

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 08/09/2023	
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			Owner Name SMOKE EATERS MERCADO		Inspection Time 13:45 - 15:40
Inspected By THAO HA	Inspection Type ROUTINE INSPECTION		Consent By LUIS HERNANDEZ	FSC Not Available	

Placard Color & Score
GREEN
83

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	X	
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		
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	X	
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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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: 1) Drawers under grill measured to have:

- Ambient temperature of 60F
- Raw chicken at 58F
- Ground beef at 55F
- Eggrolls at 54F
- Sliced cheese at 54F
- Raw beef at 56F

Per operator drawers were operational at beginning of lunch break and had been restocked from walk in cooler around 1:00PM from lunch.

2) Large container of par cooked wings observed to be kept next to fryers and measured to 67F. Per employee container of wings are taken out and kept next to fryer when facility is busy and container was taken out about 1 hour ago for lunch rush.

[CA] PHFs shall be held at 41°F or below for cold holding.

[COS] Employee moved all PHF in drawers into walk in or cookline prep coolers.
Par cooked chicken wings were moved to 2 door upright cooler .

Follow-up By
08/14/2023

Minor Violations

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

Inspector Observations: Food safety certificate observed to have expired two months prior. 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.

K29 - 2 Points - Toxic substances improperly identified, stored, used; 114254, 114254.1, 114254.2

Inspector Observations: Compressed air tanks stored by back door observed to be unchained. [CA] Secure compressed air tanks to a rigid structure.

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

Inspector Observations: Containers of ranch and other sauces observed to be stored directly on floor of walk in cooler.

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

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

Inspector Observations: Wiping clothes observed to be stored on kegs and counter in kitchen.

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

Performance-Based Inspection Questions

N/A

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Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
Raw chicken	Walk in cooler	39.00 Fahrenheit	
Ranch	Prep cooler	40.00 Fahrenheit	
Chlorine	upright dishwasher	100.00 Fahrenheit	
hot water	3-comp sink	120.00 Fahrenheit	
Cut tomatoes	Prep cooler	41.00 Fahrenheit	
Fries	2 door under counter cooler	40.00 Fahrenheit	
Raw beef	drawers under griddle	56.00 Fahrenheit	
Par cooked wings	2 door upright cooler	42.00 Fahrenheit	
Raw ground beef	walk in cooler	38.00 Fahrenheit	
Raw ground beef	drawers under griddle	54.00 Fahrenheit	
Eggrolls	drawers under griddle	55.00 Fahrenheit	
Par cooked wings	counter top	67.00 Fahrenheit	
warm water	handwash sink	100.00 Fahrenheit	
Raw chicken	drawers under griddle	58.00 Fahrenheit	
Sliced cheese	drawers under griddle	54.00 Fahrenheit	
Par cooked chicken	2 door upright cooler	41.00 Fahrenheit	
Par cooked wings	cooling rack	72.00 Fahrenheit	Per operator chicken was pulled about 2 hours ago

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 **8/23/2023**. 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



Received By: Luis Hernandez
PIC

Signed On: August 09, 2023