

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 01/22/2026		Placard Color & Score GREEN 88		
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 12:20 - 14:00			
Inspected By THAO HA		Inspection Type ROUTINE INSPECTION		Consent By PATRICK B				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			X	X			
K07	Proper hot and cold holding temperatures	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	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	X	X
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		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

No major violations were observed during this inspection.

Minor Violations

K06 - 3 Points - Inadequate handwash facilities: supplied or accessible; 113953, 113953.1, 113953.2, 114067(f)

Inspector Observations: Handwash sink at bar missing paper towels at time of inspection. Other fully stocked handwash sink available in kitchen area near bar. [CA] Keep all handwash sinks fully stocked with soap and paper towels at all times. [COS] Dispenser was restocked with paper towels.

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, 114125(b), 114141

Inspector Observations: 3-comp sink in the back measured to have 0ppm quat ammonia being dispensed. Sanitizer well observed to be empty. No active dishwashing observed at time of inspection. [CA] Ensure dispenser will dispense 200ppm quat ammonia. [COS] Employee replaced sanitizer well and primed dispenser until 200ppm quat ammonia is dispensed for use.

K27 - 2 Points - Food not separated and unprotected; 113984(a-d,f), 113986, 114060, 114067(a,d,e,j), 114069(a,b), 114077, 114089.1(c), 114143(c)

Inspector Observations: 1) Raw breaded chicken tenders observed to be stored above fried chicken wings on cooling rack and on back side shelf in walk in cooler. Raw breaded chicken tenders observed to be stored above container of cut onions and dairy on back side shelf in walk in cooler.

[CA] Keep raw poultry below produce and ready to eat foods to prevent cross contamination. [COS] Chicken tenders were moved to be on the bottom of the shelves.

2) Raw celery sticks observed to be stored below paper towel dispenser at handwash sink in back kitchen. [CA] Keep foods away sources of contamination such as handwash sinks. [COS] Celery was moved.

3) Boxes of food observed to be stored on the floor of walk in freezer. [CA] Keep food store at least 6" off of the floor.

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: Back door observed to be propped open. [CA] Keep back door closed when not in use.

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

Inspector Observations: 1) Tiles by back door observed to be broken. [CA] Repair tiles and maintain in good repair.

2) Ceiling tiles observed to be discolored and vents observed to have dust accumulation. [CA] Clean and replace ceiling tiles. Maintain tiles in good repair.

Performance-Based Inspection Questions

N/A

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Measured Observations

Item	Location	Measurement	Comments
Chlorine	Upright dishwasher	100.00 Fahrenheit	
Hot water	3-comp sink kitchen	120.00 Fahrenheit	
Garlic in oil	Countertop warmer	175.00 Fahrenheit	
Cheese	Drawers under grill	40.00 Fahrenheit	
Chili	Countertop warmer	180.00 Fahrenheit	
Quat ammonia	3-comp sink kitchen	0.00 Fahrenheit	
Fried chicken wings	Walk in cooler (Rack)	39.00 Fahrenheit	
Cole slaw	Cookline prep cooler	40.00 Fahrenheit	
Fried chicken wings	2 door upright cooler	41.00 Fahrenheit	
Warm water	Hannd wash sink	100.00 Fahrenheit	
Quat ammonia	Sanitizer bucket	0.00 Fahrenheit	
Beans	Cookline prep cooler	54.00 Fahrenheit	Per employee beans were placed there from room temperature can about 30 minutes prior
Raw chicken tenders	Walk in cooler (Rack)	61.00 Fahrenheit	Observed employee prepping tenders at sink. Per employee every few racks he places chicken into cooler and these were placed there in the last 40 minutes.
Raw chicken tenders	Walk in cooler (Shelf)	39.00 Fahrenheit	
Sliced cheese	Walk in cooler	39.00 Fahrenheit	
Cut tomatoes	Cookline prep cooler	41.00 Fahrenheit	
Fried chicken tenders	2 door upright cooler	38.00 Fahrenheit	
Chlorine	3-comp sink bar	100.00 Fahrenheit	Employee added chlorine after emptying and refilling bar 3-comp sink.
Burger	Off of grill	191.00 Fahrenheit	
cooked onions	Drawers under grill	40.00 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 **2/5/2026**. 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.

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: Hugo Corona
PIC
Signed On: January 22, 2026