

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 FA0201175 - BLACK BEAR DINER		Site Address 395 LEAVESLEY RD, GILROY, CA 95020		Inspection Date 07/07/2025	
Program PR0303453 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name SAMMUT, GEORGE		Inspection Time 11:30 - 13:30
Inspected By GUILLERMO VAZQUEZ	Inspection Type ROUTINE INSPECTION	Consent By MIGUEL B.	FSC Maria Vasquez 5/7/27		

Placard Color & Score
GREEN
82

RISK FACTORS AND INTERVENTIONS	IN	OUT		COS/SA	N/O	N/A	PBI
		Major	Minor				
K01 Demonstration of knowledge; food safety certification	X						S
K02 Communicable disease; reporting/restriction/exclusion	X						
K03 No discharge from eyes, nose, mouth	X						
K04 Proper eating, tasting, drinking, tobacco use			X				
K05 Hands clean, properly washed; gloves used properly	X						
K06 Adequate handwash facilities supplied, accessible			X				S
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				S
K15 Food obtained from approved source	X						
K16 Compliance with shell stock tags, condition, display						X	
K17 Compliance with Gulf Oyster Regulations						X	
K18 Compliance with variance/ROP/HACCP Plan						X	
K19 Consumer advisory for raw or undercooked foods	X						
K20 Licensed health care facilities/schools: prohibited foods not being offered						X	
K21 Hot and cold water available	X						
K22 Sewage and wastewater properly disposed	X						
K23 No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICES	OUT	COS
K24 Person in charge present and performing duties		
K25 Proper personal cleanliness and hair restraints		
K26 Approved thawing methods used; frozen food		
K27 Food separated and protected		
K28 Fruits and vegetables washed		
K29 Toxic substances properly identified, stored, used		
K30 Food storage: food storage containers identified		
K31 Consumer self service does prevent contamination		
K32 Food properly labeled and honestly presented		
K33 Nonfood contact surfaces clean		
K34 Warewash facilities: installed/maintained; test strips		
K35 Equipment, utensils: Approved, in good repair, adequate capacity		
K36 Equipment, utensils, linens: Proper storage and use		
K37 Vending machines		
K38 Adequate ventilation/lighting; designated areas, use		
K39 Thermometers provided, accurate		
K40 Wiping cloths: properly used, stored		
K41 Plumbing approved, installed, in good repair; proper backflow devices		
K42 Garbage & refuse properly disposed; facilities maintained		
K43 Toilet facilities: properly constructed, supplied, cleaned		
K44 Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		X
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	X
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

No major violations were observed during this inspection.

Minor Violations

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

Inspector Observations: Box of tobacco cigarettes noted within the prep area at the time of inspection.

[CA] No employee shall use tobacco in the food prep, food contact storage, or food storage areas, use designated area.

[COS] Box of tobacco was removed from the prep area.

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

Inspector Observations: Hand wash station within the bakery area is missing paper towels within dispenser.

[CA] Hand wash stations must be fully stocked at all times.

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

Inspector Observations: 1. PHFs within walk in were measured between 45-47°F at the time of inspection. Per PIC, they just had a delivery of food to the facility; truck was on site as specialist went into facility.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

2. PHFs within the warmer were measured between 110-115°F at the time of inspection.

[CA] PHFs shall be held at 41°F or below or at 135°F or above.

K14 - 3 Points - Food contact surfaces unclean and unsanitized; 113984(e), 114097, 114099.1, 114099.4, 114099.6, 114101, 114105, 114109, 114111, 114113, 114115(a,b,d), 114117, 14125(b), 114141

Inspector Observations: Cutting knives were being placed in between prep table and stainless steel table; in front of the cook line.

[CA] Discontinue placing knives within these areas since they do not get sanitized. Place knives on magnets next to wall.

[SA] Knives were taken to the back to be wash, rinse, sanitized.

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: Keys/phones of employees noted within the kitchen area.

[CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.

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

Inspector Observations: 1. Wall at the bottom right of the dish washer is covered by a wooden board. Per PIC, they are doing some repairs within that area.

[CA] The walls surfaces shall be smooth, of durable construction, and of nonabsorbent material that is easily cleanable. Once work is done add FRP back to wall.

2. Heavy grease/food debris noted on the floor behind the cooking equipment.

[CA] Regularly clean under cooking equipment to prevent accumulation of debris.

3. The stainless steel walls behind the cook line are starting to come off the walls.

[CA] Adhere the stainless steel back on to the wall and ceil any gaps properly.

K49 - 2 Points - Permits not available; 114067(b,c), 114381(a), 114387

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Inspector Observations: --48 HOUR NOTICE--

Our records indicate this facility is operating without a valid permit and has a delinquent account. Your balance due is \$ \$502.75. Payment must be made immediately to DEH at the address at the top of this report or via our website at www.Ehinfo.org.

A facility that submits payment of the outstanding balance within 48 hours (2 business days) of this notice will be issued and mailed an operating permit by this department. Failure to comply within 48 hours will result in facility closure and additional enforcement, including but not limited to reinspection(s) and additional cost recovery fees.

A facility found to be in continued operation without a permit may incur a penalty of three (3) times the operating permit fee, and fee(s) for re-inspection(s) charged at the current hourly rate approved by the Santa Clara County Board of Supervisors. Penalties and fees incurred due to enforcement activities must be paid in full prior to the issuance of an operating permit.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Shelled eggs	Walk in	45.00 Fahrenheit	Adjust to 41°F below. SA
Sanitizer (Quats)	3-Compartment	200.00 PPM	
Cooked veggies	Hot holding (warmer)	115.00 Fahrenheit	Adjust to 135°F above at all times. SA
Cheese	Under counter refrigeration (cook line)	40.00 Fahrenheit	
Cut tomato	Prep table (in between cook line)	40.00 Fahrenheit	
Cooked veggies	Metal tray	76.00 Fahrenheit	Cooling for about 1-hour.
Beans	Hot holding (steam table)	166.00 Fahrenheit	
Cut tomato	Prep table (in front of cook line) #1	39.00 Fahrenheit	
Sanitizer (Quats)	Sanitizer bucket	200.00 PPM	
Cooked burger patty	Cook line	179.00 Fahrenheit	Final cook temperature.
Cut tomato	Walk in	47.00 Fahrenheit	Adjust to 41°F below. SA
Milk	Under counter refrigeration	39.00 Fahrenheit	
Cut melon	Prep table (in front of cook line) #1	39.00 Fahrenheit	
Shelled eggs	Reach in (Bakery area)	39.00 Fahrenheit	
Gravy	Hot holding (steam table)	168.00 Fahrenheit	
Raw burger patty	Under counter refrigeration (cook line)	39.00 Fahrenheit	
Pooled eggs	Prep table (in between cook line)	40.00 Fahrenheit	
Boiled eggs	Prep table #3	39.00 Fahrenheit	
Cheese	Prep table (in front of cook line) #2	41.00 Fahrenheit	
Warm water	Hand wash/restroom	100.00 Fahrenheit	
Milk	Reach in (Bakery area)	39.00 Fahrenheit	
Sanitizer (Chlorine)	Dish washer	50.00 PPM	
Hot water	3-Compartment/prep/mop sinks	120.00 Fahrenheit	
Whip cream	Under counter refrigeration	40.00 Fahrenheit	
Cooked chicken	Hot holding (warmer)	110.00 Fahrenheit	Adjust to 135°F above at all times. SA

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 **7/21/2025**. 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: Mike C.
Manager

Signed On: July 07, 2025