

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: 8/19/2013 **Business ID:** 112911fe
Business: MARIGOLD BAKERY & CAFE

Inspection: 48000832
Store ID:
Phone: 9133673858
Inspector: KDA48
Reason: 01 Routine
Results: No Follow-up

715 COMMERCIAL ST
 ATCHISON, KS 66002

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
08/19/13	09:20 AM	01:15 PM	3:55	0:25	4:20	0	
Total:			3:55	0:25	4:20	0	

FOOD ESTABLISHMENT PROFILE	
Updated Risk Category <u>RAC# 06 High Risk</u>	Updated Size Range <u>1. Under 5,000 sq feet</u>
Insp. Notification <u>Email</u> Sent Notification To _____	Lic. Insp. <u>No</u>
Priority(P) Violations <u>2</u> Priority foundation(Pf) Violations <u>4</u>	
Certified Manager on Staff <input type="checkbox"/>	Address Verified <input checked="" type="checkbox"/>
Certified Manager Present <input type="checkbox"/>	Actual Sq. Ft. <u>1620</u>

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	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	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices		Y	N	O	A	C	R
4. Proper eating, tasting, drinking, or tobacco use		..	p	..	..	..	..
<i>Fail Notes</i>	2-401.11 <i>EMPLOYEES shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES; or other items needing protection cannot result. [Found one employee beverage with no lid, sitting on food prep table.]</i>						
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	..	..	p	..
<i>Fail Notes</i>	2-301.14(H) <i>P - Wash Hands (Gloves) 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 before donning gloves for working with FOOD [KDA 60 observed employee crack a raw shell egg and change gloves, then immediatly handle clean plates, without washing hands in between changing gloves. Corrected on site (COS) by educating all employees on handwashing procedures.]</i>						
	2-301.15 <i>Pf - Where to Wash Hands- FOOD EMPLOYEES shall clean their hands only in a HANDWASHING SINK or APPROVED automatic handwashing facility. [Observed dish washing emplooyee washing hands in the three vat sink. COS by educating all employees on proper handwashing procedures.]</i>						
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
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>	3-202.15 <i>Pf - FOOD packages shall be in good condition and protect the integrity of the contents so that the FOOD is not exposed to ADULTERATION or potential contaminants. [In lower portion of salad make table, found one plastic container of shredded pepperjack cheese with large crack in container, exposing food to contamination. COS by voluntarily throwing away.]</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	..	..	..	..	..
14. Food-contact surfaces: cleaned and sanitized.		..	p	..	..	p	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>							
<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. [Panini press found with stuck on food and grease buildup. Two ladels hanging near stove, found with stuck on brown food debris. Also multiple muffin tins, found with heavy stuck on food debris. COS by having all items properly washed.]</i>						
15. Proper disposition of returned, previously served, reconditioned and unsafe food.		p	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

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 | .. | .. | .. | .. | .. |
| <i>This item has Notes. See Footnote 2 at end of questionnaire.</i> | | | | | | |
| 20. Proper cold holding temperatures. | .. | p | .. | .. | p | .. |

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

<i>Fail Notes</i>	3-501.16(B)	<i>P - PHF/TCS Cold Holding (Shell EGGS) EGGS that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated EQUIPMENT that maintains an ambient air temperature of 7°C (45°F) or less. [Four, raw shell eggs found sitting on food prep table with temperature of 78 F. Employee stated the eggs were sitting out for approximately 75 minutes to be used for meringue. COS by moving eggs to cooler.]</i>
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| 21. Proper date marking and disposition. | p | .. | .. | .. | .. | .. |
| 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 | .. | .. | p | .. |
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<i>Fail Notes</i>	3-603.11(B)	<i>Pf - Consumer Advisory for Raw or Undercooked Food (Disclosure requirements) - DISCLOSURE shall include: A description of the animal-derived FOODS, such as "oysters on the half shell (raw oysters)," "raw-EGG Caesar salad," and "hamburgers (can be cooked to order)"; or, Identification of the animal-derived FOODS by asterisking them to a footnote that states that the items are served raw or undercooked, or contain (or may contain) raw or undercooked ingredients. [Large menu on wall did not have disclosure including asterisks for each item that could be ordered undercooked. Items allowed to be undercooked are eggs. COS by adding asterisks to items on menu that need disclosure.]</i>
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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 | .. | .. | .. | .. | .. |
| 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 | .. | .. |
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GOOD RETAIL PRACTICES

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 | .. | .. | .. | .. | .. |
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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	..	..	p	..
<i>Fail Notes</i>	4-204.112(B) <i>Temperature Measuring Devices (Integrated or Affixed) Cold or hot holding EQUIPMENT used for POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be designed to include and shall be equipped with at least one integral or permanently affixed TEMPERATURE MEASURING DEVICE that is located to allow easy viewing of the device's temperature display. [The sandwich make table, salad make table and white Whirlpool coolers were not equipped with ambient air measuring devices. COS employee provided thermometers for each cooler.]</i>						

Food Identification		Y	N	O	A	C	R
	35. Food properly labeled; original container.	..	p	..	..	..	..
<i>Fail Notes</i>	3-302.12 <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. [Two bottles of cooking oil and one bottle of balsamic vinegar found with no common name.]</i>						

Prevention of Food Contamination		Y	N	O	A	C	R
	36. Insects, rodents and animals not present.	p	..	..	..	..	..
	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	..	..	..	..
<i>Fail Notes</i>	3-304.12(E) <i>In-use utensil storage (non-PHF/TCS-clean, protected location) During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS used with FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be stored in a clean, protected location. [The ice scoop for ice machine was found being stored directly on top of ice machine sitting in dust.]</i>						
	42. Utensils, equipment and linens: properly stored, dried and handled.	..	p	..	..	p	..
<i>Fail Notes</i>	4-903.11(B) <i>Clean EQUIPMENT and UTENSILS shall be stored as specified under ¶(A) of this section and shall be stored: In a self-draining position that allows air drying; and, Covered or inverted. [Blue ceramic tub of spatulas found with food contact surfaces of spatulas facing up. Needing to be inverted. COS by inverting.]</i>						
	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	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Utensils, Equipment and Vending	Y	N	O	A	C	R
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| 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. [Shelf used to store baking equipment found with dust and food debris. Also the hood over this stove was found with dirt accumulation on the hood itself as well as the hood vents.]</i> | | | | | | |

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 | .. | .. | .. | .. | .. |
| 50. Sewage and waste water properly disposed. | p | .. | .. | .. | .. | .. |
| 51. Toilet facilities: properly constructed, supplied and cleaned. | .. | p | .. | .. | .. | .. |
| <i>Fail Notes</i> \| 6-202.14 <i>Except where a toilet room is located outside a FOOD ESTABLISHMENT and does not open directly into the FOOD ESTABLISHMENT, such as a toilet room that is provided by the management of a shopping mall, a toilet room located on the PREMISES shall be completely enclosed and provided with a tight-fitting and self-closing door. [The women's and men's restrooms did not have self closing doors.]</i> | | | | | | |
| 52. Garbage and refuse properly disposed; facilities maintained. | p | .. | .. | .. | .. | .. |
| 53. Physical facilities installed, maintained and clean. | .. | p | .. | .. | .. | .. |
| <i>Fail Notes</i> \| 6-501.16 <i>After use, mops shall be placed in a position that allows them to air-dry without soiling walls, EQUIPMENT, or supplies. [Mop found being stored in mop sink, not allowed to air dry.]</i> | | | | | | |
| 54. Adequate ventilation and lighting; designated areas used. | p | .. | .. | .. | .. | .. |

Administrative/Other	Y	N	O	A	C	R
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| 55. Other violations | .. | .. | .. | .. | .. | .. |
| <i>This item has Notes. See Footnote 4 at end of questionnaire.</i> | | | | | | |

EDUCATIONAL MATERIALS

The following educational materials were provided p

<i>Material Distributed</i>	Education Title #03 Baking Cooling Pies
	Education Title #25 Handwashing

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

Chlorine sanitizing solution in dish machine of 50 parts per million

Footnote 2

Notes:

Tomato soup held on the stove at 168 F.

Footnote 3

Notes:

In sandwich make table: sliced tomatoes held at 37 F, made on site tuna salad held at 42 F. In lower portion of make table: sliced tomatoes held at 37 F, spinach spread held at 38 F with an ambient of 40.5 F

In salad make table: cut lettuce held at 37 F, cooked chicken pieces held at 38 F. Lower portion of make table had ambient of 39.7 F

Frigidaire Commercial brand cooler: spinach held at 42 F

White Whirlpool brand cooler with ambient of 42.6 F.

Pepsi cooler ambient temperature of 32 F

Footnote 4

Notes:

KDA 60 along for inspection.

FIELD WARNING LETTER

Insp Date: 8/19/2013 **Business ID:** 112911fe
Business: MARIGOLD BAKERY & CAFE

715 COMMERCIAL ST
ATCHISON, KS 66002

Inspection: 48000832
Store ID:
Phone: 9133673858
Inspector: KDA48
Reason: 01 Routine

Reference:

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
08/19/13	09:20 AM	01:15 PM	3:55	0:25	4:20	0	
Total:			3:55	0:25	4:20	0	

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.

VOLUNTARY DESTRUCTION REPORT

Insp Date: 8/19/2013 **Business ID:** 112911fe
Business: MARIGOLD BAKERY & CAFE

715 COMMERCIAL ST
 ATCHISON, KS 66002

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Total:			3:55	0:25	4:20	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 Shredded pepper jack cheese Qty 1 Units cup Value \$.30

Description Cheese was found in cracked packaging.

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A