

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: 4/17/2012 **Business ID:** 113308FR
Business: ORIENTAL GARDEN

Inspection: 72002377
Store ID:
Phone: 6208563003
Inspector: KDA72
Reason: 01 Routine
Results: Follow-up

1910 MILITARY AVE
 BAXTER SPRINGS, KS 66713

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
04/17/12	01:45 PM	03:45 PM	2:00	0:30	2:30	0	
Total:			2:00	0:30	2:30	0	

FOOD ESTABLISHMENT PROFILE

Updated Risk Category RAC# 06 High Risk Updated Sq. Footage 5,000 - 15,000 sq feet
 Insp. Notification Print Critical Violations 10 Lic. Insp. No
 Address Verified p

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.

HACCP=Hazard Analysis-Critical Control Point, BHC=Bare Hand Contact, RTE=Ready to Eat, CRITICAL=Critical Violation, SWING=Swing Violation (May be critical or non-critical), HSP=Highly Susceptible Population, K.S.A.=Kansas Statutes Annotated, All temperatures are measured in degrees Fahrenheit (°F).

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

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.	..	..	p	..	..	..
Employee Health						
2. Management awareness; policy present.	p	..	..	..	..	..
3. Proper use of reporting, restriction and exclusion.	..	..	p	..	..	..
Good Hygienic Practices						
4. Proper eating, tasting, drinking, or tobacco use	p	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Good Hygienic Practices		Y	N	O	A	C	R
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	..	..	p	..
<i>Fail Notes</i>	2-301.14(E)* <i>CRITICAL - When to Wash Hands - After handling soiled equipment or utensils [Employee using commercial dishwasher handled dirty dishes then went directly to handle clean dishes with out washing hands (COS) educate]</i>						
	2-301.15 <i>Where to Wash Hands [Employee rinsed hands in three vat sink]</i>						
7. No bare hand contact with RTE foods or approved alternate method properly followed.		..	p	..	..	p	..
<i>Fail Notes</i>	3-301.11(B)* <i>CRITICAL - No BHC w/ RTE food [Employee handled RTE cooked mushroom with bare hands (COS) educate]</i>						
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	..	..	p	..
<i>Fail Notes</i>	3-101.11* <i>CRITICAL - Safe, Unadulterated, & Honestly Presented [cooked RTE chicken and mushrooms stored in raw chicken box (COS) VD]</i>						
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	..
<i>Fail Notes</i>	3-302.11(A)(1)(b)* <i>CRITICAL - Separation-Raw & cooked RTE [Raw chicken in WIC stored directly over box of RTE banana's (COS) moved raw chicken]</i>						
14. Food-contact surfaces: cleaned and sanitized.		..	p	..	..	p	..
<i>Fail Notes</i>	4-601.11A* <i>CRITICAL - Food Contact Clean to Sight and Touch [Container of clean dishes containing tongs and scoop with caked on food stuck to both items (COS) educate]</i>						
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	..	..	p	..
<i>Fail Notes</i>	3-501.14(A)(1)* <i>CRITICAL - Cooling PHF-135 to 70°F within the first 2 hours [Chicken made at 11:00 cooling more than 2 hours only 78 (COS) moved to WIC]</i>						
19. Proper hot holding temperatures.		..	p	..	..	p	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>							
<i>Fail Notes</i>	3-501.16(A)(1)* <i>CRITICAL - PHF Hot Holding->135°F [generals chicken 115, kong poong chicken 128 and chicken bbq 128 on buffet (COS) discarded]</i>						
20. Proper cold holding temperatures.		..	p	..	..	p	..
<i>This item has Notes. See Footnote 2 at end of questionnaire.</i>							

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y N O A C R
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<i>Fail Notes</i>	3-501.16(A)(2)(a)*	<i>CRITICAL - PHF Cold Holding-<41°F [watermelon 70 and cut lettuce 65 on salad bar (COS) discarded]</i>
	3-501.16(B)	<i>CRITICAL - Raw shell eggs stored in refrigerated equipment with ambient air temperature of 45 °F or less [raw shell egg on counter 69 (COS) put in MT]</i>

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
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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
26. Toxic substances properly identified, stored and used.	.. p p ..

<i>Fail Notes</i>	7-102.11*	<i>CRITICAL - Common Name, Working Containers [working spray bottle of pink and purple substance in kitchen lacking common name. Employee stated they were sanitizer and degreaser (COS) labeled]</i>
	7-201.11(B)*	<i>CRITICAL - Separation, Storage-chemicals above food, etc. [Working spray bottle of purple substance hanging on shelf over RTE boc choy (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	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
<i>Fail Notes</i>	3-501.15 <i>Proper cooling methods used for PHF [Chicken cooled on counter]</i>

32. Plant food properly cooked for hot holding.	.. .. p
33. Approved thawing methods used.	.. p

<i>Fail Notes</i>	3-501.13	<i>Proper thawing methods used for PHF [raw chicken thawing on kitchen floor]</i>
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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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Prevention of Food Contamination	Y N O A C R
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36. Insects, rodents and animals not present; no unauthorized persons.	p
37. Contamination prevented during food preparation, storage and display.	.. p

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Prevention of Food Contamination	Y N O A C R
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<i>Fail Notes</i>	3-305.11(A)(2)	Food storage-protected from contamination [open container of flour in kitchen not covered or protected from contamination]
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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 | .. | .. | .. | .. |
| <i>Fail Notes</i> | 3-304.12(B) | In-use utensil storage(non-PHF)-handles above food
[rice scoop lacking handle stored directly in rice] | | | | |
| 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. | .. | .. | .. | .. | .. | .. |

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-
Critical items | p | .. | .. | .. | .. | .. |
| 45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used-
non-critical items | p | .. | .. | .. | .. | .. |
| 46. Warewashing facilities: installed, maintained, and used; test strips. | p | .. | .. | .. | .. | .. |
| 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 | .. | .. | .. | .. | .. |
| 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

The following educational materials were provided p

<i>Material Distributed</i>	Education Title #22	Focus On Food Safety Manual (on the Website) [left hard copy in establishment]
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

rice, egg drop soup >135 on buffet

Footnote 2

Notes:

tofu on MT <41

chicken and noodles <41 in WIC

freezer ok

cottage cheese on salad bar <41

VOLUNTARY DESTRUCTION REPORT

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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 RTE fried mushrooms Qty 5 Units lbs Value \$ 20.00

Description stored in used raw chicken box

Reason Product Destroyed Adulterated Method Product Destroyed Dumpster

Disposal Location Firm Embargo Hold Tag # N/A

2. Product RTE chicken legs Qty 6 Units ea Value \$ 15.00

Description stored in raw chicken box

Reason Product Destroyed Adulterated Method Product Destroyed Dumpster

Disposal Location Firm Embargo Hold Tag # N/A

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

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NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Food Service Establishments and Retail Food Stores. The Kansas Food Code, Section 8-405.11(B) as adopted and amended by K.A.R. 4-28-8 through 15, requires that all critical violations shall be corrected no later than 10 days after this inspection and all noncritical violations shall be corrected no later than 90 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. 36-508, licensees issued authority under the Kansas Food Service and Lodging Act may apply to the secretary for an extension of the time prescribed above.

* The Food Safety Law, effective October 1, 2004, includes K.S.A. 74-581 et seq.; the Kansas Food, Drug and Cosmetic Act, K.S.A. 65-601 et seq.; the Kansas Food Service and Lodging Act, K.S.A. 36-501 et seq.;, and regulations promulgated pursuant thereto and grants the Kansas Department of Agriculture the authority to regulate mobile retail ice cream vendors; food service establishments located in retail food stores; food vending machines; food vending machine companies and dealers; retail food stores; food processing plants; food service establishments.

PLEASE CALL (785) 296-5600 IF YOU HAVE ANY QUESTIONS.

Follow up Scheduled 04/27/12

Inspection Report Number 72002377 Inspection Report Date 04/17/12

Establishment Name ORIENTAL GARDEN

Physical Address 1910 MILITARY AVE City BAXTER SPRINGS
 _____ Zip 66713

Additional Notes
and Instructions