

**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:** 8/23/2013  
**Business:** EL PATRON

**Business ID:** 115848FE

**Inspection:** 66003082

**Store ID:**  
**Phone:** 7855942711

**Inspector:** KDA66  
**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:
08/23/13	11:00 AM	01:00 PM	2:00	0:10	2:10	0	
<b>Total:</b>			2:00	0:10	2:10	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Print

Lic. Insp. No

Priority(P) Violations 8 Priority foundation(Pf) Violations 5

Certified Manager on Staff

Address Verified p

Actual Sq. Ft. 1500

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**

**Demonstration of Knowledge**

1. Certification by accredited program, compliance with Code, or correct responses.

Y N O A C R  
 .. . p .. ..

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

**Employee Health**

2. Management awareness; policy present.

Y N O A C R  
 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
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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.*  
*[Food handlers drinking from 2 open cups of soda set on food prep counter in the drink prep area and in the kitchen.]*

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 .. .. p ..

*Fail Notes* | 2-301.14(l) *P - Wash Hands (As needed) 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 after engaging in other activities that contaminate the hands*  
*[The cook handled raw pork and raw beef then opened the oven, then handled clean utensils while cooking, without a hand wash between.cos: washed hands.]*

7. No bare hand contact with RTE foods or approved alternate method properly followed. p .. .. .. ..

8. Adequate handwashing facilities supplied and accessible. .. p .. .. p ..

*Fail Notes* | 6-301.11 *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.*  
*[No soap at the hand sink in the drink prep area. cos: got soap.]*

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 .. .. .. ..

*Fail Notes* | 3-101.11 *P - FOOD shall be safe, UNADULTERATED, and honestly presented.*  
*[A house fly landed on tortilla chips in an open container of chips and walked across the chips. cos: discarded the chips.]*

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 .. .. p ..

*Fail Notes* | 4-501.114(C)(2) *P - Chemical Sanitization-Quat concentration A quaternary ammonium compound SANITIZING solution for a manual or mechanical operation shall have a concentration of 200parts per million and as indicated by the manufacturer's use directions included in the labeling.*  
*[No detectable sanitizer in the mechanical dishwasher when tested after finishing a cycle with food utensils inside the cabinet. The machine had no sanitizer in the hopper. cos: added sanitizer.]*

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Protection from Contamination	Y N O A C R
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<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 manual can opener has a buildup of dried food on the blade. cos: cleaned.]</i>
	4-702.11	<i>P - Sanitizing Before Use, After Cleaning - UTENSILS and FOOD-CONTACT SURFACES of EQUIPMENT shall be SANITIZED before use after cleaning. [The food utensils in the mechanical dishwasher were not sanitized after cleaning and before use. There was no sanitizer in the dishwasher. cos: added sanitizer to the dishmachine and ran the utensils again.]</i>

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 .. .. . p ..

<i>Fail Notes</i>	3-403.11(A)	<i>P - Reheating PHF/TCS for Hot Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the FOOD reach a temperature of at least 74°C (165°F) for 15 seconds. [mos cooked rice is 90 in the steam table. The PIC said that the rice was taken from the cooler and placed in the steam table about 8:30am this morning. cos: reheated.]</i>
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18. Proper cooling time and temperatures.      p .. .. . .. ..

19. Proper hot holding temperatures.      .. p .. .. . .. ..

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

<i>Fail Notes</i>	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. [Pork carnitas 89/in pot on side of stove no temp control. cos: reheated.]</i>
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20. Proper cold holding temperatures.      p .. .. . .. ..

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

21. Proper date marking and disposition.      p .. .. . .. ..

***This item has Notes. See Footnote 4 at end of questionnaire.***

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 .. ..

Highly Susceptible Populations	Y N O A C R
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24. Pasteurized foods used; prohibited foods not offered.      .. .. . p .. ..

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 .. .. . p ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Chemical	Y N O A C R
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<i>Fail Notes</i>	7-201.11(B)	<p><i>P - Chemical Storage (Not Above Food, etc.) POISONOUS OR TOXIC MATERIALS shall be stored 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.</i></p> <p><i>[A leaking spray bottle of blue liquid identified by the PIC as cleaner is stored over take home trays on a bus cart. cos: moved the cleaner.]</i></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 .. ..

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 .. ..

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 .. .. . ..

<i>Fail Notes</i>	3-501.15(A)	<p><i>Pf - TCS Cooling (Methods) - Cooling shall be accomplished in accordance with the required time and temperature criteria by using one or more of the following methods based on the type of FOOD being cooled: placing the FOOD in shallow pans; separating the FOOD into smaller or thinner portions; using rapid cooling EQUIPMENT; stirring the FOOD in a container placed in an ice water bath; using containers that facilitate heat transfer; adding ice as an ingredient; or, other effective methods.</i></p> <p><i>[Just made salsa is in the make table at 57. The salsa is in a large amount and was introduced into the mt without being cooled. The make table is holding at 43 with an ambient temp of 41 and is unable to cool quickly. cos: put the salsa on ice.]</i></p>
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32. Plant food properly cooked for hot holding.

.. .. . p .. ..

33. Approved thawing methods used.

.. .. . p .. ..

34. Thermometers provided and accurate.

.. 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.</i></p> <p><i>[No thermometer to test for air temp in the Pepsi cooler or in the make table.]</i></p>
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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
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36. Insects, rodents and animals not present.

.. p .. .. . ..

<i>Fail Notes</i>	6-202.15(A)(3)	<p><i>Outer openings (Doors) Outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by solid, self-closing, tight-fitting doors.</i></p> <p><i>[door from the kitchen to the parking lot has a 1/4 inch gap at the bottom.]</i></p>
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# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Prevention of Food Contamination	Y	N	O	A	C	R
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<i>Fail Notes</i>	6-501.111(A)	<i>P - Pests (Prohibited) The PREMISES shall be maintained free of insects, rodents, and other pests. [House flies are flying in the dining area and landing on food in the kitchen, maybe 5-10 in the building. Facility uses monthly pest control on contract. Electronic traps in the facility.]</i>
	6-501.112	<i>Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the PREMISES at a frequency that prevents their accumulation, decomposition, or the attraction of pests. [An electronic fly catcher is hung over prepared peppers in the kitchen.]</i>

37. Contamination prevented during food preparation, storage and display. .. p .. .. p ..

<i>Fail Notes</i>	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. [Mesh bag of onions and bag of rice is stored directly on the floor in the storage room. ]</i>
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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 ..

<i>Fail Notes</i>	4-202.11(A)(2)	<i>Pf - FCS (Imperfections) Multiuse FOOD-CONTACT SURFACES shall be free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections. [A wire spatula used for chimis has broken wires and missing wires in the basket. cos: discarded. ]</i>
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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 .. .. .. ..

<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. [No sanitizer strips to test for sanitizer in the mechanical dishwasher. This dishwasher uses quat. ]</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 .. .. .. ..

50. Sewage and waste water properly disposed. p .. .. .. ..

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

## KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities	Y	N	O	A	C	R
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
55. Other violations	p	..	..	..	..	..

<b>EDUCATIONAL MATERIALS</b>
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The following educational materials were provided      p

<i>Material Distributed</i>	<i>Education Title #22</i>	<i>Focus On Food Safety Manual (on the Website)</i>
	<i>Education Title #25</i>	<i>Handwashing</i>
	<i>Education Title #26</i>	<i>Hot and Cold Holding Sign</i>
	<i>Education Title #36</i>	<i>Manual Cleaning Sanitizing</i>

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

Get the "FOCUS ON FOOD SAFETY" book by going to the Kansas Department of Agriculture website, Food Safety, Publications, and then Focus on Food Safety.

\* Critical (bold the documentation in violation description)

BHC	Bare Hand Contact
CAP	Corrective Action Plan
COS	Corrected On-Site
Cl	Chlorine
F	Fahrenheit (all temps are in F)
HACCP	Hazard Analysis Critical Control Point
HH	Hot Holding
HVAC	Heating Ventilation and Air Conditioning
KSA	Kansas Statutes Annotated
MT	Make Table (Refrigerated preparation table)
NC	Non-Critical Violation
NONC	Notice of Non-Compliance
PHF	Potentially Hazardous Food
PIC	Person In Charge
PPM	Parts Per Million
QT	Quaternary Ammonia Compounds
RCP	Risk Control Plan
RIC	Reach-in Cooler
RIF	Reach-in Freezer
RTE	Ready-To-Eat
ST	Steam table
ST	Steam Table
TPHC	Time as a Public Health Control
VC	Voluntary Closure
VD	Voluntary Destruction
WIC	Walk-In Cooler
WIF	Walk in freezer
MOS	Made on site
FB	Fluorescent bulbs

## **Footnote 2**

### **Notes:**

refried beans 162, taco meat 149, queso 152, pulled chicken 141/st

## **Footnote 3**

### **Notes:**

salsa 45, 45, 45, 44, 48/on countertop being poured into saucers  
hot dogs 42, chicken strips 42, pulled chicken 42, milk 42, black beans 41/mt  
diced tomatoes 43, cut lettuce 43, hot dogs 43, ham 43/mt

## **Footnote 4**

### **Notes:**

The PIC said that all foods were made last night or this morning.

## VOLUNTARY DESTRUCTION REPORT

**Insp Date:** 8/23/2013      **Business ID:** 115848FE  
**Business:** EL PATRON

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

**Inspection:** 66003082  
**Store ID:**  
**Phone:** 7855942711  
**Inspector:** KDA66  
**Reason:** 03 Complaint

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
08/23/13	11:00 AM	01:00 PM	2:00	0:10	2:10	0	
Total:			2:00	0:10	2:10	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 tortilla chips Qty 1 Units lbs Value \$ 3

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:** 8/23/2013  
**Business:** EL PATRON

**Business ID:** 115848FE

**Inspection:** 66003082  
**Store ID:**  
**Phone:** 7855942711  
**Inspector:** KDA66  
**Reason:** 03 Complaint

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

**Time In / Time Out**

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Total:			2:00	0:10	2:10	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 09/03/13

Inspection Report Number 66003082                      Inspection Report Date 08/23/13

Establishment Name            EL PATRON

Physical Address                711 8TH ST    City BALDWIN CITY  
     711 8th St.    Zip 66006

Additional Notes and Instructions