

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 FA0267876 - THE OLIVE GARDEN ITALIAN RESTAURANT #18		Site Address 1350 GREAT MALL DR J, MILPITAS, CA 95035		Inspection Date 08/06/2026		Placard Color & Score GREEN 72		
Program PR0395315 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17			Owner Name N & D RESTAURANTS, INC		Inspection Time 15:45 - 17:30			
Inspected By MAVERICK CHIN		Inspection Type ROUTINE INSPECTION		Consent By ANDONY SERNA				FSC Andony Serna 03/11/2029

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						
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly	X						S
K06	Adequate handwash facilities supplied, accessible	X						
K07	Proper hot and cold holding temperatures		X		X			S
K08	Time as a public health control; procedures & records			X	X			
K09	Proper cooling methods			X	X			N
K10	Proper cooking time & temperatures	X						S
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	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				S
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals			X				S

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		
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:

At the appetizer station, a bag of shredded cheese measured 53F while filled over the fill limit of the cold holding insert.

At the toppings station, three containers of shredded cheese measured between 46F and 47F while maintained in a melted ice bath.

At a prep table across from the pasta cooling station, milk measured 51F while maintained in an unopened carton on the counter.

Per the PIC, all items had been removed from adequate refrigeration less than 1.5 hours prior.

[CA] Potentially hazardous foods shall be held at 41F or below, or at 135F or above to prevent the growth of bacteria.

[COS] All items were returned to adequate refrigeration.

Minor Violations

K08 - 3 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations:

At the grill station, buttermilk garlic and oil sauce subjected to time as a public health control lacked time labeling.

Per the PIC, an employee had recently refilled the sauce bottle, but had forgotten to add the time label.

[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review.

[COS] PIC elected to discard sauce.

**Note: Facility subjects sliced tomatoes at the salad station and buttermilk garlic and oil sauce to time as a public health control.*

K09 - 3 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations:

In the walk in cooler, observed the following:

- one tray of noodles kept plastic wrapped; measured 55F and was labeled with "37F and 8/6"

- three trays of noodles kept plastic wrapped; measured 60F, 50F, and 49F. Trays observed unlabeled

- one tray of ziti kept plastic wrapped; measured between 44F and 45F. Tray observed unlabeled

Per the PIC, pasta had all been cooked earlier today, less than 1 hour prior.

PIC stated that they have a trainee at the pasta station and that a staff member is supervising her, but the supervising staff member had gone on break and left the trainee unattended, during which the trainee had not cooled the pastas to 41F in an ice bath following cooking, and had also forgotten to label the unlabeled trays of pasta.

[CA] After heating or hot holding, Potentially Hazardous Foods (PHFs) shall be cooled rapidly from 135°F to 70°F within 2 hours and from 70°F to 41°F within 4 hours. Approved cooling methods include: 1) Placing the food in shallow pans 2) Separating the food into thinner or smaller portions. 3) Using rapid cooling equipment (Ex. blast chiller) 4) Using containers that facilitate heat transfer (ex. stainless steel) 5) Adding ice as an ingredient. 6) Using ice paddles 7) Using an ice bath and stirring frequently 8) Accordance with a HACCP plan. Cooling foods shall have enough space around the containers for cold air to circulate, be loosely covered, or uncovered and stirred as frequently needed to evenly cool.

[COS] PIC elected to voluntarily discard improperly cooled pasta maintained in the walk-in cooler.

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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:

At the bar three compartment warewashing sink, quaternary ammonium sanitizer measured between 0 ppm and 100 ppm. Observed dishes maintained in soap and water solution in the first compartment; However, observed no active warewashing at the time of measurement.

[CA] Manual sanitization shall be accomplished in the final sanitizing rinse by contacting a chlorine solution of 100 PPM concentration for at least 30 seconds or by contacting a quaternary ammonium solution of 200 PPM concentration for at least 60 seconds.

Ensure sanitizer is changed at a more frequent rate.

[COS] Employee drained and refilled sink with quaternary ammonium. Sanitizer remeasured at 400ppm.

K18 - 3 Points - Non-compliance with variance/ROP/HACCP Plan; 114057, 114057.1, 114417.6, 114419

Inspector Observations:

HACCP logs for today's cook chill were not completed. Per the PIC, the usual individual in charge of sauce (and filling out the HACCP logs) is out today due to a dislocated knee.

[CA] The food facility shall follow the approved HACCP plan procedures.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations:

Water measured at a maximum of 87F from the hand sink at the end of the middle cook-line area.

[CA] Handwashing facilities shall be equipped to provide minimum 100°F water under pressure for a minimum of 15 seconds.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations:

Observed 10+ live flies in the kitchen area, concentrated near the back around the mop sink. Per the PIC, they are still attempting to combat ongoing issues with flies, and the flies have migrated from the front of the kitchen near the bar area to the back of the kitchen. Observed 10+ dead flies in light fixtures above the kitchen area.

Reviewed pest control service report from Ecolab, which stated that traps were "50% full" during last month's service.

[CA] Food facility shall be kept free of non-disease carrying insects, weevils, ants, gnats, and fruit flies. Continue to work with pest control.

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

Inspector Observations:

Observed 6+ pieces of raw salmon thawing in standing water in the preparation sink located outside the walk-in cooler.

[CA] 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.

Performance-Based Inspection Questions

Needs Improvement - Proper cooling methods.

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Measured Observations

Item	Location	Measurement	Comments
raw beef	drawer cooler - grill	38.00 Fahrenheit	
quaternary ammonium sanitizer	sanitizer buckets	300.00 PPM	
sliced tomatoes	salad station	1.25 Hours	TPHC
mushrooms	cold hold inserts - above and behind stovetop	39.00 Fahrenheit	
ambient	walk-in cooler	36.00 Fahrenheit	
three-meat sauce	ice bath - cook-chill	37.00 Fahrenheit	
grilled salmon	grill	168.00 Fahrenheit	final cook temp
alfredo sauce	steam table - center kitchen	168.00 Fahrenheit	
alfredo sauce	steam table - left side - side kitchen	159.00 Fahrenheit	
dip	cold hold inserts - above and behind stovetop	38.00 Fahrenheit	
zuppa toscana	steam table - left - side kitchen	156.00 Fahrenheit	
raw shrimp	walk-in cooler	36.00 Fahrenheit	
marinara sauce	steam table - center kitchen	157.00 Fahrenheit	
hot water	three compartment warewashing sink	120.00 Fahrenheit	
frozen salmon	walk-in freezer	0.00 Fahrenheit	
minestrone	steam table - left side - side kitchen	158.00 Fahrenheit	
raw chicken	drawer cooler - left	39.00 Fahrenheit	
creamy mushroom sauce	ice bath - cook-chill	36.00 Fahrenheit	
ziti pasta	drawer cooler - right	41.00 Fahrenheit	
high temperature sanitizing rinse	mechanical dishwasher	162.50 Fahrenheit	
fettuccine pasta	drawer cooler - right	41.00 Fahrenheit	
frozen ravioli	under-counter freezer	0.00 Fahrenheit	
meat sauce	steam table - center kitchen	163.00 Fahrenheit	
sliced grape tomatoes	cold hold inserts - above and behind stovetop	39.00 Fahrenheit	
raw chicken	walk-in cooler	36.00 Fahrenheit	
grilled chicken	grill	187.00 Fahrenheit	final cook temp
salmon	drawer cooler - left	40.00 Fahrenheit	
frozen fries	under-counter freezer - fryer station	0.00 Fahrenheit	
lasagna	under-counter hot box	189.00 Fahrenheit	
shell pasta	drawer cooler - right	40.00 Fahrenheit	
quaternary ammonium sanitizer	three compartment sink - bar	0.00 PPM	0ppm to 100 ppm. corrected to 400ppm

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 **8/20/2026**. 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.

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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: Andony Serna
Culinary Manager

Signed On: August 06, 2026