

# 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<br>FA0273384 - SMOKE EATERS MERCADO LP                           |                                       | Site Address<br>3175 MISSION COLLEGE BL, SANTA CLARA, CA 95 |                                    | Inspection Date<br>12/06/2023 |                                  |
| Program<br>PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 |                                       |   | Owner Name<br>SMOKE EATERS MERCADO |                               | Inspection Time<br>13:00 - 15:00 |
| Inspected By<br>THAO HA   | Inspection Type<br>ROUTINE INSPECTION |   | Consent By<br>LUIS HERNANDEZ       | FSC Not Available             |                                  |

|                       |
|-----------------------|
| Placard Color & Score |
| <b>GREEN</b>          |
| <b>85</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  |       |       |        |     |     |     |
| 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  |       |       |        |     |     |     |
| K07 Proper hot and cold holding temperatures                                    |    | X     |       | 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  |       |       |        |     |     |     |
| 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                                    | X   |     |
| 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                                 |     |     |
| 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                                      |     |     |

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| Program<br>PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14 | Owner Name<br>SMOKE EATERS MERCADO LP                          | Inspection Time<br>13:00 - 15:00 |
| 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: Par cooked chicken wings observed to be kept out on counter. Chicken wings measured to be 67F. Per employee wings are kept out until orders are placed and then deep fry.**

**[CA] PHFs shall be held at 41°F or below or at 135°F or above. Keep food under active food control.**

**[COS] Per employee chicken was par fried about 2 hours prior. Employee shall keep this batch of chicken out for 4 hours for use for immediate service or discard at the end of 4 hours. Operator shall keep chicken in reach in unit.**

### Minor Violations

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

**Inspector Observations: Food safety certificate observed to be expired. Employees could not provide a copy of food handlers cards.**

**[CA] Each food handler shall maintain a valid food handler card for the duration of his or her employment as food handler. A valid food handler card shall be provided within 30 days of after the date of hire.**

**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.**

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

**Inspector Observations: Containers of food observed to be stored on the floor of walk in cooler.**

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

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: Dishwasher missing chlorine test stripes.**

**[CA] Testing equipment and materials shall be provided to adequately measure the applicable sanitization method used during manual or mechanical warewashing.**

### Performance-Based Inspection Questions

N/A

### Measured Observations

| Item             | Location              | Measurement       | Comments   |
|------------------|-----------------------|-------------------|--|
| Raw Hamburger    | drawer under grill    | 41.00 Fahrenheit  |  |
| Raw chicken      | walk in cooler        | 41.00 Fahrenheit  |  |
| Ranch            | prep cooler           | 40.00 Fahrenheit  |  |
| Ranch            | walk in cooler        | 40.00 Fahrenheit  |  |
| Sliced tomaotes  | prep cooler           | 39.00 Fahrenheit  |  |
| Hot water        | 3-comp sink           | 120.00 Fahrenheit |  |
| Par cooked wings | 2 door upright cooler | 54.00 Fahrenheit  | Per operator wings were cooked within last two hours |
| Par cooked wings | counter top by fryer  | 67.00 Fahrenheit  |  |
| Warm water       | handwash sink         | 100.00 Fahrenheit |  |
| Chlorine         | upright dishwasher    | 100.00 Fahrenheit |  |
| Par cooked wings | walk in cooler        | 49.00 Fahrenheit  | Per operator wings were cooked within last two hours |
| Warm water       | handwash sink         | 100.00 Fahrenheit |  |
| Sliced cheese    | drawer under grill    | 41.00 Fahrenheit  |  |

### Overall Comments:

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|  |   |   |
|--|---|---|
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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 **12/20/2023**. 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



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**Received By:** Luis Hernandez  
PIC

**Signed On:** December 06, 2023