

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 09/18/2025		Placard Color & Score GREEN 84		
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 12:45 - 14:00			
Inspected By THAO HA		Inspection Type ROUTINE INSPECTION		Consent By PATRICK BRIOSO				FSC Patrick Brioso 12/19/2029

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						
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							
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						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	X	
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	X	
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		X
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		X
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: Upright 2 door cooler by fryer measured to have:

-Shredded chicken at 46F

-Chicken wings at 48F

-Ambient temperature at 45F.

Per operator prior to lunch period cooler was molding 41F.

[CA]

Keep PHFs at 41F and below for cold holding.

[COS]

PHFs were moved into under the counter cooler and walk in cooler until cooler is repaired.

Minor Violations

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Box of food observed to be stored on floor of walk in freezer. [CA] Keep food containers at least 6" off of ground.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: Facility missing quat ammonia test stripes. Facility observed to have chlorine test stripes for upright dishwasher. [CA] Provide testing equipment for any sanitizers used inside facility.

K40 - 2 Points - Wiping cloths: improperly used and stored; 114135, 114185.1 114185.3(d,e)

Inspector Observations: Wiping clothes observed to be around cookline and back kitchen area without sanitizer bucket. [CA] Store wiping clothes during use in sanitizer solution to sanitize clothe between wipes.

K44 - 2 Points - Premises not clean, not in good repair; No personal/chemical storage; inadequate vermin-proofing; 114067(j), 114123, 114143 (a,b), 114256, 114256.1, 114256.2, 114256.4, 114257, 114257.1, 114259, 114259.2, 114259.3, 114279, 114281, 114282

Inspector Observations: 1) Back door propped open. [CA] Keep back door closed when not in use to prevent entry way of vermin.

2) Smoker observed in back area. Per operator smoker is not in use. [CA] Remove unused equipment from facility to remove clutter. If operator intends to use new cooking equipment in the future, equipment shall be submitted and approved by this facility.

Performance-Based Inspection Questions

N/A

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Measured Observations

Item	Location	Measurement	Comments
Sliced tomatoes	Cookline prep cooler	42.00 Fahrenheit	
Eggs	Bar cooler	41.00 Fahrenheit	
Quat ammonia	3-comp sink at bar	200.00 Fahrenheit	
Chlorine	upright dishwasher	50.00 Fahrenheit	
Shredded chicken	Fryer 2 door upright cooler	46.00 Fahrenheit	
Raw chicken	Walk in cooler	39.00 Fahrenheit	
Raw steak	Drawers under grill	39.00 Fahrenheit	
Ambient temperature	Fryer 2 door upright cooler	45.00 Fahrenheit	
Onion jam	Drawers under grill	39.00 Fahrenheit	
Raw beef	Walk in cooler	39.00 Fahrenheit	
Shredded cheese	Cookline prep cooler	40.00 Fahrenheit	
Chicken wings	Fryer 2 door upright cooler	48.00 Fahrenheit	
Quat ammonia	3-comp sink	200.00 Fahrenheit	
Warm water	handwash sink	45.00 Fahrenheit	
Chicken wings	Walk in cooler	59.00 Fahrenheit	On speed rack. Per employee wings were cooked within the last 1.5 hours.
Cooked chicken	Walk in cooler	40.00 Fahrenheit	
Raw chicken	2 door under the counter cooler	40.00 Fahrenheit	
Hot water	3-comp sink	120.00 Fahrenheit	
Cooked chicken tenders	Fryer 2 door upright cooler	66.00 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 **10/2/2025**. 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

P. Brioso

Received By: Patrick Brioso
Manager

Signed On: September 18, 2025