

**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:** 12/4/2014      **Business ID:** 113006FE  
**Business:** LUTZ BROTHERS OIL

**Inspection:** 48001519  
**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:
12/04/14	09:15 AM	12:25 PM	3:10	0:25	3:35	0	
<b>Total:</b>			3:10	0:25	3:35	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Print      Lic. Insp. No

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

Certified Manager on Staff ..      Address Verified p      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

Good Hygienic Practices	Y   N   O   A   C   R
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- |   |                       |
|---|-----------------------|
| 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
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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   "   "   p   " |

<i>Fail Notes</i>	<p>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.</i>  <i>[The handsink was not supplied with a method to dry hands. Corrected on site (COS) sink supplied with paper towels.]</i></p>
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Approved Source	Y   N   O   A   C   R
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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   "   " |

Protection from Contamination	Y   N   O   A   C   R
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- |   |                       |
|---|-----------------------|
| 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
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- |  |                       |
|--|-----------------------|
| 16. Proper cooking time and temperatures.        | "   "   p   "   "   " |
| 17. Proper reheating procedures for hot holding. | p   "   "   "   "   " |

***This item has Notes. See Footnote 1 at end of questionnaire.***

- |   |                       |
|---|-----------------------|
| 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.***

<i>Fail Notes</i>	<p>3-501.16(A)(1)   <i>P - PHF/TCS Hot Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 57°C (135°F) or above.</i>  <i>[White gravy in a crock pot at 120 F. Employee stated it had been in the crock pot since 7:30 am. COS, employee chose to discard gravy.]</i></p>
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|--|-----------------------|
| 20. Proper cold holding temperatures.                                      | p   "   "   "   "   " |
| <b><i>This item has Notes. See Footnote 3 at end of questionnaire.</i></b> |                       |
| 21. Proper date marking and disposition.                                   | "   p   "   "   p   " |

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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<i>Fail Notes</i>	3-501.18(A)(2)	<p><i>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. [In the walk in cooler, one opened container of commercially prepared soup with no date marking. Employee stated it was opened 12/2. ]</i></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	..	..	p	..
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<i>Fail Notes</i>	7-102.11	<p><i>Pf - Common Name (Working Containers) Working containers used for storing POISONOUS OR TOXIC MATERIALS such as cleaners and SANITIZERS taken from bulk supplies shall be clearly and individually identified with the common name of the material. [Above the mop sink, one spray bottle with a blue liquid and no label. Employee stated it was Windex. COS. bottle was labeled. ]</i></p>
	7-301.11(B)	<p><i>P - Retail Chemical Storage (Not Above Food, etc.) POISONOUS OR TOXIC MATERIALS shall be stored and displayed for retail sale so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by locating the POISONOUS OR TOXIC MATERIALS in an area that is not above FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE or SINGLE-USE ARTICLES. [Out on the retail floor, cans of brake fluid over paper plates, engine oil over plastic forks and stop leak over salt and pepper shakers. Also, in the back storage room cans of lighter fluid over tortilla chips, break fluid over BBQ cracklins and WD-40 over plastic spoons. COS, toxic items moved to lower shelves. ]</i></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	Y	N	O	A	C	R
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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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***This item has Notes. See Footnote 4 at end of questionnaire.***

32. Plant food properly cooked for hot holding.	..	..	p	..	..	..
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## KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

<b>Food Temperature Control</b>	Y	N	O	A	C	R
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|---|----|----|----|----|----|----|
| 33. Approved thawing methods used.      | .. | .. | p  | .. | .. | .. |
| 34. Thermometers provided and accurate. | .. | p  | .. | .. | p  | .. |

<i>Fail Notes</i>	4-204.112(B)	<p><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 make table did not have an integrated or affixed thermometer. ]</i></p>
	4-204.112(E)	<p><i>Pf - Temperature Measuring Devices (Scaled) FOOD TEMPERATURE MEASURING DEVICES and water TEMPERATURE MEASURING DEVICES on WAREWASHING machines shall have a numerical scale, printed record, or digital readout in increments no greater than 1°C or 2°F in the intended range of use. [The food thermometer provided was placed in ice water for calibrating and read at 0 F. COs, the thermometer was calibrated to read 32 F in ice water. ]</i></p>

<b>Food Identification</b>	Y	N	O	A	C	R
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|--|----|---|----|----|----|----|
| 35. Food properly labeled; original container. | .. | p | .. | .. | .. | .. |
|--|----|---|----|----|----|----|

<i>Fail Notes</i>	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. [Owner could not supply all of the ingredient information for the packaged on site and out for consumer self service "Fajita Chicken Wrap" and a "Chicken Wrap." Information not provided was ingredients for the chicken and shredded cheese. ]</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. [Bagged on site ice does not include any business information on it's packaging. ]</i></p>

<b>Prevention of Food Contamination</b>	Y	N	O	A	C	R
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|---|----|----|----|----|----|----|
| 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  | .. | .. | .. |

<b>Proper Use of Utensils</b>	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 | .. | .. | .. | .. | .. |

<b>Utensils, Equipment and Vending</b>	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 | .. | .. | .. | .. | .. |
|---|---|----|----|----|----|----|

# 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    ..    ..    ..    ..

<i>Fail Notes</i>	4-501.12	<i>Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and SANITIZED, or discarded if they are not capable of being resurfaced. [The cutting board on the make table has excessive scoring on it.]</i>
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46. Warewashing facilities: installed, maintained, and used; test strips.    ..    p    ..    ..    ..    ..

<i>Fail Notes</i>	4-302.14	<i>Pf - A test kit or other device that accurately measures the concentration in mg/L of SANITIZING solutions shall be provided. [Location uses chlorine sanitizer in the three compartment sink but could not supply any chlorine test strips.]</i>
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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    ..    ..    ..    ..

<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. [The Coca-cola carbonator does not have intermediate vent.]</i>
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50. Sewage and waste water properly disposed.    p    ..    ..    ..    ..    ..

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    ..    ..    ..    ..    ..

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

Administrative/Other	Y	N	O	A	C	R
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55. Other violations    p    ..    ..    ..    ..    ..

EDUCATIONAL MATERIALS
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The following educational materials were provided    p

<i>Material Distributed</i>	<i>Education Title #08</i>	<i>Date Marking</i>			
	<i>Education Title #26</i>	<i>Hot and Cold Holding Sign</i>			

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

Commerically prepared goulash was reheated in the crock pot to 136 F

## **Footnote 2**

### **Notes:**

roller case, cheese and pepperoni roller at 170 Ff  
Gehls nacho cheese dispenser, cheese 137 F

## **Footnote 3**

### **Notes:**

walk in cooler, chocolate milk 43 F  
Taylor 3, blueberry yogurt 35 F  
Taylor 2, chocolate ice cream mix 36 F  
Taylor 1, caramel yogurt 37 F  
Ojeda open air, chicken wrap 41 F

The make table had just come out of defrost when I took temperatures. Commercially prepared, fully cooked chicken breast strips were at 44 F. The ambient air temperature was at 41.7 F Ten minutes later the ambient was checked again at 37.8 F

## **Footnote 4**

### **Notes:**

Freezer items were frozen solid.

## NOTICE OF NON COMPLIANCE WITH KANSAS LAW

**Insp Date:** 12/4/2014      **Business ID:** 113006FE  
**Business:** LUTZ BROTHERS OIL

**Inspection:** 48001519  
**Store ID:**  
**Phone:** 9133676304  
**Inspector:** KDA48  
**Reason:** 01 Routine

405 UTAH AVE  
 ATCHISON, KS 66002

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
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Total:			3:10	0:25	3:35	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 12/14/14

Inspection Report Number 48001519      Inspection Report Date 12/04/14

Establishment Name LUTZ BROTHERS OIL

Physical Address 405 UTAH AVE      City ATCHISON  
 Zip 66002

Additional Notes and Instructions