

**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:** 9/4/2013  
**Business:** EL PATRON

**Business ID:** 115848FE

**Inspection:** 66003095  
**Store ID:**  
**Phone:** 7855942711  
**Inspector:** KDA66  
**Reason:** 02 Follow-up  
**Results:** Administrative Review

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

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
09/04/13	02:15 PM	04:00 PM	1:45	0:30	2:15	0	
<b>Total:</b>			1:45	0:30	2:15	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Print Lic. Insp. No  
 Priority(P) Violations 4 Priority foundation(Pf) Violations 6  
 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**

**Demonstration of Knowledge** Y N O A C R  
 1. Certification by accredited program, compliance with Code, or correct responses. .. .. p .. ..

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

**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

Potentially Hazardous Food Time/Temperature		Y	N	O	A	C	R
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|---|--|----|----|----|----|----|----|
| 18. Proper cooling time and temperatures. |  | .. | .. | p  | .. | .. | .. |
| 19. Proper hot holding temperatures.      |  | .. | p  | .. | .. | p  | p  |

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

Fail Notes	3-501.16(A)(1) P - PHF/TCS Hot Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 57°C (135°F) or above. [Taco meat 128, shredded beef 119/steam table. cos: reheated. Pork carnitas 101/stove top. cos; reheated. ]
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- |                                       |  |    |   |    |    |   |    |
|---------------------------------------|--|----|---|----|----|---|----|
| 20. Proper cold holding temperatures. |  | .. | p | .. | .. | p | .. |
|---------------------------------------|--|----|---|----|----|---|----|

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

Fail Notes	3-501.16(A)(2) P - PHF/TCS Cold Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 5°C (41°F) or less. [Salsa 56/on the countertop has no temp control/drink prep station. cos: discarded. mos salsa 54, diced tomatoes 51, cut lettuce 49, pico 45, ambient temp is 41. cos: discarded the salsa and tomatoes; cooled the pico and lettuce to 41. ]
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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 | .. | .. |
|--|--|----|----|----|---|----|----|

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  | .. |

Fail Notes	7-102.11 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. [A spray bottle of green liquid is identified by a food handler as "acidito" and later as cleaner when the same food handler showed me the large container that the spray bottle was filled from. cos: labeled. ]
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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		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  | .. | .. | .. |
| 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 | .. | .. | .. | p |
|--|--|----|---|----|----|----|---|

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Temperature Control	Y	N	O	A	C	R
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*Fail Notes* | 4-301.11 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.  
 [The make table is unable to hold phf at 41 or colder. The ambient temp is 41.]

- |   |    |    |    |    |    |    |
|---|----|----|----|----|----|----|
| 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 | .. | .. | .. | .. | .. |
|--|---|----|----|----|----|----|

Prevention of Food Contamination	Y	N	O	A	C	R
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- |   |    |   |    |    |   |   |
|---|----|---|----|----|---|---|
| 36. Insects, rodents and animals not present. | .. | p | .. | .. | p | p |
|---|----|---|----|----|---|---|

*Fail Notes* | 6-202.13(B)(1) Insect control devices shall be installed so that the devices are not located over a FOOD preparation area.  
 [A fly trap is hung over food and the food prep table in the kitchen.]

6-202.15(A)(3) 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.  
 [Door from the kitchen to the outside has a 1/4 inch gap at the bottom.]

6-202.15(D) 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.  
 [The door from the kitchen to the outside was opened about 2 inches when I arrived for the inspection. This door has no screen.]

6-501.111(A) P - Pests (Prohibited) The PREMISES shall be maintained free of insects, rodents, and other pests.  
 [There are 15-20 live house flies flying, landing, and walking in the kitchen and food prep area. There are another 15-25 live house flies in the dining room windows and flying in the dining room. PIC said that the facility uses monthly pest control on contract. There is an electronic fly trap in the kitchen.]

6-501.112 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 with insects in the grid hung over food and the food prep table in the kitchen.]

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

*Fail Notes* | 3-305.11(A)(1) 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.  
 [A bag of black beans is stored directly on the floor in the food storage room.]

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|---------------------------|---|----|----|----|----|----|
| 38. Personal cleanliness. | p | .. | .. | .. | .. | .. |
|---------------------------|---|----|----|----|----|----|

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

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

<i>Fail Notes</i>	4-304.12(A) <i>In-use utensil storage (Handles above top of container) Except as specified under 3-304.12(B), during pauses in FOOD preparation or dispensing, FOOD preparation and dispensing UTENSILS shall be stored in the FOOD with their handles above the top of the FOOD and the container. [The handle of a pitcher used to scoop salsa is stored so that the pitcher handle is in the rte salsa. ]</i>
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- |   |    |    |    |    |    |    |
|---|----|----|----|----|----|----|
| 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  | .. | .. | .. | .. | .. |
| 45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used- Core items     | .. | p  | .. | .. | .. | .. |

<i>Fail Notes</i>	4-501.11(B) <i>EQUIPMENT components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications. [The latch handle for the wic does not catch to hold the wic door to the wic. ]</i>
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- |   |    |   |    |    |    |   |
|---|----|---|----|----|----|---|
| 46. Warewashing facilities: installed, maintained, and used; test strips. | .. | p | .. | .. | .. | 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. [The dishwasher was unable to locate test strips to test for sanitizer levels.]</i>
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- |                                      |   |    |    |    |    |    |
|--------------------------------------|---|----|----|----|----|----|
| 47. Non-food contact surfaces clean. | p | .. | .. | .. | .. | .. |
|--------------------------------------|---|----|----|----|----|----|

<b>Physical Facilities</b>	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 | .. | .. | .. | .. | .. |
| 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 | .. | .. | .. | .. | .. |

<b>Administrative/Other</b>	Y	N	O	A	C	R
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- |                      |   |    |    |    |    |    |
|----------------------|---|----|----|----|----|----|
| 55. Other violations | p | .. | .. | .. | .. | .. |
|----------------------|---|----|----|----|----|----|

<b>EDUCATIONAL MATERIALS</b>
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The following educational materials were provided      p  
*Material Distributed | Education Title #25 Handwashing*

# 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:**

100 ppm chlorine in the rinse water of the mechanical dishwasher

## **Footnote 3**

### **Notes:**

tamales 140/stove top

cooked rice 167, refried beans 137, shredded chicken 140/st

## **Footnote 4**

### **Notes:**

salsa 40, raw chicken 39, raw beef 39/wic

flan 40, milk 39/ric

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## VOLUNTARY DESTRUCTION REPORT

**Insp Date:** 9/4/2013      **Business ID:** 115848FE  
**Business:** EL PATRON

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

**Inspection:** 66003095  
**Store ID:**  
**Phone:** 7855942711  
**Inspector:** KDA66  
**Reason:** 02 Follow-up

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
09/04/13	02:15 PM	04:00 PM	1:45	0:30	2:15	0	
Total:			1:45	0:30	2:15	0	

**ACTIONS**

Number of products Voluntarily Destroyed   4  

**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 corn tortilla Qty 1 Units lbs Value \$ .10

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

2. Product salsa Qty 1 Units gal Value \$ 10

Description

Reason Product Destroyed Adulterated Method Product Destroyed Garbage Disposal

Disposal Location Firm Embargo Hold Tag # N/A

3. Product diced tomatoes Qty 1 Units gal Value \$ .50

Description

Reason Product Destroyed Adulterated Method Product Destroyed Trash Can

Disposal Location Firm Embargo Hold Tag # N/A

# VOLUNTARY DESTRUCTION REPORT

VOLUNTARY DESTRUCTION REPORT

4. Product \_\_\_\_\_ Qty \_\_\_\_\_ Units \_\_\_\_\_ Value \$ \_\_\_\_\_

Description

Reason Product Destroyed \_\_\_\_\_ Method Product Destroyed \_\_\_\_\_

Disposal Location \_\_\_\_\_ Embargo Hold Tag # N/A \_\_\_\_\_

## NOTICE OF NON COMPLIANCE WITH KANSAS LAW

**Insp Date:** 9/4/2013  
**Business:** EL PATRON

**Business ID:** 115848FE

**Inspection:** 66003095

**Store ID:**

**Phone:** 7855942711

**Inspector:** KDA66

**Reason:** 02 Follow-up

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

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes;
09/04/13	02:15 PM	04:00 PM	1:45	0:30	2:15	0	
Total:			1:45	0:30	2:15	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 \_\_\_\_\_

Inspection Report Number 66003095

Inspection Report Date 09/04/13

Establishment Name EL PATRON

Physical Address 711 8TH ST City BALDWIN CITY

711 8th St. Zip 66006

Additional Notes and Instructions

The Kansas Dept of Agriculture will schedule the next follow up meeting.