

**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> FA0201175 - BLACK BEAR DINER		<b>Site Address</b> 395 LEAVESLEY RD, GILROY, CA 95020		<b>Inspection Date</b> 05/12/2026	
<b>Program</b> PR0303453 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			<b>Owner Name</b> SAMMUT, GEORGE		<b>Inspection Time</b> 16:15 - 17:15
<b>Inspected By</b> GUILLERMO VAZQUEZ	<b>Inspection Type</b> ROUTINE INSPECTION	<b>Consent By</b> MIKE C.	<b>FSC</b> Maria Vasquez 5/7/27		

<b>Placard Color &amp; Score</b>
<b>RED</b>
<b>79</b>

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		
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

K07 - 8 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: 1. Prep table on the far right of the cook line had PHFs measured between 57-59°F at the time of inspection.**

Follow-up By  
05/18/2026

**2. Salad prep table had PHFs measured between 63-64°F at the time of inspection.**

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

**[SA] All food within prep table was VCD by PIC. Form was provided.**

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

**Inspector Observations: 1. Observed Vermin: Documented in the following areas:**

**- Rat droppings noted in the following locations throughout the facility:**

- Under dish washer
- Under soda machine
- Under ice machine
- Within the dry storage room
- Next to the mop sink

**- Per PIC, the back door of the facility was being replaced/repared and was open for about 4-hours.**

**2. Photographs: Taken for documentation purposes.**

**3. Supervisor Notified: Suzanne L.**

**4. Notification: The person in charge during inspection, Mike C., has been informed that the facility must close immediately.**

Follow-up By  
05/18/2026

**[CA]: The premises of each food facility must be maintained free of vermin. A facility cannot operate if there is a vermin infestation that leads to contamination of food contact surfaces, packaging, utensils, food equipment, or adulteration of food. The facility is required to cease operations immediately and must remain closed until all corrective actions on the provided checklist are completed.**

**Requirements Before Reopening:**

- 1. Email the signed and completed Reopening Checklist to the assigned inspector.**
- 2. Submit a copy of the pest control report from a licensed provider.**

### Minor Violations

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

**Inspector Observations: Hand wash station in the bakery was missing paper towels at the time of inspection.**

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

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

**Inspector Observations: Hole noted under the dish washer at the time of inspection.**

**[CA] Repair holes in structure and maintain in good repair to prevent pest harborage.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

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## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Cooked veggies	Prep table #2	57.00 Fahrenheit	VCD.
Cheese	Salad prep table	64.00 Fahrenheit	
Ice cream	Freezer chests	5.00 Fahrenheit	
Cakes	Display refrigeration	39.00 Fahrenheit	
Shelled eggs	Walk in	39.00 Fahrenheit	
Sausage	Cook line (hot holding)	158.00 Fahrenheit	
Warm water	Hand wash/restrooms	100.00 Fahrenheit	
Ambient	Walk in freezer	5.00 Fahrenheit	
Ham	Under counter refrigeration (cook line)	39.00 Fahrenheit	
Cooked burger patty	Cook line	189.00 Fahrenheit	Final cook temperature.
Mash potatoes	Hot holding (steam table)	149.00 Fahrenheit	
Sanitizer (Chlorine)	Dish washer	50.00 PPM	
Raw steak	Under counter refrigeration (cook line)	39.00 Fahrenheit	
Green beans	Hot holding (steam table)	159.00 Fahrenheit	
Frosting	Reach in (bakery)	39.00 Fahrenheit	
Ribs	Walk in	45.00 Fahrenheit	Cooling for about 3-hours.
Boiled eggs	Salad Prep table	63.00 Fahrenheit	VCD.
Raw steak	Walk in	39.00 Fahrenheit	
Hot water	3-Compartment/prep/mop sinks	120.00 Fahrenheit	
Mac and cheese	Prep table #2	59.00 Fahrenheit	VCD.
Milk	Reach in (bakery)	39.00 Fahrenheit	

## Overall Comments:

- **The facility is hereby closed by the department with regards to vermin activity within the facility.**
- **Notify this department once issues have been addressed. Contact Guillermo V. (408) 918-7114 ([guillermo.vazquez@deh.sccgov.org](mailto:guillermo.vazquez@deh.sccgov.org))**
- **Subsequent follow-up inspections after the first follow-up shall be billed \$298-hour, minimum one hour, during normal business hours: Monday-Friday 7:30AM to 5:00PM or \$645/hour, minimum one hour, during non-business hours, and upon inspector availability.**

## **CLOSURE / PERMIT SUSPENSION NOTICE**

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **5/26/2026**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

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**Legend:**

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



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**Received By:** Mike C.  
Manager

**Signed On:** May 12, 2026