

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0202525 - BLACK BEAR DINER MILPITAS		Site Address 174 W CALAVERAS BL, MILPITAS, CA 95035		Inspection Date 11/06/2025		Placard Color & Score GREEN 90		
Program PR0302092 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name JENNIFER NUSHWAT		Inspection Time 14:05 - 15:40			
Inspected By NHA HUYNH		Inspection Type ROUTINE INSPECTION		Consent By LIZ				FSC Jorge Ortiz 07/06/2028

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification	X						
K02	Communicable disease; reporting/restriction/exclusion	X						S
K03	No discharge from eyes, nose, mouth	X						S
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly	X						
K06	Adequate handwash facilities supplied, accessible			X				
K07	Proper hot and cold holding temperatures			X				
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods					X		
K10	Proper cooking time & temperatures					X		
K11	Proper reheating procedures for hot holding					X		
K12	Returned and reservice of food	X						
K13	Food in good condition, safe, unadulterated	X						
K14	Food contact surfaces clean, sanitized	X						
K15	Food obtained from approved source	X						
K16	Compliance with shell stock tags, condition, display						X	
K17	Compliance with Gulf Oyster Regulations						X	
K18	Compliance with variance/ROP/HACCP Plan						X	
K19	Consumer advisory for raw or undercooked foods						X	
K20	Licensed health care facilities/schools: prohibited foods not being offered	X						
K21	Hot and cold water available	X						
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties		
K25	Proper personal cleanliness and hair restraints		
K26	Approved thawing methods used; frozen food		
K27	Food separated and protected		
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used		
K30	Food storage: food storage containers identified		
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean		
K34	Warewash facilities: installed/maintained; test strips		
K35	Equipment, utensils: Approved, in good repair, adequate capacity		X
K36	Equipment, utensils, linens: Proper storage and use		
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use		
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored		
K41	Plumbing approved, installed, in good repair; proper backflow devices		
K42	Garbage & refuse properly disposed; facilities maintained		
K43	Toilet facilities: properly constructed, supplied, cleaned		
K44	Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		
K45	Floor, walls, ceilings: built, maintained, clean		X
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

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K48	Plan review		
K49	Permits available		
K58	Placard properly displayed/posted		

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations:

1. Faucet does not work in the men customer's restroom. Signage at handwash sink instructs customers to use the nearby handwash sink by the ice cream cooler.

[Corrective Action] Ensure handwash sink is functional.

[Suitable Alternative] Warm water in a cambro dispenser provided. Warm water measured at 101 degrees Fahrenheit.

2. Lack of paper towels in the paper towel dispenser at the handwash sink at the far end of the cookline. Employees normally wash hands at the handwash sink at the entrance of the cookline.

[Corrective Action] Ensure paper towels are always available at handwash stations.

[Corrected on Site] Employee refilled the paper towel dispenser.

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

Inspector Observations:

Milk in the 2 door prep cooler at the service area was measured at 45 degrees Fahrenheit.

[Corrective Action] Maintain Potentially Hazardous Foods at or below 41 degrees Fahrenheit.

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

Inspector Observations:

1. The drawer does not stay closed at the 1 door 2 drawer prep cooler at the cookline.

[Corrective Action] Ensure drawer is able to stay closed.

2. Handle missing at the 2 door prep cooler (left) at the cookline.

[Corrective Action] Install handle.

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations:

1. Observed worn floor grout and cracked floor tiles at the cookline.

[Corrective Action] Maintain floors in good condition.

2. Tiles separating from the wall under the pre-rinse sink at the warewash area.

[Corrective Action] Maintain walls in good condition.

3. Silicone caulking between the pre-rinse sink and the wall observed deteriorated.

[Corrective Action] Re-silicone the deteriorated area.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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Measured Observations

Item	Location	Measurement	Comments
ham	2 door prep cooler - right	39.00 Fahrenheit	
cake	display case cooler	37.00 Fahrenheit	
milk	2 door prep cooler	45.00 Fahrenheit	service area
hot water	3 compartment sink	123.00 Fahrenheit	
cut melon	cold well	41.00 Fahrenheit	
tuna salad	2 door prep cooler - left	38.00 Fahrenheit	
ambient air	1 door 2 drawers prep cooler	46.00 Fahrenheit	
chlorine sanitizer	dishwasher	50.00 PPM	
beef patty	4 drawer cooler - left	37.00 Fahrenheit	
ribeye	walk-in cooler	35.00 Fahrenheit	
raw shell eggs	single door prep cooler - left	41.00 Fahrenheit	
hot water	handwash sink	107.00 Fahrenheit	
quaternary ammonium sanitizer	3 compartment sink	200.00 PPM	
country gravy	steam table	144.00 Fahrenheit	
pooled eggs	single door prep cooler - right	41.00 Fahrenheit	
hard boiled eggs	4 drawer cooler - right	37.00 Fahrenheit	

Overall Comments:

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **11/20/2025**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

Legend:

[CA]	Corrective Action
[COS]	Corrected on Site
[N]	Needs Improvement
[NA]	Not Applicable
[NO]	Not Observed
[PBI]	Performance-based Inspection
[PHF]	Potentially Hazardous Food
[PIC]	Person in Charge
[PPM]	Part per Million
[S]	Satisfactory
[SA]	Suitable Alternative
[TPHC]	Time as a Public Health Control



Received By: Elizabeth Chavarin
Manager

Signed On: November 06, 2025