

# 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> FA0283249 - SMOKE EATERS		<b>Site Address</b> 5018 ALMADEN EX 30, SAN JOSE, CA 95118		<b>Inspection Date</b> 02/06/2025		<b>Placard Color &amp; Score</b> <div style="background-color: green; color: white; padding: 10px; text-align: center;"> <b>GREEN</b>  <b>76</b> </div>		
<b>Program</b> PR0424892 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 2 - FP13			<b>Owner Name</b> SMOKE EATERS, LP		<b>Inspection Time</b> 11:15 - 12:20			
<b>Inspected By</b> JENNIFER RIOS		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> VALENCIA				<b>FSC</b> 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				S
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						S
K06	Adequate handwash facilities supplied, accessible	X						S
K07	Proper hot and cold holding temperatures	X						S
K08	Time as a public health control; procedures & records						X	
K09	Proper cooling methods			X				N
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		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						
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	X	
K35	Equipment, utensils: Approved, in good repair, adequate capacity		
K36	Equipment, utensils, linens: Proper storage and use	X	
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	X	
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

K14 - 8 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:** *Observed black and pink mold like substance on the interior panel of the ice machine with water dripping over it and in direct contact with ice. [CA] Clean and sanitize ice machine and maintain in good condition. [COS] Ice in machine was discarded in sink, ice machine was cleaned and sanitized.*

### Minor Violations

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

**Inspector Observations:** *Food handler cards were not available at time of inspection. [CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler available for review. A valid food handler card shall be provided within 30 days of after the date of hire.*

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

**Inspector Observations:** *Observed fried chicken on trays in holder next to fryer measuring 88F-92F. Per PIC, it was cooked 1.5 hours prior. PIC stated that the chicken is left there to cool for a bit and then placed into the walk in fridge. Active cooling was not observed. [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.*

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

**Inspector Observations:** *Observed meat thawing in a container of standing water. [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.*

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:** *Quaternary ammonia test strips were not available for use for sanitizer used at the bar three compartment sink. [CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.*

K36 - 2 Points - Equipment, utensils, linens: Improper storage and use; 114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5

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**Inspector Observations:** *Observed scoop for ice in ice machine stored with handle in direct contact with ice. Observed tongs used for square ice cubes at bar stored so that handle is in direct contact with ice. [CA] Store scoop handle in such a way that the handle does not come in direct contact with food to prevent contamination.*

**Observed 1 gallon dressing containers reused to store other food items or more dressings. [CA] Single use food container (e.g. soy sauce container, milk carton, apple juice container, can food, wine bottle) shall not be reused to store food.**

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:** *Observed several employee drinks stored on preparation counter. Observed personal belongings (backpack/sweater) stored on shelf next to and in direct contact with food equipment. [CA] No person shall store clothing or personal effects in any area used for the storage and preparation of food or food contact surfaces.*

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

**Inspector Observations:** *Observed a missing ceiling panel by water heater. Observed a missing cover/door piece in the wall above the walk in fridge. [CA] Repair holes in structure and maintain in good repair to prevent pest harborage.*

## Performance-Based Inspection Questions

Needs Improvement - Proper cooling methods.

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Chicken	Deep fryer	188.00 Fahrenheit	
Chicken	Reach in fridge	40.00 Fahrenheit	
Chicken	On rack	88.00 Fahrenheit	88F-92F cooling for 1.5 hours.
Sliced tomato	Cold holding insert	38.00 Fahrenheit	
Warm water	Bar - handwash	100.00 Fahrenheit	
Hot water	Bar - three compartment sink	120.00 Fahrenheit	
Hot water	Three compartment sink	120.00 Fahrenheit	
Quaternary ammonia	Bar - three compartment sink	300.00 PPM	
Warm water	Handwash	100.00 Fahrenheit	
Chicken	Off grill	176.00 Fahrenheit	
Chlorine	Mechanical warewash	50.00 PPM	
Chunky salsa	Under counter reach in	38.00 Fahrenheit	
Dressing	Walk in fridge	38.00 Fahrenheit	
Warm water	Restroom handwash	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 **2/20/2025**. 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.

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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



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**Received By:** Vasilia Soto  
Bartender

**Signed On:** February 06, 2025