

# 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** 06/22/2011    **INSPECTION TIME**    **INSPECTOR** Railsback, Brian

**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

Scheduled calendar inspections.

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**Violations: Critical - 7 Score: 76**

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## CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
9	Approved Source/Labeling	4	_____
10	Sound Condition	4	_____
12	Cross-Contamination of Raw/Cooked Foods/Other	4	_____
18	No Evidence of Insect Contamination	3	_____
21	Manual/Mechanical Warewashing & Sanitizing @ _____ ppm/Temp.	3	_____
24	Thermometers Provided/Accurate/Properly Calibrated +/- 2 F	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____

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## CRITICAL VIOLATIONS DETAIL

<u>CODE</u>	<u>DESCRIPTION</u>
9	Texas food Establishment Rules  Pages 33 to 37 229.164(b) Pages 33 to 37  (b) Approved sources. (1) Compliance with food law. (A) Food shall be obtained from sources that comply with applicable laws and are licensed by the state regulatory authority having jurisdiction over the processing and

**CODE****DESCRIPTION**

distribution of the food.

(B) Food prepared in a private home, except as allowed in these rules, or from an unlicensed food manufacturer or wholesaler, is considered to be from an unapproved

source and may not be used or offered for human consumption in a food establishment.

(C) Packaged food shall be labeled as specified in law, including 21 CFR 101, Food Labeling, 9 CFR 317, Labeling, Marking Devices, and Containers, and 9 CFR 381 Subpart N, Labeling and Containers, and as specified under subsection (c)(7) and (8) of this section.

(D) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified under subsection (k)(1)(D) of this section may be offered for sale or service if they are obtained from a supplier that freezes the fish as specified

under subsection (l)(1) of this section; or frozen on the premises as specified under subsection

(l)(1) of this section and records are retained as specified under subsection (l)(3) of this section.

(E) Whole-muscle, intact beef steaks that are intended for consumption in an undercooked form without a consumer advisory as specified in subsection (k)(1)(C) of this section shall be:

(i) obtained from a food processing plant that, upon request by the purchaser, packages the steaks and labels them, to indicate that the steaks meet the definition of

whole-muscle, intact beef; or

(ii) deemed acceptable by the regulatory authority based on other evidence, such as written buyer specifications or invoices, that indicates that the steaks meet the

definition of whole-muscle, intact beef; and

(iii) if individually cut in a food establishment:

34

§229.164(b) §229.164(b)

(I) cut from whole-muscle intact beef that is labeled by a food processing plant as specified in clause (i) or identified as specified in clause (ii) of this subparagraph;

(II) prepared so they remain intact; and

(III) if packaged for undercooking in a food establishment, labeled as specified in clause (i) or identified as specified in clause (ii) of this subparagraph.

(F) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption, shall be labeled to include

safe handling instructions as specified in law, including 9 CFR §317.2(l) and 9 CFR §381.125(b).

(G) Shell eggs that have not been specifically treated to destroy all viable Salmonellae shall be labeled to include safe handling instructions as specified in law, including

21 CFR §101.17(h).

(2) Food in a hermetically sealed container. Food in a hermetically sealed container shall be obtained from a food processing plant that is regulated by the food regulatory

agency that has jurisdiction over the plant.

(3) Fluid milk and milk products. Fluid milk and milk products shall be obtained from sources that comply with Grade A standards as specified in law.

(4) Fish.

**CODE****DESCRIPTION**

(A) Fish that are received for sale or service shall be:

- (i) commercially and legally caught or harvested; or
- (ii) approved for sale or service.

(B) Molluscan shellfish that are recreationally caught may not be received for sale or service.

(5) Molluscan shellfish.

(A) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

35

§229.164(b) §229.164(b)

(B) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

(6) Wild mushrooms.

(A) Except as specified in subparagraph (B) of this paragraph, mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by an approved mushroom identification expert.

(B) This section does not apply to:

- (i) cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation; or
- (ii) wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(7) Exotic animals and game animals.

(A) If exotic animals are received for sale or service, they shall:

(i) be commercially raised for food and:

(I) slaughtered, processed, and deemed to be inspected and approved. under an inspection program administered by USDA in accordance with 9 CFR 352,

Exotic Animals; Voluntary Inspection; or

(II) slaughtered, processed, and deemed to be inspected

and passed. under a meat and poultry inspection program administered by the department or any

other state meat inspection program deemed equal to USDA inspection;

(ii) as allowed by law, for exotic animals that are live caught, be slaughtered and processed as required in subparagraph (A)(i)(I) or (II) of this paragraph; and

(iii) as allowed by law, for exotic animals that are field dressed:

(I) receive an antemortem and postmortem examination by the appropriate inspection personnel as described in subparagraph (A)(i)(I) or (II) of this paragraph; and

36

§229.164(b) §229.164(b)

(II) be field dressed, transported, and processed according to the requirements specified by the appropriate regulatory authority as described in paragraph

(7)(A)(i)(I) or (II) of this subsection.

**CODE****DESCRIPTION**

(B) If game animals are received for sale or service they shall be:

(i) commercially raised for food and:

(I) raised, slaughtered, and processed under a voluntary inspection program that is conducted by the agency that has animal health jurisdiction; or

(II) under a routine inspection program conducted by a

regulatory agency other than the agency that has animal health jurisdiction; and

(III) raised, slaughtered, and processed according to:

(-a-) laws governing meat and poultry as

determined by the agency that has animal health jurisdiction and the agency that conducts the

inspection program; and

(-b-) requirements which are developed by the

agency that has animal health jurisdiction and the agency that conducts the inspection program

with consideration of factors such as the need for antemortem and postmortem examination by

an approved veterinarian or veterinarian.s designee;

(ii) under a voluntary inspection program administered by the

USDA for game animals such as exotic animals (reindeer, elk, deer, antelope, water buffalo, or

bison) that are .inspected and approved. in accordance with 9 CFR 352, Exotic Animals;

Voluntary Inspection or rabbits that are .inspected and certified. in accordance with 9 CFR 354,

Voluntary Inspection of Rabbits and Edible Products Thereof;

(iii) as allowed by law, for wild game animals that are live-caught:

(I) under a routine inspection program conducted by a

regulatory agency such as the agency that has animal health jurisdiction; and

(II) slaughtered and processed according to:

(-a-) laws governing meat and poultry as

determined by the agency that has animal health jurisdiction and the agency that conducts the

inspection program; and

(-b-) requirements which are developed by the

agency that has animal health jurisdiction and the agency that conducts the inspection program

37

§229.164(b) §229.164(c)

with consideration of factors such as the need for antemortem and postmortem examination by

an approved veterinarian or veterinarian's designee; or

(iv) as allowed by law, for field-dressed wild game animals under a routine inspection program that ensures the animals:

(I) receive a postmortem examination by an approved veterinarian or veterinarian.s designee; or

(II) are field-dressed and transported according to

requirements specified by the agency that has animal health jurisdiction and the agency that conducts the inspection program; and

(III) are processed according to laws governing meat and

poultry as determined by the agency that has animal health jurisdiction and the agency that conducts the inspection program.

(C) A game animal may not be received for sale or service if it is a species

of wildlife that is listed in 50 CFR 17, Endangered and Threatened Wildlife and Plants.

<u>CODE</u>	<u>DESCRIPTION</u>
To Wit:	Food out of original packages not labeled or dated in walk in freezer
To Wit:	Sugar, rice, and bean containers not labeled
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:	Food in walk in freezer not covered and exposed
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:	The meat is stored in contact with or under the fish.
To Correct:	The meat must not be stored in contact with or under the fish. Corrections must be made immediately.
18	Pages 126 229.167(p)(11) & (12) (11) Controlling pests. The presence of insects, rodents, and other pests shall be controlled to minimize their presence within the physical facility and its contents, and on the contiguous land or property under the control of the permit holder by: (A) routinely inspecting incoming shipments of food and supplies; (B) routinely inspecting the premises for evidence of pests; (C) using methods, if pests are found, such as trapping devices or other means of pest control as specified under §§229.168(d)(2), (h)(2), and (h)(3)(A) of this title (relating to Poisonous or Toxic Materials); and (D) eliminating harborage conditions.  (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.
To Wit:	Flies were observed in or around the kitchen.
To Correct:	Flies must be controlled and prevented access in or around the kitchen. Corrections must be made within 7 days.
21	Texas Food Establishment Rules  TFER 229.165(k) thru 229.165(y) The wash compartment of the sink shall, when used for washing, contain a wash solution mixed according to manufacturer's label instructions. The temperature of the wash solution shall be maintained at not less than 43 degrees C (110 degrees F) unless specified differently by the manufacturer of the washing agent. If a detergent-sanitizer is used without a hot water rinse, the same agent must be used in both the cleaning and sanitizing

**CODE****DESCRIPTION**

steps. A chemical sanitizer used in a sanitizing solution shall be used in accordance with EPA approved manufacturer's label use instructions. If hot water is used for sanitizing, the temperature of the water shall be maintained at 77 degrees C (171 degrees F) or above. Warewashing machines, manufacturers' operating instructions.

A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications. Mechanical warewashing equipment, hot water sanitization temperatures.

Except as specified in subparagraph (B) of this paragraph, in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may not be more than 90 degrees Celsius (194 degrees Fahrenheit), or less than:

for a stationary rack, single temperature machine, 74 degrees Celsius (165 degrees Fahrenheit); or

for all other machines, 82 degrees Celsius (180 degrees Fahrenheit).

The maximum temperature specified under subparagraph (A) of this paragraph does not apply to the high pressure and temperature systems with wand-type, hand-held spraying devices used for the in-place cleaning and sanitizing of equipment such as meat saws. Mechanical warewashing equipment, sanitization pressure.

The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than 100 kilopascals (15 pounds per square inch) or more than 170 kilopascals (25 pounds per square inch) as measured in the water line immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

To Wit: Need test strips for dish wash machine to check sanitizer levels

24

Page 77

§229.165(e)

(e) Accuracy of temperature measuring devices, food.

(1) Temperature measuring device, food.

(A) Food temperature measuring device that are scaled only in Celsius or dually scaled in Celsius and Fahrenheit shall be accurate to  $\pm 1$  degrees Celsius in the intended range of use.

(B) Food temperature measuring device that are scaled only in Fahrenheit shall be accurate to  $\pm 2$  degrees Fahrenheit in the intended range of use.

(2) Temperature measuring devices, ambient air and water.

#24

78

§229.165(e) §229.165(f)

(A) Ambient air and water temperature measuring device that are scaled in Celsius or dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to  $\pm 1.5$  degrees Celsius in the intended range of use.

(B) Ambient air and water temperature measuring device that are scaled only in Fahrenheit shall be accurate to  $\pm 3$  degrees Fahrenheit in the intended range of use.

To Wit: The walkin freezer in the food establishment did not have a readily available and visible thermometer.

To Correct: The walkin freezer in the food establishment must have a readily available and visible thermometer. Corrections must be made within 7 days.

To Wit: The walkin refrigerator in the food establishment did not have a readily available and visible

<u>CODE</u>	<u>DESCRIPTION</u>
	thermometer.
To Correct:	The walkin refrigerator in the food establishment must have a readily available and visible thermometer. Corrections must be made within 7 days.
To Wit:	The reachin refrigerator in the kitchen did not have a readily available and visible thermometer.
To Correct:	The reachin refrigerator in the kitchen must have a readily available and visible thermometer. Corrections must be made within 7 days.
25	<p>Page 76            §229.165(d)            (d) Cleanability.            (1) Food-contact surfaces. Multiuse food-contact surfaces shall be:            (A) smooth;            (B) free of breaks, open seams, cracks, chips, inclusions, pits, and similar imperfections;            (C) free of sharp internal angles, corners, and crevices;            (D) finished to have smooth welds and joints; and            (E) except as specified in subparagraph (B) of this paragraph, accessible for cleaning and inspection by one of the following methods:            (i) without being disassembled;            (ii) by disassembling without the use of tools; or            (iii) by easy disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel such as screwdrivers, pliers, and wrenches.            (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.            (3) Cleaned in place (CIP) equipment.            (A) CIP equipment shall meet the characteristics specified under paragraph (1) of this subsection and shall be designed and constructed so that:            (i) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and            (ii) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions; and</p>
To Wit:	The cutting board located in the food preparation area is cracked, chipped, bent or broken and cannot be properly cleaned and sanitized.
To Correct:	The cutting board located in the food preparation area must be free of cracks, chips, bends or breaks to permit it to be properly cleaned and sanitized. Corrections must be made immediately.
To Wit:	Scoop handles stored improperly in food containers, handles in contact with food
To Wit:	Kitchen ,equipment, shelves and counters need to be cleaned and sanitized

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

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Brian Railsback, Public Health Officer

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OWNER / MANAGER SIGNATURE

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OWNER / MANAGER PRINT NAME