Type	Inspector		
3422D	4/16/22	1:14 PM 5:45 PM	Routine	Food Service	M.Pancare		
Permit Number	Risk	Variance	Violation Summary:	Priority	Pf	Core	Repeat
				4	7	9	2

Violation Summary:

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	✓					15. Food separated and protected	1	✓			✓
2. Certified Food Protection Manager	✓					16. Food-contact surfaces; cleaned & sanitized	1	✓			
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served,		✓			
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	✓					Time/Temperature Control for Safety	IN	OUT	NA	NO	COS
4. Proper use of restriction and exclusion	✓					18. Proper cooking time & temperatures		✓			
5. Procedures for responding to vomiting and diarrheal events	✓					19. Proper reheating procedures for hot holding		✓			
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature		✓			
6. Proper eating, tasting, drinking, or tobacco use	✓					21. Proper hot holding temperatures		✓			
7. No discharge from eyes, nose, and mouth	✓					22. Proper cold holding temperatures		✓			
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition	1	✓			
8. Hands clean & properly washed	✓					24. Time as a Public Health Control; procedures & records		✓			
9. No bare hand contact with RTE food or a pre-approved	1		✓			Consumer Advisory	IN	OUT	NA	NO	COS
10. Adequate handwashing sinks supplied and accessible	1		✓		✓	25. Consumer advisory provided for raw/undercooked food		✓			
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations	IN	OUT	NA	NO	COS
11. Food obtained from approved source	✓					26. Pasteurized foods used; prohibited foods not offered		✓			
12. Food received at proper temperature	✓					Food/Color Additives and Toxic Substances	IN	OUT	NA	NO	COS
13. Food in good condition, safe & unadulterated	✓					27. Food additives: approved & properly used		✓			
14. Required records available: shellstock tags, parasite	✓					28. Toxic substances properly identified, stored & used	2		✓		
Repeat Violations Highlighted in Yellow						Conformance with Approved Procedures	IN	OUT	NA	NO	COS
						29. Compliance with variance/specialized process/HACCP		✓			

Good Retail Practices											
Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	✓					43. In-use utensils: properly stored	1	✓			
31. Water & ice from approved source						44. Utensils, equip. & linens: properly stored, dried & handled	1	✓			
32. Variance obtained for specialized processing methods	1		✓			45. Single-use/single-service articles: properly stored & used	1	✓			
Food Temperature Control	IN	OUT	NA	NO	COS	46. Gloves used properly					
33. Proper cooling methods used; adequate equip. for temp.	✓					Utensils, Equipment and Vending	IN	OUT	NA	NO	COS
34. Plant food properly cooked for hot holding						47. All contact surfaces cleanable, properly designed,	1	✓			
35. Approved thawing methods used						48. Warewashing facilities: installed, maintained & used; test	1	✓			✓
36. Thermometers provided & accurate						49. Non-food contact surfaces clean					
Food Identification	IN	OUT	NA	NO	COS	Physical Facilities	IN	OUT	NA	NO	COS
37. Food properly labeled; original container						50. Hot & cold water available; adequate pressure					
Prevention of Food Contamination	IN	OUT	NA	NO	COS	51. Plumbing installed; proper backflow devices	2		✓		
38. Insects, rodents & animals not present	2		✓			52. Sewage & waste water properly disposed					
39. Contamination prevented in prep, storage & display						53. Toilet facilities: properly constructed, supplied, & cleaned					
40. Personal cleanliness						54. Garbage & refuse properly disposed; facilities maintained	1	✓			
41. Wiping cloths; properly used & stored						55. Physical facilities installed, maintained & clean	2		✓		
42. Washing fruits & vegetables						56. Adequate ventilation & lighting; designated areas use					
						60. 105 CMR 590 violations / local regulations		✓			

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal

M.Pancare

Chalermopol Intha - Expires
Certificate #:

Follow Up Required: Y Follow Up Date:

FOOD SAFETY INSPECTION REPORT

Page Number

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The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
3422D

Date
4/16/22

Time In/Out
1:14 PM
5:45 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Counter upon arrival. -



88

- -

Hood sticker Compliant -



FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Newly installed 3 compartment sink in basement -



88

- -

Improper storage of in use utensils in basement -



FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

See #43 Improper storage of in use utensils stored in oyster sauce in walk in.

-



88

- -

Floor in walk in had water pooling on floor.
Floor is stained.
Clean floor and keep dry. Suggest using abrasive scour
type pad to remove stains -



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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Mice feces in basement -



88

- -

Mice feces noted on bottom shelf where equipment is stored -



FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

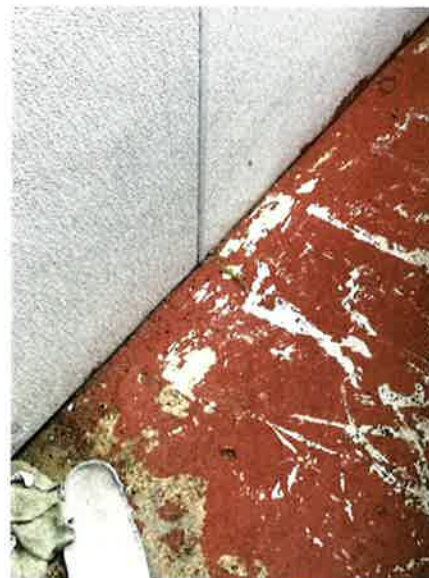
Mice feces too numerous to count in in basement. Along walls -



88

- -

Mices feces behind shelving In basement -



Preventing Contamination by Hands

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

No bare hand contact with RTE food

9 MA 590.003 (C) FC 3-301.11 (B) - Preventing Contamination from Hands - Kitchen -

Pr Latex gloves noted in kitchen on shelf. Do not use. Code: Except when washing fruits and vegetables, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. Single-use natural rubber latex gloves are not recommended for food contact in food establishments.

10 5-204.11 Handwashing-Sinks-Location and Placement - Kitchen -

COS Pf Handsink blocked by trash can at arrival Code: A handwashing facility shall be located: to allow convenient use by employees in food preparation, food dispensing, and warewashing area; and in, or immediately adjacent to, toilet rooms.



Protection From Contamination

Food Separated and protected

15 3-302.11 (A)(2) Raw Animal Foods Separated from each other - Kitchen -

COS Pr Raw ground beef stored on bottom shelf next to raw chicken Code: Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.

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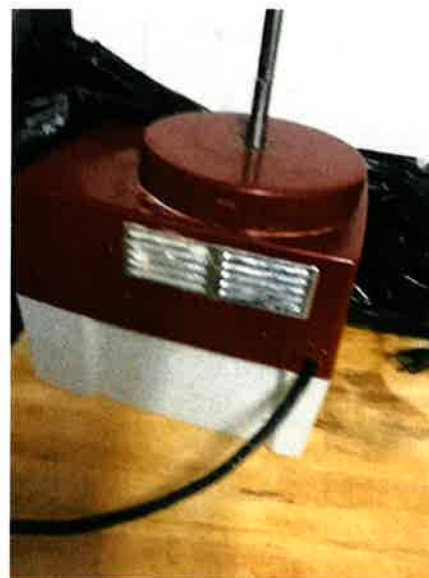
Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

16 4-601.11 (A) Equip, Food-Contact Surfaces - Basement -

- Pf** Food processor stored in basement unsanitary. Throughout kitchen area shelves, gaskets not "clean to sight clean to touch" Code: *Equipment food-contact surfaces and utensils shall be clean to sight and touch.*



Time / Temperature Control for Safety

Date marking and disposition

23 3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

- Pf** Improper datemarking. A cooked chicken half had an expiration date of 4/5/22. Product discarded. Other products had inconsistent datemarking. Code: *Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*

Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28 7-102.11 Common Name (Poisonous or Toxic Materials) - Kitchen -

- Pf** Spray device with grease cutter material not labeled. Code: *Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.*

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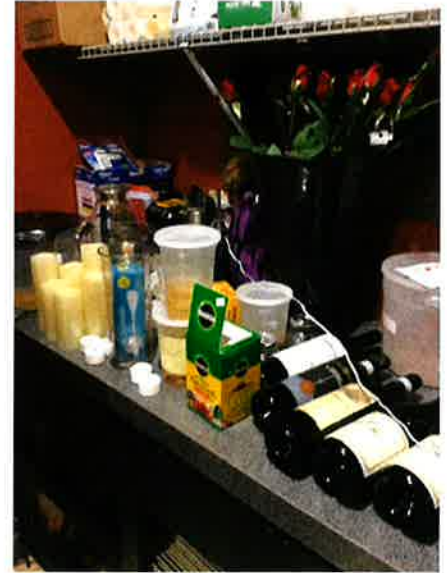
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

28

7-201.11 Storage Separation - Service Station FOH -

- Pr** Toxic chemicals "miracle grow". Stored where food and equipment is located. The shelf above had mice glue type traps *Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.*



Safe Food and Water

Variance obtained for specialized processing

32

8-103.11 Documentation of Proposed Variance and Justification - Storefront -

- Pf** Retail food products observed for sale with "pickling". No ingredient labels noted. This may need a HACCP plan. Please provide process, details, recipe, ingredients for plan review. Cease and desist until approved. *Code: Before a variance from a requirement of this Code is approved, the information that shall be provided by the person requesting the variance and retained in the RA's file on the food establishments includes: a statement of the proposed variance of the Code requirement citing relevant Code section numbers; an analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and a HACCP plan if required as specified that includes the information specified under 8-201.14 as it is relevant to the variance requested.*



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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Prevention of Food Contamination

Insect, rodents & animals not present

38 6-501.111 (C) Controlling Pests - Basement -

Pf Pests not controlled.

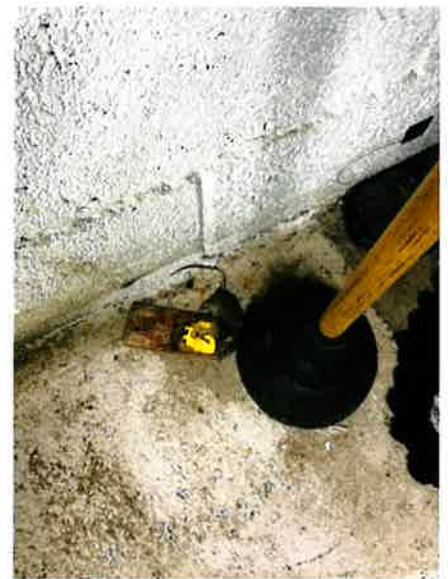
Open traps noted. Please review with PCO. Code: *The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by using methods, if pests are found, such as trapping devices or other means of pest control, such as pesticides, must be used according to law and manufacture's instructions.*



38 6-501.112 Removing Dead or Trapped Pests - Basement -

C Dead and decaying mouse In basement

Remove Code: *Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.*



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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Proper Use of Utensils

In-use utensils; properly stored

43 3-304.12 In-Use Utensils/Between-Use Storage - Basement -

- C** Scoops stored improperly in bulk bins. Code: During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored: in the food with their handles above the top of the food and the container; in food that is not TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon; on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized every 4 hours; in running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes, in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not TCS food; or in a container of water if the water is maintained at a temperature of at least 135°F and the container is cleaned at at least every 24 hours.



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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

44 4-903.11 (A)(B)(D) Equip./Uten./Lin./Sing.-Ser/Use Art - Basement -

- C** Plates and flatware were stored on cardboard box which is single use only, and located near pest control traps. Mice feces noted in this area.
Knives and vegetable cutters improperly stored in basement, and were severely soiled with debris. Code: *Cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored: in a clean, dry location; where they are not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor. Clean equipment and utensils shall also be stored: in a self-draining position that allows air drying; and covered or inverted. Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids.*



45 4-903.11 (C) Equip./Uten./Lin./Sing.-Ser/Use Art. - Basement -

- C** Single use items improperly stored in basement. Physical debris noted Code: *Single-service and single-use articles shall also be kept in the original protective package or stored by using other means that afford protection from contamination until used.*



Utensils, Equipment and Vending

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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

All contact surfaces cleanable, properly designed, constructed & used

47 4-501.12 Cutting Surfaces - Kitchen -

- C** Cutting boards soiled, and needs resurfacing to allow for smooth and easily cleanable. Debris noted on rivets adhering to table. *Code: Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.*

48 4-303.11 Cleaning Agents and Sanitizers, Availability - Kitchen -

- COS Pf** Quat sanitizer not available at the dispensing device at the 3 compartment sink. Discussion with owner on having adequate supply. Alternative procedure to use chlorine @ 50ppm
Code: (A) Cleaning agents that are used to clean equipment and utensils as specified under Part 4-6, shall be provided and available for use during all hours of operation. (B) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils as specified under Part 4-7, shall be provided and available for use during all hours of operation.

Physical Facilities

Plumbing installed; proper backflow devices

51 5-205.15 (B) System Maintained/Repair - Kitchen -

- C** Handsink is leaking, and slow drain from basin
Repair or replace within 5 days *Code: A plumbing system shall be maintained in good repair.*

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

51 5-205.15 (A) System Maintained/Repair - Basement

- Pr** 3 bay sink recently installed in basement.
Please provide plumbing permit.
Do not use until approved. *Code: A plumbing system shall be repaired according to law.*



54 5-501.113 Covering Receptacles - Basement -

- C** Trash cans covered improperly *Code: Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered when they contain food residue and are not in continuous use or after they are filled. If kept outside, they shall have tight-fitting lids or doors.*

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

55 6-501.11 Repairing - Basement -

- C** Several locations in basement storage were not in good repair *Code: The physical facilities shall be maintained in good repair.*



55 6-501.114 Unnecessary Items and Litter - Basement -

- C** Excessive amount of debris, and unused desks equipment, miscellaneous storage boxes, decorations, and other clutter are on floor and preventing proper pest control *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Permit. up to date and posted?

IN

Pest control record available?

IN

Written Menus /signs present (allergen)?

NO

Allergen Certificate Posted?

IN

Certified Food Protection Managers Certificate posted?

IN

Food allergy awareness poster visible for employees?

IN

Staff trained in choke-save for every shift.

NO

Ventilation Hood Inspections stickers up to date?

IN

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Consumer Advisory Present if needed?

IN

Grease log up to date?

IN

Food Employee Reporting Agreement available?

NO

Procedures outlines for vomit/diarreal event?

IN

No trans fat?

NO

"Most recent food inspection" sign posted?

NO

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	2 door glass cooler -	Ground beef		36 °F
Kitchen	Flip top Sandwich	Raw shrimp		30 °F
Kitchen	Flip top near curry	Ambient		36 °F
Kitchen		Ambient		38 °F
Kitchen				°F
Kitchen	Amana white cooler	Ambient		38 °F
Kitchen	Walk in white freezer	Ambient		15 °F
Basement	Walk in cooler	Ambient		36 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

Grease Trap compliant 4/5/22.

Refrigeration temps compliant.

Overall food stored properly on service line.

Continue to focus on interior/exterior of refrigerator surfaces and gaskets."Clean to sight and clean to touch "

Dishmachine 50pp

Mice feces too numerous to count in basement. As previously discussed, patch open holes, cracks

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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

and crevices.

Discussion with owner on cleaning the floor in walk in to remove "rust" stains and water pooling.

3 compartment sink in kitchen did not have Quat sanitizer. Discussion with alternative procedures to use chlorine as an interim in conjunction with dishmachine.

If the 3 compartment sink in the basement is approved, a NSF barrier is required on the left side of the handsink.

Failure to correct and maintain may result in fines suspension or both immediate attention is required.

Discussion about gluten free procedures and ingredients, for one pad tai recipe. Ingredients approved. Stated that it is the only dish they serve gluten free. Any other recipes must be approved.

EXHIBIT B



NEEDHAM PUBLIC HEALTH DIVISION



Certified Mail #7016 3010 0001 0243 3094

Return Receipt Requested

SUMMARY SUSPENSION ORDER M.G.L. c.111, §30 and 105 CMR 590.014(C)

Mr. Chalernpol Intha, Owner of the Rice Barn Restaurant
72 Manchester Road
Newton, MA 02461

The Needham Board of Health's authorized agents have determined that an imminent health hazard exists at The Rice Barn restaurant located at 1037 Great Plain Avenue, Needham, MA 02492, and that the imminent health hazard requires the immediate suspension of the food establishment operating permit.

The repeated violations of the *2013 Federal Food Code*¹ and *105 CMR 590- State Sanitary Code Chapter X - Minimum Sanitation Standards for Food Establishments*² that lead to this determination of an imminent health hazard are:

- **FC 2-103.11 (N) Duties of Person in Charge** - The person in charge shall ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.
- **FC 3-302.11 (A)(1) Raw Animal Foods Separated from RTE** - Food shall be protected from cross-contamination by: (1) Separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables, and (b) cooked RTE food.
- **FC 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking** - Time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days.
- **FC 5-205.15 System Maintained in Good Repair** - A plumbing system shall be: (A) Repaired according to LAW; P and (B) Maintained in good repair.
- **FC 4-501.12 Cutting Surfaces** - Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.
- **FC 5-501.13 Receptacles** - (A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent. 167 numbers and capacities.

¹ Available at: <https://www.fda.gov/food/fda-food-code/food-code-2013>

² Available at: <https://www.mass.gov/regulations/105-CMR-59000-state-sanitary-code-chapter-x-minimum-sanitation-standards-for-food-establishments>

- **FC 6-501.114 Maintaining Premises, Unnecessary Items and Litter** -The premises shall be free of: (A) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and (B) Litter.
- **FC 4-601.11 Equipment, Food-Contact Surfaces, Nonfood Contact Surfaces, and Utensils** - (C) nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.
- **6-501.111 Controlling Pest.** The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: (B) Routinely inspecting the PREMISES for evidence of pests and (D) Eliminating harborage conditions.

Based on the foregoing, it is hereby **ORDERED** that all operations of The Rice Barn shall **immediately cease and desist on April 20, 2022**. This emergency closure shall remain in effect until the conditions cited above are corrected, and the corrections have been confirmed by the Board of Health or its authorized agent through reinspection or other means as appropriate.

You have the right to challenge this emergency order at a hearing before the Board of Health, provided you file a written request for a hearing within ten (10) days of receipt of this Summary Suspension Order. In the event of such a request, a hearing will be scheduled within three (3) business days after receipt of a written request. You also have the right to inspect and obtain copies of all relevant inspection reports, orders, notices, and other documentary information in the possession of the Needham Public Health Division and Board of Health. You have the right to be represented at any hearing.

If you wish to request a hearing, a written request should be delivered to:

Ms. Tara Gurge, Assistant Public Health Director
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

As stated above, this Summary Suspension Order is effective immediately; a written request for a hearing **does not** stay the effectiveness of this Order.

Please feel free to contact the Public Health Division if you have any additional questions on what was stated in this emergency order letter. Tara Gurge can be reached at (781) 455-7940; Ext. 211 or via email Tgurge@needhamma.gov. You can also contact Ally Littlefield at (781) 455-7940; Ext. 220 or via email at Alittlefield@needhamma.gov.

Issued this 20th day of April, 2022.



Tara E. Gurge, R.S., C.E.H.T., M.S.
Assistant Public Health Director

cc: Timothy McDonald, Director of Health and Human Services
Needham Board of Health

Christopher Heep, Needham Town Counsel
Ally Littlefield, Environmental Health Agent
Monica Pancare, Environmental Health Agent

EXHIBIT C



Needham Public Health Division

178 Rosemary St., Needham, MA 02494
www.needhamma.gov/health

781-455-7940 ext. 504
781-455-7922 (fax)



April 26, 2022

BY EMAIL (intha@rcn.com) and by
CERTIFIED MAIL
#7016 3010 0001 0243 2646
RETURN RECEIPT REQUESTED

Mr. Charles Intha, Owner of The Rice Barn Restaurant
72 Manchester Road
Newton, MA 02461

Re: Hearing on Summary Suspension Order dated April 20, 2022
The Rice Barn Restaurant—1037 Great Plain Avenue, Needham MA

Dear Mr. Intha:

In response to your written request, the Town of Needham Board of Health held a hearing on April 25, 2022 pursuant to 105 CMR 590.015. This hearing concerned the Summary Suspension Order issued by the Town of Needham Public Health Division to The Rice Barn restaurant (1037 Great Plain Avenue) on April 20, 2022. The purpose of this hearing was to provide the petitioner with an opportunity to be heard, and to show cause why the Summary Suspension Order should be modified or withdrawn. 105 CMR 590.015(B)(2).

After the hearing, and based upon consideration the complete hearing record (including documentary evidence and oral testimony), the Board of Health **ORDERED** that the Summary Suspension Order dated April 20, 2022 is sustained. Here is the motion that was given by the Board for your reference – ‘*After consideration of the written record and testimony presented during the hearing held on April 25, 2022, the Board of Health hereby orders that the Summary Suspension Order issued by the Needham Public Health Division to the Rice Barn located at 1037 Great Plain Avenue on April 20, 2022 is sustained.*’

Pursuant to 105 CMR 590.015(B)(3) when the Board of Health sustains a suspension order, “it shall be carried out within the time period allotted in the original order.” The Summary Suspension Order, which ordered The Rice Barn to immediately cease and desist all operations, was effective when posted at the restaurant’s public entrance door on Wednesday, April 20, 2022. 105 CMR 590.014(A)(3).

The Public Health Division has confirmed The Rice Barn remains closed to the public as of the date of this letter, which is in compliance of the Summary Suspension Order as sustained by the Board of Health.

Please contact the Public Health Division if you have any questions concerning this decision. Assistant Public Health Director Tara Gurge can be reached at (781) 455-7940; Ext. 211 or via email Tgurge@needhamma.gov. You can also contact Ally Littlefield, Environmental Health Agent, at (781) 455-7940; Ext. 220 or via email at Alittlefield@needhamma.gov.

Sincerely,



Tara E. Gurge, R.S., C.E.H.T., M.S.
Assistant Public Health Director

cc: Timothy McDonald, Health and Human Services Director
Tiffany Zike, Assistant Public Health Director
Needham Board of Health
Christopher Heep, Needham Town Counsel
Diana Acosta, Shared Public Health Services Grant Project Manager
Ally Littlefield, Environmental Health Agent
Monica Pancare, Environmental Health Agent

EXHIBIT D



FOOD ESTABLISHMENT INSPECTION REPORT

R-10

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>			
A2F26	4/30/22	1:03 PM 4:54 PM	Routine	Food Service	M.Pancare			
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary:</u>		<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
					2	3	11	6

Violation Summary:

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	1	✓				15. Food separated and protected	1	✓			
2. Certified Food Protection Manager	✓					16. Food-contact surfaces; cleaned & sanitized	✓				
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served,	✓				
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	✓					Time/Temperature Control for Safety	IN	OUT	NA	NO	COS
4. Proper use of restriction and exclusion	✓					18. Proper cooking time & temperatures	✓				
5. Procedures for responding to vomiting and diarrheal events	✓					19. Proper reheating procedures for hot holding	✓				
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature	✓				
6. Proper eating, tasting, drinking, or tobacco use	✓					21. Proper hot holding temperatures	✓				
7. No discharge from eyes, nose, and mouth	✓					22. Proper cold holding temperatures	✓				
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition	✓				
8. Hands clean & properly washed	✓					24. Time as a Public Health Control; procedures & records	✓				
9. No bare hand contact with RTE food or a pre-approved	✓					Consumer Advisory	IN	OUT	NA	NO	COS
10. Adequate handwashing sinks supplied and accessible	1	✓				25. Consumer advisory provided for raw/undercooked food	✓				
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations	IN	OUT	NA	NO	COS
11. Food obtained from approved source	✓					26. Pasteurized foods used; prohibited foods not offered	✓				
12. Food received at proper temperature	✓					Food/Color Additives and Toxic Substances	IN	OUT	NA	NO	COS
13. Food in good condition, safe & unadulterated	✓					27. Food additives: approved & properly used	✓				
14. Required records available: shellstock tags, parasite	✓					28. Toxic substances properly identified, stored & used	✓				
Repeat Violations Highlighted in Yellow	IN	OUT	NA	NO	COS	Conformance with Approved Procedures	IN	OUT	NA	NO	COS
						29. Compliance with variance/specialized process/HACCP	✓				

Safe Food and Water	IN	OUT	NA	NO	COS	Good Retail Practices	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	✓					Proper Use of Utensils	IN	OUT	NA	NO	COS
31. Water & ice from approved source	✓					43. In-use utensils: properly stored					
32. Variance obtained for specialized processing methods	✓					44. Utensils, equip. & linens: properly stored, dried & handled					
Food Temperature Control	IN	OUT	NA	NO	COS	45. Single-use/single-service articles: properly stored & used					
33. Proper cooling methods used; adequate equip. for temp.	✓					46. Gloves used properly					
34. Plant food properly cooked for hot holding						Utensils, Equipment and Vending	IN	OUT	NA	NO	COS
35. Approved thawing methods used						47. All contact surfaces cleanable, properly designed,	2	✓			
36. Thermometers provided & accurate						48. Warewashing facilities: installed, maintained & used; test	1	✓			
Food Identification	IN	OUT	NA	NO	COS	49. Non-food contact surfaces clean					
37. Food properly labeled; original container						Physical Facilities	IN	OUT	NA	NO	COS
Prevention of Food Contamination	IN	OUT	NA	NO	COS	50. Hot & cold water available; adequate pressure					
38. Insects, rodents & animals not present	3	✓				51. Plumbing installed; proper backflow devices	1	✓			
39. Contamination prevented in prep, storage & display						52. Sewage & waste water properly disposed					
40. Personal cleanliness						53. Toilet facilities: properly constructed, supplied, & cleaned					
41. Wiping cloths; properly used & stored						54. Garbage & refuse properly disposed; facilities maintained					
42. Washing fruits & vegetables						55. Physical facilities installed, maintained & clean	5	✓			
						56. Adequate ventilation & lighting; designated areas use					
						60. 105 CMR 590 violations / local regulations	1	✓			

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal

M.Pancare

Chalermpol Intha - Expires
Certificate #:

Follow Up Required: Y Follow Up Date:

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Code:

Description	Number	Price	Total
Waffle	1	10.50	10.50
Fruit	1	5.00	15.50
Sausage	1	4.00	19.50
Total	3	19.50	19.50

Transactions took place on 4/23-4/24 violating a summary suspension order. Code:

Description	Number	Price	Total
Cash	1	10.50	10.50
Fruit	1	5.00	15.50
Sausage	1	4.00	19.50
Total	3	19.50	19.50

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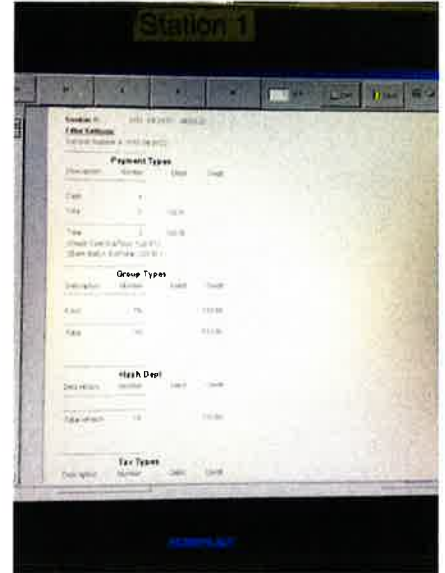
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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Transactions took place during Summary Suspension order. Code:



Mice feces too numerous to count noted at bottom of basement stairs Code:



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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

--

Kitchen Upon arrival. -



88

--

Fly swatter in kitchen, removed -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

--

See #48/
Tables and back wall on service line are soiled -



88

--

Curry wok station refrigerator had product -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

--

See #15 above -



88

--

Food product prepared on 4/26/22 were datemarked, and prepared when summary suspension order was in effect -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

See #59 -



88

- -

Unsanitary TCS food in rolltop refrigerator -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

--

During inspection, freezer was found unplugged. Products were removed to another freezer for storage.(squid,) still compliant.
Some products were discarded -



88

--

See #48
Top of refrigerator where microwave is stored soiled. -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

--

Corner near the emergency room door in dining area had
dirt, debris, clutter.
Remove to prevent pests -



88

--

Open holes -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Open holes -



88.

- -

Open snap traps noted on basement corner -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Mice feces along right side of wall in basement prep area.

-



88

- -

Open holes noted in equipment storage room in basement. -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Open holes in basement -



88

- -

Walk-in floor in basement has been cleaned and repainted.



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Prepared rice datemarked and stored in walk in refrigerator. -



88

- -

Food stored properly in walk in cooler -



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

Pad Thai sauce prepared on 4/28/22 and datemarked in basement -



Supervision

PIC present, demonstrated knowledge & performs duties

1 MA 590.002 (B) FC 2-102.11 - Kitchen -

Pf The owner and three staff members could not respond correctly to the question "What is the danger zone of TCS food? After several incorrect answers and opportunities, the staff did not know this information. Code: The person in charge demonstrate to the RA knowledge of foodborne disease prevention, application of HACCP principles, and the requirements of this code. The person in charge shall demonstrate knowledge by having no violations of priority items during the current inspection; being a certified food protection manager; and responding correctly to the inspectors questions as they relate to the specific food operation.

Preventing Contamination by Hands

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Adequate handwashing sinks properly supplied and accessible

10

6-301.12 Hand Drying Provision - Service Station FOH -

- Pf** Restroom in front of house did not have paper towels
Code: Each handwashing lavatory or groups of adjacent lavatories shall be provided with: individual, disposable towels; a continuous towel system that supplies the user with a clean towel or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.



Protection From Contamination

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Food Separated and protected

15 3-302.11 (A)(4) Packaged and/or wrapped foods - Kitchen -

- C** 3 bowls of food were stored uncovered in refrigerator
Code: Food shall be protected from contamination by storing the food in packages, covered containers, or wrappings. This does not apply to (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption; (2) primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks; (3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks; (4) FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or shellstock.



Prevention of Food Contamination

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Insect, rodents & animals not present

38 6-501.111 (A)(B)(D) Controlling Pests - Basement -

- C** Mice feces noted in basement Code: *The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*



38 6-202.15 (A) Outer Openings, Protected - Basement -

- C** Numerous open holes in basement drywall, ceiling, walls. Repair all open holes within 10 days or less Code: *Outer openings of a food establishment shall be protected against the entry of insects and rodents by: filling or closing holes and other gaps along floors, walls, and ceilings; closed, tight-fitting windows; and solid, self-closing, tight fitting doors.*



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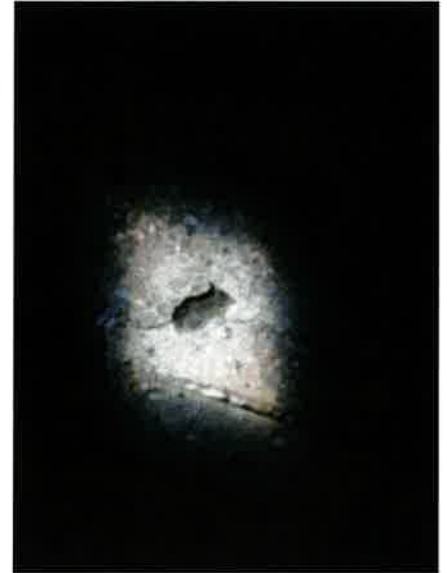
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

38

6-501.112 Removing Dead or Trapped Pests - Basement -

- C Decaying mouse in basement.
A live cockroach was noted on the floor at the bottom of the basement stairs running under a 2x4 wood beam.
All facilities must remain pest free. *Code: Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.*



Utensils, Equipment and Vending

All contact surfaces cleanable, properly designed, constructed & used

47

4-101.19 Nonfood-Contact Surfaces - Service Station FOH -

- C Handsink in Dining room was soiled *Code: Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.*



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

47

4-501.12 Cutting Surfaces - Basement -

- C** Severely soiled cutting boards on prep shelf in basement
Code: Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.



48

4-501.14 Equipment Cleaning Frequency - Kitchen -

- Pf** Prep sink basin soiled *Code: A ware washing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards shall be cleaned before use, throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and if used, at least every 24 hours.*



Physical Facilities

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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Plumbing installed; proper backflow devices

51

5-205.15 (A) System Maintained/Repair - Basement -

- Pr** 3 compartment sink did not have a plumbing permit pulled at local municipal building dept. A licensed plumber is required to pull the permit, and install according to law. In addition a barrier is required to prevent over spray from the handsink into the 3compartment sink. Code: A plumbing system shall be repaired according to law.

55

6-201.12 Floors/Walls/Ceilings - Utility Lines - Kitchen -

- C** Electrical housing and electrical cord on floor. Needs to be functional according to electrical codes. Not on floor Code: Utility service lines and pipes may not be unnecessarily exposed. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings. Exposed horizontal utility service lines and pipes may not be installed on the floor.



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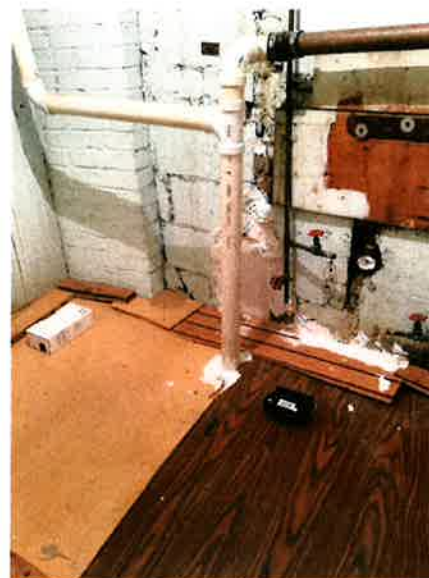
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

55

6-501.11 Repairing - Basement -

- C Repairs in basement need further review. Code: *The physical facilities shall be maintained in good repair.*



55

6-501.11 Repairing - Basement -

- C Facility must be in good repair. Code: *The physical facilities shall be maintained in good repair.*



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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

55

6-501.114 Unnecessary Items and Litter - Basement -

- C Unused equipment, shelving or other non functional items should be removed to prevent pests, and to clean areas properly *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*



55

6-202.112 Living/Sleeping Quarters/Separation - Basement -

- C A upholstered chaise lounges style chair was in the basement storage area, near the Bag in box soda. Several partially use (5) open Bibb boxes were expired from 2018-2020 and attract pests. These Bibb boxes were removed. *Code: Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.*

Compliance and Enforcement

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Imminent Health Hazard

59 8-404.11 Ceasing Operations and Reporting. - Kitchen -

Pr Prepared foods on 4/26/22.

Violation of summary suspension order Code: A permit holder shall immediately discontinue operations and notify the RA if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.



List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Permit. up to date and posted?

IN

Pest control record available?

IN

Written Menus /signs present (allergen)?

NO

Allergen Certificate Posted?

IN

Certified Food Protection Managers Certificate posted?

IN

Food allergy awareness poster visible for employees?

IN

Staff trained in choke-save for every shift.

NO

Ventilation Hood Inspections stickers up to date?

IN

Consumer Advisory Present if needed?

NO

Grease log up to date?

IN

Food Employee Reporting Agreement available?

NO

Procedures outlines for vomit/diarrheal event?

NO

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

No trans fat?

NO

"Most recent food inspection" sign posted?

IN

Temperatures

Area	Equipment	Product	Notes	Temps
------	-----------	---------	-------	-------

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

During the inspection it was noted that numerous products were prepared with dates after the summary suspension order on April 20, 2022.

Further review and questioning with management and staff the owner stated that he had been operating after a cease-and-desist order, after Summary suspension order had been mandated by the local Board of Health.

Failure to correct and maintain may result in fines, continued suspension until violations are corrected and pest free. Fines may be \$300-\$500 per day as determined by LBOH.

Documents provided on point-of-sale receipts and other information provided by Town resident complaint, substantiates this violation. The local Board of Health was provided sales transactions that did take place during this time.

Refrigerator temperatures and food storage observed were acceptable.

Overall facility is still in need of cleaning, and repairing. Significant areas still need to be clean and sanitary -many open holes, in ceilings walls/drywall and mice feces noted.

Inside double door refrigerator on the wok line, the interior surfaces were soiled. Numerous shelves and many other storage areas in kitchen were not clean to side and clean to touch.

Overall improvements are still required.

Hands and temperatures were compliant however the public restroom in the dining room did not have paper towels.

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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Trapped in dead pests need to be removed as quickly as possible to prevent further pest activity.

This inspector requires an operating plan to have allergen protocols on site to include color-coded cutting board and knife and training of all cooks and staff on food preparation practices for customers who have allergies.

CA. No. _____

violation of the Summary Suspension Order. The grounds for this motion are presented in the Memorandum in Support of Plaintiffs' Motion for a Preliminary Injunction, submitted herewith.

Respectfully submitted,

Tara Gurge, Assistant Public Health
Director for the Town of Needham
and agent of the Town of Needham
Board of Health

By her attorneys:



Christopher Heep, BBO # 661618

Ethan Dively, BBO # 703372

Miyares and Harrington LLP

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edively@miyares-harrington.com

Dated: May 5, 2022

**COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT**

NORFOLK, ss

CA. No. _____

)
TARA GURGE, as Assistant Public Health)
Director for the TOWN OF NEEDHAM and)
Agent of the TOWN OF NEEDHAM)
BOARD OF HEALTH,)

Plaintiff,)

v.)

ZUCCHINI GOLD, LLC, d/b/a The Rice)
Barn and CHALERMPOL INTHA,)
Defendants.)

PRELIMINARY INJUNCTION

After hearing, the Court hereby ORDERS that Defendants Chalernpol Intha, and Zucchini Gold, LLC, d/b/a The Rice Barn:

1. Shall immediately cease and desist all food preparation and service operations at the business located at 1037 Great Plain Avenue in Needham, including without limitation dine-in and take-out service to customers, until further Order of the Court or until expressly authorized in writing by the Town of Needham Public Health Division or its Board of Health;
2. Shall ensure that no persons enter the business located at 1037 Great Plain Avenue in Needham, except as may be necessary to remedy State Sanitary Code violations identified in the Town of Needham Board of Health's Summary Suspension Order dated April 20, 2022; and
3. Shall notify the Town of Needham Public Health Division at any time at which persons will enter the premises for any purpose.

Dated: _____
(_____, J.)

occasions found violations of the State Sanitary Code, 105 C.M.R. 590, during inspections of The Rice Barn. *Id.* at ¶¶ 12-14. During an inspection of The Rice Barn conducted on April 16, 2022, agents of the Board discovered significant violations of the State Sanitary Code. *Id.* at

¶ 15. The violations included the following:

- **FC 2-103.11 (N) Duties of Person in Charge** - The person in charge shall ensure that employees are properly trained in food safety, including food allergy awareness, as it relates to their assigned duties.
- **FC 3-302.11 (A)(1) Raw Animal Foods Separated from RTE** - Food shall be protected from cross-contamination by: (1) Separating raw animal foods during storage preparation, holding and display from: (a) Raw RTE food including other raw animal food such as fish for sushi or molluscan shellfish or other raw RTE food such as fruits and vegetables, and (b) cooked RTE food.
- **FC 3-501.17 Ready-to-Eat, Time/Temperature Control for Safety Food, Date Marking** - Time/temperature control for safety food prepared and held in a food establishment for more than 24 hours shall be clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5oC (41oF) or less for a maximum of 7 days.
- **FC 5-205.15 System Maintained in Good Repair** - A plumbing system shall be: (A) Repaired according to LAW; P and (B) Maintained in good repair.
- **FC 4-501.12 Cutting Surfaces** - Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.
- **FC 5-501.13 Receptacles** - (A) Except as specified in ¶ (B) of this section, receptacles and waste handling units for REFUSE, recyclables, and returnables and

for use with materials containing food residue shall be durable, cleanable, insect- and rodent-resistant, leakproof, and nonabsorbent. 167 numbers and capacities.

- **FC 6-501.114 Maintaining Premises, Unnecessary Items and Litter** -The premises shall be free of: (A) Items that are unnecessary to the operation or maintenance of the establishment such as equipment that is nonfunctional or no longer used; and (B) Litter.
- **FC 4-601.11 Equipment, Food-Contact Surfaces, Nonfood Contact Surfaces, and Utensils** - (C) nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.
- **6-501.111 Controlling Pest.** The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: (B) Routinely inspecting the PREMISES for evidence of pests and (D) Eliminating harborage conditions.

Complaint at ¶ 17 & Exhibits A-B.

Based on this inspection the Health Agent, determined that The Rice Barn's operation of a food establishment presented an imminent health hazard, and issued a Summary Suspension Order ("Suspension Order") on April 20, 2022, directing The Rice Barn to cease operations until the violations were corrected. *Id.* at ¶ 16 & Exhibit B. The Suspension Order satisfies the requirements of 105 C.M.R. 590.014(A) for the immediate suspension of a permit to operate a food establishment without notice or hearing. *Id.* at ¶ 18 & Exhibit B.

As provided in 105 C.M.R 590.014, 590.015, The Rice Barn requested a hearing before the Board of Health on the Summary Suspension Order. The Board held the hearing, voted to sustain the Suspension Order, and providing written notice to The Rice Barn on April 26, 2022. *Id.* at ¶¶ 19-21 & Exhibit C.

On April 30, 2022, in response to reports that The Rice Barn was operating in violation of the April 20 Suspension Order agents of the Needham Public Health Division performed another inspection of The Rice Barn, the results of which indicated that The Rice Barn was indeed continuing to operate and serve food in violation of the Suspension Order. *Id.* at ¶ 22-23. The April 30 inspection revealed transaction data for orders fulfilled on April 23 and 24, and food products which has been prepared on April 26 and April 28. *Id.* at ¶ 23 & Exhibit D.

II. Standard of Review for Grant of a Preliminary Injunction

Ordinarily, “[w]hen a private party seeks a preliminary injunction, the moving party is required to show that an irreparable injury would occur without immediate injunctive relief.” *Town of Framingham v. Framingham Police Officers Union*, 93 Mass. App. Ct. 537, 541 (2018), quoting *LeClair v. Town of Norwell*, 430 Mass. 328, 331 (1999). “‘When, however, a suit is brought either by the government or a citizen acting as a private attorney general to enforce a statute or a declared policy of the Legislature irreparable harm is not required.’” *Id.*, quoting *LeClair*, 430 Mass. at 331. “A judge, in these circumstances, must first determine whether there is a likelihood of success on the merits of a plaintiff’s claim and then determine whether ‘the requested order promotes the public interest, or, alternatively, that the equitable relief will not adversely affect the public.’” *LeClair*, 430 Mass. at 331-332, quoting *Commonwealth v. Mass. CRINC*, 392 Mass. 79, 89 (1984). This modified standard of review applies in cases where, as here, a Town is seeking to compel enforcement with its local bylaws. In *Town of Norton v. Gillis*, Mass. Superior Court (2007 WL 981718)(MacDonald, J.), the Court stated:

With this being an action brought by a local government entity to enforce the laws within its jurisdiction, the Court follows the SJC’s guidance in *LeClair v. Norwell*, 430 Mass. 328, 331-32 (1999)...The proof of irreparable harm, normally required in the context of injunctive relief pursuant to Mass. R. Civ. P. 65, *Packaging Indus. Group, Inc. v. Cheney*,

380 Mass. 609, 617 (1980), is not required under these circumstances.
Commonwealth v. Mass. CRINC, 392 Mass. 79, 89 (1984).

See also *Town of Wellesley ex rel. Bd. of Selectmen v. Javamine, Inc.*, Super Ct. No. 06-394-B, 2006 WL 1345836 (Mar. 14, 2006); *City of Newburyport v. Woodman*, Land Ct. No 05 MISC 309692, 2005 WL 1460399 (Jun. 22, 2005); *Town of Winchendon v. Wachusett Valley Riders Club, Inc.*, Super Ct. No 010195B, 2001 WL 881343 (May 4, 2001).

III. The Court Should Enter a Preliminary Injunction Ordering that the Defendant Cease Operations.

The facts recited in the Plaintiff's Verified Complaint and referenced herein demonstrate that the Health Agent issued a valid Summary Suspension Order pursuant to *M.G.L. c. 111, §30*, and 105 C.M.R. 590.014(A), which was reviewed and sustained by the Board at a hearing requested pursuant to 105 C.M.R. 590.015, and that the Defendants have continued to operate The Rice Barn in violation of the Suspension Order. The Defendants have prepared and sold food products after April 20 when the Suspension Order first issued, and continue to do so after the Suspension order was affirmed on April 26.

Generally, the "party seeking a preliminary injunction must show (1) a likelihood of success on the merits; (2) that irreparable harm will result from denial of the injunction; and (3) that, in light of the moving party's likelihood of success on the merits, the risk of irreparable harm to the moving party outweighs the potential harm to the nonmoving party in granting the injunction." *Garcia v. Dep't of Hous. & Cmty. Dev.*, 480 Mass. 736, 747 (2018) (internal quotations omitted). However, as stated above, no showing of irreparable harm is required where, as here, a municipal official has commenced this action to enforce the State Sanitary Code. See *Town of Framingham*, 93 Mass. App. Ct. at 541.

The State Sanitary Code at 105 C.M.R. 590.001 adopts and incorporates the 2013 Federal Food Code. Further, 105 C.M.R. 590.014(A)(1), provides that the Board of Health or its authorized agent “may, without a prior hearing, suspend a permit to operate a food establishment or to operate one or more particular operations if an imminent health hazard is found to exist.” 105 C.M.R. 590.014(A)(4) requires that a summary suspension order recite:

- a) The name and location of the food establishment and the name and address of the permit holder;
- b) That the board of health or its authorized agent, as determined by the board of health, has determined that an imminent health hazard exists, which requires the immediate suspension of the food establishment permit or the operation of one or more particular operations at the food establishment;
- c) The specific violation(s) that lead to the determination that an imminent health hazard exists;
- d) That all operations or one or more particular operations of the food establishment shall immediately cease and desist;
- e) That the emergency closure shall remain in effect until conditions cited in the order of closure are corrected and the corrections are confirmed by the board of health or its authorized agent, as determined by the board of health, through reinspection and other means as appropriate;
- f) That if a hearing is desired, a written request for a hearing shall be filed with the board of health by the permit holder within ten days of receipt of the summary suspension order;
- g) That the person has the right to inspect and obtain copies of all relevant inspection reports, orders, notices, and other documentary evidence in the possession of the board of health and has the right to be represented at any hearing;
- h) The name and address of the board of health where the written request for a hearing shall be sent; and
- i) The signature of a member of the board of health or its authorized agent, as determined by the board of health.

The Suspension Order satisfies all of the requirements enumerated above, and was validly issued. 105 CMR 590.014(A)(3) states that a summary suspension order “shall be

immediately effective upon posting the order at the food establishment." (Emphasis added). In the Verified Complaint, the Plaintiff seeks only to enjoin the Defendants' continuing violation of the Suspension Order. Accordingly, as the Plaintiffs have demonstrated a substantial likelihood of success on the merits having alleged with verified statements that the Suspension Order was validly issued, and the Defendants continue to operate The Rice Barn in violation of the Suspension Order. While the Court need not engage in the weighing of possible irreparable harm to the parties, the Plaintiff would argue that the greatest risk of irreparable is to the public whose health the Board is charged with ensuring.

IV. Conclusion

For the reasons discussed above, the Plaintiff respectfully requests that the Court enter a preliminary injunction against the Defendant, substantially in the form attached to the Plaintiff's Motion for a Preliminary Injunction.

Respectfully submitted,

Tara Gurge, Assistant Public Health
Director for the Town of Needham
and agent of the Town of Needham
Board of Health

By her attorneys:



Christopher Heep, BBO # 661618

Ethan Dively, BBO # 703372

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cheep@miyares-harrington.com

edively@miyares-harrington.com

Dated: May 5, 2022

Respectfully submitted,

Tara Gurge, Assistant Public Health
Director for the Town of Needham
and agent of the Town of Needham
Board of Health

By her attorneys:

A handwritten signature in blue ink, appearing to read 'Christopher Heep', is written over a horizontal line.

Christopher Heep, BBO # 661618

Ethan Dively, BBO # 703372

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Dated: May 5, 2022

5/11/22
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NORFOLK COUNTY
5/16/22

COMMONWEALTH OF MASSACHUSETTS
SUPERIOR COURT
DEPARTMENT OF THE TRIAL COURT

NORFOLK, ss

CA. No. 2282CV00417

TARA GURGE, as Assistant Public Health
Director for the TOWN OF NEEDHAM and
Agent of the TOWN OF NEEDHAM
BOARD OF HEALTH,

Plaintiff,

v.

ZUCCHINI GOLD, LLC, d/b/a The Rice
Barn and CHALERMPOL INTHA,
Defendants.

PRELIMINARY INJUNCTION

After hearing, the Court hereby ORDERS that Defendants Chalermopol Intha, and Zucchini Gold, LLC, d/b/a The Rice Barn:

1. Shall immediately cease and desist all food preparation and service operations at the business located at 1037 Great Plain Avenue in Needham, including without limitation dine-in and take-out service to customers, until further Order of the Court or until expressly authorized in writing by the Town of Needham Public Health Division or its Board of Health;
2. Shall ensure that no persons enter the business located at 1037 Great Plain Avenue in Needham, except as may be necessary to remedy State Sanitary Code violations identified in the Town of Needham Board of Health's Summary Suspension Order dated April 20, 2022; and
3. Shall notify the Town of Needham Public Health Division at any time at which persons will enter the premises for any purpose.

Dated: 5/11/2022

Dated: (Leighton, J.)

I ATTEST THAT THIS DOCUMENT IS A
CERTIFIED PHOTOCOPY OF AN ORIGINAL
ON FILE

Deputy Assistant Clerk
5/16/22



NEEDHAM **PUBLIC HEALTH DIVISION**



Unit: Substance Use Prevention

Date: April 2022

Staff: Karen Shannon, Karen Mullen, Monica De Winter, Angi MacDonnell, and Jazmine Hurley

Activities and Accomplishments

Activity	Notes
SPAN Projects/Events	Community Action Team - developing social host messaging for parents and students in anticipation of prom and graduation season. Youth Action Team - finalizing plans to re-launch "Talk About It," an online form for NHS students who would like to connect with a guidance counselor about a matter concerning them or on behalf of a friend they are concerned about. The initiative took root several years ago when SALSA students felt many students don't know who to turn to at school to discuss non-crisis situations. Parent Action Team – continues to create and post content for their T.A.L.K. campaign. "Talk About Life with your Kids" is designed to provide parents with conversation starters and tips for building trust with their children through open, honest communication.
STOP Act grant	SAMHSA grant: STOPing Underage Access and Use of Alcohol: Codifying Youth, Parent and Retailer Education and Compliance in Needham, MA • April 6 - alcohol compliance checks with Needham Police Dept. 5 sales to minor violations occurred during check of 26 businesses. • Distributed announcement to Needham alcohol license holders for June 13 TIPS training in Needham. • April 28 & May 3 - Attorney John Scheft of Law Enforcement Dimensions conducted training for Needham Police Department to review best practices around youth use of alcohol and cannabis enforcement. Approx. 24 NPD staff attended on 4/28. • Created updated Resource Card for Needham Police to have on hand for distribution when responding to calls where substance use and/or mental health concerns are indicated. The card was distributed at the NPD training on 4/28.
SALSA	• During March 32 SALSA youth prevention advocates contributed 113 hours of service in Needham. Students participated in meetings with SPAN Parent Action Team members, weekly SALSA action team meetings and leadership team meetings, a general meeting and



NEEDHAM **PUBLIC HEALTH DIVISION**



	• Pollard 8th grade presentations in-person for four presentations. 18 SALSA students presented refusal skills, dispelled myths & encouraged healthy behaviors for 60 Pollard Middle School students during their Wellness classes.
Medical Marijuana Regulations Research and Review	At the March 29 BOH meeting, the Working Group submitted recommended revisions to Article 20 and provided updates to the Board's questions and requests for further research on medical marijuana. This work stems from requests by Sira Naturals to amend the BOH's medical marijuana regulations (Article 20).
Drug Take-Back Day, April 30	Partnered with Needham Police Dept. to host the semi-annual DEA Drug Take-Back Day outside the new police station at 88 Chestnut St. 84 lbs were collected and combined with the previous 6 months of disposals for a total of 346 lbs. 6 SALSA students volunteered at the event and Rep. Denise Garlick stopped by to support the event.
Mass Call 3 Grant Key Stakeholder Interviews	The Prevention Team completed 4 key stakeholder interviews in Needham for the Mass Call 3 grant data collection and assessment.
Youth Mental Health First Aid	A session of Youth Mental Health First Aid is planned for the Beth Israel Deaconess Hospital Needham staff during May.
Parent Al-anon group	Meetings held every Monday evening. Attendance remains steady averaging 6- 14 people each week. Hometown Weekly continues free publishing of meeting announcements in Needham edition.
Training	Wayside Equity Training – session 12, Jazmine Cybersecurity online training – MDW, JH, KRS
Other Meetings	SPAN Steering Committee, 4/13 SPAN Youth Action Team, 4/14 SPAN Community Action Team, 4/14, 4/28 SPAN Mental Health Awareness Working Group, 4/28 Meeting with John Scheft, Needham Police training, 4/6 Spring Fest Middle School event, 4/1, 4/11, 4/25 Norfolk County Sheriff Task Force on SU, 4/25 - MDW

Summary for Month of April 2022: Focus this month included SPAN Action Team planning, launch of the 2022 Parent Survey, preparation planning for the Spring Fest event on May 4, and preparation for the SPAN spring quarterly meeting on May 17.



NEEDHAM PUBLIC HEALTH DIVISION

Unit: Public Health Nursing

Month: April 2022

Staff member: Hanna Burnett, Mary Fountaine

Activities and Accomplishments

Activity	Notes
Community Outreach	Gift of Warmth, Blood pressure clinics, B12 assistance.
Educational Offerings	Matter of Balance class continued. CPR/Narcan Trainings
Covid-19 Immunizations	Booster Clinics resumed upon approval of 2 nd booster from FDA at end of March

Summary overview for the month:

Following the FDA recommendation for certain individuals to receive a second booster shot, Hanna and Mary opened small clinics at the RRC for Pfizer boosters, averaging 3/week for a total of 158 doses of Covid-19 vaccine.

Hanna continued teaching the Matter of Balance class with 10 participants. Eight summer camp applications were received by the deadline, an increase of two from last year. Continued with BU student and Bentley intern. For DVAC, Hanna worked on webpage redesign, and collaborated with REACH to create a 'train the trainer' workshop for the Educational Awareness Campaign.

Hanna passed the competency based Certified Health Education Specialist (CHES) exam.

Mary attended the Adult Immunization Conference April 5, with the pediatric vaccination updates coming up in May. Mary and Tiffany taught a CPR/First aid class to MRC volunteers, and finished that class with a take-home naloxone training. Continued twice monthly blood pressure clinics at NHA. BU student continued through the end of the month, and produced a poster on domestic violence that is now in the nursing office at the RRC. Mary's poster proposal to the MAPHN conference was accepted, and she will be presenting on naloxone in May. The majority of Mary's month was spent on infectious disease investigation, including 2 (unrelated) Noro cases and a Covid-19 cluster investigation at a long-term care facility.



NEEDHAM PUBLIC HEALTH DIVISION



COMMUNICABLE DISEASES:	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FY22	FY21	FY20
Amebiasis													0	1	1
Chickungunya													0	0	1
Babesiosis	3												3	5	4
Borrelia miyanotoi	1												1	0	0
Campylobacter	2												6	15	15
COVID 19 Confirmed	37	101	110	99	151	658	1340	183	184	454			3317	1416	327
COVID Probable	3	8	5	2	8	109	204	6	15	43			403	118	37
COVID Contacts	20	25	20	9	18	21	5		1	2			121	1006	242
Cryptosporidium									1				1	1	0
Cyclosporiasis													0	0	5
HGA													0	2	6
Enterovirus													0	0	1
Giardiasis													0	0	4
Haemophilus Influenza								1					1	1	0
Hepatitis B		1	1	1	1	1	1		1	1			8	9	3
Hepatitis C		0		0	1	1	2	0					4	6	8
HGA		1											1	3	6
Influenza					7	14	4		4	7			36	1	51
Invasive Bacterial Infection		1	1										2	1	1
Legionellosis				1			1						2	0	2
Listeriosis								1					0	0	0
Lyme	7	7	6	7	2	3	3	2	2	3			42	38	38
Measles													0	0	0
Meningitis													0	0	1
Meningitis (Aseptic)													0	0	0
Mumps													0	0	2
Noro Virus									1	2			3	1	2
Pertussis													0	0	2
RMSF(Rocky Mt Spotted Fever)													0	0	1
Salmonella		1					1			1			3	3	1
Shiga Toxin													0	0	0
Shigellosis									1				1	1	0
Strep Group B				1				1					2	2	2
Strep (GAS)													0	0	3
Strep Pneumoniae													0	0	0
Tuberculosis						1							1	0	0
Latent TB								2	2	3			7	7	0
Varicella						1							1	1	4
Vibrio		1											1	0	0
West Nile virus													0	0	0
TOTAL DISEASES	72	146	144	121	189	809	1561	195	212	517	0	0	3967	2638	770
Revoked/Suspect Diseases Investigated		1	2	2	1	1	2	1		1			11	3	6



NEEDHAM PUBLIC HEALTH DIVISION



Unit: Epidemiology

Date: April 2022

Staff member: Julie McCarthy

Activities and Accomplishments

Activity	Notes
COVID-19 Update	PowerPoint slides providing an update on COVID-19 in Needham and MA for April and part of May
Metro West Adolescent Health Survey (MWAHS)	Compiling historical MWAHS data by grade, sex, school to prepare for incoming 2021 survey data
Public Health Website	Migrating up to date content from current site structure into new site; beginning to seek out new content from groups within NPHD
Communicable disease tracking	Ran MAVEN reports for communicable diseases in Needham from 2010-2021; working to aggregate data
Training	ArcGIS Essential Workflows 4/27-4/29- ESRI
Presentations	Gave presentation on Vector-Borne Diseases in MA to MAPHN SE Chapter on 4/21; Created PowerPoint presentations for Joint Health and Safety Committee on 4/4 and 4/11

Summary overview for the month: Main focuses this month were: learning ArcGIS, compiling MWAHS data in preparation for 2021 data to be released, gathering communicable disease numbers for Needham, work on Public Health website, and providing COVID updates.

MWAHS 2021 data is expected at the end of May, so the goal is to review previous surveys and collect data from High School and Middle School to: see trends by grade and by sex, compare Needham Middle School and High School data, compare Needham schools to schools included in Metro West data, compare Needham schools to MA Youth Risk Behavior Survey (YRBS) data and US YRBS data.

Ran MAVEN reports for communicable diseases in Needham from past ~10 years to look at trends in diseases/find seasonality patterns. Working to compile data from reports and find steps going forward (creating dashboards for certain diseases/disease categories (ex. vector borne diseases), using GIS data, creating educational materials for public when diseases become seasonal, etc)



NEEDHAM PUBLIC HEALTH DIVISION



Unit: Emergency Management

Date: April 2022

Staff member: Michael Lethin

Activities and Accomplishments

Activity	Notes
FEMA Public Assistance	On April 18, President Biden approved a Major Disaster Declaration for parts of Massachusetts, including Norfolk County, enabling Needham to receive Federal reimbursement for 75% of snow removal costs from the January 29 Blizzard.
Planning	The final aerial pictures required for the Commodity Points of Distribution Plan were taken. The Plan should be finalized shortly.
Preparedness Summit	Michael Lethin virtually attended the NACCHO Preparedness Summit April 4-7.



NEEDHAM PUBLIC HEALTH DIVISION



Unit: Traveling Meals Program

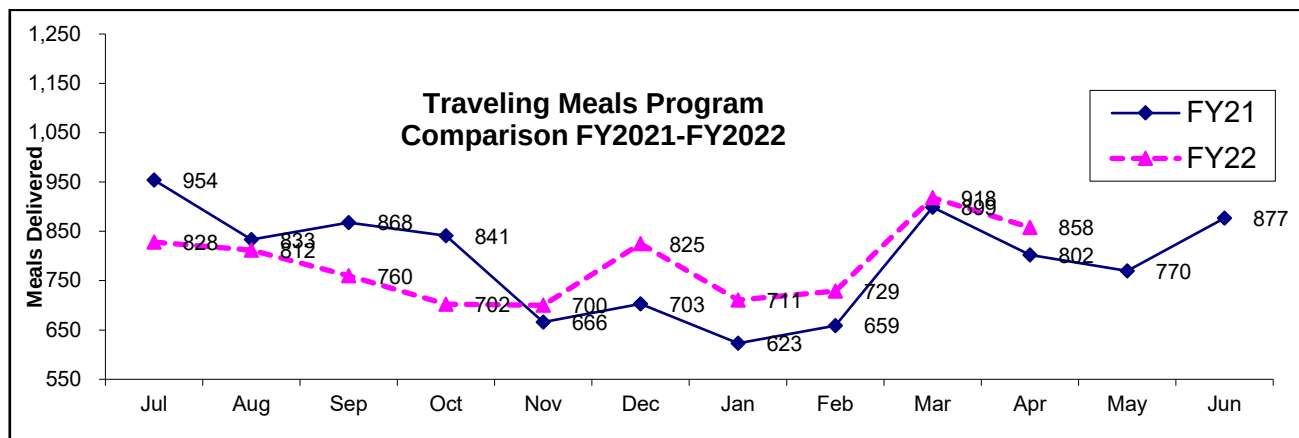
Monthly Report for April, 2022

Staff member: **Rebecca Hall, Program Coordinator**

Activities

Activity	Notes
COVID 19 –precautions continue by volunteers as they deliver meals to homebound Needham residents in need of food.	Covid caution in place Meal delivery for month completed by 28 volunteers
Distributed flier letting clients know they can receive free COVID testing kits	14 kits distributed to 13 clients
858 Meals delivered in April, 2022 52 Consumers currently 41 Springwell Consumers 11 Private Pay Consumers 7 New clients (4 private, 3 Springwell)	One 911 call initiated – client not in need of medical transport
FRIENDS of Needham Board of Health and Traveling Meals Program distributed Roche Bros gift cards to all active clients	Clients were extremely grateful

Summary overview for the month: **Graph of Meal Deliveries for the month April, 2022**





NEEDHAM PUBLIC HEALTH DIVISION



Unit: Accreditation Team report

Date: April 2022

Staff: Lynn Schoeff, Jessica Kent, Cindi Melanson, Roland Abuntori, Michaela Bucca

Activities and Accomplishments

Activity	Notes
Staffing	Roland Abuntori and Michaela Bucca joined the Accreditation Team.
Informal readiness assessment	The team is reviewing NPHD readiness, identifying policies, programs, and documents already in place and those that will have to be developed.
PHAB Standards and Measures 2022	- Domain 1 – Community Health Assessment - Senior assessment survey development with partners - Gathering other recent Needham surveys (housing, technology, BID-N) - Developing organizational charts - Domain 8 - Developing plan to address workforce development areas - Domain 9 – Research on performance management t and quality improvement
Workforce needs assessment (Domain 8)	Pulled questions from instruments posted online; reviewed sample assessments, questions; drafted and refining survey. Will move forward after we receive results from PH WINS, the national workforce survey.
Performance management (Domain 9)	Close review of domain 9; reviewing documents in T drive; reviewing materials on various website and other relevant resources; compiling reference documents, resources and websites; capturing notes for consideration and background on our approach
Policies and procedures	Review, revise, update the following policies. - Public education tracking - BOH agenda



NEEDHAM PUBLIC HEALTH DIVISION



	3. BOH minutes 4. Closing old files 5. Staff continuing education 6. BOH orientation 7. Public information 8. Confidentiality 9. Legal notice 10. Whistleblower 11. After-action report 12. Updating BOH regulations 13. Financial assistance in PH emergency 14. New staff orientation 15. Payroll 16. Policy on policies 17. Mandated reporting of abuse & neglect 18. Inclement weather 19. Response to hoarding 20. Gift card program 21. Food purchase request 22. Monthly expense reimbursement 23. Duty to warn 24. Contracts procedures 25. Community Crisis Intervention Team 26. Recommendation to hire 27. Work-related travel 28. Safety at Home Program 29. Racial and health equity 30. Purchase requests 31. Professional staff licensure Continued work on Marijuana Treatment Center regulation in anticipation of public hearing.
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Other work:



Needham Public Health Division

April 2022

Assist. Health Director - Tara Gurge

Health Agents – Ally Littlefield, Monica Pancare and Thaleia Stampoulidou-Rocha



Unit: Environmental Health

Date: 5/24/2022

Staff members: Tara Gurge, Ally Littlefield, Monica Pancare and Thaleia Stampoulidou-Rocha

Activities and Accomplishments

Activity	Notes
Staffing Changes	Thaleia Stampoulidou-Rocha started her position on April 19 th . She is able to conduct inspections for us on Fridays and over the weekends for a total of 10 hours/week. Interviews were conducted for our new Board of Health Recording Secretary. Kristan Patenaude accepted the position and will be starting with us on May 23 rd .
The Rice Barn	Due to ongoing non-compliance, we issued a Summary Suspension Order to immediate stop all food service operations at The Rice Barn on 4/20/22, which was hand-delivered to the owner. Charles requested a hearing before the Board of Health, which was conducted on Monday, April 25th, where the order was sustained. Staff received an email from a concerned resident on April 29th, who was able to order takeout on April 21st from the Rice Barn. (A copy of an order and pick-up receipt was provided.) The Rice Barn continued to operate both for take-out and delivery services from 4/20 - 4/30, despite their suspension order. We also confirmed that his ghost kitchen was also still being used through third-party delivery apps including Grub Hub and Uber Eats, where a line of people were observed outside his front door on Saturday, May 7th, waiting to pick-up their food orders. This 3rd party food delivery/takeout service was a practice that was supposed to cease as part of the original MOU, issued back in January 2022. In addition, Monica Pancare and Tara Gurge conducted an inspection on 4/30/2022 where an additional 16 food code violations were found (6 repeat), including live pests that were observed. An additional 3-bay sink was installed in the basement, with no Building Plumbing permits secured, even though this strict requirement was stated to Charles on numerous occasions by food inspector staff and by Maureen Lee, his food consultant, as far back as March 2022. (As of 5/17, Charles still has not worked with a licensed plumber to pull a permit to have this sink installation properly verified by the Needham Building Dept.) In response to this establishment continuing to be open to the public, a Superior court hearing was conducted via Zoom on 5/11/22 where Charles Intha was issued an immediate Preliminary Court Injunction ordered by the judge at the Superior Court to keep his food establishment, The Rice Barn, shut down to the public. The order also included the following: 'Shall notify the Town of Needham Public Health Division at any time at which persons will enter the premises for any purpose.' NEED TO DISCUSS.
NEPHIP (NEHA) Intern & MA DPH Intern	Needham will officially host an intern from the National Environmental Public Health Internship Program (NEPHIP) sponsored by the National Environmental Health Association (NEHA). D'Andra Linden will be fully remote this summer and will help with maintaining our Nutritionally Needham healthy eating initiative and other community outreach initiatives. D'Andra will complete 400 hours of work and will begin May 30 th . We also have another intern, Ecom Lu, from the Massachusetts Department of Public Health (MA DPH) summer internship program who will complete 200 hours of work. Ecom will help us with our food grading project, retail program standards, and regulating the seasonal Needham Farmers' Markets. He will be starting with us on May 23 rd .

Updates to View Point Cloud Town Online Permitting System	Tara continued to work with IT in uploading our final septic permit application, specifically the Septic System Construction Permit (SEPC). That permit application became live on VPC on 5/11.
Highly Pathogenic Avian Influenza (HPAI)	Highly Pathogenic Avian Influenza has been detected in non-commercial, mixed-species backyard flock (non-poultry) in Massachusetts. All animal permit holders for chickens were emailed to inform and educate them on how to prevent HPAI.

Other Public Health Division activities this month: (See report below.)

Activities

<i>Activity</i>	<i>Notes</i>
Body Work Practitioner Permits	1 – Body Work Permit - Chortipsukontar Jablonski
Demo Reviews/ Approvals	6 - Demolition signoffs: - 14 Hunnewell St - 58 Fay Ln - 58 Hawthorne Ave - 140 Pine Grove St - 547 Webster St - 473 High Rock St
Food	1 – Food Permit Plan Review conducted for: - <u>North Hill Bistro</u> – Change in kitchen layout. (Still pending.)
Food – Permits issued - Temp. Event Permits, etc.	5 - Food permits issued to: -Everyday Bake Shop (Residential) -Gogi on the Block (Mobile; Temporary) -Captain Marden’s Cod Squad (Mobile) -All Purpose Bakery; Defazio Park (Temporary) -Wanderlust Global Foods (Mobile; Temporary)
Food Complaint/Follow-up	1/1 – Food Complaint/Follow-up: <u>Hungry Coyote</u> - A resident called on Wednesday, April 13th about suspected foodborne illness from eating the Hungry Coyote takeout. Their onset of symptoms occurred five hours after eating the vegetable burrito at 6 PM on Tuesday. A follow-up inspection was conducted by Ally Littlefield, of which she found no violations. All temperatures for refrigeration units and hot holding burrito station (rice, beans, etc.) complied. Date-marking was observed on all ingredients, proper glove wearing and hand hygiene was observed. In addition, the burrito and prep stations were organized and sanitary. It remains unclear whether the foodborne illness was from the Hungry Coyote, as no fecal sample was tested, and other takeout food was consumed on his way back from Washington, DC.
Housing Complaints/Follow-ups	0/4 – New Housing Complaints/Follow-ups conducted at: - <u>Wingate Independent Living (0/1)</u> – Emergency call came in to Public Health from Police asking for assistance with a housing hoarding case. Housing Order letter sent. UPDATE – Occupant vacated unit. Wingate hired ServPro to clean and disinfect the unit. (Copy of final report from ServPro still pending.) Received copy of pest control report for the unit, which showed no current pest activity. Once final ServPro report is received, a follow-up inspection can be conducted, which will allow the unit to be re-occupied. - <u>Gage St. (0/1)</u> – Emergency call came in to Public Health from Police asking for assistance with a housing hoarding case. Housing Order letter sent. UPDATE – Owner moved into hotel with two cats. A dumpster was delivered on site to remove exterior items, etc. Been having weekly check-ins with CATH social worker on occupant’s progress with

	hiring a professional cleaning company to clean and disinfect the interior of the residence. Still in process of receiving estimates. Will continue to monitor. (On-going.) – <u>Yurick Road (0/1)</u> – Complainant continued to call Public Health to report excessive moisture issues in her unit. UPDATE – Unit is still in process of being remediated by a 3rd party company, J Brian Day. Tara and Ally re-inspected a newly remodeled unit that was located at #10 Memorial Circle. Unit was cleared to allow occupant to move into that unit. – <u>Linden St. (0/1)</u> – A follow-up complaint was received by occupant about an on-going nuisance noise/vibration concern, due to the fact that his unit abuts a Boiler Room. Ally and Tara conducted a site visit. Boiler was on, and we were able to observe on-going noise and vibrations in the occupants' unit. A call was made to NHA maintenance, and a staff member also observed noise in the unit. An order letter was sent to NHA, and they relocated occupant to another available unit.
Nuisance – Complaints/ Follow-ups	1/3 – New Nuisance Complaints/Follow-ups: - <u>Charles St. (1/1)</u> - Received a call re: Autobody Shop odors being observed by tenant living above shop. Worked with Building Dept. in investigating that complaint. The Building Commissioner later reported to Health that it was an illegal apartment and followed-up with an order letter to the landlord. - <u>Briarwood (0/1)</u> - Received a concern about unsanitary conditions and also concerns with on-going pest activity. Contacted the Briarwood Director about the reported concerns. Also forwarded complaint to the MA DPH Division of Health Care Facility Licensure and Certification. They are continuing to conduct more frequent cleanings of the complainants' room and the adjoining rooms, and they also bumped up to a more frequent pest control service schedule, which is now conducted 2x/week. Copies of pest reports are submitted for review. (Will continue to monitor.) - <u>Comella's (0/1)</u> – Received a concern from an abutting business about reports of increase in pests. UPDATE – Owner increased frequency of cleaning on site, and added other routine cleaning areas to cleaning logs. Also increased pest control service schedule, and has been submitting copies of pest control reports for review. Tara coordinated with the landlord of the building to meet with the pest control technician on site during his weekly visit. Landlord will seal up any additional holes or gaps observed around the building envelope that are identified by the pest control service. (On-going.)
Pool permit renewal reviews	2 - Public/Semi-public pool permit renewal reviews conducted for: - Needham Pool and Raquet Club - Rosemary Ridge
Planning Board site plan reviews	2 - Planning Board reviews conducted for: - <u>#255 Highland Ave.</u> (Learning Tree Preschool) - <u>#28 Glen Gary Rd.</u> (old Hillside School site) Amendment
Septic Certificate of Compliance (COC)	3 – Septic Certificate of Compliance sign-offs issued for: - <u>#44 Brookside Rd.</u> - <u>#70 Windsor Rd.</u> - <u>#39 Brookside Rd.</u>
Septic – Construction permits (Repair)	2 – Septic Construction Repair Permits issued: - <u>#77 Crestview Rd.</u> - To J. Hockman for D-Box replacement. (Still pending.) - <u>#70 Windsor Rd.</u> - To Dave Atkinson for D-Box replacement.
Septic- Failed Title V report received	1 – Failed Title Five septic inspection report received for: - <u>#311 Charles River St.</u> - House to be demolished and new home to be built. Will install an upgraded septic system to accommodate new home. Got a signed/dated letter from future owner stating that update.
Septic Installation inspections	1 – Septic installation inspection conducted at: - <u>#185 Charles River St.</u> - Final tank and final grade/loam verification. (Grass still pending.)

Septic Installer Permits/Exams issued	1 – Septic installer permits/exams issued to: - Lee Collins, Collins and Sons Excavating
Septic Addition/Reno. to a Home on a Septic reviews	0 – Addition/Reno. to a Home on a Septic reviews conducted.
Septic Plan Reviews	2 – Septic Plan reviews conducted for: - <u>#77 Crestview Rd.</u> - For new D-Box replacement. - <u>#39 Brookside Rd.</u> - Final as-built plan review. Revised plan received.
Septic – Soil/Perc Tests	2 – Septic Soil/Perc Tests conducted at: - <u>#40 White Pine Rd.</u> - <u>#1230 South St.</u>
Septic Trench permits	3 – Septic Trench permits issued to: - <u>#1230 South St.</u> - <u>#299 Charles River St.</u> - <u>#40 White Pine Rd.</u>
Trash Hauler permits issued	7 – Waste Trash and Recycling Hauler permit renewal reviews conducted.
Well Permit Plan Reviews/Online permit review	1 – Well permit review conducted: - <u>#144 Brookside Rd.</u> (Geothermal well) - Still pending final review.
Zoning Board of Appeals plan reviews	3 – Zoning Board of Appeals plan reviews conducted for: - <u>#329 Chestnut St.</u> - <u>#1346 South St.</u> - <u>#132-134 Hillside Ave.</u>

FY 21 Priority FBI Risk Violations Chart (By Date)

Fuji Steak House	4/9/22	7-201.11 Separation. <i>Poisonous or toxic materials shall be stored so they can not contaminate food, equipment, utensils, linens, and single service and single-use articles by: (a) separating the poisonous or toxic materials by spacing or partitioning; p and (b) locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.</i>	Kitchen- Toxic chemicals (Windex, butane) stored next to utensils and plates.
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Little Spoon	4/9/22	3-302.11 (A)(2) Raw Animal Foods Separated from each other. <i>Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.</i>	Kitchen- Ground chicken stored above RTE foods. Raw muscle meats stored improperly on opposite shelf. Discussion with chef on storing all wrong animal foods on lower shelves and rearranging the walk-in
		7-202.12 (B) Conditions of Use <i>Poisonous or toxic materials shall be applied so that a hazard to employees or other persons is not constituted, and contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted use pesticide, this is achieved by: (a) removing the items, covering the items with impermeable covers, or taking other appropriate preventive actions, and (d) cleaning and sanitizing equipment and utensils after the application.</i>	Kitchen - Food sauces products stored under soap vessel at handwashing sink. Educated, cannot store food there.
		2-301.14 When to Wash <i>Food Employees shall clean their hands and exposed portions of their immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles</i>	Kitchen- employee observed washing hands improperly in a prep sink. Cook in basement observed washing hands improperly in prep sink. Discussion about training employees on proper hand hygiene.
The Rice Barn (Re-inspection)	4/15/22	MA 590.003 (C) FC 3-301.11 (B) - Preventing Contamination from Hands <i>Code: Except when washing fruits and vegetables, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. Single-use natural rubber latex gloves are not recommended for food contact in food establishments.</i>	Kitchen- Latex Gloves <i>Follow up detailed earlier in report</i>

		3-302.11 (A)(2) Raw Animal Foods Separated from each other - Code: Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.	Kitchen - Raw chicken next to raw beef Follow up detailed earlier in report
		7-201.11 Storage Separation - Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single use articles.	Front of house – Fermenting bamboo for consumption next to “miracle grow” Follow up detailed earlier in report
		5-205.15 (A) System Maintained/Repair Code: A plumbing system shall be repaired according to law.	Basement - 3 bay sink recently installed In basement.Please provide plumbing permit. Follow up detailed earlier in report
Fresco	4/13/22	3-501.16 (A)(2) (B)Time/Temperature Control for Safety Food, Hot and Cold Holding Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained: at 135°F or above, except that roasts cooked to a temperature and for a time specified in paragraph 3-401.11(B) or reheated as specified in	Kitchen – slices veggies, bacon, and sausage not in hot or cold holding, refrigeration units running warm. We required that ALL refrigeration units were serviced. Re-inspection found no items improperly left out of hot or cold holding.

		paragraph 3-403.11(E) may be held at a temperature of 130°F or above. 3-501.16 (A)(2) (B) Proper Cold Holding Temps Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less COS 7-201.11 Storage Separation Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single use articles.	Kitchen – liquid egg at 50 degrees. Discarded. At time of re-inspection, egg was proper temperature. Manny described protocol which included keeping egg in refrigerator when not in use.
			Kitchen – Avocados stored next to pesticide jug among other chemicals. Avocados removed immediately. Upon re-inspection, pesticides and chemicals were moved to a different place.
The Rice Barn	4/30/22	5-205.15 (A) System Maintained/51 Repair A licensed plumber is required to pull the permit and install according to law. In addition, a barrier is required to prevent over spray from the handsink into the 3compartment sink. Code: A plumbing system shall be repaired according to law. 8-404.11 Ceasing Operations and Reporting A permit holder shall immediately discontinue operations and notify the RA if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.	Basement: 3 compartment sink did not have a plumbing permit pulled at local municipal building dept.
			Prepared foods on 4/26/22. Violation of summary suspension order

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'22	FY'21	FY '20	FY' 19	FY' 18
Biotech registrations	0	0	0	1	0	0	0	0	0	0	0	0	1	0	1	1	1
Bodywork Estab. Insp.	0	0	0	0	0	5	0	0	0	0	0	0	5	6	7	14	11
Bodywork Estab. Permits	0	0	0	0	0	5	0	0	0	0	0	0	5	13	9	9	6
Bodywork Pract. Permits	0	0	0	0	0	5	1	0	0	1	0	0	7	12	23	21	22
COVID 19 Complaints	0	1	1	0	0	1	0	0	0	0	0	0	3	123	0	0	0
COVID 19 Follow Ups	0	1	1	0	0	1	0	0	0	0	0	0	3	122	0	0	0
Demo reviews	8	8	11	9	0	3	11	8	9	6	0	0	73	76	73	104	105
Domestic Animal permits	3	1	0	1	0	0	0	0	0	0	0	0	5	29	1	21	19
Domestic Animal Inspections	0	3	3	2	0	0	1	0	0	0	0	0	9	8	3	22	3
Food Service Routine insp.	16	24	14	10	16	17	7	15	31	9	0	0	159	134	149	200	225
Food Service Pre-oper. Insp.	5	0	5	4	0	0	0	1	1	0	0	0	16	16	48	12	32
Retail Food Routine insp. Or 6 month check in	0	0	1	2	2	2	1	2	1	0	0	0	11	12	33	46	60
Residential Kitchen Routine insp.	0	2	1	0	0	0	0	1	0	1	0	0	5	5	3	6	8
Mobile Routine insp.	0	0	1	0	0	0	0	0	1	3	0	0	5	10	4	17	13
Food Service Re-insp.	0	0	0	2	2	5	3	0	0	3	0	0	15	7	21	28	53
Food Establishment Annual/Seasonal Permits	4	1	0	1	62	56	7	0	4	1	0	0	136	134	155	140	171
Temp. food permits	1	2	10	5	0	0	0	0	5	4	0	0	27	9	67	134	163
Temp. food inspections	1	1	3	1	0	0	0	0	1	0	0	0	7	3	10	37	29
Farmers Market permits	3	1	0	0	0	0	0	0	0	0	0	0	4	15	14	14	14
Farmers Market insp.	31	24	33	45	0	0	0	0	0	0	0	0	133	124	158	229	127
Food Complaints	2	0	1	2	2	1	1	1	0	1	0	0	11	7	49	18	20
Follow-ups food complaints	2	0	1	2	2	1	1	1	0	1	0	0	11	8	48	21	21
Food Service Plan Reviews	2	2	1	1	0	0	1	0	1	1	0	0	9	12	14	20	42
Food Service Admin. Hearings	0	0	0	0	1	0	0	1	0	0	0	0	2	1	3	0	0
Grease/ Septage Hauler Permits	0	0	1	0	7	9	4	0	0	1	0	0	22	13	20	21	24
Housing (Chap II Housing) Annual routine inspection	0	0	0	7	0	0	0	0	0	0	0	0	7	7	7	0	14
Housing Follow-up insp.	1	0	0	0	0	0	0	0	0	2	0	0	3	2	0	0	5
Housing New Complaint	3	1	6	5	1	4	5	4	4	0	0	0	33	40	41	22	22
Housing Follow-ups	9	3	6	8	3	4	5	4	5	4	0	0	51	63	56	28	24
Hotel Annual inspection	0	0	0	0	0	3	0	0	0	0	0	0	3	3	3	3	3
Hotel Follow-ups	0	0	0	0	0	0	0	0	0	0	0	0	0	1	15	0	0
Nuisance Complaints	8	6	5	3	0	2	2	1	4	0	0	0	31	45	34	55	42
Nuisance Follow-ups	7	8	6	3	2	2	2	1	4	1	0	0	36	60	55	69	42
Pool inspections	0	1	0	0	0	6	0	0	0	0	0	0	7	15	13	20	12
Pool Follow up inspections	0	1	0	0	0	1	0	0	0	0	0	0	2	5	3	12	7
Pool permits	0	1	0	0	0	5	2	0	0	0	0	0	8	17	11	19	12
Pool plan reviews	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	3	44
Pool variances	0	1	0	0	0	4	0	0	0	0	0	0	5	5	6	5	7
Septic Abandonment	1	1	1	2	0	0	1	2	0	0	0	0	8	17	21	9	5

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'22	FY'21	FY '20	FY' 19	FY' 18
Addition to a home on a septic plan rev/approval	0	3	2	1	3	0	1	1	3	0	0	0	14	5	5	2	2
Septic Install. Insp.	0	2	2	4	0	4	2	0	0	0	0	0	14	11	13	21	28
Septic COC for repairs	0	1	0	0	0	0	0	0	0	2	0	0	3	2	5	3	1
Septic COC for complete septic system	0	0	0	1	1	1	0	0	0	1	0	0	4	1	3	4	3
Septic Info. requests	5	4	3	6	5	6	4	5	10	3	0	0	51	86	61	62	51
Septic Soil/Perc Test.	1	0	0	0	0	1	0	0	0	2	0	0	4	8	1	1	2
Septic Const. permits	0	0	2	0	0	1	0	0	1	2	0	0	6	6	6	6	5
Septic Installer permits	0	0	1	0	0	4	1	0	2	1	0	0	9	8	6	8	9
Septic Installer Tests	0	0	1	0	0	1	1	0	0	1	0	0	4	3	2	5	3
Septic Deed Restrict.	0	0	0	0	0	0	0	0	0	0	0	0	0	4	1	1	3
Septic Plan reviews	1	3	3	4	2	1	1	1	0	2	0	0	18	14	8	9	23
Septic Trench permits	0	1	1	2	0	1	0	0	2	3	0	0	10				
Disposal of Sharps permits	0	0	0	0	2	4	1	0	0	0	0	0	7	8	7	7	9
Disposal of Sharps Inspections	0	0	0	1	2	4	1	0	0	0	0	0	8	8	7	7	7
Planning Board Subdivision Sp Permit Plan reviews/Insp. of lots	0	1	1	1	1	1	2	6	4	0	0	0	17	20	4	1	1
Subdivision Bond Releases	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0
Special Permit/Zoning	2	1	0	1	3	1	1	2	2	3	0	0	16	18	17	34	15
Tobacco permits	0	0	0	0	2	4	0	0	0	0	0	0	6	7	10	10	11
Tobacco Routine insp	0	0	0	0	6	0	0	0	0	0	0	0	6	7	8	14	18
Tobacco Follow-up insp.	0	0	0	0	0	0	0	0	0	0	0	0	0	1	8	3	3
Tobacco Compliance checks	0	0	0	6	0	0	0	0	0	0	0	0	6	6	30	30	41
Tobacco complaints	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	4
Tobacco Compl. follow-ups	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	4
Trash Hauler permits	0	0	0	0	1	0	0	0	15	7	0	0	23	16	15	17	14
Medical Waste Hauler permits	0	0	0	0	2	0	0	0	0	0	0	0	2	2	2	2	1
Well - Plan Reviews, Permission to drill letters, Insp.	3	0	0	0	1	2	1	0	2	0	0	0	9	11	2	6	2
Well Permits	3	0	0	0	0	0	0	0	0	1	0	0	4	1	1	1	0



FOOD ESTABLISHMENT INSPECTION REPORT

R-10

Little Spoon
952 Great Plain Ave
Needham, MA 02494

Inspection Number	8B991	Date	4/9/22	Time In/Out	1:13 PM 3:17 PM	Inspection Type	Routine	Client Type	Restaurant	Inspector	M.Pancare
Permit Number		Risk		Variance		Violation Summary:	3	Priority	3	Pf	8
Core		Repeat									

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	☒	☐	☐	☐	☐	15. Food separated and protected	☐	☒	☐	☐	☐
2. Certified Food Protection Manager	☒	☐	☐	☐	☐	16. Food-contact surfaces; cleaned & sanitized	☒	☐	☐	☐	☐
Employee Health						Time/Temperature Control for Safety					
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	☒	☐	☐	☐	☐	17. Proper disposition of returned, previously served, reconditioned & unsafe foods	☒	☐	☐	☐	☐
4. Proper use of restriction and exclusion	☒	☐	☐	☐	☐	18. Proper cooking time & temperatures	☒	☐	☐	☐	☐
5. Procedures for responding to vomiting and diarrheal events	☒	☐	☐	☐	☐	19. Proper reheating procedures for hot holding	☒	☐	☐	☐	☐
Good Hygienic Practices						Consumer Advisory					
6. Proper eating, tasting, drinking, or tobacco use	1	☒	☐	☐	☐	20. Proper cooling time and temperature	☒	☐	☐	☐	☐
7. No discharge from eyes, nose, and mouth	☒	☐	☐	☐	☐	21. Proper hot holding temperatures	☒	☐	☐	☐	☐
Preventing Contamination by Hands						Highly Susceptible Populations					
8. Hands clean & properly washed	1	☒	☐	☐	☐	22. Proper cold holding temperatures	☒	☐	☐	☐	☐
9. No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed	☒	☐	☐	☐	☐	23. Proper date marking and disposition	1	☒	☐	☐	☐
10. Adequate handwashing sinks supplied and accessible	2	☒	☐	☒	☐	24. Time as a Public Health Control; procedures & records	☒	☐	☐	☐	☐
Approved Source						Food/Color Additives and Toxic Substances					
11. Food obtained from approved source	☒	☐	☐	☐	☐	25. Consumer advisory provided for raw/undercooked food	☒	☐	☐	☐	☐
12. Food received at proper temperature	☒	☐	☐	☐	☐	26. Pasteurized foods used; prohibited foods not offered	☒	☐	☐	☐	☐
13. Food in good condition, safe & unadulterated	☒	☐	☐	☐	☐	Conformance with Approved Procedures					
14. Required records available: shellstock tags, parasite destruction,	☒	☐	☐	☐	☐	27. Food additives: approved & properly used	☒	☐	☐	☐	☐
Repeat Violations Highlighted in Yellow						28. Toxic substances properly identified, stored & used	1	☒	☐	☐	☐
						29. Compliance with variance/specialized process/HACCP	☒	☐	☐	☐	☐

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	☒	☐	☐	☐	☐	43. In-use utensils: properly stored	☐	☐	☐	☐	☐
31. Water & ice from approved source	☐	☐	☐	☐	☐	44. Utensils, equip. & linens: property stored, dried & handled	☐	☐	☐	☐	☐
32. Variance obtained for specialized processing methods	☒	☐	☐	☐	☐	45. Single-use/single-service articles: properly stored & used	☐	☐	☐	☐	☐
Food Temperature Control						46. Gloves used properly	☐	☐	☐	☐	☐
33. Proper cooling methods used; adequate equip. for temp. control	☒	☐	☐	☐	☐	Utensils, Equipment and Vending					
34. Plant food properly cooked for hot holding	☐	☐	☐	☐	☐	47. All contact surfaces cleanable, properly designed, constructed, & used	☐	☐	☐	☐	☐
35. Approved thawing methods used	☐	☐	☐	☐	☐	48. Warewashing facilities: installed, maintained & used; test strips	☐	☐	☐	☐	☐
36. Thermometers provided & accurate	☐	☐	☐	☐	☐	49. Non-food contact surfaces clean	1	☒	☐	☐	☐
Food Identification						Physical Facilities					
37. Food properly labeled; original container	☐	☐	☐	☐	☐	50. Hot & cold water available; adequate pressure	☐	☐	☐	☐	☐
Prevention of Food Contamination						51. Plumbing installed; proper backflow devices	1	☒	☐	☐	☐
38. Insects, rodents & animals not present	1	☒	☐	☐	☐	52. Sewage & waste water properly disposed	☐	☐	☐	☐	☐
39. Contamination prevented in prep, storage & display	1	☒	☐	☒	☐	53. Toilet facilities: properly constructed, supplied, & cleaned	☐	☐	☐	☐	☐
40. Personal cleanliness	☐	☐	☐	☐	☐	54. Garbage & refuse properly disposed; facilities maintained	☐	☐	☐	☐	☐
41. Wiping cloths; properly used & stored	☐	☐	☐	☐	☐	55. Physical facilities installed, maintained & clean	☐	☐	☐	☐	☐
42. Washing fruits & vegetables	☐	☐	☐	☐	☐	56. Adequate ventilation & lighting; designated areas use	☐	☐	☐	☐	☐
						60. 105 CMR 590 violations / local regulations	☒	☐	☐	☐	☐

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

M.Pancare

Apirak - Expires
Certificate #:Follow Up Required: ☐ Y Follow Up Date: _____

FOOD SAFETY INSPECTION REPORT

Page Number

2

Little Spoon
952 Great Plain Ave
Needham, MA 02494

Inspection Number
8B991

Date
4/9/22

Time In/Out
1:13 PM
3:17 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

See #49 grease -



88

- -

See #15

Raw pork stored below raw chicken -



FOOD SAFETY INSPECTION REPORT

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M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Outer openings door leading into prep kitchen in basement is not installed properly flush to floor. Large 3 inch gap on bottom
Repair or replace to prevent pests. -



88

- -

Outer openings
Drywall at base of food relieving shared hallway is not sealed to prevent pest entry. Repair within 15 days -



Good Hygienic Practices

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Proper eating, tasting, drinking or tobacco use

6 2-401.11 Eating Drinking or Using Tobacco - Kitchen -

C Employees eating in kitchen.

Eat in designated areas only.

Code: Except as specified in Paragraph (B) of this section, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection can not result. (B) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of: (1) The employee's hands; (2) The container; and (3) Exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles.



Preventing Contamination by Hands

Hands clean and properly washed

8 2-301.14 When to Wash - Kitchen -

Pr Female employee observed washing hands improperly in a prep sink
Male cook in basement observed washing hands improperly in prep sink
Train employees on proper handwashing Code: Food Employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and: (A) After touching bare human body parts other than clean hands and clean, exposed portions of arms; (B) After using the toilet room; (C) After caring for or handling service ANIMALS or aquatic animals as specified in section 2-403.11(B); (D) Except as specified in section 2-401.11(B), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking; (E) After handling soiled equipment or utensils; (F) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks; (G) When switching between working with raw food and working with RTE food, (H) Before donning gloves to initiate a task that involves working with food; and (I) After engaging in other activities that contaminate the hands.

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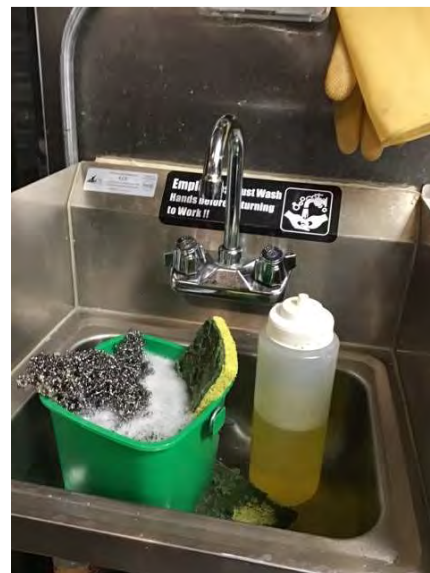
Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

10 5-203.11 Handwashing Sinks-Numbers and Capabilities - Kitchen -

- COS Pf** Handsink blocked by equipment Code: *At least 1 handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under 5-204.11, and not fewer than the number of handwashing sinks required by law shall be provided. If approved, when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.*



10 6-301.12 Hand Drying Provision - Basement -

- Pf** Restrooms in basement did not have drying devices/ paper towels
Provide at all times install dispenser Code: *Each handwashing lavatory or groups of adjacent lavatories shall be provided with: individual, disposable towels; a continuous towel system that supplies the user with a clean towel or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.*



Protection From Contamination

FOOD SAFETY INSPECTION REPORT

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3:17 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Food Separated and protected

15 3-302.11 (A)(5) Packaged and Unpackaged Foods - Kitchen -

- C** Cabbage stored in soiled linen bag
Product discarded Code: *Food shall be protected from cross-contamination by cleaning hermetically sealed containers of food of visible soil before opening.*



15 3-302.11 (A)(4) Packaged and/or wrapped foods - Kitchen -

- C** Products in reach in freezer in kitchen and walk-in freezer in basement not protected.
Store and cover properly Code: *Food shall be protected from contamination by storing the food in packages, covered containers, or wrappings. This does not apply to (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption; (2) primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks; (3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks; (4) FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or shellstock.*



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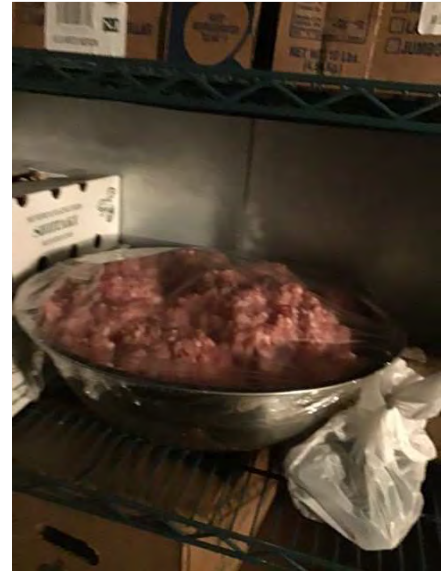
Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

15 3-302.11 (A)(2) Raw Animal Foods Separated from each other - Basement -

- Pr** Ground chicken stored above RTE foods
Raw muscle meats stored improperly on opposite shelf.
Discussing with chef on storing all wrong animal foods on lower shelves and rearranging the walk-in Code: *Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.*



15 3-302.11 (A)(3) Using clean and sanitized equipment - Kitchen -

- C** Food slicer blade and housing is soiled w debris.
Stored on soiled bottom shelf
Clean sanitize and store properly Code: *Food shall be protected from cross contamination by cleaning equipment and utensils as specified under paragraph 4-602.11(A) and sanitizing as specified under section 4-703.11.*



Time / Temperature Control for Safety

FOOD SAFETY INSPECTION REPORT

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3:17 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Date marking and disposition

23 3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

- Pf** Improper datemarking noted in all refrigerators and storage areas
Provide proper day to include prep and expiration dates
Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.



Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28 7-202.12 (B) Conditions of Use - Kitchen -

- Pr** Food sauces products stored under soap vessel at handwashing sink.
Do not store ant food products here *Code: Poisonous or toxic materials shall be applied so that a hazard to employees or other persons is not constituted, and contamination including toxic residues due to drip, drain, fog, splash or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented, and for a restricted use pesticide, this is achieved by: (a) removing the items, covering the items with impermeable covers, or taking other appropriate preventive actions, and (d) cleaning and sanitizing equipment and utensils after the application.*



Prevention of Food Contamination

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

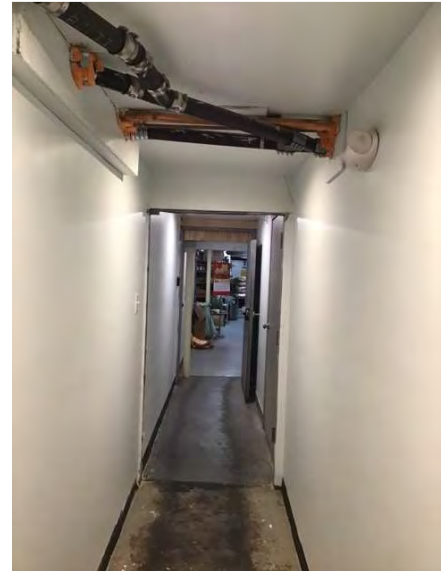
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Insect, rodents & animals not present

38 6-202.15 (A) Outer Openings, Protected - Basement -

- C** Shared hallway leading into kitchen in basement was open. Keep closed at all times *Code: Outer openings of a food establishment shall be protected against the entry of insects and rodents by: filling or closing holes and other gaps along floors, walls, and ceilings; closed, tight-fitting windows; and solid, self-closing, tight fitting doors.*



39 3-305.11 Food Storage - Kitchen -

- COS C** Frozen soup stored on floor under handsink
Product moved.
Do not store products where they may be acceptable to splash dirt and debris *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*



Utensils, Equipment and Vending

FOOD SAFETY INSPECTION REPORT

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Inspector
M.Pancare

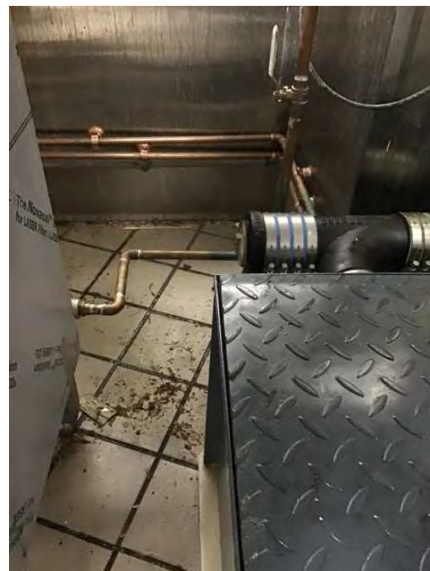
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Nonfood contact surfaces clean

49 4-602.13 Nonfood -Contact Surfaces - Kitchen -

- C** Excessive grease and debris noted behind the dishmachine, under woks, and service line. Noted in basement also *Code: Nonfood contact surfaces of equipment shall be cleaned at a frequency necessary to preclude accumulation of soil residues.*



Physical Facilities

Plumbing installed; proper backflow devices

51 5-205.15 (B) System Maintained/Repair - Kitchen -

- C** Leak under prep sink. Repair in 5 days or less. Provide documentation *Code: A plumbing system shall be maintained in good repair.*



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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

IN	Permit. up to date and posted?	IN
OUT	Pest control record available?	OUT
IN	Written Menus /signs present (allergen)?	IN
IN	Allergen Certificate Posted?	IN
IN	Certified Food Protection Managers Certificate posted?	IN
IN	Food allergy awareness poster visible for employees?	IN
IN	Staff trained in choke-save for every shift.	IN
OUT	Ventilation Hood Inspections stickers up to date?	OUT
IN	Consumer Advisory Present if needed?	IN
OUT	Grease log up to date?	OUT
OUT	Food Employee Reporting Agreement available?	OUT
IN	Procedures outlines for vomit/diarrheal event?	IN
NA	No trans fat?	NA
IN	"Most recent food inspection" sign posted?	IN

Temperatures

Area	Equipment	Product	Notes	Temps
Basement	Walk in cooler	Ambient		38 °F
Kitchen	Small Rolltop	Raw beef		37 °F
Kitchen	Single door Reach in	Ambient		25 °F
Kitchen	Small Rolltop	Raw shrimp		36 °F
Kitchen	Single door Reach in	Ambient		11 °F
Kitchen	Large Rolltop	Ambient		38 °F
Basement	Walk in freezer	Ambient		7 °F
Kitchen	Double door Reach	Ambient		38 °F

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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

No hood sticker. No inspection. Provide documentation that hood is approved for use.
Recommendation on the rolltop line that raw products such as shrimp and beef be kept closest to the walk line as possible.
Dishmachine temp compliant
Ice machine is clean.
Quat 300ppm
Discussion with chef on rearranging some storage areas in the basement my feces noted



FOOD ESTABLISHMENT INSPECTION REPORT

R-10

Fuji Steakhouse
1430 Highland Ave.
Needham, MA 02492

Inspection Number	Date	Time In/Out	Inspection Type	Client Type	Inspector		
3FBBF	4/9/22	3:57 PM 5:36 PM	Routine	Food Service	M.Pancare		
Permit Number	Risk	Variance	Priority	Pf	Core	Repeat	
	4	Acid./ROP	Violation Summary:	1	2	4	1

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection

Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	☒	☐	☐	☐	☐	15. Food separated and protected	☒	☐	☐	☐	☐
2. Certified Food Protection Manager	☒	☐	☐	☐	☐	16. Food-contact surfaces; cleaned & sanitized	☒	☐	☐	☐	☐
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served, reconditioned & unsafe foods	☒	☐	☐	☐	☐
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	☒	☐	☐	☐	☐	Time/Temperature Control for Safety	IN	OUT	NA	NO	COS
4. Proper use of restriction and exclusion	☒	☐	☐	☐	☐	18. Proper cooking time & temperatures	☒	☐	☐	☐	☐
5. Procedures for responding to vomiting and diarrheal events	☒	☐	☐	☐	☐	19. Proper reheating procedures for hot holding	☒	☐	☐	☐	☐
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature	☒	☐	☐	☐	☐
6. Proper eating, tasting, drinking, or tobacco use	☒	☐	☐	☐	☐	21. Proper hot holding temperatures	☒	☐	☐	☐	☐
7. No discharge from eyes, nose, and mouth	☒	☐	☐	☐	☐	22. Proper cold holding temperatures	☒	☐	☐	☐	☐
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition	1	☒	☐	☐	☐
8. Hands clean & properly washed	☒	☐	☐	☐	☐	24. Time as a Public Health Control; procedures & records	☒	☐	☐	☐	☐
9. No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed	☒	☐	☐	☐	☐	Consumer Advisory	IN	OUT	NA	NO	COS
10. Adequate handwashing sinks supplied and accessible	1	☒	☐	☐	☐	25. Consumer advisory provided for raw/undercooked food	☒	☐	☐	☐	☐
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations	IN	OUT	NA	NO	COS
11. Food obtained from approved source	☒	☐	☐	☐	☐	26. Pasteurized foods used; prohibited foods not offered	☒	☐	☐	☐	☐
12. Food received at proper temperature	☒	☐	☐	☐	☐	Food/Color Additives and Toxic Substances	IN	OUT	NA	NO	COS
13. Food in good condition, safe & unadulterated	☒	☐	☐	☐	☐	27. Food additives: approved & properly used	☒	☐	☐	☐	☐
14. Required records available: shellstock tags, parasite destruction,	☒	☐	☐	☐	☐	28. Toxic substances properly identified, stored & used	1	☒	☐	☐	☐
Repeat Violations Highlighted in Yellow	IN	OUT	NA	NO	COS	Conformance with Approved Procedures	IN	OUT	NA	NO	COS
						29. Compliance with variance/specialized process/HACCP	☒	☐	☐	☐	☐

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	☒	☐	☐	☐	☐	43. In-use utensils: properly stored	☐	☐	☐	☐	☐
31. Water & ice from approved source	☐	☐	☐	☐	☐	44. Utensils, equip. & linens: property stored, dried & handled	☐	☐	☐	☐	☐
32. Variance obtained for specialized processing methods	☒	☐	☐	☐	☐	45. Single-use/single-service articles: properly stored & used	☐	☐	☐	☐	☐
Food Temperature Control	IN	OUT	NA	NO	COS	46. Gloves used properly	☐	☐	☐	☐	☐
33. Proper cooling methods used; adequate equip. for temp. control	☒	☐	☐	☐	☐	Utensils, Equipment and Vending	IN	OUT	NA	NO	COS
34. Plant food properly cooked for hot holding	☐	☐	☐	☐	☐	47. All contact surfaces cleanable, properly designed, constructed, & used	1	☒	☐	☐	☐
35. Approved thawing methods used	☐	☐	☐	☐	☐	48. Warewashing facilities: installed, maintained & used; test strips	☐	☐	☐	☐	☐
36. Thermometers provided & accurate	☐	☐	☐	☐	☐	49. Non-food contact surfaces clean	☐	☐	☐	☐	☐
Food Identification	IN	OUT	NA	NO	COS	Physical Facilities	IN	OUT	NA	NO	COS
37. Food properly labeled; original container	☐	☐	☐	☐	☐	50. Hot & cold water available; adequate pressure	☐	☐	☐	☐	☐
Prevention of Food Contamination	IN	OUT	NA	NO	COS	51. Plumbing installed; proper backflow devices	1	☒	☐	☐	☐
38. Insects, rodents & animals not present	☐	☐	☐	☐	☐	52. Sewage & waste water properly disposed	☐	☐	☐	☐	☐
39. Contamination prevented in prep, storage & display	☐	☐	☐	☐	☐	53. Toilet facilities: properly constructed, supplied, & cleaned	☐	☐	☐	☐	☐
40. Personal cleanliness	☐	☐	☐	☐	☐	54. Garbage & refuse properly disposed; facilities maintained	☐	☐	☐	☐	☐
41. Wiping cloths; properly used & stored	1	☒	☐	☐	☐	55. Physical facilities installed, maintained & clean	☐	☐	☐	☐	☐
42. Washing fruits & vegetables	☐	☐	☐	☐	☐	56. Adequate ventilation & lighting; designated areas use	1	☒	☐	☐	☐
						60. 105 CMR 590 violations / local regulations	☒	☐	☐	☐	☐

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M.Pancare

Winnie - Expires
Certificate #:Follow Up Required: ☐ Y Follow Up Date: _____

FOOD SAFETY INSPECTION REPORT

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Fuji Steakhouse
1430 Highland Ave.
Needham, MA 02492

Inspection Number
3FBBF

Date
4/9/22

Time In/Out
3:57 PM
5:36 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Improper storage of wiping cloths -



88

- -

Upon arrival raw shrimp was observed in buckets in kitchen corner. Product moved to refrigeration -



FOOD SAFETY INSPECTION REPORT

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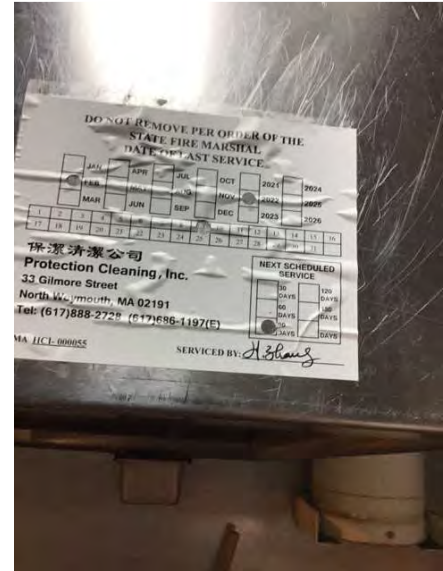
Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Hood sticker compliant -



88

- -

Dish temp compliant -



FOOD SAFETY INSPECTION REPORT

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

- -

Water on floor -



Preventing Contamination by Hands

Adequate handwashing sinks properly supplied and accessible

10 5-203.11 Handwashing Sinks-Numbers and Capabilities - Bar -

Pf No identifiable handsink at bar area.

Provide signage, soap, paper towels, and photo
The soda gun will need to be moved away from the handsink
Code: At least 1 handwashing sink, a number of handwashing sinks necessary for their convenient use by employees in areas specified under 5-204.11, and not fewer than the number of handwashing sinks required by law shall be provided. If approved, when food exposure is limited and handwashing sinks are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing.



Time / Temperature Control for Safety

FOOD SAFETY INSPECTION REPORT

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Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Date marking and disposition

23 3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

- Pf** Inconsistent datemarking in kitchen. Code: *Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*

Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28 7-201.11 Storage Separation - Sushi bar -

- Pr** Toxic chemicals, butane, windex stored in same cabinet as foodservice utensils and plates. Remove all chemicals and store them in a separate area away from any and all food or equipment Code: *Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.*

Prevention of Food Contamination

FOOD SAFETY INSPECTION REPORT

Page Number

6

Fuji Steakhouse
1430 Highland Ave.
Needham, MA 02492

Inspection Number
3FBBF

Date
4/9/22

Time In/Out
3:57 PM
5:36 PM

Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Wiping cloths: properly used & stored

41 3-304.14 (A)-(E) Wiping Cloths, Use Limitation - Kitchen -

- C** Sanitizer buckets not used in kitchen
Soiled towels observed on prep areas.

Code: Cloths in-use for wiping food spills from tableware and carry-out containers that occur as food is being served shall be maintained dry and used for no other purpose. Cloths in-use for wiping counters and other equipment surfaces shall be held between uses in a chemical sanitizer solution and laundered daily. Cloths in-use for wiping surfaces in contact with raw animal foods shall be kept separate from cloths used for other purposes. Dry wiping cloths and the chemical sanitizing solutions in which wet wiping cloths are held between uses shall be free of food debris and visible soil. Containers of chemical sanitizing solutions shall be stored off the floor and used in a manner that prevents contamination of food, equipment, utensils, linens, single-service, or single-use articles.



Utensils, Equipment and Vending

All contact surfaces cleanable, properly designed, constructed & used

47 4-101.19 Nonfood-Contact Surfaces - Sushi bar -

- C** Handsink and surrounding areas soiled.
Clean all Handsinks, basin, handles, and attachments
Code: Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.



FOOD SAFETY INSPECTION REPORT

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3FBBF

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Time In/Out
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5:36 PM

Inspector
M.Pancare

Inspection Report (Continued)

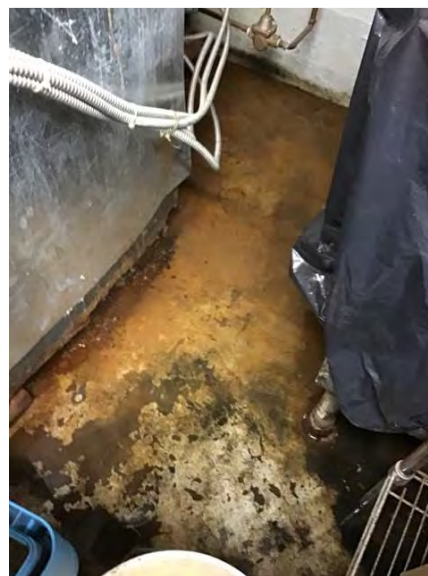
Repeat Violations Highlighted in Yellow

Physical Facilities

Plumbing installed; proper backflow devices

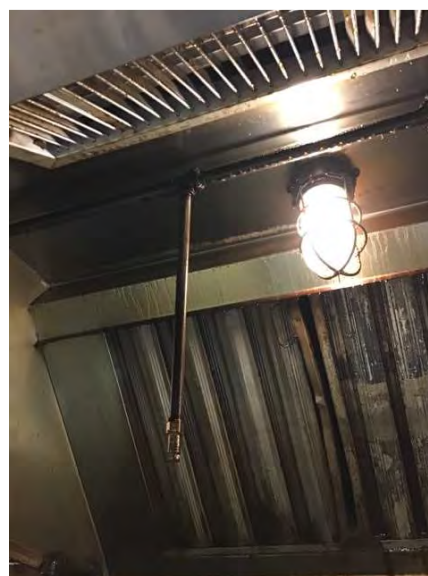
51 5-205.15 (B) System Maintained/Repair - Outside storage room -

- C** Excessive water at least 1/4 inch on floor Code: A
plumbing system shall be maintained in good repair.



56 4-204.11 Ventilation Hoods Drip Prevention - Kitchen -

- C** Grease dripping from baffles and hood.
Remove and clean as often as necessary. Failure to do so may result in a mandatory more frequent commercial hood cleaning process. Code: Exhaust ventilation hood systems in food preparation and warewashing areas including components such as hoods, fans, guards, and ducting shall be designed to prevent grease or condensation from draining or dripping onto food, equipment, utensils, linens, and single-service and single-use articles.



List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

FOOD SAFETY INSPECTION REPORT

Page Number

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Fuji Steakhouse
1430 Highland Ave.
Needham, MA 02492

Inspection Number
3FBBF

Date
4/9/22

Time In/Out
3:57 PM
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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Permit. up to date and posted?	IN
Pest control record available?	OUT
Written Menus /signs present (allergen)?	IN
Allergen Certificate Posted?	IN
Certified Food Protection Managers Certificate posted?	IN
Food allergy awareness poster visible for employees?	IN
Staff trained in choke-save for every shift.	IN
Ventilation Hood Inspections stickers up to date?	IN
Consumer Advisory Present if needed?	IN
Grease log up to date?	IN
Food Employee Reporting Agreement available?	IN
Procedures outlines for vomit/diarrheal event?	IN
No trans fat?	NO
"Most recent food inspection" sign posted?	OUT

Temperatures

Area	Equipment	Product	Notes	Temps
Sushi bar	Small sushi reach in	Ambient		38 °F
Sushi bar	Hoshizaki unit	Raw salmon		34 °F
Kitchen	Rolltop near	Ambient		37 °F
Sushi bar	Sushi 2 door	Ambient		34 °F
walk in freezer		Ambient		15 °F
Sushi bar	Sushi 2 door	Raw tuna		39 °F
Vegetable single		Ambient		38 °F
Sushi bar	Hoshizaki unit	Raw tuna		33 °F
Walk in cooler		Ambient		37 °F

FOOD SAFETY INSPECTION REPORT

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Fuji Steakhouse
1430 Highland Ave.
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3FBBF

Date
4/9/22

Time In/Out
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Inspector
M.Pancare

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

Hoods very greasy- clean.

Sushi Rice#1 4.1

Sushi Rice#2=4.0

Sanitizer at sushi bar 100ppm chlorine

PH log noted

HACCP test for acidification of rice G&L dates

4/22/21. Two samples notes at 3.63 and 3.76 ph.

Need updated HACCP letters of guarantee Martinez Seafood dated 12/14/2020 non compliant.

Ice machine clean

Provide pest control reports for past 60 days

Identify and Provide handsink at bar within 3 days

Greasetrap 3/22 no issues.



FOOD ESTABLISHMENT INSPECTION REPORT

R-10

Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number	Date	Time In/Out	Inspection Type	Client Type	Inspector	
C0760	4/13/22	11:06 AM 12:32 PM	Routine	Food Service	A.Littlefield	
Permit Number	Risk	Variance	Priority	Pf	Core	Repeat
	3		3	1	3	3

Violation Summary:

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection

Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	☒	☐	☐	☐	☐	15. Food separated and protected	☒	☐	☐	☐	☐
2. Certified Food Protection Manager	☒	☐	☐	☐	☐	16. Food-contact surfaces; cleaned & sanitized	☒	☐	☐	☐	☐
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served, reconditioned & unsafe foods	☒	☐	☐	☐	☐
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	☒	☐	☐	☐	☐	Time/Temperature Control for Safety	IN	OUT	NA	NO	COS
4. Proper use of restriction and exclusion	☒	☐	☐	☐	☐	18. Proper cooking time & temperatures	☒	☐	☐	☐	☐
5. Procedures for responding to vomiting and diarrheal events	☒	☐	☐	☐	☐	19. Proper reheating procedures for hot holding	☒	☐	☐	☐	☐
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature	☒	☐	☐	☐	☐
6. Proper eating, tasting, drinking, or tobacco use	☒	☐	☐	☐	☐	21. Proper hot holding temperatures	1	☒	☐	☐	☐
7. No discharge from eyes, nose, and mouth	☒	☐	☐	☐	☐	22. Proper cold holding temperatures	1	☒	☐	☐	☐
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition	1	☒	☐	☐	☐
8. Hands clean & properly washed	☒	☐	☐	☐	☐	24. Time as a Public Health Control; procedures & records	☒	☐	☐	☐	☐
9. No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed	☒	☐	☐	☐	☐	Consumer Advisory	IN	OUT	NA	NO	COS
10. Adequate handwashing sinks supplied and accessible	☒	☐	☐	☐	☐	25. Consumer advisory provided for raw/undercooked food	☒	☐	☐	☐	☐
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations	IN	OUT	NA	NO	COS
11. Food obtained from approved source	☒	☐	☐	☐	☐	26. Pasteurized foods used; prohibited foods not offered	☒	☐	☐	☐	☐
12. Food received at proper temperature	☒	☐	☐	☐	☐	Food/Color Additives and Toxic Substances	IN	OUT	NA	NO	COS
13. Food in good condition, safe & unadulterated	☒	☐	☐	☐	☐	27. Food additives: approved & properly used	☒	☐	☐	☐	☐
14. Required records available: shellstock tags, parasite destruction,	☒	☐	☐	☐	☐	28. Toxic substances properly identified, stored & used	1	☒	☐	☐	☒
Repeat Violations Highlighted in Yellow						Conformance with Approved Procedures	IN	OUT	NA	NO	COS
						29. Compliance with variance/specialized process/HACCP	☒	☐	☐	☐	☐

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	☒	☐	☐	☐	☐	43. In-use utensils: properly stored	☐	☐	☐	☐	☐
31. Water & ice from approved source	☐	☐	☐	☐	☐	44. Utensils, equip. & linens: property stored, dried & handled	☐	☐	☐	☐	☐
32. Variance obtained for specialized processing methods	☒	☐	☐	☐	☐	45. Single-use/single-service articles: properly stored & used	☐	☐	☐	☐	☐
Food Temperature Control	IN	OUT	NA	NO	COS	46. Gloves used properly	☐	☐	☐	☐	☐
33. Proper cooling methods used; adequate equip. for temp. control	☒	☐	☐	☐	☐	Utensils, Equipment and Vending	IN	OUT	NA	NO	COS
34. Plant food properly cooked for hot holding	☐	☐	☐	☐	☐	47. All contact surfaces cleanable, properly designed, constructed, & used	☐	☐	☐	☐	☐
35. Approved thawing methods used	☐	☐	☐	☐	☐	48. Warewashing facilities: installed, maintained & used; test strips	☐	☐	☐	☐	☐
36. Thermometers provided & accurate	☐	☐	☐	☐	☐	49. Non-food contact surfaces clean	☐	☐	☐	☐	☐
Food Identification	IN	OUT	NA	NO	COS	Physical Facilities	IN	OUT	NA	NO	COS
37. Food properly labeled; original container	☐	☐	☐	☐	☐	50. Hot & cold water available; adequate pressure	☐	☐	☐	☐	☐
Prevention of Food Contamination	IN	OUT	NA	NO	COS	51. Plumbing installed; proper backflow devices	☐	☐	☐	☐	☐
38. Insects, rodents & animals not present	1	☒	☐	☐	☐	52. Sewage & waste water properly disposed	☐	☐	☐	☐	☐
39. Contamination prevented in prep, storage & display	1	☒	☐	☐	☐	53. Toilet facilities: properly constructed, supplied, & cleaned	☐	☐	☐	☐	☐
40. Personal cleanliness	☐	☐	☐	☐	☐	54. Garbage & refuse properly disposed; facilities maintained	☐	☐	☐	☐	☐
41. Wiping cloths; properly used & stored	☐	☐	☐	☐	☐	55. Physical facilities installed, maintained & clean	1	☒	☐	☐	☐
42. Washing fruits & vegetables	☐	☐	☐	☐	☐	56. Adequate ventilation & lighting; designated areas use	☐	☐	☐	☐	☐
						60. 105 CMR 590 violations / local regulations	☒	☐	☐	☐	☐

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal pursuant to 105 CMR 590.000 you may request a hearing before the board of health in accordance with 105 CMR 590.015(B).

A.Littlefield

Emmanuel Belibasakis - Expires
Certificate #:

Follow Up Required: ☐ Y Follow Up Date: _____

FOOD SAFETY INSPECTION REPORT

Page Number

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Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A. Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

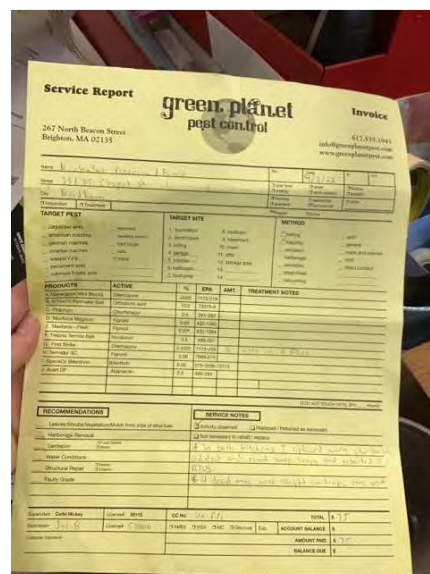
- -

Batter with no cover. Cover was put on. Code:



- -

Recent pest report. Code:



Time / Temperature Control for Safety

FOOD SAFETY INSPECTION REPORT

Page Number

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Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Hot Holding Temperature

21 3-501.16 (A)(1) Proper Hot Holding Temps. - Kitchen -

Pr No hot or cold holding observed. PIC stated that bacon and sausage were cooling. Explained that they should either be put in hot holding or cold holding if they are to be cooled. *Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained: at 135°F or above, except that roasts cooked to a temperature and for a time specified in paragraph 3-401.11(B) or reheated as specified in paragraph 3-403.11(E) may be held at a temperature of 130°F or above.*



22 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Kitchen -

Pr Liquid egg found at 45 degrees. Was over ice but still too warm. Discarded. *Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.*

FOOD SAFETY INSPECTION REPORT

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Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

23 3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Walk in -

Pf No date marking observed. Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.



Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28 7-201.11 Storage Separation - Kitchen -

COS Pr Empty food containers, avocados, pesticide jug, and hazardous chemical stored in the same shelf. Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.



Prevention of Food Contamination

FOOD SAFETY INSPECTION REPORT

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Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Insect, rodents & animals not present

38

6-202.15 (D) Outer Openings. Protected - Kitchen -

- C** Door must be shut to at ALL times to ensure pets cannot come into establishment. *Code: If the windows or doors of a food establishment, or of a larger structure within which a food establishment is located, are kept open for ventilation or other purposes or a temporary food establishment is not provided with windows and doors as specified under paragraph (A) of this section, the openings shall be protected against the entry of insects and rodents by: (1) 16 mesh to 25.4 mm (16 mesh to 1 inch) screens; (2) Properly designed and installed air curtains to control flying insects; or (3) Other effective means.*



39

3-305.11 Food Storage - Kitchen -

- C** Boxes of pancake mix stored in the floor. *Code: Food shall be protected from contamination by storing food: in a clean dry location; where it is not exposed to splash, dust, or other contamination; and at least 6 inches off the floor.*



Physical Facilities

FOOD SAFETY INSPECTION REPORT

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Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Physical Facilities installed, maintained & cleaned

55

6-501.16 Drying Mops - Kitchen -

- C** Improper storage of mop, near both hand sinks. Code:
After use, mops shall be placed in a position that allows them to air dry without soiling walls, equipment, or supplies.



Notes

Notes

88

Notes - Walk in -

- N** Pickles and cheese also found on floor, not 6 inches off ground. - General Notes.



FOOD SAFETY INSPECTION REPORT

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Fresco
35 Chapel Street
Needham, MA 02492

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C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

Notes - Kitchen -

- N** Croutons not labeled or datemarked - General Notes.



88

Notes - Kitchen -

- N** Sliced vegetables out, sliced red onion 65 F. Propose an ice bath to keep warm. - General Notes.



FOOD SAFETY INSPECTION REPORT

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Fresco
35 Chapel Street
Needham, MA 02492

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C0760

Date
4/13/22

Time In/Out
11:06 AM
12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

88

Notes - Kitchen -

N Expire milk, thrown away. - General Notes.



List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

Permit. up to date and posted?

IN

Pest control record available?

IN

Written Menus /signs present (allergen)?

IN

Allergen Certificate Posted?

IN

Certified Food Protection Managers Certificate posted?

IN

Food allergy awareness poster visible for employees?

IN

Staff trained in choke-save for every shift.

IN

Ventilation Hood Inspections stickers up to date?

IN

Consumer Advisory Present if needed?

IN

Grease log up to date?

IN

Food Employee Reporting Agreement available?

IN

Procedures outlines for vomit/diarrheal event?

IN

No trans fat?

IN

"Most recent food inspection" sign posted?

OUT

FOOD SAFETY INSPECTION REPORT

Page Number

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Fresco
35 Chapel Street
Needham, MA 02492

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C0760

Date
4/13/22

Time In/Out
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12:32 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Reach in Freezer	Ambient		29 °F
Walk in	Walk-in Cooler	Cooked rice		39 °F
Walk in	Walk-in Cooler	Ambient		45 °F
Kitchen		Pepsi cooler		45 °F
Kitchen	Reach in freezer	Ambient		30 °F
Kitchen	Flip Top	Below flip top ambient		44 °F
Kitchen	True near waffle	Ambient		45 °F
Kitchen	Flip Top	Cooked bacon		60 °F
Walk in	Walk-in Cooler	Liquid egg		41 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

White hand and silver hand sink did not reach appropriate temp. sink was only able to reach 94 degrees after running for two minutes. Water heater turned up.

Glove wearing observed. Hood due august, 2022. Dishwasher wash 90, rinse 110. Sanitizer strips available, sanitizer in between 50-100 ppm.

Sticky traps and mice traps observed. 4/11/22 grease trap last cleaned.

Stressed to PIC about proper hot holding and cold holding, as well as date marking.

FOOD SAFETY INSPECTION REPORT

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Fresco
35 Chapel Street
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Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow



FOOD ESTABLISHMENT INSPECTION REPORT

R-10

Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number	Date	Time In/Out	Inspection Type	Client Type	Inspector
2DBEE	4/21/22	1:54 PM 2:27 PM	Routine	Food Service	A.Littlefield
Permit Number	Risk	Variance	Priority	Pf	Core Repeat
	3				

Violation Summary:

Foodborne Illness Risk Factors and Public Health Interventions

IN = in compliance OUT = out of compliance N/O = not observed N/A = not applicable COS = corrected on-site during inspection Repeat Violations Highlighted in Yellow

Supervision	IN	OUT	NA	NO	COS	Protection from Contamination (Cont'd)	IN	OUT	NA	NO	COS
1. PIC present, demonstrates knowledge, and performs duties	☐	☐	☐	☐	☐	15. Food separated and protected	☐	☐	☐	☐	☐
2. Certified Food Protection Manager	☐	☐	☐	☐	☐	16. Food-contact surfaces; cleaned & sanitized	☐	☐	☐	☐	☐
Employee Health	IN	OUT	NA	NO	COS	17. Proper disposition of returned, previously served,	☐	☐	☐	☐	☐
3. Management, food employee and conditional employee knowledge, responsibilities and reporting	☐	☐	☐	☐	☐	Time/Temperature Control for Safety	IN	OUT	NA	NO	COS
4. Proper use of restriction and exclusion	☐	☐	☐	☐	☐	18. Proper cooking time & temperatures	☐	☐	☐	☐	☐
5. Procedures for responding to vomiting and diarrheal events	☐	☐	☐	☐	☐	19. Proper reheating procedures for hot holding	☐	☐	☐	☐	☐
Good Hygienic Practices	IN	OUT	NA	NO	COS	20. Proper cooling time and temperature	☐	☐	☐	☐	☐
6. Proper eating, tasting, drinking, or tobacco use	☐	☐	☐	☐	☐	21. Proper hot holding temperatures	☐	☐	☐	☐	☐
7. No discharge from eyes, nose, and mouth	☐	☐	☐	☐	☐	22. Proper cold holding temperatures	☐	☐	☐	☐	☐
Preventing Contamination by Hands	IN	OUT	NA	NO	COS	23. Proper date marking and disposition	☐	☐	☐	☐	☐
8. Hands clean & properly washed	☐	☐	☐	☐	☐	24. Time as a Public Health Control; procedures & records	☐	☐	☐	☐	☐
9. No bare hand contact with RTE food or a pre-approved	☐	☐	☐	☐	☐	Consumer Advisory	IN	OUT	NA	NO	COS
10. Adequate handwashing sinks supplied and accessible	☐	☐	☐	☐	☐	25. Consumer advisory provided for raw/undercooked food	☐	☐	☐	☐	☐
Approved Source	IN	OUT	NA	NO	COS	Highly Susceptible Populations	IN	OUT	NA	NO	COS
11. Food obtained from approved source	☐	☐	☐	☐	☐	26. Pasteurized foods used; prohibited foods not offered	☐	☐	☐	☐	☐
12. Food received at proper temperature	☐	☐	☐	☐	☐	Food/Color Additives and Toxic Substances	IN	OUT	NA	NO	COS
13. Food in good condition, safe & unadulterated	☐	☐	☐	☐	☐	27. Food additives: approved & properly used	☐	☐	☐	☐	☐
14. Required records available: shellstock tags, parasite	☐	☐	☐	☐	☐	28. Toxic substances properly identified, stored & used	☐	☐	☐	☐	☐
Repeat Violations Highlighted in Yellow	IN	OUT	NA	NO	COS	Conformance with Approved Procedures	IN	OUT	NA	NO	COS
	☐	☐	☐	☐	☐	29. Compliance with variance/specialized process/HACCP	☐	☐	☐	☐	☐

Good Retail Practices

Safe Food and Water	IN	OUT	NA	NO	COS	Proper Use of Utensils	IN	OUT	NA	NO	COS
30. Pasteurized eggs used where required	☐	☐	☐	☐	☐	43. In-use utensils: properly stored	☐	☐	☐	☐	☐
31. Water & ice from approved source	☐	☐	☐	☐	☐	44. Utensils, equip. & linens: properly stored, dried & handled	☐	☐	☐	☐	☐
32. Variance obtained for specialized processing methods	☐	☐	☐	☐	☐	45. Single-use/single-service articles: properly stored & used	☐	☐	☐	☐	☐
Food Temperature Control	IN	OUT	NA	NO	COS	46. Gloves used properly	☐	☐	☐	☐	☐
33. Proper cooling methods used; adequate equip. for temp.	☐	☐	☐	☐	☐	Utensils, Equipment and Vending	IN	OUT	NA	NO	COS
34. Plant food properly cooked for hot holding	☐	☐	☐	☐	☐	47. All contact surfaces cleanable, properly designed,	☐	☐	☐	☐	☐
35. Approved thawing methods used	☐	☐	☐	☐	☐	48. Warewashing facilities: installed, maintained & used; test	☐	☐	☐	☐	☐
36. Thermometers provided & accurate	☐	☐	☐	☐	☐	49. Non-food contact surfaces clean	☐	☐	☐	☐	☐
Food Identification	IN	OUT	NA	NO	COS	Physical Facilities	IN	OUT	NA	NO	COS
37. Food properly labeled; original container	☐	☐	☐	☐	☐	50. Hot & cold water available; adequate pressure	☐	☐	☐	☐	☐
Prevention of Food Contamination	IN	OUT	NA	NO	COS	51. Plumbing installed; proper backflow devices	☐	☐	☐	☐	☐
38. Insects, rodents & animals not present	☐	☐	☐	☐	☐	52. Sewage & waste water properly disposed	☐	☐	☐	☐	☐
39. Contamination prevented in prep, storage & display	☐	☐	☐	☐	☐	53. Toilet facilities: properly constructed, supplied, & cleaned	☐	☐	☐	☐	☐
40. Personal cleanliness	☐	☐	☐	☐	☐	54. Garbage & refuse properly disposed; facilities maintained	☐	☐	☐	☐	☐
41. Wiping cloths; properly used & stored	☐	☐	☐	☐	☐	55. Physical facilities installed, maintained & clean	☐	☐	☐	☐	☐
42. Washing fruits & vegetables	☐	☐	☐	☐	☐	56. Adequate ventilation & lighting; designated areas use	☐	☐	☐	☐	☐
						60. 105 CMR 590 violations / local regulations	☐	☐	☐	☐	☐

Official Order for Correction: Based on an inspection today, the items marked "OUT" indicated violations of 105 CMR 590.000 and applicable sections of the 2013 FDA Food Code. This report, when signed below by a Board of Health member or its agent constitutes an order of the Board of Health. Failure to correct violations cited in this report may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If you are subject to a notice of suspension, revocation, or non-renewal

A.Littlefield

Emmanuel Belibasakis - Expires
Certificate #:

Follow Up Required: ☐ Y Follow Up Date: _____

FOOD SAFETY INSPECTION REPORT

Page Number

2

Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
2DBEE

Date
4/21/22

Time In/Out
1:54 PM
2:27 PM

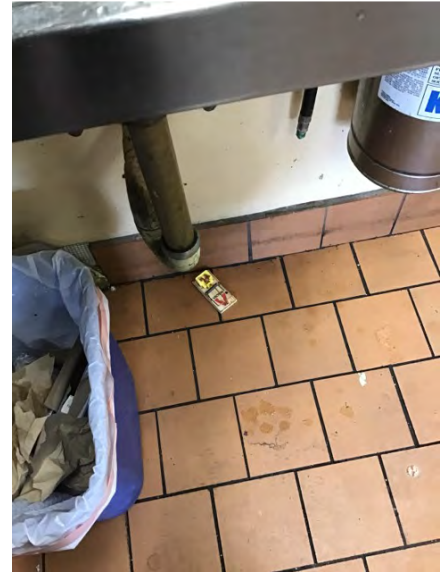
Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

- -

Open mice traps observed. Code:



- -

Improvement off ground. Still not to code (needs to be 6 inches) Code:



FOOD SAFETY INSPECTION REPORT

Page Number

3

Fresco
35 Chapel Street
Needham, MA 02492

Inspection Number
2DBEE

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4/21/22

Time In/Out
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2:27 PM

Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

- -

Date marking observed. Anything not date marked prepped in the morning and discarded at end of the day.
Code:



- -

Ice bath being used for prepped veggie/salad bar. Thermometer available to check temp. Advised to take temp often to make sure ice bath is enough for proper cold holding. Code:

- -

Ice bath used for eggs only when it is busy, placed in refrigerator when not busy. Checking often with stem thermometer. Code:

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen	Flip Top	Ambient		35 °F
Kitchen	True near waffle	Ambient		22 °F

FOOD SAFETY INSPECTION REPORT

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Fresco
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Inspector
A.Littlefield

Inspection Report (Continued)

Repeat Violations Highlighted in Yellow

Kitchen	True near waffle	Ambient		22 °F
Kitchen	Service line	Ambient		30 °F
Kitchen	Walk-in Cooler	Ambient		33 °F
Kitchen	True near waffle	Raw chicken		40 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.

Notes

Hand sink temperatures fixed, both reach over 100 degrees.
Storage of avocados corrected, all chemical containers removed from top shelf.
Door closed upon arrival.



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
3422D	4/16/22	1:14 PM 5:45 PM	Routine	Food Service	M.Pancare		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				4	7	9	2

Summary of Violations

Priority	Priority f	Core	Total
4	7	9	20

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.



M.Pancare



Chalernpol Intha - Expires
Certificate #:

Notes

Grease Trap compliant 4/5/22.
Refrigeration temps compliant.
Overall food stored properly on service line.
Continue to focus on interior/exterior of refrigerator surfaces and gaskets."Clean to sight and clean to touch "
Dishmachine 50pp
Mice feces too numerous to count in basement. As previously discussed, patch open holes, cracks and crevices.
Discussion with owner on cleaning the floor in walk in to remove "rust" stains and water pooling.
3 compartment sink in kitchen did not have Quat sanitizer. Discussion with alternative procedures to use chlorine as an interim in conjunction with dishmachine.
If the 3 compartment sink in the basement is approved, a NSF barrier is required on the left side of the handsink.
Failure to correct and maintain may result in fines suspension or both immediate attention is required.
Discussion about gluten free procedures and ingredients, for one pad tai recipe. Ingredients approved. Stated that it is the only dish they serve gluten free. Any other recipes must be approved.

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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Counter upon arrival. -



88

- -

Hood sticker Compliant -



The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

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Inspector
M.Pancare

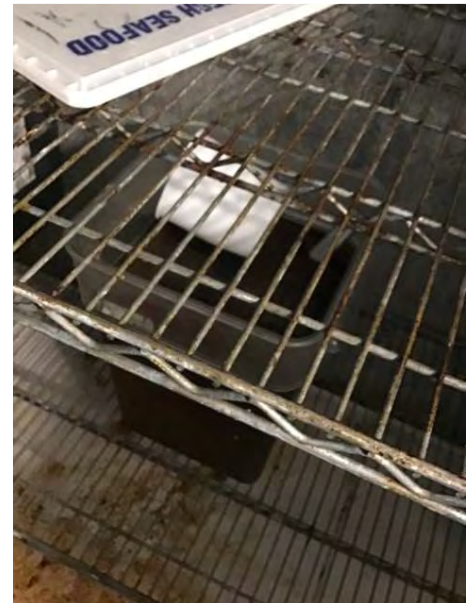
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

- 88 - -
Newly installed 3 compartment sink in basement -



- 88 - -
Improper storage of in use utensils in basement -



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M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

See #43 Improper storage of in use utensils stored in oyster sauce in walk in.

-

**88**

- -

Floor in walk in had water pooling on floor.
Floor is stained.
Clean floor and keep dry. Suggest using abrasive scour type pad to remove stains -



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M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Mice feces in basement -

**88**

- -

Mice feces noted on bottom shelf where equipment is stored -



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M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

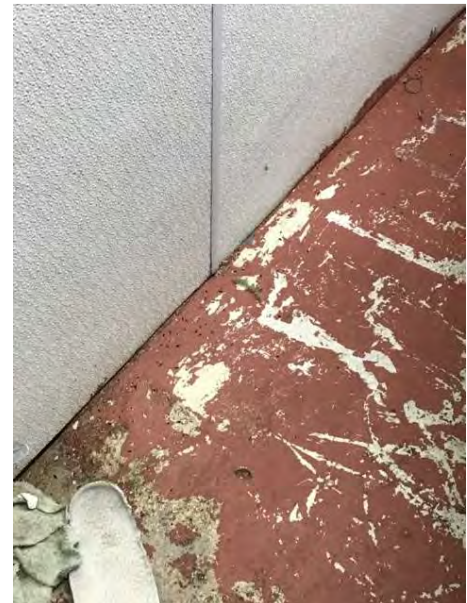
- -

Mice feces too numerous to count in in basement. Along walls -

**88**

- -

Mices feces behind shelving In basement -

**Preventing Contamination by Hands**

The Rice Barn
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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

No bare hand contact with RTE food

9 MA 590.003 (C) FC 3-301.11 (B) - Preventing Contamination from Hands - Kitchen -

Pr Latex gloves noted in kitchen on shelf. Do not use. *Code: Except when washing fruits and vegetables, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves or dispensing equipment. Single-use natural rubber latex gloves are not recommended for food contact in food establishments.*

10 5-204.11 Handwashing-Sinks-Location and Placement - Kitchen -

COS Pf Handsink blocked by trash can at arrival *Code: A handwashing facility shall be located: to allow convenient use by employees in food preparation, food dispensing, and warewashing area; and in, or immediately adjacent to, toilet rooms.*



Protection From Contamination

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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Food Separated and protected**15 3-302.11 (A)(2) Raw Animal Foods Separated from each other - Kitchen -**

COS Pr Raw ground beef stored on bottom shelf next to raw chicken *Code: Foods shall be protected from cross contamination by: Except when combined as ingredients, separating types of raw animal foods from each other such as beef, fish, lamb, pork and poultry during storage, preparation, holding, and display by: (a) Using separate equipment for each type, or (b) Arranging each type of food in equipment so that cross contamination of one type with another is prevented and (c) preparing each type of food at different times or in separate areas.*

16 4-601.11 (A) Equip, Food-Contact Surfaces - Basement -

Pf Food processor stored in basement unsanitary. Throughout kitchen area shelves, gaskets not "clean to sight clean to touch" *Code: Equipment food-contact surfaces and utensils shall be clean to sight and touch.*

**Time / Temperature Control for Safety**

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Date marking and disposition

23

3-501.17 (A)(C) Date Marking RTE Foods - On Premises Prep - Kitchen -

- Pf** Improper datemarking. A cooked chicken half had an expiration date of 4/5/22. Product discarded. Other products had inconsistent datemarking. *Code: Refrigerated, RTE/TCS food prepared and held refrigerated for more than 24 hours in a food establishment shall be clearly marked at the time of preparation to indicate the date by which the food shall be consumed, sold or discarded when held at a temperature of 41°F or less for a maximum of 7 days. The day of preparation shall be counted as Day 1. A refrigerated, RTE/TCS food ingredient or a portion of a refrigerated, RTE/TCS food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.*

Food/Color Additives and Toxic Substances

Toxic substances properly identified, stored & used

28

7-102.11 Common Name (Poisonous or Toxic Materials) - Kitchen -

- Pf** Spray device with grease cutter material not labeled. *Code: Working containers used for storing poisonous or toxic materials such as cleaners and sanitizers taken from bulk supplies shall be clearly and individually identified with the common name of the material.*

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M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

28 7-201.11 Storage Separation - Service Station FOH -

Pr Toxic chemicals "miracle grow". Stored where food and equipment is located. The shelf above had mice glue type traps *Code: Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single use articles by: (A) Separating the poisonous or toxic materials by spacing or partitioning; and (B) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles.*



Safe Food and Water

Variance obtained for specialized processing

32 8-103.11 Documentation of Proposed Variance and Justification - Storefront -

Pf Retail food products observed for sale with "pickling". No ingredient labels noted. This may need a HACCP plan. Please provide process, details, recipe, ingredients for plan review. Cease and desist until approved. *Code: Before a variance from a requirement of this Code is approved, the information that shall be provided by the person requesting the variance and retained in the RA's file on the food establishments includes: a statement of the proposed variance of the Code requirement citing relevant Code section numbers; an analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and a HACCP plan if required as specified that includes the information specified under 8-201.14 as it is relevant to the variance requested.*



Prevention of Food Contamination

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Needham, MA 02492

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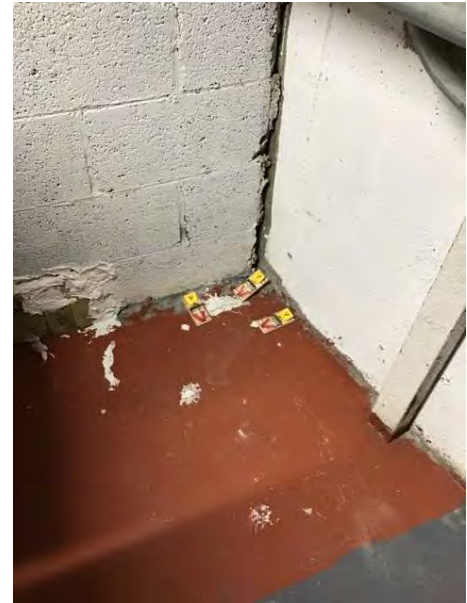
Inspector
M.Pancare

Inspection Report (continued)

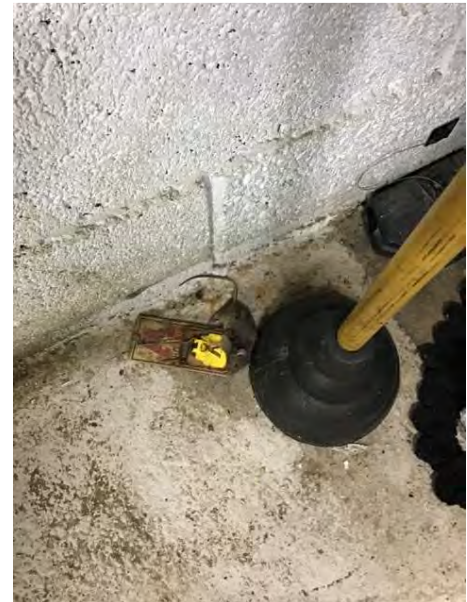
Repeat Violations Highlighted in Yellow

Insect, rodents & animals not present**38 6-501.111 (C) Controlling Pests - Basement -**

Pf Pests not controlled.
Open traps noted. Please review with PCO. *Code: The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by using methods, if pests are found, such as trapping devices or other means of pest control, such as pesticides, must be used according to law and manufacture's instructions.*

**38 6-501.112 Removing Dead or Trapped Pests - Basement -**

C Dead and decaying mouse In basement
Remove *Code: Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.*

**Proper Use of Utensils**

The Rice Barn
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M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

In-use utensils; properly stored

43 3-304.12 In-Use Utensils/Between-Use Storage - Basement -

- C** Scoops stored improperly in bulk bins. Code: *During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored: in the food with their handles above the top of the food and the container; in food that is not TCS food with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon; on a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized every 4 hours; in running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes, in a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not TCS food; or in a container of water if the water is maintained at a temperature of at least 135°F and the container is cleaned at at least every 24 hours.*



44 4-903.11 (A)(B)(D) Equip./Uten./Lin./Sing.-Ser/Use Art - Basement -

- C** Plates and flatware were stored on cardboard box which is single use only, and located near pest control traps. Mice feces noted in this area. Knives and vegetable cutters improperly stored in basement, and were severely soiled with debris. Code: *Cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored: in a clean, dry location; where they are not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor. Clean equipment and utensils shall also be stored: in a self-draining position that allows air drying; and covered or inverted. Items that are kept in closed packages may be stored less than 15 cm (6 inches) above the floor on dollies, pallets, racks, and skids.*



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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

45 4-903.11 (C) Equip./Uten./Lin./Sing.-Ser/Use Art. - Basement -

- C** Single use items improperly stored in basement .
Physical debris noted *Code: Single-service and single-use articles shall also be kept in the original protective package or stored by using other means that afford protection from contamination until used.*



Utensils, Equipment and Vending

All contact surfaces cleanable, properly designed, constructed & used

47 4-501.12 Cutting Surfaces - Kitchen -

- C** Cutting boards soiled, and needs resurfacing to allow for smooth and easily cleanable.
Debris noted on rivets adhering to table. *Code: Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.*

48 4-303.11 Cleaning Agents and Sanitizers, Availability - Kitchen -

- COS Pf** Quat sanitizer not available at the dispensing device at the 3 compartment sink. Discussion with owner on having adequate supply. Alternative procedure to use chlorine @ 50ppm
Code: (A) Cleaning agents that are used to clean equipment and utensils as specified under Part 4-6, shall be provided and available for use during all hours of operation. (B) Except for those that are generated on-site at the time of use, chemical sanitizers that are used to sanitize equipment and utensils as specified under Part 4-7, shall be provided and available for use during all hours of operation.

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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Physical Facilities

Plumbing installed; proper backflow devices

51 5-205.15 (B) System Maintained/Repair - Kitchen -

- C** Handsink is leaking, and slow drain from basin
Repair or replace within 5 days *Code: A plumbing system shall be maintained in good repair.*

51 5-205.15 (A) System Maintained/Repair - Basement

- Pr** 3 bay sink recently installed In basement.
Please provide plumbing permit.
Do not use until approved. *Code: A plumbing system shall be repaired according to law.*



54 5-501.113 Covering Receptacles - Basement -

- C** Trash cans covered improperly *Code: Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered when they contain food residue and are not in continuous use or after they are filled. If kept outside, they shall have tight-fitting lids or doors.*

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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

55 6-501.11 Repairing - Basement -

- C** Several locations in basement storage were not in good repair *Code: The physical facilities shall be maintained in good repair.*

**55 6-501.114 Unnecessary Items and Litter - Basement -**

- C** Excessive amount of debris, and unused desks equipment, miscellaneous storage boxes, decorations, and other clutter are on floor and preventing proper pest control *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*

FOOD SAFETY INSPECTION REPORT

The Rice Barn
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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

	Permit. up to date and posted?	IN
	Pest control record available?	IN
	Written Menus /signs present (allergen)?	NO
	Allergen Certificate Posted?	IN
	Certified Food Protection Managers Certificate posted?	IN
	Food allergy awareness poster visible for employees?	IN
	Staff trained in choke-save for every shift.	NO
	Ventilation Hood Inspections stickers up to date?	IN
	Consumer Advisory Present if needed?	IN
	Grease log up to date?	IN
	Food Employee Reporting Agreement available?	NO
	Procedures outlines for vomit/diarreal event?	IN
	No trans fat?	NO
	"Most recent food inspection" sign posted?	NO

FOOD SAFETY INSPECTION REPORT

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The Rice Barn
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Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Temperatures

Area	Equipment	Product	Notes	Temps
Kitchen				°F
Basement	Walk in cooler	Ambient		36 °F
Kitchen	2 door glass cooler -	Ground beef		36 °F
Kitchen	Amana white cooler	Ambient		38 °F
Kitchen	Flip top near curry	Ambient		36 °F
Kitchen		Ambient		38 °F
Kitchen	Flip top Sandwich	Raw shrimp		30 °F
Kitchen	Walk in white freezer	Ambient		15 °F

Temperatures in **RED** identify items in the temperature danger zone. See the report notes for specific details.



FOOD SAFETY INSPECTION REPORT

R-9

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

<u>Inspection Number</u>	<u>Date</u>	<u>Time In/Out</u>	<u>Inspection Type</u>	<u>Client Type</u>	<u>Inspector</u>		
A2F26	4/30/22	1:03 PM 4:54 PM	Routine	Food Service	M.Pancare		
<u>Permit Number</u>	<u>Risk</u>	<u>Variance</u>	<u>Violation Summary</u>	<u>Priority</u>	<u>Pf</u>	<u>Core</u>	<u>Repeat</u>
				2	3	11	6

Summary of Violations

Priority	Priority f	Core	Total
2	3	11	16

Priority "P" violations not marked "COS" must be corrected within 72 hours.

Priority foundation "Pf" violations not marked "COS" must be corrected within 10 days.

Core "C" violations not marked "COS" must be corrected within 90 days.

M.Pancare

Chalernpol Intha - Expires
Certificate #:

Notes

During the inspection it was noted that numerous products were prepared with dates after the summary suspension order on April 20, 2022.

Further review and questioning with management and staff the owner stated that he had been operating after a cease-and-desist order, after Summary suspension order had been mandated by the local Board of Health.

Failure to correct and maintain may result in fines, continued suspension until violations are corrected and pest free. Fines may be \$300-\$500 per day as determined by LBOH.

Documents provided on point-of-sale receipts and other information provided by Town resident complaint, substantiates this violation. The local Board of Health was provided sales transactions that did take place during this time.

Refrigerator temperatures and food storage observed were acceptable.

Overall facility is still in need of cleaning, and repairing. Significant areas still need to be clean and sanitary -many open holes, in ceilings walls/drywall and mice feces noted.

Inside double door refrigerator on the wok line, the interior surfaces were soiled. Numerous shelves and many other storage areas in kitchen were not clean to side and clean to touch.

FOOD SAFETY INSPECTION REPORT

The Rice Barn
1037 Great Plain Ave
Needham, MA 02492

Inspection Number
A2F26

Date
4/30/22

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1:03 PM
4:54 PM

Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

- -

Code:

Station 1			
Date: 04/30/22			
Time: 1:44 PM			
Session #: 3152 04/29/22 - 04/21/22			
Filter Settings			
Session Number is 3152 04/29/22			
Payment Types			
Description	Number	Debit	Credit
Mastercard	2	70.39	
Total	2	70.39	
(Credit Card SubTotal: 70.39)			
(Bank Batch SubTotal: 70.39)			
Group Types			
Description	Number	Debit	Credit
Food	7	51.50	
Beverage	1	4.00	
Total	8	55.50	
Hash Dept			
Description	Number	Debit	Credit
Total w/Hash	8	55.50	
Tax Types			
Description	Number	Debit	Credit
Cash Tax (2%)	1	1.11	

- -

Transactions took place on 4/23-4/24 violating a summary suspension order. Code:

Station 1			
Date: 04/30/22			
Time: 1:45 PM			
Session #: 3155 04/23/22 - 04/24/22			
Filter Settings			
Session Number is 3155 04/23/22			
Payment Types			
Description	Number	Debit	Credit
Cash	2	40.13	
Visa	1	49.22	
Mastercard	1	19.26	
Total	4	108.61	
(Credit Card SubTotal: 68.48)			
(Bank Batch SubTotal: 68.48)			
Group Types			
Description	Number	Debit	Credit
Food	14	101.50	
Total	14	101.50	
Hash Dept			
Description	Number	Debit	Credit
Total w/Hash	14	101.50	

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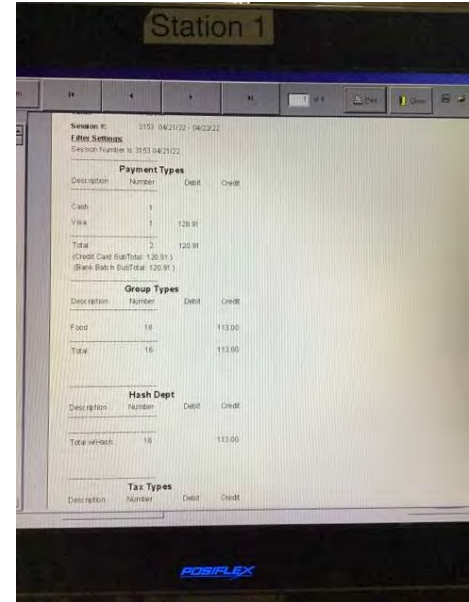
Inspector
M.Pancare

Inspection Report (continued)

Repeat Violations Highlighted in Yellow

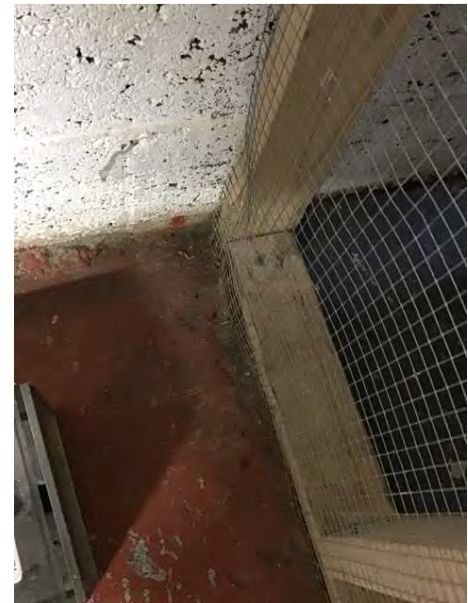
- -

Transactions took place during Summary Suspension order. Code:



- -

Mice feces too numerous to count noted at bottom of basement stairs Code:



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Kitchen Upon arrival. -



88

- -

Fly swatter in kitchen, removed -



FOOD SAFETY INSPECTION REPORT

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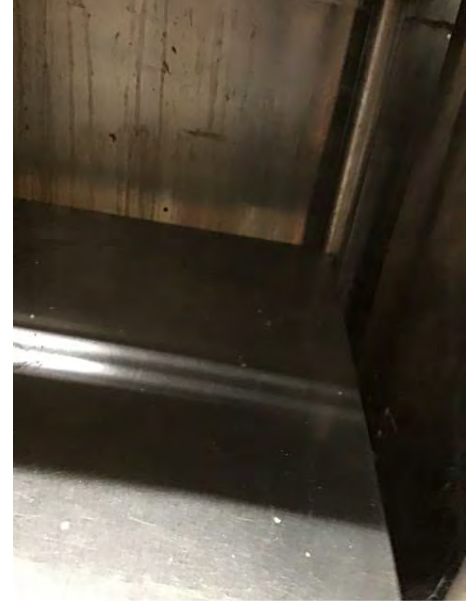
Time In/Out
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4:54 PM

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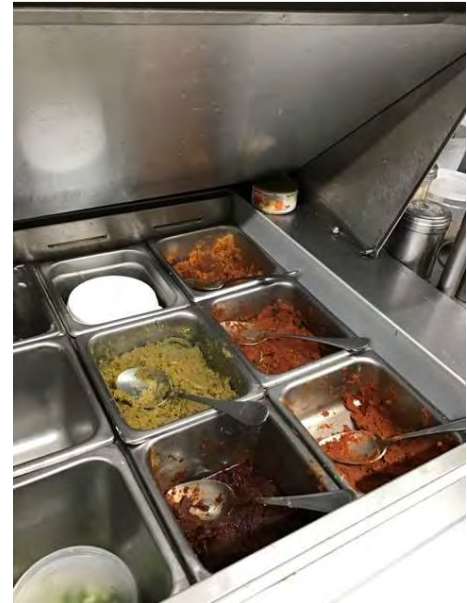
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

- 88 - -
See #48/
Tables and back wall on service line are soiled -



- 88 - -
Curry wok station refrigerator had product -



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Inspection Report (continued)

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- -

See #15 above -



88

- -

Food product prepared on 4/26/22 were datemarked, and
prepared when summary suspension order was in effect -



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Inspection Report (continued)

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88

- -

See #59 -

**88**

- -

Unsanitary TCS food in rolltop refrigerator -



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

During inspection, freezer was found unplugged. Products were removed to another freezer for storage.(squid,) still compliant.
Some products were discarded -

**88**

- -

See #48
Top of refrigerator where microwave is stored soiled. -



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Inspection Report (continued)

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88

- -

Corner near the emergency room door in dining area had dirt, debris, clutter.
Remove to prevent pests -

**88**

- -

Open holes -



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

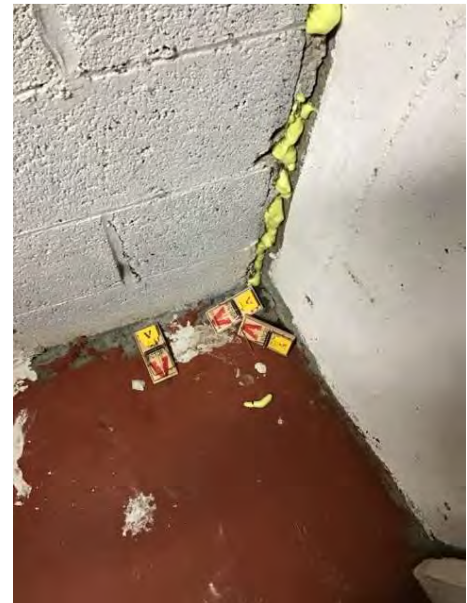
- -

Open holes -

**88**

- -

Open snap traps noted on basement corner -



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Mice feces along right side of wall in basement prep area.

-

**88**

- -

Open holes noted in equipment storage room in basement.

-



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Inspection Report (continued)

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- -

Open holes in basement -



88

- -

Walk-in floor in basement has been cleaned and repainted.

-



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

- 88 - -
Prepared rice datemarked and stored in walk in refrigerator. -



- 88 - -
Food stored properly in walk in cooler -



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

88

- -

Pad Thai sauce prepared on 4/28/22 and datemarked in basement -



Supervision

PIC present, demonstrated knowledge & performs duties

1 MA 590.002 (B) FC 2-102.11 - Kitchen -

Pf The owner and three staff members could not respond correctly to the question "What is the danger zone of TCS food? After several incorrect answers and opportunities, the staff did not know this information. *Code: The person in charge demonstrate to the RA knowledge of foodborne disease prevention, application of HACCP principles, and the requirements of this code. The person in charge shall demonstrate knowledge by having no violations of priority items during the current inspection; being a certified food protection manager; and responding correctly to the inspectors questions as they relate to the specific food operation.*

Preventing Contamination by Hands

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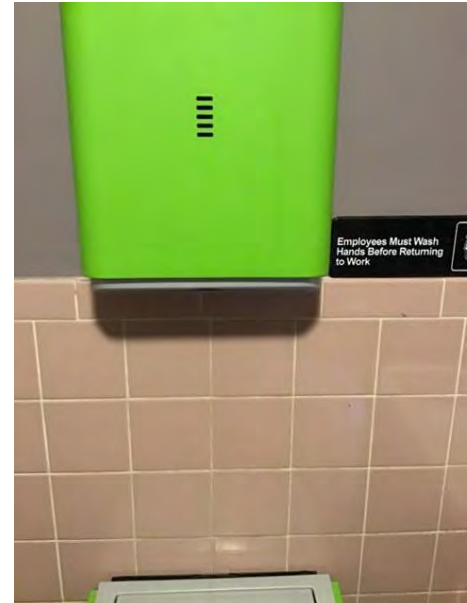
Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Adequate handwashing sinks properly supplied and accessible

10 6-301.12 Hand Drying Provision - Service Station FOH -

- Pf** Restroom in front of house did not have paper towels
Code: Each handwashing lavatory or groups of adjacent lavatories shall be provided with: individual, disposable towels; a continuous towel system that supplies the user with a clean towel or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures.



Protection From Contamination

Food Separated and protected

15 3-302.11 (A)(4) Packaged and/or wrapped foods - Kitchen -

- C** 3 bowls of food were stored uncovered in refrigerator
Code: Food shall be protected from contamination by storing the food in packages, covered containers, or wrappings. This does not apply to (1) Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling before consumption; (2) primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks; (3) Whole, uncut, processed meats such as country hams, and smoked or cured sausages that are placed on clean, sanitized racks; (4) FOOD being cooled as specified under Subparagraph 3-501.15(B)(2); or shellstock.



Prevention of Food Contamination

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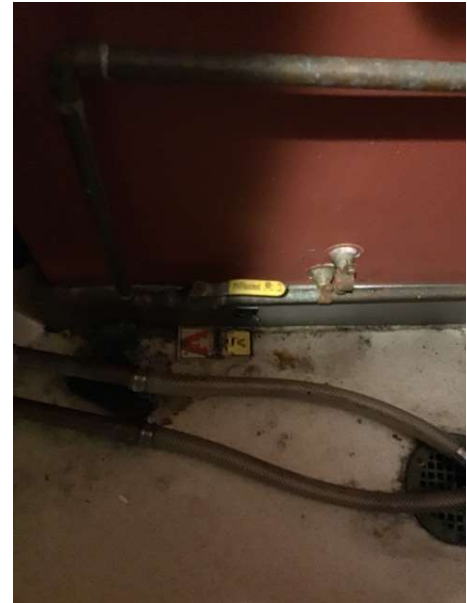
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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Insect, rodents & animals not present**38 6-501.111 (A)(B)(D) Controlling Pests - Basement -**

- C** Mice feces noted in basement *Code: The premises shall be maintained free of insects, rodents, and other pests. The presence of insects, rodents, and other pests shall be controlled to eliminate their presence on the premises by: routinely inspecting incoming shipments of food and supplies; routinely inspecting the premises for evidence of pests; and eliminating harborage conditions.*

**38 6-202.15 (A) Outer Openings, Protected - Basement -**

- C** Numerous open holes in basement drywall, ceiling, walls. Repair all open holes within 10 days or less *Code: Outer openings of a food establishment shall be protected against the entry of insects and rodents by: filling or closing holes and other gaps along floors, walls, and ceilings; closed, tight-fitting windows; and solid, self-closing, tight fitting doors.*



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

38

6-501.112 Removing Dead or Trapped Pests - Basement -

- C** Decaying mouse in basement.
A live cockroach was noted on the floor at the bottom of the basement stairs running under a 2x4 wood beam.
All facilities must remain pest free. *Code: Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests.*



Utensils, Equipment and Vending

All contact surfaces cleanable, properly designed, constructed & used

47

4-101.19 Nonfood-Contact Surfaces - Service Station FOH -

- C** Handsink in Dining room was soiled *Code: Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.*



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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

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4-501.12 Cutting Surfaces - Basement -

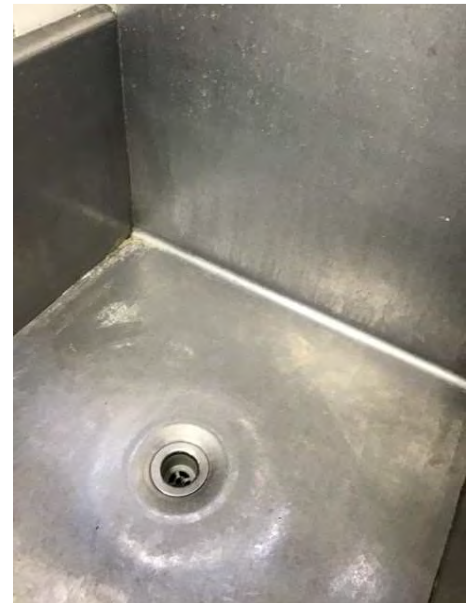
- C** Severely soiled cutting boards on prep shelf in basement
Code: Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.



48

4-501.14 Equipment Cleaning Frequency - Kitchen -

- Pf** Prep sink basin soiled *Code: A ware washing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods, or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards shall be cleaned before use, throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function; and if used, at least every 24 hours.*

**Physical Facilities**

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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Plumbing installed; proper backflow devices

51

5-205.15 (A) System Maintained/Repair - Basement -

- Pr** 3 compartment sink did not have a plumbing permit pulled at local municipal building dept. A licensed plumber is required to pull the permit, and install according to law. In addition a barrier is required to prevent over spray from the handsink into the 3compartment sink.
Code: A plumbing system shall be repaired according to law.

55

6-201.12 Floors/Walls/Ceilings - Utility Lines - Kitchen -

- C** Electrical housing and electrical cord on floor. Needs to be functional according to electrical codes. Not on floor *Code: Utility service lines and pipes may not be unnecessarily exposed. Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings. Exposed horizontal utility service lines and pipes may not be installed on the floor.*



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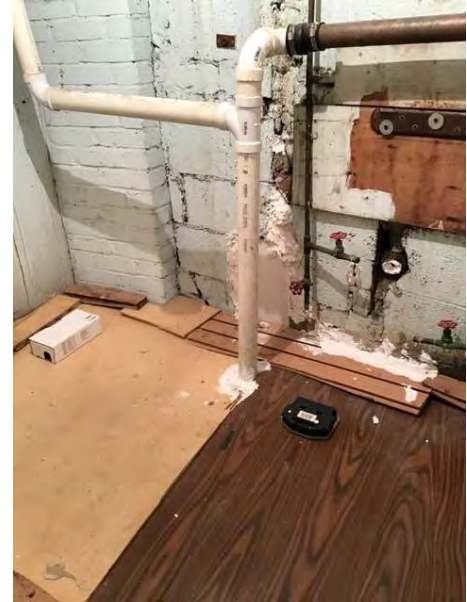
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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

55**6-501.11 Repairing - Basement -**

- C** Repairs in basement need further review. *Code: The physical facilities shall be maintained in good repair.*

**55****6-501.11 Repairing - Basement -**

- C** Facility must be in good repair. *Code: The physical facilities shall be maintained in good repair.*



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Repeat Violations Highlighted in Yellow

55**6-501.114 Unnecessary Items and Litter - Basement -**

- C** Unused equipment, shelving or other non functional items should be removed to prevent pests, and to clean areas properly *Code: The premises shall be free of items that are unnecessary to the operation or maintenance of the establishment that is nonfunctional or no longer used and litter.*

**55****6-202.112 Living/Sleeping Quarters/Separation - Basement -**

- C** A upholstered chaise lounges style chair was in the basement storage area, near the Bag in box soda. Several partially use (5) open Bibb boxes were expired from 2018-2020 and attract pests. These Bibb boxes were removed. *Code: Living or sleeping quarters located on the premises of a food establishment such as those provided for lodging registration clerks or resident managers shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.*

Compliance and Enforcement

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Inspection Report (continued)

Repeat Violations Highlighted in Yellow

Imminent Health Hazard**59 8-404.11 Ceasing Operations and Reporting. - Kitchen -**

Pr Prepared foods on 4/26/22.
Violation of summary suspension order Code: A permit holder shall immediately discontinue operations and notify the RA if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.



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List 1

IN= In Compliance

OUT = Out of Compliance

NA = Not Applicable

NO= Not Observed

	Permit. up to date and posted?	IN
	Pest control record available?	IN
	Written Menus /signs present (allergen)?	NO
	Allergen Certificate Posted?	IN
	Certified Food Protection Managers Certificate posted?	IN
	Food allergy awareness poster visible for employees?	IN
	Staff trained in choke-save for every shift.	NO
	Ventilation Hood Inspections stickers up to date?	IN
	Consumer Advisory Present if needed?	NO
	Grease log up to date?	IN
	Food Employee Reporting Agreement available?	NO
	Procedures outlines for vomit/diarreal event?	NO
	No trans fat?	NO
	"Most recent food inspection" sign posted?	IN

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Temperatures

Area	Equipment	Product	Notes	Temps
Temperatures in RED identify items in the temperature danger zone. See the report notes for specific details.				