

**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:** 7/24/2013      **Business ID:** 114821fe  
**Business:** RUBY'S LANDING

**Inspection:** 40000365  
**Store ID:**  
**Phone:** 9133677829  
**Inspector:** KDA40  
**Reason:** 03 Complaint  
**Results:** Follow-up

102 ATCHISON  
 ATCHISON, KS 66002

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/24/13	12:10 PM	02:15 PM	2:05	0:30	2:35	0	
<b>Total:</b>			2:05	0:30	2:35	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Print      Lic. Insp. No

Priority(P) Violations 4      Priority foundation(Pf) Violations 2

Certified Manager on Staff       Address Verified       Actual Sq. Ft. \_\_\_\_\_

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

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

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

<b>Preventing Contamination by Hands</b>	<b>Y N O A C R</b>
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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 .. .. .    |

<b>Approved Source</b>	<b>Y N O A C R</b>
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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 .. . |

<b>Protection from Contamination</b>	<b>Y N O A C R</b>
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- |                                   |                |
|-----------------------------------|----------------|
| 13. Food separated and protected. | .. p .. . p .. |
|-----------------------------------|----------------|

<i>Fail Notes</i>	3-302.11(A)(2)	<i>P - Cross Contamination by type (separate equipment) - FOOD shall be protected from cross contamination by separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by: using separate EQUIPMENT for each type; arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented; or, preparing each type of FOOD at different times or in separate areas</i> <i>[In whirlpool RIC; raw pork tenderloins were stored in a container directly on top of a container of raw chicken. COS-discarded due to improper temperature control. ]</i>
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|---|----------------|
| 14. Food-contact surfaces: cleaned and sanitized. | .. p .. . p .. |
|---|----------------|

<i>Fail Notes</i>	4-602.11(E)(4)	<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> <i>[Divider plate in ice machine was soiled with a build up of mold. COS-cleaned.]</i>
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|---|--------------|
| 15. Proper disposition of returned, previously served, reconditioned and unsafe food. | .. .. p .. . |
|---|--------------|

<b>Potentially Hazardous Food Time/Temperature</b>	<b>Y N O A C R</b>
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- |  |                |
|--|----------------|
| 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 .. . p .. |

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

# 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)(1) | *P - PHF/TCS Hot Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 57°C (135°F) or above. [cooked chili holding according to cook for approximately 3/12 hours at 130.1 degrees. COS-reheated to 183F]*

20. Proper cold holding temperatures. .. p .. .. p ..

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

*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. [The whirlpool WIC; has ambient temperature which ranges from 44F to 50F within seconds of opening the door. all items in WIC had been in cooler over night, a minimum of 16 hours. Cooked brisket at 46.6F, raw chicken at 50.6F, cooked pulled pork at 48.2F, cooked chicken wings at 46.1F, raw sausage at 52.4F, fried chicken at 52.6F, raw pork tenderloin at 51.1F. COS-all PHF discarded.]*

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

*Fail Notes* | 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. [Whirlpool RIC: open package of huckleberry ham which had been opened since Sunday 7/21, according to cook, had no date. In Whirlpool RIC: container of brisket which according to cook had been made on 7/21 had no date. COS- ham dated, brisket discarded due to temperature control.]*

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 .. .. ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Temperature Control	Y N O A C R
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*Fail Notes* | 4-301.11 *Pf - Temperature Capacity - EQUIPMENT for cooling and heating FOOD, and holding cold and hot FOOD, shall be sufficient in number and capacity to provide FOOD temperatures as specified under Chapter 3.  
[Whirlpool RIC: PHF held in the unit which had been holding for a minimum of 16 hours (according to cook)j were at internal temperatures greater than 41F. Ambient temperature after adjusting thermostat to coldest setting achieved 44F. ]*

- 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 .. .. .. .

Prevention of Food Contamination	Y N O A C R
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- 36. Insects, rodents and animals not present. p .. .. .. .
- This item has Notes. See Footnote 4 at end of questionnaire.***
- 37. Contamination prevented during food preparation, storage and display. p .. .. .. .
- 38. Personal cleanliness. p .. .. .. .
- 39. Wiping cloths: properly used and stored. .. p .. .. p ..

*Fail Notes* | 3-304.14(B)(1) *Wiping cloths (Storage) Cloths in-use for wiping counters and other EQUIPMENT surfaces shall be held between uses in a chemical sanitizer solution at an appropriate concentration. [wet wipe cloth stored on counter. COS-moved to sanitizer]*

- 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 .. .. .. .
- 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 .. .. .. .
- 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 .. .. p ..

*Fail Notes* | 4-302.14 *Pf - A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided. [No sanitizer test kit available for quat. COS-employee left and returned with test kit.]*

- 47. Non-food contact surfaces clean. p .. .. .. .

Physical Facilities	Y N O A C R
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- 48. Hot and cold water available; adequate pressure. p .. .. .. .
- 49. Plumbing installed; proper backflow devices. p .. .. .. .

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

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities	Y	N	O	A	C	R
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<i>Fail Notes</i>	5-203.13(A)	<i>At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. [No service sink available in establishment.]</i>
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50. Sewage and waste water properly disposed.	p	..	..	..	..	..
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51. Toilet facilities: properly constructed, supplied and cleaned.	p	..	..	..	..	..
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52. Garbage and refuse properly disposed; facilities maintained.	..	p	..	..	..	..
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<i>Fail Notes</i>	5-501.113	<i>Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered: Inside the FOOD ESTABLISHMENT if the receptacles and units: Contain FOOD residue and are not in continuous use; or, After they are filled; and, With tight-fitting lids or doors if kept outside the FOOD ESTABLISHMENT. [(B) outside trash bin lid was open.]</i>
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53. Physical facilities installed, maintained and clean.	p	..	..	..	..	..
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54. Adequate ventilation and lighting; designated areas used.	p	..	..	..	..	..
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Administrative/Other	Y	N	O	A	C	R
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55. Other violations	p	..	..	..	..	..
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EDUCATIONAL MATERIALS
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The following educational materials were provided      p

- |                             |                            |  |
|-----------------------------|----------------------------|--|
| <i>Material Distributed</i> | <i>Education Title #02</i> | <i>Consumer Advisory</i>               |
|                             | <i>Education Title #07</i> | <i>Corrective Actions</i>              |
|                             | <i>Education Title #13</i> | <i>FBI Listeriosis</i>                 |
|                             | <i>Education Title #32</i> | <i>Food Equipment Cooling Log</i>      |
|                             | <i>Education Title #42</i> | <i>Daily Self-Inspection Checklist</i> |
|                             | <i>Education Title #43</i> | <i>Storing Food in WIC</i>             |

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

cooked temperature on a cheeseburger atn 165F

## **Footnote 2**

### **Notes:**

hot holding corn niblets at 166F, mashed potatoes at 137F

## **Footnote 3**

### **Notes:**

Whirlpool RIC: hardboiled egg at 41F, huckleberry ham at 37F, sausage wrap mix at 41F. Bar RIC: butterscotch pie at 39F. Outside RIC: ambient temperature at 41F.

## **Footnote 4**

### **Notes:**

PIC reported the establishment is serviced once every 3 weeks. Last service was yesterday.

## **Footnote 5**

### **Notes:**

bar hand sink hot water achieved 126F. Kitchen hand sink hot water achieved 117F.

## VOLUNTARY DESTRUCTION REPORT

**Insp Date:** 7/24/2013      **Business ID:** 114821fe  
**Business:** RUBY'S LANDING

102 ATCHISON  
 ATCHISON, KS 66002

**Inspection:** 40000365  
**Store ID:**  
**Phone:** 9133677829  
**Inspector:** KDA40  
**Reason:** 03 Complaint

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/24/13	12:10 PM	02:15 PM	2:05	0:30	2:35	0	
Total:			2:05	0:30	2:35	0	

**ACTIONS**

Number of products Voluntarily Destroyed   5  

**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 Brisket Qty 5 Units gal Value \$ 15.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product chicken Qty 17 Units lbs Value \$ 40.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

3. Product pork Qty 12 Units lbs Value \$ 50.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

# VOLUNTARY DESTRUCTION REPORT

## VOLUNTARY DESTRUCTION REPORT

4. Product sausage Qty 13 Units gal Value \$ 25.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

5. Product bacon Qty 1 Units case Value \$ 26.00

Description

Reason Product Destroyed \_\_\_\_\_ Method Product Destroyed \_\_\_\_\_

Disposal Location \_\_\_\_\_ Embargo Hold Tag # N/A

## NOTICE OF NON COMPLIANCE WITH KANSAS LAW

**Insp Date:** 7/24/2013      **Business ID:** 114821fe  
**Business:** RUBY'S LANDING

**Inspection:** 40000365  
**Store ID:**  
**Phone:** 9133677829  
**Inspector:** KDA40  
**Reason:** 03 Complaint

102 ATCHISON  
 ATCHISON, KS 66002

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
07/24/13	12:10 PM	02:15 PM	2:05	0:30	2:35	0	
Total:			2:05	0:30	2:35	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 08/03/13

Inspection Report Number 40000365                      Inspection Report Date 07/24/13

Establishment Name      RUBY'S LANDING

Physical Address      102 ATCHISON                      City ATCHISON

Zip 66002

Additional Notes  
and Instructions