

# 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 07/28/2021		<b>Placard Color &amp; Score</b>  <span style="font-size: 2em; color: red;"><b>RED</b></span>  <span style="font-size: 3em;"><b>87</b></span>
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 13:00 - 15:00	
Inspected By MOJGAN KAZEMI	Inspection Type ROUTINE INSPECTION	Consent By BRIAN HERNANDEZ	FSC PATRICK BRIOSO 05/23/2023			

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						
K06 Adequate handwash facilities supplied, accessible	X						S
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				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		
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		X
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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<b>Program</b> PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	<b>Owner Name</b> SMOKE EATERS MERCADO LP	<b>Inspection Time</b> 13:00 - 15:00
<b>K48</b> Plan review		
<b>K49</b> Permits available		
<b>K58</b> Placard properly displayed/posted		

## Comments and Observations

### Major Violations

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

**Inspector Observations: LIVE COCKROACHES (OF ALL LIFE STAGES) OBSERVED AT THE FOLLOWING LOCATIONS: 2 BEHIND BACK HANDWASH SINK.1 COMING OUT OF ELECTRICAL OUTLETS ALONG FRONT FOOD PREP AREAS AND 3 NEAR WAREWASH SINK AND MACHINE. PIC INDICATED THEY HAVE HAD PEST CONTROL SERVICE WEEKLY. EXCESS AND HEAVY BUILD UP OF GREASE NOTED ALL ALONG COOK LINE WALL. [CA] THE PREMISES OF EACH FOOD FACILITY SHALL BE KEPT FREE OF VERMIN. A FOOD FACILITY SHALL NOT OPERATE WHEN THERE IS A VERMIN INFESTATION THAT HAS RESULTED IN THE CONTAMINATION OF FOOD CONTACT SURFACES, FOOD PACKAGING, UTENSILS, FOOD EQUIPMENT, OR ADULTERATION OF FOODS. THE FOOD FACILITY SHALL CEASE OPERATION OF THE FOOD FACILITY IMMEDIATELY. THE FOOD FACILITY SHALL REMAIN CLOSED UNTIL: THERE IS NO LONGER EVIDENCE OF A VERMIN INFESTATION; ALL CONTAMINATED SURFACES HAVE BEEN CLEANED AND SANITIZED; THE CONTRIBUTING FACTORS SUCH AS CLEANING, REPAIRS, AND THE ELIMINATION OF HARBOURAGES HAVE BEEN RESOLVED.**

**Follow-up By**  
07/30/2021

### Minor Violations

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, 14125(b), 114141

**Inspector Observations: EXCESS PINK DEBRIS NOTED INSIDE ICE MACHINE. [CA] THOROUGHLY CLEAN AND MAINTAIN IN SANITARY MANNER.**

K38 - 2 Points - Inadequate ventilation and lighting in designated area; 114149, 114149.1, 114149.2, 114149.3, 114252, 114252.1

**Inspector Observations: INOPERABLE LIGHT NOTED INSIDE HOOD VENTILATION SYSTEM. [CA] REPAIR/ REPLACE AND MAINTAIN IN GOOD REPAIR.**

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

### Measured Observations

Item	Location	Measurement	Comments
HOT WATER	RESTROOM	100.00 Fahrenheit	
HOT WATER	HANDWASH	100.00 Fahrenheit	
FRIES	FREEZER	10.00 Fahrenheit	
CHLORINE	MECHANICAL WAREWASH	50.00 PPM	
CHICKEN	REACH IN	39.00 Fahrenheit	
HOT WATER	WAREWASH	100.00 Fahrenheit	
TOMATOES	PREP	39.00 Fahrenheit	
HOT WATER	JANITORIAL	120.00 Fahrenheit	
HOT WATER	FOOD PREP	120.00 Fahrenheit	
CHICKEN WINGS	REACH IN	39.00 Fahrenheit	
QUAT AMMONIA	WAREWASH	200.00 PPM	
CHICKEN WINGS	COOLING	83.00 Fahrenheit	

### Overall Comments:

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## CLOSURE / PERMIT SUSPENSION NOTICE

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 **8/11/2021**. 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.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

### 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: BRIAN HERNANDEZ  
PIC  
Signed On: July 28, 2021