

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 07/09/2026		Placard Color & Score GREEN 88		
Program PR0302092 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name JENNIFER NUSHWAT		Inspection Time 13:45 - 15:10			
Inspected By NHA HUYNH		Inspection Type ROUTINE INSPECTION		Consent By JORGE				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		X			
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods					X		
K10	Proper cooking time & temperatures	X				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	X	
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:

Sausages in the hot holding cabinet was measured at 116 degrees Fahrenheit. Per employee, the sausages were in the hot holding cabinet for 4 hours.

[Corrective Action] Maintain hot Potentially Hazardous Foods above 135 degrees Fahrenheit.

Minor Violations

K26 - 2 Points - Unapproved thawing methods used; frozen food; 114018, 114020, 114020.1

Inspector Observations:

Observed ground meat thawing at room temperature.

[Corrective Action] Frozen potentially hazardous food shall only be thawed in one of the following ways:

- 1) under refrigeration that maintains the food temperature at 41°F or below,**
- 2) completely submerged under potable running water for a period not to exceed two hours at a water temperature of 70°F or below, and with sufficient water velocity to agitate and flush off loose particles into the sink drain,**
- 3) in a microwave oven if immediately followed by immediate preparation,**
- 4) as part of a cooking process.**

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

Inspector Observations:

Observed multiple areas of worn down floor grout at the back kitchen area.

[Corrective Action] Maintain floors in good condition.

Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

Measured Observations

Item	Location	Measurement	Comments
sausages	4 drawer cooler - left	37.00 Fahrenheit	
whipped cream	2 door prep cooler	40.00 Fahrenheit	service area
sausages	hot holding short cabinet	116.00 Fahrenheit	
country gravy	steam table	160.00 Fahrenheit	
quaternary ammonium sanitizer	sanitizing bucket	300.00 PPM	Ecolab 150-400 ppm
steak	4 drawer cooler - right	40.00 Fahrenheit	
sliced tomatoes, cheese	2 door prep cooler - right	40.00 Fahrenheit	
chlorine sanitizer	dishwasher	50.00 PPM	
pooled eggs	single door prep cooler - left	41.00 Fahrenheit	
pooled eggs	1 door 2 drawer prep cooler	41.00 Fahrenheit	
corned beef	final cook temp	181.00 Fahrenheit	
hot water	3 compartment sink	124.00 Fahrenheit	
hard boiled eggs	2 door prep cooler - left	36.00 Fahrenheit	
cut melons	cold well	41.00 Fahrenheit	
raw shell eggs	single door prep cooler - right	41.00 Fahrenheit	
meat, cheese	walk-in cooler	35.00 Fahrenheit	
cakes	display case	40.00 Fahrenheit	

Overall Comments:

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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 7/23/2026. 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.

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: Jorge
manager

Signed On: July 09, 2026