

# 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 03/12/2024	
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 13:50 - 14:50
Inspected By THAO HA	Inspection Type ROUTINE INSPECTION		Consent By PATRICK BRIOSO	FSC Not Available	

Placard Color & Score
<b>GREEN</b>
<b>82</b>

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						S
K06 Adequate handwash facilities supplied, accessible			X	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						
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		
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		
K35 Equipment, utensils: Approved, in good repair, adequate capacity	X	
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		
K45 Floor, walls, ceilings: built, maintained, clean		
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 03/12/2024
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14	Owner Name SMOKE EATERS MERCADO LP	Inspection Time 13:50 - 14:50
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

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

**Inspector Observations: FSC is expired [CA] Food facilities that prepare, handle, or serve non-prepackaged potentially hazard foods shall have a valid Food Safety Certificate available for review at all times. Per operator he is scheduled to renew FSC.**

K04 - 3 Points - Improper eating, tasting, drinking or tobacco use in food preparation area; 113977

**Inspector Observations: Employee eating pastries in kitchen by fryer/cookline.**  
**[CA] No employee shall eat or drink in the food prep, food contact storage, or food storage areas, use designated area.**

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

**Inspector Observations: Handwash sink by entrance to kitchen observed to be missing soap. 2nd handwash sink available in kitchen and handwash sink available by bar.**  
**[CA] Provide handwashing cleanser in dispenser at handwash stations at all times.**  
**[COS] Employee refilled soap dispenser.**

K07 - 3 Points - Improper hot and cold holding temperatures; 11387.1, 113996, 113998, 114037, 114343(a)

**Inspector Observations: Ranch dressing in togo containers measured to be 47F. Per employee ranch dressing containers were prepped around 11:30AM almost 2 hours prior.**  
**[CA] PHFs shall be held at 41°F or below or at 135°F or above.**  
**[COS] Employee placed dressing back into walk in cooler.**

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: Tortillas stored below raw beef patties in drawers below griddle. [CA] Store ready to eat foods above raw meats to prevent cross contamination.**

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

**Inspector Observations: Shelves and fan guards in walk in cooler observed to be accumulated dust. [CA] Clean shelves and fan guards and maintain in good repair.**

K35 - 2 Points - Equipment, utensils - Unapproved, unclean, not in good repair, inadequate capacity; 114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182

**Inspector Observations: Smoker observed inside facility at time of inspection. Smoker not currently in use and has not been approved by this Agency. [CA] Submit plans for single additional piece of equipment to this Agency for smoker. Operator was provided with links to application and checklist via email at time of inspection. Operator shall submit for equipment by 03/20/2024 or remove equipment from facility.**

Follow-up By  
03/20/2024

### Performance-Based Inspection Questions

All responses to PBI questions were satisfactory.

# OFFICIAL INSPECTION REPORT

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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> 13:50 - 14:50

## Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Raw hamburger	Drawers under griddle	39.00 Fahrenheit	
Fried chicken	1-door cooler by fryer	37.00 Fahrenheit	
Fried chicken	Cooling rack	114.00 Fahrenheit	Per employee cooked within last 40 minutes. Chicken will be moved into walk in cooler once last batch of chicken is cooked.
Quat ammonia	sanitizer bucket	200.00 Fahrenheit	
Fried chicken	Out of fryer	167.00 Fahrenheit	
Sliced cheese	walk in cooler	36.00 Fahrenheit	
Warm water	handwash sink	100.00 Fahrenheit	
Chlorine	Upright dishwasher	100.00 Fahrenheit	
Fried chicken	walk in cooler	37.00 Fahrenheit	
Cooked onions	Drawers under griddle	38.00 Fahrenheit	
Ranch	On counter top	47.00 Fahrenheit	
Raw chicken	walk in cooler	36.00 Fahrenheit	
Cut tomatoes	Cookline prep cooler	40.00 Fahrenheit	
Hot water	3-comp sink	120.00 Fahrenheit	

## Overall Comments:

**Email:** [Smokeeatersmercado@yahoo.com](mailto:Smokeeatersmercado@yahoo.com)

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 **3/26/2024**. 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:

<b>[CA]</b>	Corrective Action
<b>[COS]</b>	Corrected on Site
<b>[N]</b>	Needs Improvement
<b>[NA]</b>	Not Applicable
<b>[NO]</b>	Not Observed
<b>[PBI]</b>	Performance-based Inspection
<b>[PHF]</b>	Potentially Hazardous Food
<b>[PIC]</b>	Person in Charge
<b>[PPM]</b>	Part per Million
<b>[S]</b>	Satisfactory
<b>[SA]</b>	Suitable Alternative
<b>[TPHC]</b>	Time as a Public Health Control




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**Received By:** Patrick Brioso  
Manager

**Signed On:** March 12, 2024