

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 10/22/2026		Placard Color & Score GREEN 59		
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 11:45 - 15:50			
Inspected By THAO HA		Inspection Type ROUTINE INSPECTION		Consent By ANA				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						S
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	X			N
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						S
K10	Proper cooking time & temperatures	X						S
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	X	
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	X	
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	X	
K41	Plumbing approved, installed, in good repair; proper backflow devices	X	
K42	Garbage & refuse properly disposed; facilities maintained	X	
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	X	
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

OFFICIAL INSPECTION REPORT

Facility FA0273384 - SMOKE EATERS MERCADO LP	Site Address 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95054	Inspection Date 10/22/2026
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name SMOKE EATERS MERCADO LP	Inspection Time 11:45 - 15:50
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: In the food warmer next to the cookline, garlic in melted butter measured 127F. According to cook, PHF was placed in warmer at 9am(approximately 3hrs prior). [CA] Maintain PHFs at 135F and above for hot holding. [COS] Remaining PHF was discarded at 1pm. Countertop warmer was turned up to maintain PHFs at higher temperature.

MINOR: Tomatoes measured to be 45F in prep cooler. Tomatoes observed to be overfilled in prep cooler insert. Per employee tomatoes were stocked around 9:30AM (about 2.5 hours prior). [CA] Keep PHFs at 41F and below for cold holding. Ensure prep cooler inserts are not filled pass the fill line. [COS]Over flow tomatoes were placed into prep cooler reach in portion.

Minor Violations

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

Inspector Observations: Food handler cards for two employees are expired. [CA] Employees handling food shall have valid food handler card.

K05 - 3 Points - Hands not clean/improperly washed/gloves not used properly; 113952, 113953.3, 113953.4, 113961, 113968, 113973 (b-f)

Inspector Observations: Employee handling raw beef removed soiled gloves but did not wash hands before donning new gloves. Specialist intervened prior to any food contamination. [CA] Employees shall wash hands after taking off soiled gloves before donning clean gloves. [COS] Employee washed hands with soap prior to donning new gloves.

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

Inspector Observations: Hand wash sink next to ice machine is blocked by various kitchen/restaurant supplies. Another handwash sink was available and fully stocked in kitchen area. [CA] Handwashing facility shall be clean, unobstructed, and accessible at all times.

K21 - 3 Points - Hot and cold water not available; 113953(c), 114099.2(b), 114163(a), 114189, 114192, 114192.1, 11419

Inspector Observations: Hot water at hand wash station next to cook line measured at 95F. Hot water at hand wash station at the bar measured at 97F. [CA] Temperature of hot water at hand wash sink/stations shall be at least 100F.

K23 - 3 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Large dead cockroaches found in sticky traps underneath the three compartment sink and under storage racks near the back door. [CA] Clean and sanitize area of dead cockroaches. Monitor for new signs of active vermin activity.

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) In walk in cooler, raw chicken stored above raw beef. [CA]Raw chicken shall be stored below raw beef.

2)Open celery container observed to be stored below handwash sink station paper towel dispenser. [CA] Store foods away from sources of contamination

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

OFFICIAL INSPECTION REPORT

Facility FA0273384 - SMOKE EATERS MERCADO LP	Site Address 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95054	Inspection Date 10/22/2026
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name SMOKE EATERS MERCADO LP	Inspection Time 11:45 - 15:50

Inspector Observations: *Boxes of raw frozen chicken stored on floor in walk-in freezer.*

[CA] *Food shall be stored at least 6 inches above the floor to prevent contamination.*

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

Inspector Observations: *Inside the ice machine next to the hand wash sink, pink mold-like substance is growing on the upper part of the machine.*

[CA] *Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.*

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: *Test strips not available for both the quaternary ammonium sanitizer in at the three compartment sink and the chlorine sanitizer at the automatic dishwasher.*

[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

Inspector Observations: *Handle of ice scoop in the ice machine is in contact with ice.*

[CA] *Handle to ice scoop shall be stored so that it is not in direct contact with ice.*

Multiple pressurized cylinders not properly secured.

[CA] *All pressurized cylinders shall be securely fastened to a rigid structure.*

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

Inspector Observations: *Wiping cloths stored on top of food contact surfaces when not in use.*

[CA] *Wiping towels shall be stored in sanitizing solution of an approved concentration when not in use (100 ppm - chlorine, 200 ppm - quaternary ammonium).*

K41 - 2 Points - Plumbing unapproved, not installed, not in good repair; improper backflow devices; 114171, 114189.1, 114190, 114192, 114193, 114193.1, 114199, 114201, 114269

Inspector Observations: *Leaky sprinkler observed in walk in cooler. Catch bucket observed to be under sprinkler.*

[CA] *Repair sprinkler.*

K42 - 2 Points - Garbage and refuse improperly disposed; 114244, 114245, 114245.1, 114245.2, 114245.3, 114245.4, 114245.5, 114245.6, 114245.7, 114245.8

Inspector Observations: *Lid to garbage can found open.*

[CA] *Lid to garbage dumpster shall remain closed to prevent access to vermin/animals.*

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

Inspector Observations: *Broken floor tiles at the bottom of the separation wall in kitchen and at the bottom of the back door. Wall finishes observed to be lifting from corners. Hole observed in all by 2 door upright cooler*

[CA] *Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable. To prevent vermin harborage. Repair wall finishes.*

Performance-Based Inspection Questions

Needs Improvement - Hands clean/properly washed/gloves used properly.

OFFICIAL INSPECTION REPORT

Facility FA0273384 - SMOKE EATERS MERCADO LP	Site Address 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95054	Inspection Date 10/22/2026
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name SMOKE EATERS MERCADO LP	Inspection Time 11:45 - 15:50

Measured Observations

Item	Location	Measurement	Comments
raw chicken tender	walk in cooler	45.00 Fahrenheit	cooling from ambient temp
cooked corn	two door prep cooler	41.00 Fahrenheit	
chlorine sanitizer	dishwasher	50.00 PPM	
hot water	three compartmetn sink at the bar	120.00 Fahrenheit	
sliced cheese	four drawer cooler	40.00 Fahrenheit	
sliced tomatoes	prep cooler inserts	40.00 Fahrenheit	
chicken wings	2 door reach in cooler	38.00 Fahrenheit	
pico se gallo salsa	prep cooler inserts	39.00 Fahrenheit	
hot water	three compartment sink	120.00 Fahrenheit	
hot water	restrooms	100.00 Fahrenheit	
chicken tenders	2 door reach in cooler	40.00 Fahrenheit	
raw chicken	walk in cooler	38.00 Fahrenheit	
cooked chicken tenders	fryer	168.00 Fahrenheit	final cook temp
raw steak	four drawer cooler	41.00 Fahrenheit	
raw chicken	four drawer cooler	40.00 Fahrenheit	
cooked hamburger	griddle	169.00 Fahrenheit	final cook temp
hot water	2 compartment food prep sink	120.00 Fahrenheit	
Chipotle mayo	prep cooler inserts	41.00 Fahrenheit	
cooked shredded chicken	four drawer cooler	40.00 Fahrenheit	
sliced tomatoes	two door prep cooler	41.00 Fahrenheit	
raw ground beef	four drawer cooler	41.00 Fahrenheit	
chicken tenders	walk in cooler	40.00 Fahrenheit	
garlic in melted butter	food warmer	131.00 Fahrenheit	discarded at 1pm
cooked chicken breast	grill	170.00 Fahrenheit	final cook temp

Overall Comments:

Joint inspection with Ivan Alejo and Thao H.

report written by Ivan Alejo.

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 **11/5/2026**. 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
Shift Leader

Signed On: October 22, 2026