

# County of Santa Clara

## Department of Environmental Health

### Consumer Protection Division

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

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



## OFFICIAL INSPECTION REPORT

|                                                                                  |  |                                                               |                                       |                                      |                                         |                                                                                                                                                                                                  |  |                                      |
|----------------------------------------------------------------------------------|--|---------------------------------------------------------------|---------------------------------------|--------------------------------------|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------|
| <b>Facility</b><br>FA0202525 - BLACK BEAR DINER MILPITAS                         |  | <b>Site Address</b><br>174 W CALAVERAS BL, MILPITAS, CA 95035 |                                       | <b>Inspection Date</b><br>06/25/2025 |                                         | <b>Placard Color &amp; Score</b><br><div style="font-size: 2em; font-weight: bold; text-align: center;">GREEN</div> <div style="font-size: 3em; font-weight: bold; text-align: center;">96</div> |  |                                      |
| <b>Program</b><br>PR0302092 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |  |                                                               | <b>Owner Name</b><br>JENNIFER NUSHWAT |                                      | <b>Inspection Time</b><br>14:25 - 15:45 |                                                                                                                                                                                                  |  |                                      |
| <b>Inspected By</b><br>NHA HUYNH                                                 |  | <b>Inspection Type</b><br>ROUTINE INSPECTION                  |                                       | <b>Consent By</b><br>LIZ             |                                         |                                                                                                                                                                                                  |  | <b>FSC</b> Jorge Ortiz<br>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                                  | X   |     |
| K30                   | Food storage: food storage containers identified                                    |     |     |
| K31                   | Consumer self service does prevent contamination                                    |     |     |
| K32                   | Food properly labeled and honestly presented                                        |     |     |
| K33                   | Nonfood contact surfaces clean                                                      |     |     |
| K34                   | Warewash facilities: installed/maintained; test strips                              |     |     |
| K35                   | Equipment, utensils: Approved, in good repair, adequate capacity                    |     |     |
| K36                   | Equipment, utensils, linens: Proper storage and use                                 |     |     |
| K37                   | Vending machines                                                                    |     |     |
| K38                   | Adequate ventilation/lighting; designated areas, use                                |     |     |
| K39                   | Thermometers provided, accurate                                                     |     |     |
| K40                   | Wiping cloths: properly used, stored                                                |     |     |
| K41                   | Plumbing approved, installed, in good repair; proper backflow devices               | X   |     |
| K42                   | Garbage & refuse properly disposed; facilities maintained                           |     |     |
| K43                   | Toilet facilities: properly constructed, supplied, cleaned                          |     |     |
| K44                   | Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing |     |     |
| K45                   | Floor, walls, ceilings: built, maintained, clean                                    |     |     |
| K46                   | No unapproved private home/living/sleeping quarters                                 |     |     |
| K47                   | Signs posted; last inspection report available                                      |     |     |

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|                                                                           |                                   |                                                        |                                  |
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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

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

#### Inspector Observations:

**Chlorine sanitizer at the dishwasher was measured at 100 ppm.**

**[Corrective Action] Maintain chlorine sanitizer at 50 ppm.**

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

#### Inspector Observations:

**Observed water dripping from the garden hose faucet at the warewash area.**

**[Corrective Action] Repair to stop the leak.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

### Measured Observations

| Item                          | Location                        | Measurement       | Comments |
|-------------------------------|---------------------------------|-------------------|----------|
| beef, raw shell eggs          | walk-in cooler                  | 38.00 Fahrenheit  |          |
| melons                        | open top cooler                 | 36.00 Fahrenheit  |          |
| ham, tri tip steak            | 4 drawer cooler - left          | 39.00 Fahrenheit  |          |
| chlorine sanitizer            | dishwasher                      | 100.00 PPM        |          |
| cheese                        | single door prep cooler - right | 38.00 Fahrenheit  |          |
| ham                           | 2 door prep cooler - left       | 41.00 Fahrenheit  |          |
| pooled eggs                   | single door prep cooler - left  | 41.00 Fahrenheit  |          |
| sausage                       | 4 drawer cooler - right         | 40.00 Fahrenheit  |          |
| ham                           | 2 door prep cooler - right      | 41.00 Fahrenheit  |          |
| chili sauce                   | steam table                     | 165.00 Fahrenheit |          |
| whip cream                    | 2 door prep cooler              | 37.00 Fahrenheit  | service  |
| quaternary ammonium sanitizer | wiping bucket                   | 200.00 PPM        |          |

### 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 **7/9/2025**. 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.

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## Legend:

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



Received By: Elizabeth Chavarin  
Manager

Signed On: June 25, 2025