

Food Establishment Inspection Report



Wichita Falls - Wichita County
Public Health District
1700 Third Street
Wichita Falls, TX 76301
940-761-7800

SITE NO. 10 **INV NO.** 1 **IR NO.** **DATE** 04/27/2010 **INSPECTION TIME** **INSPECTOR** Baxter, Mike

SITE INFORMATION
DON JOSE MEXICAN RESTAURANT
2601 10TH ST
WICHITA FALLS TX 76309
940-322-9166

INVENTORY/MANAGER
Process 3

SERVICE TYPE/FREQUENCY
Inspection- Regular
Inspected 4 Times per Year

Violations: Critical - 6 Non-Critical - 5 Score: 79

CRITICAL VIOLATIONS SUMMARY

| <u>CODE</u> | <u>DESCRIPTION</u> | <u>POINTS</u> | <u>CORRECTED</u> |
|-------------|---|---------------|------------------|
| 8 | Good Hygienic Practices (Eating/Drinking/Smoking/Other) | 4 | _____ |
| 10 | Sound Condition | 4 | _____ |
| 12 | Cross-Contamination of Raw/Cooked Foods/Other | 4 | _____ |
| 19 | No Evidence of Rodents/Other Animals | 3 | _____ |
| 20 | Toxic Items Properly Labeled/Stored/Used | 3 | _____ |
| 25 | Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage | 3 | _____ |

NON-CRITICAL VIOLATIONS SUMMARY

| <u>CODE</u> | <u>DESCRIPTION</u> | <u>POINTS</u> | <u>CORRECTED</u> |
|-------------|--------------------|---------------|------------------|
| 28 | OTHER VIOLATIONS | 0 | _____ |
| 28 | OTHER VIOLATIONS | 0 | _____ |
| 28 | OTHER VIOLATIONS | 0 | _____ |
| 28 | OTHER VIOLATIONS | 0 | _____ |
| 28 | OTHER VIOLATIONS | 0 | _____ |

CRITICAL VIOLATIONS DETAIL

| <u>CODE</u> | <u>DESCRIPTION</u> |
|--------------------|---|
| 8 | <p>Texas food Establishment Rules</p> <p>Page 31</p> <p>229.163 (n) Eating, drinking, or using tobacco.</p> <p>(1) Except as specified in paragraph (2) of this subsection, an employee shall eat, drink, or use any form of tobacco only in designated areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection cannot result.</p> <p>(2) A food employee may drink from a closed beverage container if the container is handled to prevent contamination of:</p> <p>(A) the employee's hands;</p> <p>(B) the container; and</p> <p>(C) exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.</p> <p>(o) Discharges from the eyes, nose, and mouth. Food employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.</p> <p>(p) Hair restraints, effectiveness.</p> <p>(1) Except as provided in paragraph (2) of this subsection, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.</p> <p>(2) This section does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.</p> <p>(q) Handling prohibition.</p> <p>(1) Except as specified in paragraph (2) of this subsection, food employees may not care for or handle animals that may be present such as patrol dogs, service animals, or pets that are allowed as specified in §229.167(p)(15)(B)(ii)-(v) of this title (relating to Physical Facilities).</p> <p>(2) Food employees with assistance animals may handle or care for their assistance animals and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under subsections (f) and (h)(3) of this section.</p> |

| <u>CODE</u> | <u>DESCRIPTION</u> |
|-------------|--|
| To Wit: | employees had no hair restraints |
| To Correct: | All employees in kitchen must have hair restraints |
| 10 | Texas Food Establishment Rules §229.164. (a) Food. Condition safe, unadulterated, and honestly presented. Food shall be safe, unadulterated, and, as specified under subsection (q)(2) of this section, honestly presented. |
| To Wit: | open metal cans in walk in refrigerator |
| To Correct: | Open metal 1 gallon cans in walk in refrigerator which were thrown away. Original opened metal cans are not to be stored in the walk in refrigerator. The food should be transferred to appropriate containers when stored in the walk in refrigerator. |
| 12 | Pages 42 thru 50 229.164(e), (f), (g) & (h) Ready-to-eat foods will be protected by preventing contamination by employees, preventing food and ingredient contamination, preventing contamination from ice used as a coolant and preventing contamination from equipment, utensils, wiping cloths and linens. |
| To Wit: | raw food stacked in the walk in |
| To Correct: | All food should be wrapped, dated, and labeled and not stacked when on shelves in the walk in refrigerator. |
| 19 | Pages 126 and 27 229.167(p)(12) & (15) (12) Removing dead or trapped birds, insects, rodents, and other pests. Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or the attraction of pests. (15) Prohibiting animals. (A) Except as specified in subparagraphs (B) and (C) of this paragraph, live animals may not be allowed on the premises of a food establishment. (B) Live animals may be allowed in the following situations if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result: (i) edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems; (ii) patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas; (iii) in areas that are not used for food preparation and that are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, or service animals in training when accompanied by an approved trainer, if a health or safety hazard will not result from the presence or activities of the service animal; (iv) pets in the common dining areas of institutional care facilities |

CODE**DESCRIPTION**

such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(I) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;

(II) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and
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§229.167(p) §229.167(p)

(III) dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service; and

(v) in areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly confined, such

as in a variety store that sells pets or a tourist park that displays animals.

(C) Live or dead fish bait may be stored if contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result.

To Wit: mouse droppings on the floor

To Correct: Need to call the exterminator to service the business.

20 Texas Food Establishment Rules

Pages 129 thru 132

§229.168(a) thru (h)

Poisonous or Toxic Materials.

(a) Original containers, identifying information, prominence. Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

(b) Working containers, common name. 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.

(c) Storage, separation. Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

(1) separating the poisonous or toxic materials by spacing or partitioning; and

(2) Locating the poisonous or toxic materials in an area that is not above food, equipment, utensils, linens, and single-service or single-use articles. This paragraph does not

apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for

availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(d) Presence and use.

(1) Restriction.

(A) Only those poisonous or toxic materials that are required for the operation and maintenance of a food establishment, such as for the cleaning and sanitizing of

equipment and utensils and the control of insects and rodents, shall be allowed in a food establishment.

(B) Subparagraph (A) of this paragraph does not apply to packaged poisonous or toxic materials that are for retail sale.

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| | <p>(2) Conditions of use. Poisonous or toxic materials shall be:</p> <p>(A) used according to:</p> <p>(i) law and these rules;</p> <p>(ii) manufacturer's use directions included in labeling, and, for a pesticide, manufacturer's label instructions that state that use is allowed in a food establishment;</p> <p>(iii) the conditions of certification, if certification is required, for use of the pest control materials; and</p> |
| To Wit: | rat poison stored in the walk in |
| To Correct: | There is to be no rat poison in the restaurant. The rat poison in the walk in refrigerator was thrown away. |
| 25 | <p>Page 76</p> <p>§229.165(d)</p> <p>(d) Cleanability.</p> <p>(1) Food-contact surfaces. Multiuse food-contact surfaces shall be:</p> <p>(A) smooth;</p> <p>(B) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;</p> <p>(C) free of sharp internal angles, corners, and crevices;</p> <p>(D) finished to have smooth welds and joints; and</p> <p>(E) except as specified in subparagraph (B) of this paragraph, accessible for cleaning and inspection by one of the following methods:</p> <p>(i) without being disassembled;</p> <p>(ii) by disassembling without the use of tools; or</p> <p>(iii) by easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, and wrenches.</p> <p>(2) Paragraph (5) of this subsection does not apply to cooking oil storage tanks, distribution lines for cooking oils, or beverage syrup lines or tubes.</p> <p>(3) Cleaned in place (CIP) equipment.</p> <p>(A) CIP equipment shall meet the characteristics specified under paragraph (1) of this subsection and shall be designed and constructed so that:</p> <p>(i) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and</p> <p>(ii) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and</p> |
| To Wit: | numerous violations of food contact surface violations |
| To Correct: | Shelves in the walk in are dirty and rusty. The shelf where the mixer is located is dirty and rusty. The stove is dirty and to be cleaned. The racks by the stove and shelves are dirty and to be cleaned. |

NON-CRITICAL VIOLATIONS DETAIL

| <u>CODE</u> | <u>DESCRIPTION</u> |
|--------------------|--|
| 28 | OTHER VIOLATIONS- REQUIRE CORRECTIVE ACTION , NOT TO EXCEED 90 DAYS OR NEXT INSPECTION, WHICHEVER COMES FIRST. |
| To Wit: | ceiling panels damaged |
| To Correct: | All ceiling panels to be clean and smooth and easily cleanable surfaces. |
| To Wit: | damaged door frame on the back door |
| To Correct: | The door frame is rusted and damaged (back door) and needs to be replaced |
| To Wit: | back door not sealed |
| To Correct: | Back door to be sealed as to prevent insect and rodent entry. |
| To Wit: | hole in the wall |
| To Correct: | The hole in the wall and damaged wall behind the mop sink is to be repaired. |
| To Wit: | rust on frames which hold ceiling panels |
| To Correct: | The framework which holds ceiling tiles are rusty and need to be repaired. |

I HEREBY, ACKNOWLEDGE THE ISSUANCE AND RECEIPT OF THIS OFFICIAL Food Establishment Inspection Report.

Mike Baxter, Public Health Officer

OWNER / MANAGER SIGNATURE

OWNER / MANAGER PRINT NAME