

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: 4/2/2014 **Business ID:** 107918FE
Business: EL MAGUEY

Inspection: 79000035
Store ID:
Phone: 6207410104
Inspector: KDA79
Reason: 02 Follow-up
Results: Administrative Review

2504 N SUMMIT
 ARKANSAS CITY, KS 67005

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
04/02/14	10:55 AM	12:20 PM	1:25	0:20	1:45	0	
Total:			1:25	0:20	1:45	0	

FOOD ESTABLISHMENT PROFILE	
Updated Risk Category <u>RAC# 06 High Risk</u>	Updated Size Range _____
Insp. Notification <u>Print</u>	Lic. Insp. _____
Priority(P) Violations <u>2</u>	Priority foundation(Pf) Violations <u>2</u>
Certified Manager on Staff <input type="checkbox"/>	Address Verified <input checked="" type="checkbox"/>
Certified Manager Present <input type="checkbox"/>	Actual Sq. Ft. _____

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.	..	..	..	..	..	..
Employee Health	Y	N	O	A	C	R
2. Management awareness; policy present.
3. Proper use of reporting, restriction and exclusion.

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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.	p			
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.			
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			
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%; border-right: 1px solid black; padding-right: 5px;"><i>Fail Notes</i></td> <td style="width: 35%; padding-right: 5px;">3-302.11(A)(1)(a)</td> <td style="padding: 5px;"> <i>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 [In the Walk in Cooler (WIC), there were raw eggs stored directly on top of a box containing raw green peppers. Corrected on Site (COS) - the eggs were moved to a new location. Explained to employee why having the eggs on top of the green peppers was a problem.]</i> </td> </tr> </table>	<i>Fail Notes</i>	3-302.11(A)(1)(a)	<i>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 [In the Walk in Cooler (WIC), there were raw eggs stored directly on top of a box containing raw green peppers. Corrected on Site (COS) - the eggs were moved to a new location. Explained to employee why having the eggs on top of the green peppers was a problem.]</i>						
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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.			
19. Proper hot holding temperatures.			
20. Proper cold holding temperatures.			
21. Proper date marking and disposition.	..	p	p	p			

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Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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<i>Fail Notes</i>	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. [In the WIC, there was an opened gallon of milk. The employee helping me asked the kitchen staff when it was opened. They informed him that the milk had been opened yesterday morning around 9am. It was after 11am when I discovered the milk with no date mark. COS - the milk was date marked with the opening date.]</i>
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22. Time as a public health control: procedures and record.

Consumer Advisory	Y	N	O	A	C	R
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23. Consumer advisory provided for raw or undercooked foods.

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

Chemical	Y	N	O	A	C	R
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25. Food additives: approved and properly used.

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

<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. [There was a container of murky liquid with a rag in it located on the edge of the handwashing sink immediately adjacent to the entrance of the kitchen. The bucket was unlabeled, and the employee with me identified the bucket as being full of sanitizer water for the wiping cloths. COS - labeled the bucket.]</i>
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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.

GOOD RETAIL PRACTICES

Safe Food and Water	Y	N	O	A	C	R
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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
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31. Proper cooling methods used; adequate equipment for temperature control.

32. Plant food properly cooked for hot holding.

33. Approved thawing methods used.

34. Thermometers provided and accurate.

Food Identification	Y	N	O	A	C	R
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35. Food properly labeled; original container. .. p .. . p p

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Food Identification	Y	N	O	A	C	R
<p><i>Fail Notes</i> 3-302.12 <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>[Immediately upon entering the kitchen, there was a squirt bottle with a yellow liquid in it. There was no label on the bottle. An employee identified it as being butter. COS - the bottle was labeled.]</i></p>						

Prevention of Food Contamination	Y	N	O	A	C	R
36. Insects, rodents and animals not present.	..	p	..	..	..	p
<p><i>Fail Notes</i> | 6-202.15(A)(1) <i>Outer openings (Solid) Outer openings of a FOOD ESTABLISHMENT shall be protected against the entry of insects and rodents by filling or closing holes and other gaps along floors, walls, and ceilings.</i></p> <p><i>[The back door to the establishment that opens directly into the kitchen is not tight fitting. There are gaps along the top, bottom and side. Employee stated they have a mesh screen they put over the door to keep flies and other pests from entering the establishment. There were velcro straps in place for the mesh screen, however it was not there. Employee stated that they do not use the mesh screen in the winter, but they will be putting it back up soon due to spring and summer nearing.]</i></p>						
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	..	..	p	p
<p><i>Fail Notes</i> | 3-304.12(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.</i></p> <p><i>[Immediately upon enterint the kitchen, there was a shelf with a container of salt and sugar. In the containers, there were bowls without handles being used as scoops and stored in the container. COS - the bowls were removed from the containers. Explained to the employee why a bowl without a handle is not acceptable, suggested other items to use as handles and storing the items with the handles above the top of the food if they wish to store them inside of the containers.]</i></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
45a. Food and non-food contact surfaces cleanable, properly designed, constructed and used-P and Pf items	p	..	..	..	..	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>						
45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used-Core items

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Utensils, Equipment and Vending	Y	N	O	A	C	R
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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 establishment does not have test strips to test the concentration on their warewashing machine. The warewashing machine was in use upon entering the establishment. It was measuring 100ppm when I tested it. Spoke with the employee about obtaining test strips so that they can monitor the concentration of their warewashing machine.]</i>
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47. Non-food contact surfaces clean.

Physical Facilities	Y	N	O	A	C	R
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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

<i>Fail Notes</i>	6-501.11	<i>PHYSICAL FACILITIES shall be maintained in good repair. [There were still cracked floor tiles in the kitchen area. The employee stated they had ordered the tiles after the last inspection and that the tiles just came in this week. They are planning on installing them on Sunday when they are closed and it will not disrupt business.]</i>
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54. Adequate ventilation and lighting; designated areas used.

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

EDUCATIONAL MATERIALS

The following educational materials were provided ..

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Footnote 1

Notes:

There were still some sterilite containers in use, but they were thoroughly lined with foil so that the food inside was not in contact with the container.

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

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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 _____

Inspection Report Number 79000035

Inspection Report Date _____

Establishment Name EL MAGUEY

Physical Address 2504 N SUMMIT City ARKANSAS CITY

Zip 67005

Additional Notes and Instructions

The date of the next inspection will be determined by the Topeka Office.