

**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:** 5/6/2015      **Business ID:** 96254fe  
**Business:** JOY GARDEN  
  
 717 8TH ST  
 BALDWIN, KS 66006

**Inspection:** 87000286  
**Store ID:**  
**Phone:** 7855943308  
**Inspector:** KDA87  
**Reason:** 01 Routine  
**Results:** Follow-up

**Time In / Time Out**

Date	In	Out	Insp	Travel	Total	Mileage	Notes:
05/06/15	02:00 PM	04:00 PM	2:00	1:00	3:00	0	
<b>Total:</b>			2:00	1:00	3:00	0	

**FOOD ESTABLISHMENT PROFILE**

Insp. Notification Email Sent Notification To \_\_\_\_\_ Lic. Insp. No  
 Priority(P) Violations 6 Priority foundation(Pf) Violations 2  
 Certified Manager on Staff  Address Verified p Actual Sq. Ft. 0  
 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.	..	..	p	..	..	..

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

<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
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- |   |                       |
|---|-----------------------|
| 4. Proper eating, tasting, drinking, or tobacco use | p   "   "   "   "   " |
| 5. No discharge from eyes, nose and mouth.          | p   "   "   "   "   " |

Preventing Contamination by Hands	Y   N   O   A   C   R
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- |  |                       |
|--|-----------------------|
| 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. [The hand washing sink in the kitchen had a bowl inside of the sink basin when the inspector tried to hand wash. COS, moved.]</i>
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Approved Source	Y   N   O   A   C   R
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- |  |                       |
|--|-----------------------|
| 9. Food obtained from approved source.                                     | p   "   "   "   "   " |
| <b><i>This item has Notes. See Footnote 1 at end of questionnaire.</i></b> |                       |
| 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	Y   N   O   A   C   R
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- |                                   |                       |
|-----------------------------------|-----------------------|
| 13. Food separated and protected. | "   p   "   "   p   " |
|-----------------------------------|-----------------------|

<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 MT in the kitchen 2 crocks of raw chicken, 1 crock of raw eggs out of shell, and 1 crock of raw beef were stored on the top make table with no barrier between them and the RTE cooked pasta in the RIC below. COS, moved. ]</i>
	3-302.11(A)(2) <i>P - Cross Contamination by type (separate equipment) - FOOD shall be protected from cross contamination by separating types of raw animal FOODS from each other such as beef, FISH, lamb, pork, and POULTRY during storage, preparation, holding, and display by: using separate EQUIPMENT for each type; arranging each type of FOOD in EQUIPMENT so that cross contamination of one type with another is prevented; or, preparing each type of FOOD at different times or in separate areas [In the MT in the kitchen 2 crocks of raw chicken were stored in the top with no barrier between them and the crock of raw pork in the RIC below. COS, moved. In the WIC a sheet pan of raw chicken kabobs were stored on a box of raw beef. COS, moved. ]</i>

- |   |                       |
|---|-----------------------|
| 14. Food-contact surfaces: cleaned and sanitized. | "   p   "   "   p   " |
|---|-----------------------|

<i>Fail Notes</i>	4-601.11(A) <i>Pf - Food Contact Clean to Sight and Touch - EQUIPMENT FOOD-CONTACT SURFACES and UTENSILS shall be clean to sight and touch. [A container used to dispense sesame seeds had sticky residue on it. COS, moved to be cleaned and sanitized.]</i>
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# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

Protection from Contamination	Y	N	O	A	C	R
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Fail Notes	4-602.11(E)(4)	<p><i>Non-PHF/TCS Food Contact Surface Cleaning Frequency (ice bins, soda nozzles) Surfaces of UTENSILS and EQUIPMENT contacting FOOD that is not POTENTIALLY HAZARDOUS (TIME/TEMPERATURE CONTROL FOR SAFETY FOOD) shall be cleaned, in EQUIPMENT such as ice bins and BEVERAGE dispensing nozzles and enclosed components of EQUIPMENT such as ice makers, cooking oil storage tanks and distribution lines, BEVERAGE and syrup dispensing lines or tubes, coffee bean grinders, and water vending EQUIPMENT: at a frequency specified by the manufacturer; or, absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.</i></p> <p><i>[The soda nozzles had mold accumulation inside of them. COS, removed to be cleaned and sanitized.]</i></p>
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15. Proper disposition of returned, previously served, reconditioned and unsafe food.	..	..	p	..	..	..
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Potentially Hazardous Food Time/Temperature	Y	N	O	A	C	R
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16. Proper cooking time and temperatures.	..	..	p	..	..	..
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17. Proper reheating procedures for hot holding.	..	..	p	..	..	..
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18. Proper cooling time and temperatures.	..	..	p	..	..	..
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19. Proper hot holding temperatures.	p	..	..	..	..	..
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***This item has Notes. See Footnote 3 at end of questionnaire.***

20. Proper cold holding temperatures.	..	p	..	..	p	..
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***This item has Notes. See Footnote 4 at end of questionnaire.***

Fail Notes	3-501.16(A)(2)	<p><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.</i></p> <p><i>[There was a head of cut cabbage on the counter in the kitchen with a temp of 60 F. PIC said it was put there at 12:00PM. COS, put in RIC.]</i></p>
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21. Proper date marking and disposition.	p	..	..	..	..	..
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22. Time as a public health control: procedures and record.	..	..	p	..	..	..
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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	..	..	..	..	..
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26. Toxic substances properly identified, stored and used.	p	..	..	..	..	..
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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.	..	..	..	p	..	..
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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	..	..	..
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29. Water and ice from approved source.	p	..	..	..	..	..
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30. Variance obtained for specialized processing methods.	..	..	..	p	..	..
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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	..	..	..	..			
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%; vertical-align: top;"><i>Fail Notes</i></td> <td style="width: 10%; vertical-align: top;">3-302.12</td> <td style="vertical-align: top;"> <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>  <i>[A container of seeds on the shelf over the MT in the kitchen was not labeled. PIC said that it was sesame seeds. COS, labeled.]</i> </td> </tr> </table>	<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> <i>[A container of seeds on the shelf over the MT in the kitchen was not labeled. PIC said that it was sesame seeds. COS, labeled.]</i>						
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Prevention of Food Contamination	Y	N	O	A	C	R			
36. Insects, rodents and animals not present.	p	..	..	..	..	..			
<b><i>This item has Notes. See Footnote 5 at end of questionnaire.</i></b>									
37. Contamination prevented during food preparation, storage and display.	..	p	..	..	p	..			
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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
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	..	..	..	..	..
44. Gloves used properly.	p	..	..	..	..	..

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	..	..	..	..			
<table border="0" style="width: 100%;"> <tr> <td style="width: 15%; vertical-align: top;"><i>Fail Notes</i></td> <td style="width: 10%; vertical-align: top;">4-101.11</td> <td style="vertical-align: top;"> <i>P - Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD.</i>  <i>[On the shelf over the MT in the kitchen non-food grade Sterilite containers were used to hold produce. COS, moved to food grade container. ]</i> </td> </tr> </table>	<i>Fail Notes</i>	4-101.11	<i>P - Materials that are used in the construction of UTENSILS and FOOD-CONTACT SURFACES OF EQUIPMENT may not allow the migration of deleterious substances or impart colors, odors, or tastes to FOOD.</i> <i>[On the shelf over the MT in the kitchen non-food grade Sterilite containers were used to hold produce. COS, moved to food grade container. ]</i>						
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Utensils, Equipment and Vending	Y	N	O	A	C	R
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*Fail Notes* | 4-102.11(A)(1) *P - Materials that are used to make SINGLE-SERVICE and SINGLE-USE ARTICLES may not allow the migration of deleterious substances.*  
 [4-102.11(B)(1) *In the RIC (refrigerator) in the kitchen jalopenos and and apple were stored in thank you bags. COS, moved to food grade container. ]*

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 . . . . .

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 food debris and grease buildup in below the cook surface of the range.]*

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 . . . . .

*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 lids on the dumpster on open.]*

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

*Fail Notes* | 6-501.12(A) *PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean. [There is grease build-up and food debris on the floor below the range in the kitchen. There is mold and food splatter on the walls around the ware-washing machine.]*

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
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The following educational materials were provided p

*Material Distributed | Education Title #43 Storing Food in WIC*

# KANSAS FOOD ESTABLISHMENT INSPECTION REPORT

## **Footnote 1**

**Notes:**  
Sysco

## **Footnote 2**

**Notes:**  
ware washing machine 100ppm

## **Footnote 3**

**Notes:**  
Rice cooker on counter in kitchen: rice 165 F  
Buffet: hot and sour soup 163 F

## **Footnote 4**

**Notes:**  
MT 1: chicken 41 F  
RIC (refrigerator) in the kitchen breaded chicken: 39 F; egg rolls 40 F  
Soft serve machine: vanilla 41 F  
WIC: chicken 39 F

## **Footnote 5**

**Notes:**  
Schwarz

## NOTICE OF NON COMPLIANCE WITH KANSAS LAW

**Insp Date:** 5/6/2015  
**Business:** JOY GARDEN

**Business ID:** 96254fe

**Inspection:** 87000286

**Store ID:**

**Phone:** 7855943308

**Inspector:** KDA87

**Reason:** 01 Routine

717 8TH ST  
 BALDWIN, KS 66006

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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 05/16/15

Inspection Report Number 87000286

Inspection Report Date 05/06/15

Establishment Name JOY GARDEN

Physical Address 717 8TH ST City BALDWIN

Zip 66006

Additional Notes and Instructions