

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: 1/29/2015
Business: WHISPERS

Business ID: 105631FE

Inspection: 40001281

13944 MITCHELL CT
 BASEHOR, KS 66007

Store ID:
Phone: 9137243322
Inspector: KDA40
Reason: 01 Routine
Results: Follow-up

Time In / Time Out

| Date | In | Out | Insp | Travel | Total | Mileage | Notes: |
|----------|----------|----------|------|--------|-------|---------|--------|
| 01/29/15 | 04:30 PM | 08:00 PM | 3:30 | 0:15 | 3:45 | 0 | |
| Total: | | | 3:30 | 0:15 | 3:45 | 0 | |

FOOD ESTABLISHMENT PROFILE

Physical Address 13944 MITCHELL CT City BASEHOR
 Zip 66007
 Owner _____ License Type FE
 Risk Category RAC# 05 High Risk RAC/Size Confirmed Size Range Under 5,000 sq feet
 Insp. Notification Print Lic. Insp. No
 Priority(P) Violations 4 Priority foundation(Pf) Violations 3
 Certified Manager on Staff Address Verified Actual Sq. Ft. 0
 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

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

| Demonstration of Knowledge | | Y | N | O | A | C | R |
|--|--|----|----|----|----|----|----|
| 1. Certification by accredited program, compliance with Code, or correct responses. | | .. | .. | p | .. | .. | .. |
| Employee Health | | Y | N | O | A | C | R |
| 2. Management awareness; policy present. | | .. | .. | p | .. | .. | .. |
| 3. Proper use of reporting, restriction and exclusion. | | .. | .. | p | .. | .. | .. |
| Good Hygienic Practices | | Y | N | O | A | C | R |
| 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 |
| 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 | .. | .. | p | .. |
| <i>Fail Notes</i> | 6-301.11 <i>Pf - Each HANDWASHING SINK or group of two adjacent HANDWASHING SINKS shall be provided with a supply of hand cleaning liquid, powder, or bar soap. [There was no soap at the bar hand sink. COS-provided.]</i> | | | | | | |
| | 6-301.12 <i>Pf - Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS shall be provided with: Individual, disposable towels; a continuous towel system that supplies the user with a clean towel; a heated-air hand drying device; or a hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures. [There were no paper towels at the bar or at the kitchen hand sinks. COS-provided.]</i> | | | | | | |
| Approved Source | | Y | N | O | A | C | R |
| 9. Food obtained from approved source. | | p | .. | .. | .. | .. | .. |
| 10. Food received at proper temperature. | | .. | .. | p | .. | .. | .. |
| 11. Food in good condition, safe and unadulterated. | | .. | p | .. | .. | p | .. |
| <i>Fail Notes</i> | 3-101.11 <i>P - FOOD shall be safe, UNADULTERATED, and honestly presented. [There were two bottles of liquor (tequila and scotch) behind the bar that contained dead small flying insects: approximately 10 in the scotch and approximately 2 in the tequila. COS-discarded.]</i> | | | | | | |
| 12. Required records available: shellstock tags, parasite destruction. | | .. | .. | .. | p | .. | .. |
| Protection from Contamination | | Y | N | O | A | C | R |
| 13. Food separated and protected. | | .. | p | .. | .. | p | .. |
| <i>Fail Notes</i> | 3-302.11(A)(1)(b) <i>P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from Cooked READY-TO-EAT FOOD. [In the WIC, there was raw bacon and raw beef stored above RTE beverages and condiments. COS-moved.]</i> | | | | | | |
| 14. Food-contact surfaces: cleaned and sanitized. | | .. | p | .. | .. | .. | .. |
| <i>Fail Notes</i> | 4-601.11(A) <i>Pf - Food Contact Clean to Sight and Touch - EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch. [The meat slicer was soiled with dried food debris. Employee indicated it is not used. There was a large crock pot on a side table. The crock pot was soiled with dried food debris. There was a large meat fork on the side table that was soiled with dried food debris. There was a stack of fry pans stored as clean that were soiled with rodent droppings.]</i> | | | | | | |

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

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| Protection from Contamination | Y | N | O | A | C | R |
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| Fail Notes | <p>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></p> <p><i>[There was mold on the divider plate in the ice machine. COS-cleaned.]</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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| 17. Proper reheating procedures for hot holding. | .. | .. | p | .. | .. | .. |
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| 18. Proper cooling time and temperatures. | .. | .. | p | .. | .. | .. |
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| 19. Proper hot holding temperatures. | .. | .. | p | .. | .. | .. |
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| 20. Proper cold holding temperatures. | p | .. | .. | .. | .. | .. |
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This item has Notes. See Footnote 1 at end of questionnaire.

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| 21. Proper date marking and disposition. | p | .. | .. | .. | .. | .. |
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| 22. Time as a public health control: procedures and record. | .. | .. | .. | p | .. | .. |
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| Consumer Advisory | Y | N | O | A | C | R |
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| 23. Consumer advisory provided for raw or undercooked foods. | .. | .. | .. | p | .. | .. |
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| Highly Susceptible Populations | Y | N | O | A | C | R |
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| 24. Pasteurized foods used; prohibited foods not offered. | .. | .. | .. | p | .. | .. |
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| Chemical | Y | N | O | A | C | R |
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| 25. Food additives: approved and properly used. | .. | .. | p | .. | .. | .. |
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| 26. Toxic substances properly identified, stored and used. | p | .. | .. | .. | .. | .. |
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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 | .. | .. |
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| 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 | .. | .. |
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| 29. Water and ice from approved source. | p | .. | .. | .. | .. | .. |
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| 30. Variance obtained for specialized processing methods. | .. | .. | .. | p | .. | .. |
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| Food Temperature Control | Y | N | O | A | C | R |
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| 31. Proper cooling methods used; adequate equipment for temperature control. | p | .. | .. | .. | .. | .. |
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| 32. Plant food properly cooked for hot holding. | .. | .. | .. | p | .. | .. |
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| 33. Approved thawing methods used. | .. | .. | p | .. | .. | .. |
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| 34. Thermometers provided and accurate. | p | .. | .. | .. | .. | .. |
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

| 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 |
| 36. Insects, rodents and animals not present. | | .. | p | .. | .. | .. | .. |
| <i>Fail Notes</i> | <p>6-501.111(A) <i>P - Pests (Prohibited) The PREMISES shall be maintained free of insects, rodents, and other pests.</i> <i>[The entire building is, according to owner, approximately 16,000 square feet. The club portion of the building is approximately 6,000 square feet. There are rodent droppings throughout the club. There are approximately 1500 rodent droppings in and around the kitchen/warewash area. Dropping were on the make table, side table, ledges on the stove and grill. Dropping were in cardboard boxes of sleeves of single use ramekins and lids. There were droppings in a stack of fry pans, There were droppings under the rack of clean equipment. There were droppings on the PVC pipe along the wall perpendicular to the 3-vat sink. There are approximately 500 rodent droppings behind the bar. There are approximately 50 in the women's restroom and approximately 50 in the men's restroom. There is evidence of gnawing on paper towels in the cubboard under the hand sink in the men's restroom. There are approximately 250 rodent droppings in the DJ booth and approximately 200 in the crawl space below the DJ booth. The trash bag filled with trash in the waste bin at the DJ booth had been gnawed open.]</i></p> | | | | | | |
| 37. Contamination prevented during food preparation, storage and display. | | .. | p | .. | .. | p | .. |
| <i>Fail Notes</i> | <p>3-305.11(A)(1) <i>Food storage - Except as specified in ¶¶ (B) and (C) of 3-305.11, FOOD shall be protected from contamination by storing the FOOD: in a clean, dry location; where it is not exposed to splash, dust, or other contamination; and at least 15 cm (6 inches) above the floor.</i> <i>[There was a plastic container of assorted food items stored on the floor in the WIC. COS-container placed on shelf.]</i></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 | .. | .. | .. | .. | .. |
| 47. Non-food contact surfaces clean. | | .. | p | .. | .. | .. | .. |

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

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|---------------------------------|---|---|---|---|---|---|
| Utensils, Equipment and Vending | Y | N | O | A | C | R |
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Fail Notes | 4-601.11(C) *NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris. [The front of the prep table doors are soiled with dried food splatter. There is an accumulation of grease dripping along the front of the flat top grill. The catch tray in front of the flattop was soiled with a thick (approximately 1/4 inch) layer of congealed grease.]*

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| 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 2 at end of questionnaire.

50. Sewage and waste water properly disposed. p

51. Toilet facilities: properly constructed, supplied and cleaned. . . p

Fail Notes | 5-501.17 *A toilet room used by females shall be provided with a covered receptacle for sanitary napkins. [There is no covered waste bin in the women's restroom.]*

52. Garbage and refuse properly disposed; facilities maintained. p

53. Physical facilities installed, maintained and clean. . . p

Fail Notes | 6-501.11 *PHYSICAL FACILITIES shall be maintained in good repair. [There is exposed sheet rock, unpainted sheet rock, exposed plywood, and wall studs. There is no covering over the corner drywall joints. There are missing ceiling tiles in the kitchen and storage room.]*

6-501.114(A) *Premises (Unnecessary items) The PREMISES shall be free of items that are unnecessary to the operation or maintenance of the establishment such as EQUIPMENT that is nonfunctional or no longer used. [There is an accumulation of unused mechanical equipment and assorted utensils and cookware in the kitchen and storage area.]*

6-501.12(A) *PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean. [There is an accumulation of dried food debris and detritus on the floor under the stove. There is drywall debris/dust build up along the floor/wall junctions.]*

54. Adequate ventilation and lighting; designated areas used. . . p

Fail Notes | 6-303.11(A) *Light intensity (108 lux) The light intensity shall be at least 108 lux (10 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry FOOD storage areas and in other areas and rooms during periods of cleaning. [The WIC is not equipped with a light. The door to the WIC had to remain open and a flashlight was used to conduct the inspection.]*

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| Administrative/Other | Y | N | O | A | C | R |
|----------------------|---|---|---|---|---|---|

55. Other violations . . p

Fail Notes | 8-404.11 *P - A LICENSEE shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health. A LICENSEE need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD. [Due to the infestation of rodents throughout the building, the establishment voluntarily closed and will remain so until such time as there is no further evidence of infestation.]*

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

EDUCATIONAL MATERIALS

The following educational materials were provided

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

WIC: sour cream at 40F.

Footnote 2

Notes:

kitchen hand sink hot water achieved 101F. The bar hand sink hot water achieved 102F.

VOLUNTARY DESTRUCTION REPORT

Insp Date: 1/29/2015 **Business ID:** 105631FE
Business: WHISPERS

13944 MITCHELL CT
 BASEHOR, KS 66007

Inspection: 40001281
Store ID:
Phone: 9137243322
Inspector: KDA40
Reason: 01 Routine

Time In / Time Out

| Date | In | Out | Insp | Travel | Total | Mileage | Notes: |
|----------|----------|----------|------|--------|-------|---------|--------|
| 01/29/15 | 04:30 PM | 08:00 PM | 3:30 | 0:15 | 3:45 | 0 | |
| Total: | | | 3:30 | 0:15 | 3:45 | 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 liquor Qty 2 Units ltr Value \$ 8.00

Description tequila and scotch contained dead small flying insects.

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

VOLUNTARY CLOSURE STATEMENT

Insp Date: 1/29/2015 **Business ID:** 105631FE
Business: WHISPERS

Inspection: 40001281
Store ID:
Phone: 9137243322
Inspector: KDA40
Reason: 01 Routine

13944 MITCHELL CT
 BASEHOR, KS 66007

Time In / Time Out

| Date | In | Out | Insp | Travel | Total | Mileage | Notes: |
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VOLUNTARY CLOSURE STATEMENT

BECAUSE OF DEFICIENCIES NOTED ON THE ATTACHED KANSAS DEPARTMENT OF AGRICULTURE INSPECTION REPORT, I VOLUNTARILY AGREE TO CLOSE THIS ESTABLISHMENT AND CEASE OPERATION UNTIL NEEDED CORRECTIONS HAVE BEEN COMPLETED. I AGREE NOT TO REOPEN THIS ESTABLISHMENT PRIOR TO RE-INSPECTION BY THE FOOD, DRUG, AND LODGING SURVEYOR.

Reinspection is currently scheduled for _____

Inspection Report Number 40001281 Inspection Report Date 01/29/15

Establishment Name WHISPERS

Physical Address 13944 MITCHELL CT City BASEHOR
 Zip 66007

Additional Notes
 Establishment will contact the KDA main office to schedule a re-opening inspection.

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: 1/29/2015
Business: WHISPERS

Business ID: 105631FE

Inspection: 40001281

Store ID:

Phone: 9137243322

Inspector: KDA40

Reason: 01 Routine

13944 MITCHELL CT
 BASEHOR, KS 66007

Time In / Time Out

| Date | In | Out | Insp | Travel | Total | Mileage | Notes: |
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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 _____

Inspection Report Number 40001281

Inspection Report Date 01/29/15

Establishment Name WHISPERS

Physical Address 13944 MITCHELL CT City BASEHOR

Zip 66007

Additional Notes and Instructions

A follow up inspection will be scheduled for 10 days after an approved re-opening.