

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 FA0273384 - SMOKE EATERS MERCADO LP		Site Address 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95		Inspection Date 05/05/2025		Placard Color & Score <div style="background-color: yellow; padding: 10px; text-align: center;"> YELLOW N/A </div>		
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 14:55 - 15:55			
Inspected By THAO HA		Inspection Type RISK FACTOR INSPECTION		Consent By MOISES LIMON				FSC 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		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						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		
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: MAJOR:

1) The following items were kept on counter top out of temperature control at:

-Wings at 62F

-Ranch at 67F

Per operator wings are kept next to fryer from 11:30AM - 2:00PM for lunch rush and returned to reach in cooler; ranch was taken out a little at a time for use.

MINOR:

1) Drawers under grill measured to have:

-Raw chicken at 48F

-Ambient temperature at 47F

-Cheese at 48F

-Steak for nachos at 46F

Per operator drawers were just restocked recently after lunch rush.

[CA] Keep PHFs at 41F and below for cold holding. Repair drawer cooler. Facility may keep PHFs out of temperature control under time as a public health control (TPHC) for up to 4 hours and then MUST be discarded if not consumed. Facility using TPHC shall provide SOPs and time tracking for reach item under TPHC.

[COS]Per operator wings were out for the last 3 hours and shall be VC&D. Per employee ranch was stocked in the last 30 minute and ranch was retroactively labeled.

Facility shall submit procedures for keeping PHFs under TPHC to this Agency for approval within the next 3 days upon reinspection.

The PHsFs in the drawers were moved to prep cooler or placed on ice in drawers.

Follow-up By
05/08/2025

K09 - 8 Points - Improper cooling methods; 114002, 114002.1

Inspector Observations: Walk in measured to have:

-par cooked chicken wings (10 buckets measuring between 47F-52F)

Per employee par cooked chicken wings are made by dinner shift and cooled. When asked employee stated to cool facility places tenders or wings on to sheet trays; kept out on speed racks for 30 minutes; then placed into walk in cooler in racks and kept in trays until cold; after chicken is sufficiently cold, chicken is then transferred into large bins and stacked. Chicken tenders observed to be cooling on sheet trays in walk in cooler at time of inspection and measured to be 39F. Per employee tenders were cooked about 4 hours prior.

[CA] Cool PHFs from 135F to 70F within 2 hours of heating PHFs and from 70F to 41F within 4 hours of reaching 70F.

Facility shall spread the cooked PHFs in large sheet tray and cool inside coolers until sufficiently closed prior to placing inside large plastic bins.

[COS]10 trays of par cooked chicken wings were VC&D (see VC&D report).

Follow-up By
05/08/2025

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.

Performance-Based Inspection Questions

N/A

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Measured Observations

Item	Location	Measurement	Comments
Hot water	3-comp sink	120.00 Fahrenheit	
Par cooked chicken tenders	Walk in cooler	39.00 Fahrenheit	
Cheese	Cookline prep cooler	36.00 Fahrenheit	
Par cooked chicken wings	Upright 1 door cooler	41.00 Fahrenheit	
Raw chicken wings	Walk in cooler	36.00 Fahrenheit	
Cheese	Walk in cooler	39.00 Fahrenheit	
Quat ammonia	Sanitizer bucket	200.00 Fahrenheit	
Par cooked chicken wings	Walk in cooler	47.00 Fahrenheit	
Steak	drawers under cooler	46.00 Fahrenheit	
Cheese	drawers under cooler	48.00 Fahrenheit	
Par cooked chicken tenders	Upright 1 door cooler	39.00 Fahrenheit	
Raw chicken	Walk in cooler	36.00 Fahrenheit	
Quat ammonia	3-com psink	200.00 Fahrenheit	
Chlorine	upright dishwasher	100.00 Fahrenheit	
Chicken	drawers under cooler	48.00 Fahrenheit	
Ambient temperature	drawers under cooler	47.00 Fahrenheit	
Ranch	Cookline prep cooler	36.00 Fahrenheit	
Warm water	handwash sink	100.00 Fahrenheit	
Wings	By fryer on countertop	62.00 Fahrenheit	
Ranch	Coutner top by pass through window	67.00 Fahrenheit	

Overall Comments:

MoisesLimon15@gmail.com

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 **5/19/2025**. 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.

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: Moises Limon
PIC
Signed On: May 05, 2025