

Kansas Department of Agriculture
Division of Food Safety and Lodging
 1320 Research Park Drive, Manhattan, KS 66502
 (office) 785-564-6767 (fax) 785-564-6779

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Insp Date: 3/6/2014
Business: EL MAGUEY

Business ID: 107918FE

Inspection: 10004262

2504 N SUMMIT
 ARKANSAS CITY, KS 67005

Store ID:
Phone: 6207410104
Inspector: KDA10
Reason: 01 Routine
Results: Follow-up

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
03/06/14	01:40 PM	04:00 PM	2:20	0:05	2:25	0	
Total:			2:20	0:05	2:25	0	

FOOD ESTABLISHMENT PROFILE

Insp. Notification Fax Sent Notification To _____ Lic. Insp. No
 Priority(P) Violations 6 Priority foundation(Pf) Violations 3
 Certified Manager on Staff .. Address Verified p Actual Sq. Ft. 1500
 Certified Manager Present ..

INSPECTION INFORMATION

Risk factors are improper practices or procedures identified as the most prevalent contributing factors of food-borne illness or injury. Public health interventions are control measures to prevent food-borne illness or injury.

Good Retail Practices are preventative measures to control the addition of pathogens, chemicals and physical objects into foods.

Violations cited in this report must be corrected within the time frames entered below, or as stated in sections 8-405.11 of the food code.

P=Priority Violation, Pf=Priority foundation violation, HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

IF YOU HAVE ANY QUESTIONS PLEASE VISIT www.agriculture.ks.gov, EMAIL fsl@kda.ks.gov, OR CALL (785) 296-5600.

COMPLIANCE KEY: Y=in compliance; N=not in compliance; O=not observed; A=not applicable; C=corrected on-site during inspection; R=repeat violation.

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Demonstration of Knowledge

1. Certification by accredited program, compliance with Code, or correct responses.

Y N O A C R
 p

Employee Health

2. Management awareness; policy present.

3. Proper use of reporting, restriction and exclusion.

Y N O A C R
 p
 p

Good Hygienic Practices

Y N O A C R

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices	Y N O A C R
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|---|-----------------------|
| 4. Proper eating, tasting, drinking, or tobacco use | p " " " " " |
| 5. No discharge from eyes, nose and mouth. | p " " " " " |

Preventing Contamination by Hands	Y N O A C R
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|-------------------------------------|-----------------------|
| 6. Hands clean and properly washed. | " p " " p " |
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This item has Notes. See Footnote 1 at end of questionnaire.

<i>Fail Notes</i>	2-301.12(A)	<p><i>P - FOOD EMPLOYEES shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 seconds, using a cleaning compound in a HANDWASHING SINK.</i></p> <p><i>[Employee used telephone, with a gloved hand, discarded the glove and washed/rinsed hands in < 10 seconds then donned new gloves and handled a clean plate to complete a customer order. Corrected on Site - Educated and instructed to wash hands]</i></p>
	2-301.14(E)	<p><i>P - Wash Hands (Soiled Utensils) FOOD EMPLOYEES shall clean their hands and exposed portions of their arms as specified under § 2-301.12 immediately before engaging in FOOD preparation including working with exposed FOOD, clean EQUIPMENT and UTENSILS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES and after handling soiled EQUIPMENT or UTENSILS</i></p> <p><i>[Employee handled soiled dishes and then removed clean dishes from the dishwashing machine without washing hands. Corrected on Site - Educated / instructed to wash hands]</i></p>

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| 7. No bare hand contact with RTE foods or approved alternate method properly followed. | p " " " " " |
| 8. Adequate handwashing facilities supplied and accessible. | p " " " " " |

Approved Source	Y N O A C R
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| 9. Food obtained from approved source. | p " " " " " |
| 10. Food received at proper temperature. | " " p " " " |
| 11. Food in good condition, safe and unadulterated. | p " " " " " |
| 12. Required records available: shellstock tags, parasite destruction. | " " " p " " |

Protection from Contamination	Y N O A C R
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| 13. Food separated and protected. | " p " " " " |
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<i>Fail Notes</i>	3-302.11(A)(1)(a)	<p><i>P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables</i></p> <p><i>[There was opened containers of raw chicken and raw beef stored above an opened bucket of sliced tomatoes in the Make Table.]</i></p>
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| 14. Food-contact surfaces: cleaned and sanitized. | " p " " " " |
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This item has Notes. See Footnote 2 at end of questionnaire.

<i>Fail Notes</i>	4-601.11(A)	<p><i>Pf - Food Contact Clean to Sight and Touch - EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch.</i></p> <p><i>[There was 3 knives, stored as clean on wall magnet, that had dried on food debris on the blade.]</i></p>
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| 15. Proper disposition of returned, previously served, reconditioned and unsafe food. | p " " " " " |
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Potentially Hazardous Food Time/Temperature	Y N O A C R
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| 16. Proper cooking time and temperatures. | p " " " " " |
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This item has Notes. See Footnote 3 at end of questionnaire.

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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17. Proper reheating procedures for hot holding. p

This item has Notes. See Footnote 4 at end of questionnaire.

18. Proper cooling time and temperatures. p

19. Proper hot holding temperatures. p

This item has Notes. See Footnote 5 at end of questionnaire.

20. Proper cold holding temperatures. p

This item has Notes. See Footnote 6 at end of questionnaire.

21. Proper date marking and disposition. .. p

<i>Fail Notes</i>	3-501.18(A)(2)	<i>P - RTE PHF/TCS, Disposition (discard if in a container w/out a date) Refrigerated, READY-TO-EAT, POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) prepared or opened and held in a FOOD ESTABLISHMENT for more than 24 hours shall be discarded if it is not clearly marked to indicate the date or day by which the FOOD shall be consumed on the PREMISES, sold, or discarded when held at a temperature of 5°C (41°F) or less for a maximum of 7 days, with the day of preparation counted as Day 1. [There was an opened gallon of milk in the Reach in Cooler that did not have a date mark. Note: Employee stated it was opened 3/4.]</i>
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22. Time as a public health control: procedures and record. p

Consumer Advisory	Y	N	O	A	C	R
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23. Consumer advisory provided for raw or undercooked foods. p

Highly Susceptible Populations	Y	N	O	A	C	R
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24. Pasteurized foods used; prohibited foods not offered. p

Chemical	Y	N	O	A	C	R
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25. Food additives: approved and properly used. p

26. Toxic substances properly identified, stored and used. .. p

<i>Fail Notes</i>	7-102.11	<i>Pf - Common Name (Working Containers) Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material. [There was an unlabeled spray bottle at the chemical storage and another at the service sink that lacked any identification. Both bottles contained a yellowish liquid. Note: Employee stated it was bleach]</i>
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Conformance with Approved Procedures	Y	N	O	A	C	R
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27. Compliance with variance, specialized process and HACCP plan. p

GOOD RETAIL PRACTICES	Y	N	O	A	C	R
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Safe Food and Water	Y	N	O	A	C	R
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28. Pasteurized eggs used where required. p

29. Water and ice from approved source. p

30. Variance obtained for specialized processing methods. p

Food Temperature Control	Y	N	O	A	C	R
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31. Proper cooling methods used; adequate equipment for temperature control. p

This item has Notes. See Footnote 7 at end of questionnaire.

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Temperature Control	Y N O A C R
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| 32. Plant food properly cooked for hot holding. | p |
| 33. Approved thawing methods used. | p |
| 34. Thermometers provided and accurate. | p |

Food Identification	Y N O A C R
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| 35. Food properly labeled; original container. | .. p |
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<i>Fail Notes</i>	3-302.12	<p><i>Food storage containers (Common Name) Except for containers holding FOOD that can be readily and unmistakably recognized such as dry pasta, working containers holding FOOD or FOOD ingredients that are removed from their original packages for use in the FOOD ESTABLISHMENT, such as cooking oils, flour, herbs, potato flakes, salt, spices, and sugar shall be identified with the common name of the FOOD.</i></p> <p><i>[In the storage shed there was an unlabeled bulk container with a white powder. Note: Employee stated it was baking powder. Stored above the grill was two bottles of yellowish liquids. Note: Employee stated one was cooking oil and the other was melted butter. There was an unlabeled container of yellowish liquid stored near bar area. Note: Employee stated it was margarita mix.]</i></p>
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Prevention of Food Contamination	Y N O A C R
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| 36. Insects, rodents and animals not present. | .. p |
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| <i>Fail Notes</i> | 6-202.15(A)(1) | <p><i>Outer openings (Solid) Outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by filling or closing holes and other gaps along floors, walls, and ceilings.</i></p> <p><i>[The exit door has a gap along the bottom and top that is large enough to allow entrance of pests.]</i></p> |
|-------------------|----------------|---|
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|---|---------------|
| 37. Contamination prevented during food preparation, storage and display. | p |
| 38. Personal cleanliness. | p |
| 39. Wiping cloths: properly used and stored. | p |
| 40. Washing fruits and vegetables. | p |

Proper Use of Utensils	Y N O A C R
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|---------------------------------------|---------------|
| 41. In-use utensils: properly stored. | .. p |
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<i>Fail Notes</i>	3-304.12(B)	<p><i>In-use utensil storage (Non-PHF/TCS-handles above food) During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored in FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon.</i></p> <p><i>[There is bowls, without handles, being used to scoop seasoning from bulk containers.]</i></p>
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| 42. Utensils, equipment and linens: properly stored, dried and handled. | p |
| 43. Single-use and single-service articles: properly used. | p |
| 44. Gloves used properly. | p |

Utensils, Equipment and Vending	Y N O A C R
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| 45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used-P and Pf items | .. p |
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Utensils, Equipment and Vending

Y N O A C R

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| <i>Fail Notes</i> | 4-101.11(A) | <p><i>P - FCS materials (Safe) Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT shall be safe.</i></p> <p><i>[In the Make Table: shredded cheese, cilantro and cucumbers are stored in a multi-purpose Sterilite drawer. In the Walk in Cooler: broccoli and cauliflower is stored in multi-purpose Sterilite containers. In the storage shed: dried peppers are stored in multi-purpose Sterilite containers.]</i></p> |
| | 4-102.11(A)(1) | <p><i>P - Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES may not allow the migration of deleterious substances.</i></p> <p><i>[(B)(1) P - Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES shall be safe.</i></p> <p><i>There is unpackaged tortillas stored in a "Thank You" bag (near prep line). There is raw beef (3 lbs) stored in a "Thank You" bag (in the Walk in Cooler).]</i></p> |

45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used- Core items p

46. Warewashing facilities: installed, maintained, and used; test strips. . . p

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|-------------------|----------|---|
| <i>Fail Notes</i> | 4-302.14 | <p><i>Pf - A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided.</i></p> <p><i>[There is no test strips available for chlorine sanitizer in the dishwashing machine. Note: Chlorine sanitizer tested 100 parts per million per the inspectors test strip.]</i></p> |
|-------------------|----------|---|

47. Non-food contact surfaces clean. p

Physical Facilities

Y N O A C R

48. Hot and cold water available; adequate pressure. p
49. Plumbing installed; proper backflow devices. p
50. Sewage and waste water properly disposed. p
51. Toilet facilities: properly constructed, supplied and cleaned. p
52. Garbage and refuse properly disposed; facilities maintained. p
53. Physical facilities installed, maintained and clean. . . p

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|-------------------|----------|--|
| <i>Fail Notes</i> | 6-501.11 | <p><i>PHYSICAL FACILITIES shall be maintained in good repair.</i></p> <p><i>[There is several cracked floor tiles in the Kitchen.]</i></p> |
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54. Adequate ventilation and lighting; designated areas used. p

Administrative/Other

Y N O A C R

55. Other violations p

This item has Notes. See Footnote 8 at end of questionnaire.

EDUCATIONAL MATERIALS

The following educational materials were provided p

This item has Notes. See Footnote 9 at end of questionnaire.

Material Distributed | Education Title #22 Focus On Food Safety Manual (on the Website)

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

2-301.14(E): P - Employee handled soiled dishes and then grabbed a clean plate to complete a customer order. Corrected on Site - Educated / instructed to wash hands

Footnote 2

Notes:

Chlorine sanitizer 100 parts per million in the dishwashing machine.

Footnote 3

Notes:

Ground Beef 163 (Stove Top)

Footnote 4

Notes:

Tamales 198 (Stove Top)

Footnote 5

Notes:

Refried Beans 135 (Steam Table)

Footnote 6

Notes:

Sliced Tomatoes 43 (Make Table)
Chicken 42 (Make Table)
Milk 37.9 (Walk in Cooler)
Salsa 43 (Reach in Cooler)
Raw Beef 39 (Make Table)

Footnote 7

Notes:

Freezer OK

Footnote 8

Notes:

No certified manager on staff.

Accompanied by KDA 80

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 9

Notes:

5 Keys to Food Safety

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: 3/6/2014
Business: EL MAGUEY

Business ID: 107918FE

Inspection: 10004262

Store ID:
Phone: 6207410104

Inspector: KDA10

Reason: 01 Routine

2504 N SUMMIT
 ARKANSAS CITY, KS 67005

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
03/06/14	01:40 PM	04:00 PM	2:20	0:05	2:25	0	
Total:			2:20	0:05	2:25	0	

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012 includes K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate food establishments and food processing plants.

The Kansas Food, Drug and Cosmetic Act requires that all violations shall be corrected no later than 10 days after this inspection unless otherwise directed on this form.

Failure to comply with the food safety law and its regulations may result in embargo of non-compliant products; immediate closure of your establishment; civil penalties of up to \$1,000.00 per violation; denial of license renewal, modification, suspension and/or revocation of any license or authority issued pursuant to the food safety law; and/or any other penalty authorized by law. Pursuant to K.S.A. 65-619 et seq, licensees issued authority under the Kansas Food, Drug and Cosmetic Act may apply to the secretary for an extension of the time prescribed above.

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

Follow up Scheduled 03/16/14

Inspection Report Number 10004262

Inspection Report Date 03/06/14

Establishment Name EL MAGUEY

Physical Address 2504 N SUMMIT City ARKANSAS CITY

Zip 67005

Additional Notes and Instructions