

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: 9/27/2013 **Business ID:** 113006FE
Business: LUTZ BROTHERS OIL

Inspection: 48000878
Store ID:
Phone: 9133676304
Inspector: KDA48
Reason: 01 Routine
Results: Follow-up

405 UTAH AVE
 ATCHISON, KS 66002

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
09/27/13	09:40 AM	12:10 PM	2:30	0:05	2:35	0	
Total:			2:30	0:05	2:35	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>1</u>	
Certified Manager on Staff <input type="checkbox"/>	Address Verified <input checked="" type="checkbox"/>
Certified Manager Present <input type="checkbox"/>	Actual Sq. Ft. <u>2300</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

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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	..	..	..	..	..
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	..	..	..	..	..
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	..	..	..	..	..
15. Proper disposition of returned, previously served, reconditioned and unsafe food.	p	..	..	..	..	..
Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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 1 at end of questionnaire.</i>						
20. Proper cold holding temperatures.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 2 at end of questionnaire.</i>						
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
23. Consumer advisory provided for raw or undercooked foods.	..	..	..	p	..	..
Highly Susceptible Populations	Y	N	O	A	C	R
24. Pasteurized foods used; prohibited foods not offered.	..	..	..	p	..	..
Chemical	Y	N	O	A	C	R
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
27. Compliance with variance, specialized process and HACCP plan.	..	..	..	p	..	..
GOOD RETAIL PRACTICES						
Safe Food and Water	Y	N	O	A	C	R
28. Pasteurized eggs used where required.	p

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Safe Food and Water	Y N O A C R
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| 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 . . |
| 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 |
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<i>Fail Notes</i>	3-602.11(B)(1)	<p><i>Label information (packaged in establishment - Common Name) Label information shall include the common name of the FOOD, or absent a common name, an adequately descriptive identity statement.</i></p> <p><i>[In hot holding burrito case found sausage and eggs breakfast burritos, made on site, with no common name.]</i></p>
	3-602.11(B)(2)	<p><i>Label information (packaged in establishment - Ingredients) Label information shall include, if made from two or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives, if contained in the FOOD.</i></p> <p><i>[In hot holding burrito case found sausage and egg breakfast burritos, made on site, with no ingredient list.]</i></p>
	3-602.11(B)(3)	<p><i>Label information (packaged in establishment - Net Contents) Label information shall include an accurate declaration of the quantity of contents.</i></p> <p><i>[In hot holding burrito case found sausage and egg breakfast burritos, made on site, with no net contents label.]</i></p>
	3-602.11(B)(4)	<p><i>Label information (packaged in establishment - Business Information) Label information shall include the name and place of business of the manufacturer, packer, or distributor.</i></p> <p><i>[In hot holding burrito case found sausage and egg breakfast burritos, made on site, with no business information. Also, establishment is bagging their own ice. Bags do not have business information.]</i></p>
	3-602.11(B)(5)	<p><i>Pf - Label information (packaged in establishment - Food Allergens) Label information shall include the name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient.</i></p> <p><i>[In hot holding burrito case found sausage and egg burritos, made on site, with no list of common food allergens. Also found one chicken fajita wrap, made on site, with no list of common food allergens.]</i></p>

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Food Identification	Y	N	O	A	C	R
<p><i>Fail Notes</i> 3-602.11(C) <i>Bulk food - self service (Labeling) Bulk FOOD that is available for CONSUMER self-dispensing shall be prominently labeled with the following information in plain view of the CONSUMER: the manufacturer's or processor's label that was provided with the FOOD; or, a card, sign, or other method of notification that includes the common name of the FOOD, a list of the ingredients in descending order by predominance of weight, and the name of the FOOD source for each MAJOR FOOD ALLERGEN contained in the FOOD unless the FOOD source is already part of the common or usual name of the respective ingredient. [On shelf next to coffee station, found bulk blueberry muffins with no labeling; no common name, list of ingredients, common food allergens or processors label.]</i></p>						
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	..	..	..	..
<p><i>Fail Notes</i> | 3-304.12(B) <i>In-use utensil storage (Non-PHF/TCS-handles above food) During pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored in FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) with their handles above the top of the FOOD within containers or EQUIPMENT that can be closed, such as bins of sugar, flour, or cinnamon. [Found one plastic container of sugar with a paper cup used as dispersor; cup had no handle.]</i></p>						
42. Utensils, equipment and linens: properly stored, dried and handled.	p	..	..	..	..	..
43. Single-use and single-service articles: properly used.	..	p	..	..	..	..
<p><i>Fail Notes</i> | 4-502.13(A) <i>SINGLE-SERVICE and SINGLE-USE ARTICLES may not be reused. [Found one plastic container of sugar with a single use cup used to dispense sugar; single use article reused.]</i></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	..	..	p	..
<p><i>Fail Notes</i> | 4-101.11(A) <i>P - FCS materials (Safe) Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT shall be safe. [Found one plastic Sterilite container storing sugar; container not approved for food storage. Corrected on site (COS) by moving sugar to approved container.]</i></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
Physical Facilities	Y	N	O	A	C	R

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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
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49. Plumbing installed; proper backflow devices.	..	p
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<i>Fail Notes</i>	5-203.15	<i>P - If not provided with an air gap as specified under § 5-202.13, a dual check valve with an intermediate vent preceded by a screen of not less than 100 mesh to 25.4 mm (100 mesh to 1 inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line. [Found one carbonator for soda fountain, not equipped with an intermediate vent.]</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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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

The following educational materials were provided ..

<i>Material Distributed</i>	<i>Education Title #29</i>	<i>Labeling</i>
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Footnote 1

Notes:

In crock pot found white gravy held at 150 F
In hot holding case found sausage and eggs breakfast burrito held at 137 F
In hot holding roller case found breakfast sausage held at 133
In Gehls Nacho cheese dispenser found nacho cheese held at 138

Footnote 2

Notes:

Ojeda brand reach in cooler storing lunch-ables had ambient of 39 F
In walk in cooler found breakfast burritos held at 42 F
In Taylor brand soft serve yogurt machine found cheesecake flavored yogurt held at 35 F
In True brand make table found cooked grilled chicken pieces held at 42 F

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

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Inspector: KDA48
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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 10/07/13

Inspection Report Number 48000878 Inspection Report Date 09/27/13

Establishment Name LUTZ BROTHERS OIL

Physical Address 405 UTAH AVE City ATCHISON
 Zip 66002

Additional Notes and Instructions

1 Pf violation #35 and 1 P violation #49, not corrected on site.