

# 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> FA0273384 - SMOKE EATERS MERCADO LP		<b>Site Address</b> 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95		<b>Inspection Date</b> 08/01/2024		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>85</b> </div>		
<b>Program</b> PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> SMOKE EATERS MERCADO		<b>Inspection Time</b> 12:35 - 14:05			
<b>Inspected By</b> THAO HA		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> PATRICK BRIOSO				<b>FSC</b> Not Available

  

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						
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						
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		
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							
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	X	
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	X	
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

No major violations were observed during this inspection.

### Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

**Inspector Observations: FSC is expired [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times. Per operator he is scheduled to renew FSC.**

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

**Inspector Observations: Wings observed to be stored on countertop near fryer. Wings measured to be 48F. Per employee trays of wings was just taken out of reach in cooler about 30 minutes prior to be used during lunch period.**

**[CA] PHFs shall be held at 41°F or below for cold holding.**

**[COS] Wings shall be kept under TPHC. PHFs under TPHC shall be kept up to four hours after being removed from temperature control and then discarded and shall have time tracked. Once PHFs enter TPHC, they may not return to temperature control and MUST be discarded after 4 hours if not consumed.**

**Wings were retroactively labeled with time and shall be held for up to 4 hours and then discarded.**

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: Upright dishwasher measured to have 25ppm chlorine.**

**[CA] Maintain chlorine in mechanical warewash machine at 50 PPM.**

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

**Inspector Observations: Air tanks observed to be unsecured. [CA] Chain compressed air tanks to a rigid structure.**

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

**Inspector Observations: Shelves and fan guards in walk in cooler observed to be accumulated dust. Cooler handles observed to have grime build up. [CA] Clean shelves, fan guards, and cooler handles and maintain in good repair.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations: Filters observed to have gaps inside hood.**

**[CA] Filters shall be fitted in the mechanical exhaust ventilation over cooking equipment, provide spacer or correct sized filters.**

### Performance-Based Inspection Questions

N/A

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## Measured Observations

Item	Location	Measurement	Comments
Hot water	3-comp sink	120.00 Fahrenheit	
Warm water	handwash sink	100.00 Fahrenheit	
Raw chicken	walk in cooler	40.00 Fahrenheit	
Cut tomatoes	Cookline prep cooler	41.00 Fahrenheit	
Raw hamburger	Drawers under griddle	40.00 Fahrenheit	
Chicken wings par cooked	Cooling rack	82.00 Fahrenheit	Per employee chicken wings were par cooked about 1 hour prior and will be rolled into walk in cooler in 30 minutes
Fried chicken	walk in cooler	40.00 Fahrenheit	
Sliced cheese	Drawers under griddle	40.00 Fahrenheit	
Ranch	walk in cooler	41.00 Fahrenheit	
Chicken wings par cooked	Counter top	49.00 Fahrenheit	
Chicken wings par cooked	Upright cooler	41.00 Fahrenheit	
Cheese	Cookline prep cooler	42.00 Fahrenheit	
Chlorine	upright dishwasher	100.00 Fahrenheit	

## 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 **8/15/2024**. 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: Patrick B.  
Manager

Signed On: August 01, 2024