

**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:** 8/6/2013      **Business ID:** 96364FE  
**Business:** EL CABRITOS  
  
 1524 MILITARY AVE  
 BAXTER SPRINGS, KS 66713

**Inspection:** 29000818  
**Store ID:**  
**Phone:** 6208563733  
**Inspector:** KDA29  
**Reason:** 01 Routine  
**Results:** No Follow-up

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
08/06/13	12:55 PM	02:25 PM	1:30	0:15	1:45	0	
<b>Total:</b>			1:30	0:15	1:45	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Print      Lic. Insp. No  
 Priority(P) Violations 4      Priority foundation(Pf) Violations 0  
 Certified Manager on Staff      Address Verified p      Actual Sq. Ft. 3000  
 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](http://www.agriculture.ks.gov), EMAIL [fsl@kda.ks.gov](mailto: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**

<b>Demonstration of Knowledge</b>	Y	N	O	A	C	R
1. Certification by accredited program, compliance with Code, or correct responses.	..	..	p	..	..	..

<b>Employee Health</b>	Y	N	O	A	C	R
2. Management awareness; policy present.	p	..	..	..	..	..
3. Proper use of reporting, restriction and exclusion.	p	..	..	..	..	..

<b>Good Hygienic Practices</b>	Y	N	O	A	C	R
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# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

	Y	N	O	A	C	R			
<b>Good Hygienic Practices</b>									
4. Proper eating, tasting, drinking, or tobacco use	p	..	..	..	..	..			
5. No discharge from eyes, nose and mouth.	p	..	..	..	..	..			
<b>Preventing Contamination by Hands</b>									
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	..	..	..	..	..			
<b>Approved Source</b>									
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	..	..			
<b>Protection from Contamination</b>									
13. Food separated and protected.	p	..	..	..	..	..			
14. Food-contact surfaces: cleaned and sanitized.	..	p	..	..	..	..			
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%; vertical-align: top;"><i>Fail Notes</i></td> <td style="width: 15%; vertical-align: top;"> <p>4-602.11(E)(4)</p> <p>4-602.12(B)</p> </td> <td style="vertical-align: top;"> <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>[Mold growth was observed in the soda nozzles of the Pepsi fountain.]</i></p> <p><i>Cleaning Microwaves - The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.</i></p> <p><i>[The interior of the microwave had an accumulation of dried and fresh food debris on the surface. An employee stated that the microwave interior is cleaned every three to four days.]</i></p> </td> </tr> </table>	<i>Fail Notes</i>	<p>4-602.11(E)(4)</p> <p>4-602.12(B)</p>	<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>[Mold growth was observed in the soda nozzles of the Pepsi fountain.]</i></p> <p><i>Cleaning Microwaves - The cavities and door seals of microwave ovens shall be cleaned at least every 24 hours by using the manufacturer's recommended cleaning procedure.</i></p> <p><i>[The interior of the microwave had an accumulation of dried and fresh food debris on the surface. An employee stated that the microwave interior is cleaned every three to four days.]</i></p>						
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15. Proper disposition of returned, previously served, reconditioned and unsafe food.	p	..	..	..	..	..			
<b>Potentially Hazardous Food Time/Temperature</b>									
16. Proper cooking time and temperatures.	p	..	..	..	..	..			
<b><i>This item has Notes. See Footnote 1 at end of questionnaire.</i></b>									
17. Proper reheating procedures for hot holding.	..	..	p	..	..	..			
18. Proper cooling time and temperatures.	..	..	p	..	..	..			
19. Proper hot holding temperatures.	p	..	..	..	..	..			
<b><i>This item has Notes. See Footnote 2 at end of questionnaire.</i></b>									
20. Proper cold holding temperatures.	..	p	..	..	p	..			
<b><i>This item has Notes. See Footnote 3 at end of questionnaire.</i></b>									

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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*Fail Notes* | 3-501.16(A)(2) | *P - PHF/TCS Cold Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 5°C (41°F) or less. [Homemade salsa was found being held at 59 F in a container on the wait station prep table. COS=employee stated the salsa had been out for about one hour; employee moved salsa to walk in freezer for rapid cooling]*

21. Proper date marking and disposition. .. p .. .. p ..

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

*Fail Notes* | 3-501.18(A)(1) | *P - RTE PHF/TCS, Disposition (discard if held more than 7 days) 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 held at a temperature of 5°C (41°F) or less for more than 7 days, with the day of preparation counted as Day 1. [Cooked pork was found in a container dated 7/27/13 in the walk in cooler. COS=employee discarded]*

3-501.18(A)(2) | *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. [Refried beans and tamales were found in containers without date marking in the walk in cooler. COS=employee stated the items were prepared on 8/4 and date marked appropriately]*

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 .. .. ..

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 .. .. ..

32. Plant food properly cooked for hot holding. p .. .. ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

		Y	N	O	A	C	R
<b>Food Temperature Control</b>							
33. Approved thawing methods used.		p	..	..	..	..	..
34. Thermometers provided and accurate.		p	..	..	..	..	..
<b>Food Identification</b>							
35. Food properly labeled; original container.		p	..	..	..	..	..
<b>Prevention of Food Contamination</b>							
36. Insects, rodents and animals not present.		..	p	..	..	..	..
<i>Fail Notes</i>	6-202.15(A)(3) <i>Outer openings (Doors) Outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by solid, self-closing, tight-fitting doors. [The South outer door is misaligned and does not close fully or properly without assistance.]</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	..	..	..
<b>Proper Use of Utensils</b>							
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	..	..	..	..	..
<b>Utensils, Equipment and Vending</b>							
45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used-P and Pf items		..	p	..	..	p	..
<i>Fail Notes</i>	4-101.11 <i>P - Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD. [Taco shells were found stored in a Sterilite modular storage tote on a shelf below the kitchen prep table. The taco shells were in direct contact with the plastic of the container. COS=employee lined container with aluminum foil]</i>						
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	..	..	..	..	..
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. [Mold growth was observed on the fan guards in the walk in cooler.]</i>						
<b>Physical Facilities</b>							
48. Hot and cold water available; adequate pressure.		p	..	..	..	..	..
49. Plumbing installed; proper backflow devices.		..	p	..	..	..	..
<i>Fail Notes</i>	5-205.15(B) <i>Plumbing system (Maintained) A PLUMBING SYSTEM shall be maintained in good repair. [The valve handles on the wait station handsink are missing. An employee stated that the handles had broken and were on order.]</i>						
50. Sewage and waste water properly disposed.		p	..	..	..	..	..

## KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities	Y	N	O	A	C	R
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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    ..    ..    ..    ..

<i>Fail Notes</i>	6-501.12(A)	<i>PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean. [An accumulation of grease and food debris was observed under the service sink in the kitchen.]</i>
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54. Adequate ventilation and lighting; designated areas used.                      ..    p    ..    ..    ..    ..

<i>Fail Notes</i>	6-202.11(A)	<i>Except as specified in ¶ 6-202.11(B), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES. [Protective shielding was absent from the incandescent lamps in the walk in cooler and walk in freezer.]</i>
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Administrative/Other	Y	N	O	A	C	R
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55. Other violations    ..    p    ..    ..    ..    ..

<i>Fail Notes</i>	8-304.11(A)	<i>Upon issuance of the LICENSE by the REGULATORY AUTHORITY, the LICENSEE shall post the LICENSE in a location in the FOOD ESTABLISHMENT that is conspicuous to CONSUMERS. [The license was not posted for public viewing.]</i>
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EDUCATIONAL MATERIALS
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The following educational materials were provided      p

*Material Distributed | Education Title #08    Date Marking*

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

202 F ground beef from stove top

## **Footnote 2**

### **Notes:**

170 F cheese sauce in crock

156 F rice in steam table

143 F refried beans in steam table

181 F taco meat in steam table

174 F shredded chicken in steam table

## **Footnote 3**

### **Notes:**

41 F shredded lettuce in make table

42 F sliced tomatoes in make table

41 F sour cream in make table

41 F shredded cheese in ice bath

40 F cooked chicken in walk in cooler

39 F cooked pork in walk in cooler

38 F raw beef in ice bath by grill

40 F raw chicken in ice bath by grill

## **Footnote 4**

### **Notes:**

The items not properly date marked were less than ten percent of the total amount in the establishment.

## VOLUNTARY DESTRUCTION REPORT

**Insp Date:** 8/6/2013      **Business ID:** 96364FE  
**Business:** EL CABRITOS

1524 MILITARY AVE  
 BAXTER SPRINGS, KS 66713

**Inspection:** 29000818  
**Store ID:**  
**Phone:** 6208563733  
**Inspector:** KDA29  
**Reason:** 01 Routine

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
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Total:			1:30	0:15	1:45	0	

**ACTIONS**

Number of products Voluntarily Destroyed   1  

**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   cooked pork   Qty   3   Units   lbs   Value \$   10  

Description

Reason Product Destroyed   Adulterated   Method Product Destroyed   Trash Can  

Disposal Location   Firm   Embargo Hold Tag #   N/A

## FIELD WARNING LETTER

**Insp Date:** 8/6/2013      **Business ID:** 96364FE  
**Business:** EL CABRITOS

1524 MILITARY AVE  
BAXTER SPRINGS, KS 66713

**Inspection:** 29000818  
**Store ID:**  
**Phone:** 6208563733  
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**Reason:** 01 Routine

**Reference:**

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
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## 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 above, 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.