

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: 4/10/2014 **Business ID:** 96254FE
Business: JOY GARDEN

 717 8TH ST
 BALDWIN, KS 66006

Inspection: 66003429
Store ID:
Phone: 7855943308
Inspector: KDA66
Reason: 02 Follow-up
Results: Administrative Review

Time In / Time Out

| Date | In | Out | Insp | Travel | Total | Mileage | Notes: |
|---------------|----------|----------|------|--------|-------|---------|--------|
| 04/10/14 | 02:00 PM | 04:00 PM | 2:00 | 0:15 | 2:15 | 0 | |
| Total: | | | 2:00 | 0:15 | 2:15 | 0 | |

FOOD ESTABLISHMENT PROFILE

Insp. Notification Print _____ Lic. Insp. No _____
 Priority(P) Violations 2 _____ Priority foundation(Pf) Violations 1 _____
 Certified Manager on Staff _____ Address Verified _____ 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

| | Y | N | O | A | C | R |
|---|----|----|----|----|----|----|
| Demonstration of Knowledge | | | | | | |
| 1. Certification by accredited program, compliance with Code, or correct responses. | .. | .. | .. | .. | .. | .. |
| <i>This item has Notes. See Footnote 1 at end of questionnaire.</i> | | | | | | |
| Employee Health | | | | | | |
| 2. Management awareness; policy present. | .. | .. | .. | .. | .. | .. |
| 3. Proper use of reporting, restriction and exclusion. | .. | .. | .. | .. | .. | .. |
| 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 | .. | .. | .. | .. | .. | .. |
| 5. No discharge from eyes, nose and mouth. | .. | .. | .. | .. | .. | .. |
| Preventing Contamination by Hands | Y | N | O | A | C | R |
| 6. Hands clean and properly washed. | .. | .. | .. | .. | .. | .. |
| 7. No bare hand contact with RTE foods or approved alternate method properly followed. | .. | .. | .. | .. | .. | .. |
| 8. Adequate handwashing facilities supplied and accessible. | .. | .. | .. | .. | .. | .. |
| Approved Source | Y | N | O | A | C | R |
| 9. Food obtained from approved source. | .. | .. | .. | .. | .. | .. |
| 10. Food received at proper temperature. | .. | .. | .. | .. | .. | .. |
| 11. Food in good condition, safe and unadulterated. | .. | .. | .. | .. | .. | .. |
| <i>This item has Notes. See Footnote 2 at end of questionnaire.</i> | | | | | | |
| 12. Required records available: shellstock tags, parasite destruction. | .. | .. | .. | .. | .. | .. |
| Protection from Contamination | Y | N | O | A | C | R |
| 13. Food separated and protected. | .. | p | .. | .. | p | p |
| <i>Fail Notes</i> | <i>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 chicken is stored in the refrigerator over the crisper drawer that contains apples and lemons. cos: moved the apples and lemons.]</i> | | | | | |
| 14. Food-contact surfaces: cleaned and sanitized. | p | .. | .. | .. | .. | .. |
| 15. Proper disposition of returned, previously served, reconditioned and unsafe food. | .. | .. | .. | .. | .. | .. |
| Potentially Hazardous Food Time/Temperature | Y | N | O | A | C | R |
| 16. Proper cooking time and temperatures. | .. | .. | .. | .. | .. | .. |
| 17. Proper reheating procedures for hot holding. | .. | .. | .. | .. | .. | .. |
| 18. Proper cooling time and temperatures. | .. | p | .. | .. | p | .. |
| <i>Fail Notes</i> | <i>3-501.14(A)(2) P - Cooling PHF/TCS (Reach 41°F within 6 hours total) Cooked POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cooled within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less. [must cool from 135°F to 70°F in the first two hours] [Gen Tso chicken 59/wic. The translator said that the chicken was cooked last night and put into the wic about 9pm. cos: discard the chicken.]</i> | | | | | |
| 19. Proper hot holding temperatures. | .. | .. | .. | .. | .. | .. |
| 20. Proper cold holding temperatures. | p | .. | .. | .. | .. | .. |
| <i>This item has Notes. See Footnote 3 at end of questionnaire.</i> | | | | | | |
| 21. Proper date marking and disposition. | .. | p | .. | .. | .. | .. |
| 22. Time as a public health control: procedures and record. | .. | .. | .. | .. | .. | .. |
| Consumer Advisory | Y | N | O | A | C | R |
| 23. Consumer advisory provided for raw or undercooked foods. | .. | .. | .. | .. | .. | .. |

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

| | | | | | | |
|---------------------------------------|---|---|---|---|---|---|
| Highly Susceptible Populations | Y | N | O | A | C | R |
|---------------------------------------|---|---|---|---|---|---|

24. Pasteurized foods used; prohibited foods not offered.

| | | | | | | |
|-----------------|---|---|---|---|---|---|
| Chemical | Y | N | O | A | C | R |
|-----------------|---|---|---|---|---|---|

25. Food additives: approved and properly used.

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.

| |
|------------------------------|
| GOOD RETAIL PRACTICES |
|------------------------------|

| | | | | | | |
|----------------------------|---|---|---|---|---|---|
| Safe Food and Water | Y | N | O | A | C | R |
|----------------------------|---|---|---|---|---|---|

28. Pasteurized eggs used where required.

29. Water and ice from approved source.

30. Variance obtained for specialized processing methods.

| | | | | | | |
|---------------------------------|---|---|---|---|---|---|
| Food Temperature Control | Y | N | O | A | C | R |
|---------------------------------|---|---|---|---|---|---|

31. Proper cooling methods used; adequate equipment for temperature control. .. p p p

| | | |
|-------------------|-------------|--|
| <i>Fail Notes</i> | 3-501.15(A) | <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. [Chicken was cooked last night and placed in a large plastic container in a large quantity, then placed into the wic. cos: educated and illustrated proper cooling with handouts.]</i> |
|-------------------|-------------|--|

32. Plant food properly cooked for hot holding.

33. Approved thawing methods used.

34. Thermometers provided and accurate. p

| | | | | | | |
|----------------------------|---|---|---|---|---|---|
| Food Identification | Y | N | O | A | C | R |
|----------------------------|---|---|---|---|---|---|

35. Food properly labeled; original container.

| | | | | | | |
|---|---|---|---|---|---|---|
| Prevention of Food Contamination | Y | N | O | A | C | R |
|---|---|---|---|---|---|---|

36. Insects, rodents and animals not present.

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

38. Personal cleanliness.

39. Wiping cloths: properly used and stored.

40. Washing fruits and vegetables.

| | | | | | | |
|-------------------------------|---|---|---|---|---|---|
| Proper Use of Utensils | Y | N | O | A | C | R |
|-------------------------------|---|---|---|---|---|---|

41. In-use utensils: properly stored. p

42. Utensils, equipment and linens: properly stored, dried and handled.

43. Single-use and single-service articles: properly used.

44. Gloves used properly.

| | | | | | | |
|--|---|---|---|---|---|---|
| Utensils, Equipment and Vending | Y | N | O | A | C | R |
|--|---|---|---|---|---|---|

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

| 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 | .. | .. | .. | .. | .. | .. |
| 45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used-Core items | .. | .. | .. | .. | .. | .. |
| 46. Warewashing facilities: installed, maintained, and used; test strips. | .. | .. | .. | .. | .. | .. |
| 47. Non-food contact surfaces clean. | .. | p | .. | .. | .. | .. |
| <i>Fail Notes</i> 4-602.13 NonFOOD-CONTACT SURFACES of EQUIPMENT shall be cleaned at a frequency necessary to preclude accumulation of soil residues. [Food racks in the wic have dried food residue on them.] | | | | | | |

| Physical Facilities | Y | N | O | A | C | R |
|--|----|----|----|----|----|----|
| 48. Hot and cold water available; adequate pressure. | .. | .. | .. | .. | .. | .. |
| 49. Plumbing installed; proper backflow devices. | .. | .. | .. | .. | .. | .. |
| 50. Sewage and waste water properly disposed. | .. | .. | .. | .. | .. | .. |
| 51. Toilet facilities: properly constructed, supplied and cleaned. | .. | .. | .. | .. | .. | .. |
| 52. Garbage and refuse properly disposed; facilities maintained. | .. | .. | .. | .. | .. | .. |
| 53. Physical facilities installed, maintained and clean. | p | .. | .. | .. | .. | p |
| 54. Adequate ventilation and lighting; designated areas used. | .. | .. | .. | .. | .. | .. |

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

EDUCATIONAL MATERIALS

The following educational materials were provided p

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

| | |
|-----------------------------|--|
| <i>Material Distributed</i> | <i>Education Title #05 Clean Plate Sign</i> <i>Education Title #06 Cooling</i> <i>Education Title #07 Corrective Actions</i> <i>Education Title #08 Date Marking</i> <i>Education Title #13 FBI Listeriosis</i> <i>Education Title #14 FBI Campylobacteriosis</i> <i>Education Title #22 Focus On Food Safety Manual (on the Website)</i> <i>Education Title #25 Handwashing</i> <i>Education Title #26 Hot and Cold Holding Sign</i> <i>Education Title #27 Hot and Cold Holding</i> <i>Education Title #28 Ice Bath Cooling</i> <i>Education Title #36 Manual Cleaning Sanitizing</i> <i>Education Title #43 Storing Food in WIC</i> |
|-----------------------------|--|

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

At the time of inspection no food was being prepared or served.

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:

NOTE: Sweet and sour chicken is dated 4/2 in the wic. According to the translator the chicken was cooked, dated and frozen on 4/2. The chicken was removed from the freezer and thawed yesterday but not dated. It was explained that the bacteria of concern (L. m.) can cause miscarriages, severe illness, and death.

Footnote 3

Notes:

liquid egg 39, beef 37, pork 37, chicken 37, cooked noodles 40/mt

NOTE: there is a bowl of sprouts at 58 with no temp control in the kitchen stored with cut vegetables. The translator insists these sprouts are for him only. No sprouts on the menu.

Gen Tso chicken 42 (second container in wic), crab rangoon 42, sweet and sour chicken 39/wic

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 4

Notes:

Considerable time and effort was made to explain food safety so that the PIC can understand.

VOLUNTARY DESTRUCTION REPORT

Insp Date: 4/10/2014 **Business ID:** 96254FE
Business: JOY GARDEN

717 8TH ST
 BALDWIN, KS 66006

Inspection: 66003429
Store ID:
Phone: 7855943308
Inspector: KDA66
Reason: 02 Follow-up

Time In / Time Out

| Date | In | Out | Insp | Travel | Total | Mileage | Notes: |
|----------|----------|----------|------|--------|-------|---------|--------|
| 04/10/14 | 02:00 PM | 04:00 PM | 2:00 | 0:15 | 2:15 | 0 | |
| Total: | | | 2:00 | 0:15 | 2:15 | 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 cooked chicken Qty 10 Units lbs Value \$ 25

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: 4/10/2014
Business: JOY GARDEN

Business ID: 96254FE

Inspection: 66003429

Store ID:

Phone: 7855943308

Inspector: KDA66

Reason: 02 Follow-up

717 8TH ST
 BALDWIN, KS 66006

Time In / Time Out

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| Total: | | | 2:00 | 0:15 | 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 66003429

Inspection Report Date 04/10/14

Establishment Name JOY GARDEN

Physical Address 717 8TH ST City BALDWIN

Zip 66006

Additional Notes and Instructions

the Kansas Dept of Agriculture will schedule the next follow up inspection