

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: 6/30/2014 **Business ID:** 115848FE
Business: EL PATRON

Inspection: 63001949
Store ID:
Phone: 7855942711
Inspector: KDA63
Reason: 03 Complaint
Results: Follow-up

711 8TH ST, PO BOX 788
 BALDWIN CITY, KS 66006

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
06/30/14	12:00 PM	02:50 PM	2:50	0:25	3:15	0	
Total:			2:50	0:25	3:15	0	

FOOD ESTABLISHMENT PROFILE

Insp. Notification Print Lic. Insp. No

Priority(P) Violations 9 Priority foundation(Pf) Violations 5

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, 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	..	..	..	..	..
Good Hygienic Practices	Y	N	O	A	C	R

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices		Y	N	O	A	C	R
4. Proper eating, tasting, drinking, or tobacco use		..	p	..	..	p	..
Fail Notes	2-401.11 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. [Uncovered employee drinks on top of ice machine. COS, removed]						
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	..	..	..	..
Fail Notes	3-101.11 P - FOOD shall be safe, UNADULTERATED, and honestly presented. [Live flies were observed landing on cut onions on back food prep table. COS, VD onions]						
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	..
Fail Notes	3-302.11(A)(1)(a) P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from raw READY-TO-EAT FOOD including other raw animal FOOD such as FISH for sushi or MOLLUSCAN SHELLFISH, or other raw READY-TO-EAT FOOD such as fruits and vegetables [Raw bacon stored next to and touching packages of rte green onion in the RIC. COS, moved]						
	3-302.11(A)(1)(b) 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. [Raw bacon stored next to and touching packages of rte hot dogs and sliced cheese in the RIC. COS, moved]						
14. Food-contact surfaces: cleaned and sanitized.		..	p	..	..	p	..
This item has Notes. See Footnote 1 at end of questionnaire.							
Fail Notes	4-601.11(A) Pf - Food Contact Clean to Sight and Touch - EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch. [Dried food debris and date lable residue found on food surfaces of stainless steel food containers stored as clean on shelf in dish washing area. Dried food debris on table mounted can opener blade. Manager stated it was last used a couple days prior. COS, return to dish machine to be rewashed]						

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Protection from Contamination

Y N O A C R

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> <i>[Mold and slime build up on pop nozzles on fountain drink machine.]</i></p>
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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

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

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

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

Fail Notes	<p>3-501.16(A)(2) <i>P - PHF/TCS Cold Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 5°C (41°F) or less.</i> <i>[Make table: pico de gallo 56.3F, cut lettuce 53.0F, sliced cheese 48.7F, cut tomatoes 55.5F, shredded cheese 48.7F, raw tilapia 52.6F, raw shrimp 55.0F, salsa 59.4F, raw beef 52.1F, hot dogs 53.1F, imitation crab 52.4F, sliced tomatoes 47.0F and raw chicken 55.5F. Ambient air temp of make table at 51.8F. Manager stated items most items were in the unit since last night. COS, VD and notified repairman]</i></p>
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21. Proper date marking and disposition. . . p . . p . .

Fail Notes	<p>3-501.18(A)(1) <i>P - RTE PHF/TCS, Disposition (discard if held more than 7 days) 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 held at a temperature of 5°C (41°F) or less for more than 7 days, with the day of preparation counted as Day 1.</i> <i>[Flan (custard style dessert) and made on site spicy salsa dated 6/20/14 in the WIC. Manager stated the dates was wrong and the flan and salsa were made on 6/24/14. COS, re-dated]</i></p> <p>3-501.18(A)(2) <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.</i> <i>[No date on opened container of milk in the wait station RIC. Manager stated the milk was opened 2 days prior. COS, dated]</i></p>
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22. Time as a public health control: procedures and record. p . . .

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

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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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	<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. [Unlabeled spray bottle of blue and pink liquid found in wait station and dish washing areas. Employee stated they contain window cleaner and grill cleaner. COS, labled]</i>
	7-201.11(A)	<i>P - Chemical Storage (spacing/partitioning) POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning. [Two jugs of degreaser stored on shelf next to corn husks on shelf in the dish washing area. COS, moved]</i>

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 " "
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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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<i>Fail Notes</i>	4-301.11	<i>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. [Make table not holding potentially hazardous foods at 41F or below. Ambient air temp at 51.8F.]</i>
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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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Food Identification	Y N O A C R
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35. Food properly labeled; original container.	" p " " " "
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Identification	Y N O A C R
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Fail Notes	3-302.12	<p><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.</i></p> <p><i>[No common name label on bottle of syrup on shelf near grill area.]</i></p>
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Prevention of Food Contamination	Y N O A C R
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36. Insects, rodents and animals not present. p

Fail Notes	6-202.15(D)	<p><i>Outer openings (Screens/Air Curtains) Except when flying insects and other pests are absent due to the location of the ESTABLISHMENT, the weather, or other limiting condition, if the windows or doors of a FOOD ESTABLISHMENT, or of a larger structure within which a FOOD ESTABLISHMENT is located, are kept open for ventilation or other purposes, or a TEMPORARY FOOD ESTABLISHMENT is not provided with windows and doors, the openings shall be protected against the entry of insects and rodents by: 16 mesh to 25.4 mm (16 mesh to 1 inch) screens; properly designed and installed air curtains to control flying insects; or, other effective means.</i></p> <p><i>[Screening that covers the vent openings on outside storage shed is not 16 mesh to 1 inch. Screening has holes large enough to allow entry of insects and is not fully attached to back vent opening. Single use food containers and dried food goods area stored in this shed.]</i></p>
	6-501.111(A)	<p><i>P - Pests (Prohibited) The PREMISES shall be maintained free of insects, rodents, and other pests.</i></p> <p><i>[8 to 10 live flies found in kitchen by back door and in back storage room. Flies were observed landing on cut onions on back food prep table. Establishment has a insect control device that hangs above the back door of kitchen. Manager stated they have contracted monthly pest control. The pest control technician stated the device is designed to contain the insects once electrocuted. No insect or fly bodies were seen on floor below device.]</i></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
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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 . . p . .

Fail Notes	4-202.11(A)(2)	<p><i>Pf - FCS (Imperfections) Multiuse FOOD-CONTACT SURFACES shall be free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections.</i></p> <p><i>[Food plates with cracked and chipped surfaces found on shelves in grill area and in dish washing area. COS, discarded]</i></p>
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

100ppm chlorine sanitizer in dish machine

Footnote 2

Notes:

Hot holding

Steam table: shredded cooked chicken 157F, cooked rice 146F, queso 143F, refried beans 134F

Stove top: tamales 207F

Footnote 3

Notes:

Cold holding

WIC: refried beans 43F, shredded cooked chicken 43F, queso 42F, chili relleno 40F, corn dog 41F, cooked chicken fingers 43F

RIC: raw bacon 38F

On ice in wait station: salsa 38F

Wait station RIC: milk 37F

Footnote 4

Notes:

Accompanied by KDA85

VOLUNTARY DESTRUCTION REPORT

Insp Date: 6/30/2014 **Business ID:** 115848FE
Business: EL PATRON

711 8TH ST, PO BOX 788
 BALDWIN CITY, KS 66006

Inspection: 63001949
Store ID:
Phone: 7855942711
Inspector: KDA63
Reason: 03 Complaint

Time In / Time Out

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06/30/14	12:00 PM	02:50 PM	2:50	0:25	3:15	0	
Total:			2:50	0:25	3:15	0	

ACTIONS

Number of products Voluntarily Destroyed 2

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 raw meats, cut lettuce, cut tomatoes, etc. Qty 15 Units lbs Value \$ 50.00

Description Potentiall hazardous food items in make table not holding 41F or below.

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product Cut onions Qty 2 Units lbs Value \$ 5.00

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: 6/30/2014
Business: EL PATRON

Business ID: 115848FE

Inspection: 63001949

Store ID:

Phone: 7855942711

Inspector: KDA63

Reason: 03 Complaint

711 8TH ST, PO BOX 788
 BALDWIN CITY, KS 66006

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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 07/10/14

Inspection Report Number 63001949

Inspection Report Date 06/30/14

Establishment Name EL PATRON

Physical Address 711 8TH ST City BALDWIN CITY

711 8th St. Zip 66006

Additional Notes and Instructions