

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: 8/5/2014 **Business ID:** 111422FE
Business: HAMBURGER SHACK (THE)

Inspection: 79000246
Store ID:
Phone: 6204420385
Inspector: KDA79
Reason: 01 Routine
Results: Follow-up

611 1/2 W MADISON
 ARKANSAS CITY, KS 67005

Time In / Time Out

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
08/05/14	12:40 PM	03:20 PM	2:40	0:25	3:05	0	
Total:			2:40	0:25	3:05	0	

FOOD ESTABLISHMENT PROFILE

Insp. Notification Print Lic. Insp. No

Priority(P) Violations 7 Priority foundation(Pf) Violations 2

Certified Manager on Staff Address Verified p Actual Sq. Ft. 2400

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

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

	Y	N	O	A	C	R
Good Hygienic Practices						
4. Proper eating, tasting, drinking, or tobacco use	p	..	..	..	..	..
5. No discharge from eyes, nose and mouth.	p	..	..	..	..	..
Preventing Contamination by Hands						
6. Hands clean and properly washed.	p	..	..	..	..	..
7. No bare hand contact with RTE foods or approved alternate method properly followed.	p	..	..	..	..	..
8. Adequate handwashing facilities supplied and accessible.	..	p	..	..	p	..
<i>Fail Notes</i> | 5-205.11(B) <i>Pf - A HANDWASHING SINK may not be used for purposes other than handwashing. [Upon beginning inspection there was a pitcher sitting in the sink. COS - Staff removed it without me requesting it be removed, stating that it was only there because they had been washing it out.]</i>						
Approved Source						
9. Food obtained from approved source.	p	..	..	..	..	..
10. Food received at proper temperature.	..	..	p	..	..	..
11. Food in good condition, safe and unadulterated.	p	..	..	..	..	..
12. Required records available: shellstock tags, parasite destruction.	..	..	..	p	..	..
Protection from Contamination						
13. Food separated and protected.	..	p	..	..	p	..
<i>Fail Notes</i> | 3-302.11(A)(1)(b) <i>P - FOOD shall be protected from cross contamination by separating raw animal FOODS during storage, preparation, holding, and display from Cooked READY-TO-EAT FOOD. [In the Reach-in-Cooler (RIC) underneath the make table there was an un-open pound of raw pork bacon sitting directly next to/slightly on top of a zip lock baggie of fully cooked ready-to-eat hotdogs. Corrected on Site (COS) - the bacon was moved.]</i>						
14. Food-contact surfaces: cleaned and sanitized.	p	..	..	..	..	..
15. Proper disposition of returned, previously served, reconditioned and unsafe food.	p	..	..	..	..	..
Potentially Hazardous Food Time/Temperature						
16. Proper cooking time and temperatures.	p	..	..	..	..	..
<i>This item has Notes. See Footnote 1 at end of questionnaire.</i>						
17. Proper reheating procedures for hot holding.	..	..	p	..	..	..
18. Proper cooling time and temperatures.	..	..	..	p	..	..
19. Proper hot holding temperatures.	..	..	..	p	..	..
20. Proper cold holding temperatures.	..	p	..	..	p	..
<i>This item has Notes. See Footnote 2 at end of questionnaire.</i>						
<i>Fail Notes</i> | 3-501.16(A)(2) <i>P - PHF/TCS Cold Holding - POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be maintained at 5°C (41°F) or less. [The make table was not holding the proper cold holding temperatures. The cut lettuce was 55.6 F, the sliced cheese was 56.8 F, the sliced tomatoes 50.2 F. Staff stated the items had been there for approximately thirty to forty-five minutes with the make table open for part of the time due to their lunch rush. COS - the items were moved into the cooler to be brought down to temperature.]</i>						
21. Proper date marking and disposition.	p	..	..	..	..	..

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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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

<i>Fail Notes</i>	3-603.11(A)	<i>Pf - Consumer Advisory for Raw or Undercooked Food (Disclosure and Reminder) - If an animal FOOD such as beef, EGGS, FISH, lamb, milk, pork, POULTRY, or shellfish is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in READY-TO-EAT form or as an ingredient in another READY-TO-EAT FOOD, the LICENSEE shall inform CONSUMERS of the significantly increased RISK of consuming such FOODS by way of a DISCLOSURE and REMINDER using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means. [The owner stated they would cook-to-order on customer request, but there is no consumer advisory posted.]</i>
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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

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>	7-201.11(A)	<i>P - Chemical Storage (spacing/partitioning) POISONOUS OR TOXIC MATERIALS shall be stored so they cannot contaminate FOOD, EQUIPMENT, UTENSILS, LINENS, and SINGLE-SERVICE and SINGLE-USE ARTICLES by separating the POISONOUS OR TOXIC MATERIALS by spacing or partitioning. [In the cabinet underneath the soda pop machine there was a bottle of Roach & Ant Killer with roll of paper towels directly next to/balanced against the top of the chemical bottle. COS - the chemical was removed from the cabinet.]</i>
	7-201.11(B)	<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. [In the ware washing room there was a bottle of Axe Shampoo and Conditioner being stored directly on top of the white RIC. COS - the chemical was removed.</i> <i>In the kitchen there was a spray bottle of Spic & Span being stored on a wire shelf directly above the small white deep freezer. COS - the chemical was removed.]</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

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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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Food Temperature Control	Y	N	O	A	C	R
31. Proper cooling methods used; adequate equipment for temperature control.	p	..	..	..	..	..
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		
35. Food properly labeled; original container.	..	p		
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Prevention of Food Contamination	Y	N	O	A	C	R		
36. Insects, rodents and animals not present.	..	p		
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37. Contamination prevented during food preparation, storage and display.	p		
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		
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		
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KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Proper Use of Utensils	Y	N	O	A	C	R
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44. Gloves used properly. .. p p ..

Fail Notes | 3-304.15(A) *P - If used, SINGLE-USE gloves shall be used for only one task such as working with READY-TO-EAT FOOD or with raw animal FOOD, used for no other purpose, and discarded when damaged or soiled, or when interruptions occur in the operation.
[A kitchen employee wearing gloves while working at the grill was interrupted in their cooking process to get a drink for a customer. They removed a glove from one hand, holding it in the other as making the drink for the customer and putting a lid on the container. They then put the same glove back on to continue working at the grill/pulling ready-to-eat buns off/putting buns on/etc. COS - stopped employee and talked to them about proper glove use. Employee put on fresh gloves.]*

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

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

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

47. Non-food contact surfaces clean. .. p

Fail Notes | 4-601.11(C) *NonFOOD-CONTACT SURFACES of EQUIPMENT shall be kept free of an accumulation of dust, dirt, FOOD residue, and other debris. [There is an accumulation of dust on the air conditioner vents above the tall Crosley reach-in-freezer by the grill.]*

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 p ..

Fail Notes | 5-203.14 *P - A PLUMBING SYSTEM shall be installed to preclude backflow of a solid, liquid, or gas contaminant into the water supply system at each point of use at the FOOD ESTABLISHMENT, including on a hose bibb if a hose is attached or on a hose bibb if a hose is not attached and backflow prevention is required by LAW, by: Providing an air gap as specified under § 5-202.13; or, Installing an APPROVED backflow prevention device as specified under § 5-202.14.
[At the mop sink there was a spray head for the faucet that was pulled out with the end of the spray head sitting directly inside of the mop sink with no air gap provided. There is no backflow prevention device attached to the mop sink.]*

50. Sewage and waste water properly disposed. p

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

Fail Notes | 5-501.17 *A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.
[The unisex restroom in the restroom does not have a covered trashcan available.]*

52. Garbage and refuse properly disposed; facilities maintained. .. p

Fail Notes | 5-501.113 *Receptacles and waste handling units for REFUSE, recyclables, and returnables shall be kept covered: Inside the FOOD ESTABLISHMENT if the receptacles and units: Contain FOOD residue and are not in continuous use; or, After they are filled; and, With tight-fitting lids or doors if kept outside the FOOD ESTABLISHMENT.
[The outside trashcans do not have lids on them.]*

53. Physical facilities installed, maintained and clean. .. p

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Physical Facilities

Y N O A C R

- | | | |
|-------------------|-------------|---|
| <i>Fail Notes</i> | 6-501.11 | <i>PHYSICAL FACILITIES shall be maintained in good repair. [There is a hole in the ceiling in the mop sink room.]</i> |
| | 6-501.12(A) | <i>PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean. [There is a build-up of debris under and behind the Crosley Reach-in-Freezer by the grill.]</i> |

54. Adequate ventilation and lighting; designated areas used. p " " " " "

- | | | |
|-------------------|-------------|---|
| <i>Fail Notes</i> | 6-202.11(A) | <i>Except as specified in ¶ 6-202.11(B), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; or unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES. [The lights above the grill/make table exposed food areas have plastic shields on them that are cracked and broken, no longer keeping the lights completely shielded.]</i> |
|-------------------|-------------|---|

Administrative/Other

Y N O A C R

55. Other violations p " " " " "

EDUCATIONAL MATERIALS

The following educational materials were provided p

<i>Material Distributed</i>	<i>Education Title #08</i>	<i>Date Marking</i>
	<i>Education Title #27</i>	<i>Hot and Cold Holding</i>
	<i>Education Title #43</i>	<i>Storing Food in WIC</i>

KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Footnote 1

Notes:

Cooking beef hamburger - 157.1 F

Footnote 2

Notes:

RIC under Make Table:
Cheese - 42.7 F

White RIC in back room:
Homemade BBQ - 34.7 F

Footnote 3

Notes:

Bleach and appropriate chlorine test strips were provided.

NOTICE OF NON COMPLIANCE WITH KANSAS LAW

Insp Date: 8/5/2014 **Business ID:** 111422FE
Business: HAMBURGER SHACK (THE)

611 1/2 W MADISON
 ARKANSAS CITY, KS 67005

Inspection: 79000246
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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 08/15/14

Inspection Report Number 79000246 Inspection Report Date 08/05/14

Establishment Name HAMBURGER SHACK (THE)

Physical Address 611 1/2 W MADISON City ARKANSAS CITY
 Zip 67005

Additional Notes and Instructions

Please have all the P and Pf violations corrected for the follow up inspection.