

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: 7/27/2015 **Business ID:** 115848FE
Business: EL PATRON

Inspection: 19004363
Store ID:
Phone: 7855942711
Inspector: KDA19
Reason: 03 Complaint
Results: No Follow-up

711 8TH ST, PO BOX 788
 BALDWIN CITY, KS 66006

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/27/15	04:00 PM	06:00 PM	2:00	0:15	2:15	0	
07/27/15	06:00 PM		0:00	1:00	1:00	0	
Total:			2:00	1:15	3:15	0	

FOOD ESTABLISHMENT PROFILE

Updated Risk Category RAC# 06 High Risk Updated Size Range 1. Under 5,000 sq feet
 Insp. Notification Email Sent Notification To _____ Lic. Insp. No
 Priority(P) Violations 2 Priority foundation(Pf) Violations 2
 Certified Manager on Staff Address Verified p Actual Sq. Ft. 2500
 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) 564-6767.

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	Y	N	O	A	C	R
1. Certification by accredited program, compliance with Code, or correct responses.	..	..	p	..	..	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>						

Employee Health	Y	N	O	A	C	R
2. Management awareness; policy present.	p

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Employee Health		Y	N	O	A	C	R
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3. Proper use of reporting, restriction and exclusion. p

This item has Notes. See Footnote 2 at end of questionnaire.

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

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

This item has Notes. See Footnote 3 at end of questionnaire.

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

14. Food-contact surfaces: cleaned and sanitized. .. p p ..

<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>[The table mounted can opener blade had dried food debris. Employee did not know when it was last washed. COS. Item taken to dish area to be washed.]</i></p>
	4-602.11(E)(4)	<p><i>Non-PHF/TCS Food Contact Surface Cleaning Frequency (ice bins, soda nozzles) Surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cleaned, in EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT: at a frequency specified by the manufacturer; or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.</i></p> <p><i>[The ice machine guard plate has visible pink mold on the edges. COS. PIC cleaned item. The ice well under the soda machine has visible black mold on the back wall where the ice touches. COS. PIC cleaned item.]</i></p>

15. Proper disposition of returned, previously served, reconditioned and unsafe food. p

Potentially Hazardous Food Time/Temperature		Y	N	O	A	C	R
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16. Proper cooking time and temperatures. p

17. Proper reheating procedures for hot holding. p

18. Proper cooling time and temperatures. p

19. Proper hot holding temperatures. p

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

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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20. Proper cold holding temperatures. .. p p ..

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

Fail Notes	3-501.16(A)(2) <i>P - PHF/TCS Cold Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 5°C (41°F) or less. [At 4:00 pm, All the PHF foods in the cold make table were above 41F. PIC said they had been there all day since approximately 10:00am. COS. All foods were VD. lettuce 53F; pico 56.9F; mozzarella cheese 48.2F; diced tomato 54F; fresh red salsa 52.8F; fresh green salsa 59.3F; sliced tomato 48.8F; raw ground beef 49.9F; raw chicken 54.1F; raw chicken filet 56.5F; raw shrimp 47.7F; diced ham 53.8F; hot dogs 54.7F]</i>
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21. Proper date marking and disposition. .. p p ..

Fail Notes	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. [Located in the WIC, there were two open gallons of milk with no open date. PIC said they were opened on July 26, 2015. COS. Items were dated.]</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

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

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 p ..

Fail Notes	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. [Located at the mop sink, there was one spray bottle of purple liquid with no label. PIC said it was degreaser. COS. Bottle was marked.]</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						
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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

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Temperature Control	Y	N	O	A	C	R
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
35. Food properly labeled; original container.	p	..	..	..	..	..
Prevention of Food Contamination	Y	N	O	A	C	R
36. Insects, rodents and animals not present.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 7 at end of questionnaire.</i>						
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
41. In-use utensils: properly stored.	p	..	..	..	..	..
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
45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used- P and Pf items	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	..	..	..	..	..
<i>This item has Notes. See Footnote 8 at end of questionnaire.</i>						
47. Non-food contact surfaces clean.	..	p	..	..	..	..
<i>Fail Notes</i> | 4-601.11(C) | <i>NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris. [The white RIF lid has ice build up all over it and it does not close properly. The WIC shelving has an accumulation of dried food debris. The WIC floors/walls have an accumulation of dried food debris. The exterior of the ice machine has an accumulation of sticky debris. The shelving unit for dry clean dishes has an accumulation of dried food debris. The white large containers for fresh chips, the lids have an accumulation of black debris.]</i>						
Physical Facilities	Y	N	O	A	C	R
48. Hot and cold water available; adequate pressure.	p	..	..	..	..	..
49. Plumbing installed; proper backflow devices.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 9 at end of questionnaire.</i>						
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	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities	Y	N	O	A	C	R
53. Physical facilities installed, maintained and clean.	p	..	..	..	..	..
54. Adequate ventilation and lighting; designated areas used.	p	..	..	..	..	..
Administrative/Other	Y	N	O	A	C	R
55. Other violations	p	..	..	..	..	..

EDUCATIONAL MATERIALS

The following educational materials were provided p

<i>Material Distributed</i>	<i>Education Title #35</i> <i>Food Temperature Log</i>
	<i>Education Title #40</i> <i>When The Power Is Out</i>
	<i>Education Title #42</i> <i>Daily Self-Inspection Checklist</i>

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

Critical (Critical); Non Critical Violation (NC); Corrected On Site (COS); Cold Hold (CH); Walk In Cooler (WIC); Person In Charge (PIC); Walk In Freezer (WIF); Steam Table (ST); Potentially Hazardous Food (PHF); Hot Hold (HH); Ready To Eat (RTE); Make Table (MT); Reach In Cooler (RIC); Voluntary Closure (VC); Bare Hand Contact (BHC); Chlorine (Cl); Parts Per Million (PPM); Voluntary Destruction (VD); Risk Control Plan (RCP); Reach In Freezer (RIF); Degrees Fahrenheit (F); Quaternary Compounds (QT); Notice of Non Compliance (NONC); Hot Box (HB)

Footnote 2

Notes:

Educated staff on the big 5 FBI and personal illness restrictions. Left information materials.

Footnote 3

Notes:

Vendors include:
SYSCO; US Foods; Wine Cellar

Footnote 4

Notes:

Hot steam table:
ground beef 169.3F; cooked chicken 191F; cooked rice 152.6F; cooked refried beans 152.3F; queso 158.8F

Refried beans hot holding on the stove 147.9

Footnote 5

Notes:

WIC
milk 34.9F; cheese 37.5F; raw beef 35.8F; raw fish 34.3F; sliced tomato 39.3F; raw ground beef 34.8F

RIC
cheese 33.6F; hot dogs 35.4F

Pepsi RIC
milk 33.6F

cold fresh salsa tub 40.9F

Footnote 6

Notes:

This sentence is on the bottom page of each menu and food items are marked with a (*).
"Notice: Items may be cooked to order. Consuming raw or undercooked meat, shrimp or eggs may increase your risk of foodborne illness"

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Footnote 7

Notes:

Laser One pest control company comes once a month.

Footnote 8

Notes:

Dish machine use chlorine as the sanitizer which was 100ppm.

Footnote 9

Notes:

Hand sink water temperatures:
sink in kitchen 120F
sink in ladies toilet room 111.4F
sink in mens toilet room 108.4F
sink by servers 104.5F

VOLUNTARY DESTRUCTION REPORT

Insp Date: 7/27/2015 **Business ID:** 115848FE
Business: EL PATRON

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Total:			2:00	1:15	3:15	0	

ACTIONS

Number of products Voluntarily Destroyed 9

VOLUNTARY DESTRUCTION REPORT

I have this day voluntarily destroyed, or caused to be destroyed, the merchandise described below. Said merchandise found in my possession was unfit for human consumption, misbranded, or otherwise unlawful. Destruction and final disposition of said merchandise has been done in a manner approved by the above named Inspector, representative of the Kansas Department of Agriculture.

I hereby release the Kansas Department of Agriculture, and its members, agents, and representatives from any and all liability.

1. Product shred lettuce Qty 5 Units lbs Value \$ 10.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product Fresh cut tomatoes and pico Qty 13 Units lbs Value \$ 26.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

VOLUNTARY DESTRUCTION REPORT

VOLUNTARY DESTRUCTION REPORT

3. Product mozzarella cheese Qty 10 Units lbs Value \$ 50.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

4. Product Fresh salsa Qty 2 Units qts Value \$ 10.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

5. Product Raw beef Qty 5 Units lbs Value \$ 25.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

6. Product Raw chicken Qty 6 Units lbs Value \$ 18.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

7. Product Raw shrimp Qty 5 Units lbs Value \$ 25.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

8. Product Diced ham Qty 3 Units lbs Value \$ 15.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

VOLUNTARY DESTRUCTION REPORT

VOLUNTARY DESTRUCTION REPORT

9. Product Hot dogs Qty 1 Units pkg Value \$ 2.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

FOOD ESTABLISHMENT FIELD WARNING LETTER

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012, K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto, grants the Kansas Department of Agriculture authority to regulate food establishments and food processing plants. The Kansas Food Code is adopted and amended by K.A.R. 4-28-8 through 15.

During the inspection today of the Food Establishment listed below, violations of the Kansas Food Code were observed. The violations are documented in the attached Kansas Food Establishment Inspection Report.

Although we will not take further action at this time based on this inspection report, repeated violations observed during future inspections 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 Kansas Food, Drug and Cosmetic Act;
- and/or any other penalty authorized by law.

Future inspections will be initiated during the next routine inspection cycle, unless we receive a complaint about the food establishment.

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Business: EL PATRON

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Inspector: KDA19
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