

**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:** 7/10/2015      **Business ID:** 101132FE  
**Business:** WENDY'S #3509

**Inspection:** 79000746  
**Store ID:**  
**Phone:** 3166365575  
**Inspector:** KDA79  
**Reason:** 02 Follow-up  
**Results:** No Follow-up

1900 NORTH SUMMIT  
 ARKANSAS CITY, KS 67005

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
07/10/15	11:15 AM	12:15 PM	1:00	0:05	1:05	0	Inspection
<b>Total:</b>			1:00	0:05	1:05	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification   Email   Sent Notification To \_\_\_\_\_ Lic. Insp.   No    
 Priority(P) Violations   0   Priority foundation(Pf) Violations   3    
 Certified Manager on Staff   ..   Address Verified   p   Actual Sq. Ft.   2000    
 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) 564-6767.

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**

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

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

<b>Good Hygienic Practices</b>	Y	N	O	A	C	R
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# 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.	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.	..	..	..	..	..	..		
14. Food-contact surfaces: cleaned and sanitized.	..	p	..	..	p	p		
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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.	p	..	..	..	..	..		
20. Proper cold holding temperatures.	p	..	..	..	..	..		
<b><i>This item has Notes. See Footnote 1 at end of questionnaire.</i></b>								
21. Proper date marking and disposition.	p	..	..	..	..	..		
22. Time as a public health control: procedures and record.	..	p	..	..	p	p		
<b><i>This item has Notes. See Footnote 2 at end of questionnaire.</i></b>								
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Consumer Advisory	Y	N	O	A	C	R		
23. Consumer advisory provided for raw or undercooked foods.	..	..	..	..	..	..		

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

<b>Chemical</b>	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   ..   ..   ..   ..   ..

<b>Conformance with Approved Procedures</b>	Y	N	O	A	C	R
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27. Compliance with variance, specialized process and HACCP plan.     ..   ..   ..   ..   ..   ..

<b>GOOD RETAIL PRACTICES</b>
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<b>Safe Food and Water</b>	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.     ..   ..   ..   ..   ..   ..

<b>Food Temperature Control</b>	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.     ..   ..   ..   ..   ..   ..

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

<b>Prevention of Food Contamination</b>	Y	N	O	A	C	R
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36. Insects, rodents and animals not present.     p   ..   ..   ..   ..   ..

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

38. Personal cleanliness.     ..   ..   ..   ..   ..   ..

39. Wiping cloths: properly used and stored.     ..   ..   ..   ..   ..   ..

40. Washing fruits and vegetables.     ..   ..   ..   ..   ..   ..

<b>Proper Use of Utensils</b>	Y	N	O	A	C	R
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41. In-use utensils: properly stored.     ..   ..   ..   ..   ..   ..

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.     ..   ..   ..   ..   ..   ..

<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   ..   ..   p   p

<i>Fail Notes</i>	4-202.11(A)(2)	<i>Pf - FCS (Imperfections) Multiuse FOOD-CONTACT SURFACES shall be free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections. [There is one cracked container on a shelf in the ware washing area. COS - the manager discarded this container.]</i>
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45b. Food and non-food contact surfaces cleanable, properly designed, constructed and used-Core items     p   ..   ..   ..   ..   ..

## KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Utensils, Equipment and Vending	Y	N	O	A	C	R
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46. Warewashing facilities: installed, maintained, and used; test strips.	..	..	..	..	..	..
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47. Non-food contact surfaces clean.	p	..	..	..	..	..
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Physical Facilities	Y	N	O	A	C	R
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48. Hot and cold water available; adequate pressure.	..	..	..	..	..	..
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49. Plumbing installed; proper backflow devices.	p	..	..	..	..	..
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50. Sewage and waste water properly disposed.	..	..	..	..	..	..
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51. Toilet facilities: properly constructed, supplied and cleaned.	..	..	..	..	..	..
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52. Garbage and refuse properly disposed; facilities maintained.	..	..	..	..	..	..
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53. Physical facilities installed, maintained and clean.	p	..	..	..	..	..
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54. Adequate ventilation and lighting; designated areas used.	..	..	..	..	..	..
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Administrative/Other	Y	N	O	A	C	R
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55. Other violations	..	..	..	..	..	..
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EDUCATIONAL MATERIALS
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The following educational materials were provided ..

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

### **Notes:**

Using time as a control on all cheeses.

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### **Footnote 2**

#### **Notes:**

Notes for your time as a control: Your written procedures have to follow the guidelines listed below, and then your practices must follow the guidelines. When the cheese is removed from the walk-in-cooler, it must be temped, verified it's below 41 F and THEN put into the make table and marked with the time it is put out. It must be monitored over a 6 hour time period maximum to ensure it remains under 70 F. If it at any point is found to be above 70 F, it must be immediately discarded. If you want it to be okay at *any* temperature, then only use a 4 hour hold time. Keep temperature logs to show that you are testing it to verify it stays under 70 F if the 6 hour hold time is the route you want to go. I was a little confused with your hour time to make sure it gets down to temp that was marked, because it should be held at proper cold holding temperatures in the first place, there should be no need to make sure it gets down to the right temp prior to removing it from the walk-in-cooler and putting it in the make table - it should already be at the right temp. You should take a temperature to verify the temperature is correct, but unless there's a problem with the walk-in-cooler the temperature should be fine when you take it out, and the time it is removed from the walk-in-cooler is when your six hours begins. There's no hour time period for making sure it gets down to temperature. If the walk-in-cooler weren't holding it at the right temperature, that would be a different problem that we would have to talk about. That said, the temperature taken in the walk-in-cooler did not indicate there was a problem.

Code Requirement:

#### **3-501.19 Time as a Public Health Control.**

(A) *Except as specified under ¶ (D) of this section*, if time without temperature control is used as the public health control for a working supply of POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) before cooking, or for READY-TO-EAT POTENTIALLY HAZARDOUS FOOD (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) that is displayed or held for sale or service:

(1) Written procedures shall be prepared in advance, maintained in the FOOD ESTABLISHMENT and made available to the REGULATORY AUTHORITY upon request control is used as the public health control up to a **maximum up** maximum of 6 hours:

#### **to 6 hours**

(1) The FOOD shall have an initial temperature of 5°C (41°F) or less when removed from temperature control and the FOOD temperature may not exceed 21°C (70°F) within a maximum time period of 6 hours; P

(2) The FOOD shall be monitored to ensure the warmest portion of the FOOD does not exceed 21°C (70°F) during the 6-hour period, *unless an ambient air temperature is maintained that ensures the FOOD does not exceed 21°C (70°F) during the 6-hour holding period*; Pf

(3) The FOOD shall be marked or otherwise identified to indicate: Pf

(a) The time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control, Pf and

(b) The time that is 6 hours past the point in time when the FOOD is removed from cold holding temperature control; Pf

(4) The FOOD shall be:

(a) Discarded if the temperature of the FOOD exceeds 21°C (70°F), P or

(b) Cooked and served, served at any temperature if READY-TO-EAT, or discarded within a maximum of 6 hours from the point in time when the FOOD is removed from 5°C (41°F) or less cold holding temperature control; P and

## KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

(5) The FOOD in unmarked containers or PACKAGES, or marked with a time that exceeds the 6-hour limit shall be discarded. P

## FOOD ESTABLISHMENT FIELD WARNING LETTER

The Kansas Food, Drug and Cosmetic Act, effective July 1, 2012, K.S.A. 65-619 et seq. and regulations promulgated pursuant thereto, grants the Kansas Department of Agriculture authority to regulate food establishments and food processing plants. The Kansas Food Code is adopted and amended by K.A.R. 4-28-8 through 15.

During the inspection today of the Food Establishment listed below, violations of the Kansas Food Code were observed. The violations are documented in the attached Kansas Food Establishment Inspection Report.

Although we will not take further action at this time based on this inspection report, repeated violations observed during future inspections 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 Kansas Food, Drug and Cosmetic Act;
- and/or any other penalty authorized by law.

Future inspections will be initiated during the next routine inspection cycle, unless we receive a complaint about the food establishment.

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**Business:** WENDY'S #3509

1900 NORTH SUMMIT  
 ARKANSAS CITY, KS 67005

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