

# 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

<b>Facility</b> FA0273384 - SMOKE EATERS MERCADO LP		<b>Site Address</b> 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95		<b>Inspection Date</b> 12/18/2024		<b>Placard Color &amp; Score</b> <div style="font-size: 2em; font-weight: bold; text-align: center;">GREEN</div> <div style="font-size: 3em; font-weight: bold; text-align: center;">88</div>		
<b>Program</b> PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14			<b>Owner Name</b> SMOKE EATERS MERCADO		<b>Inspection Time</b> 12:05 - 13:30			
<b>Inspected By</b> THAO HA		<b>Inspection Type</b> ROUTINE INSPECTION		<b>Consent By</b> PATRICK BRIOSO				<b>FSC</b> Not Available

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						
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		
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	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		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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Facility FA0273384 - SMOKE EATERS MERCADO LP		Site Address 3175 MISSION COLLEGE BL, SANTA CLARA, CA 95054	Inspection Date 12/18/2024
Program PR0413322 - FOOD PREP / FOOD SVC OP 6-25 EMPLOYEES RC 3 - FP14		Owner Name SMOKE EATERS MERCADO LP	Inspection Time 12:05 - 13:30
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.**

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

**Inspector Observations: Handwash sink at bar handwash sink missing hot water. Other handwash sinks in kitchen observed to have warm water at 100F and other sinks have hot water at 120F. [CA] Ensure handwash sinks have warm water at 100F-108F or hot water with cold water mixing valve.**

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: Facility missing quat ammonia and chlorine test stripes. [CA] Provide testing equipment for every sanitization method used in facility.**

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 03/20/2025 or remove equipment from facility. If facility does not submit and complete plan check process, equipment impound my incur.**

Follow-up By  
03/20/2025

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

**Inspector Observations: In use wiping clothes observed to be stored on prep surfaces. [CA] Store in use wiping clothes in sanitizer solution.**

### Performance-Based Inspection Questions

N/A

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## Measured Observations


Item	Location	Measurement	Comments
Par fried chicken wings	Walk in cooler	39.00 Fahrenheit	
Batter chicken Raw	Walk in cooler	39.00 Fahrenheit	
Warm water	Handwash sink	100.00 Fahrenheit	
Breaded chicken raw	Walk in cooler	39.00 Fahrenheit	
Par fried chicken tenders	Walk in cooler	41.00 Fahrenheit	
Cut tomatoes	Cookline prep cooler	40.00 Fahrenheit	
Hamburger	Drawer under grill	39.00 Fahrenheit	
Hot water	3-comp sink	120.00 Fahrenheit	
Warm water	Bar handwash sink	60.00 Fahrenheit	
Quat ammonia	3-comp sink	200.00 Fahrenheit	
Par fried chicken tenders	fryer 2 door upright cooler	40.00 Fahrenheit	
Par fried chicken wings	Cooling rack outside	66.00 Fahrenheit	Per employee chicken wings were made about 2 hours and 15 minutes prior and he was moving them into walk in cooler. Chicken wings observed to be in a single layer on cooling rack.
Par fried chicken wings	fryer 2 door upright cooler	38.00 Fahrenheit	
Burger sauce	Cookline prep cooler	40.00 Fahrenheit	
Grilled onions	Drawer under grill	39.00 Fahrenheit	
Chlorine	upright dishwasher	100.00 Fahrenheit	

## 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 **1/1/2025**. 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: Patrick Brioso  
Manager  
Signed On: December 18, 2024