

# Food Establishment Inspection Report



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

**SITE NO.** 241    **INV NO.** 1    **IR NO.**    **DATE** 03/29/2010    **INSPECTION TIME**    **INSPECTOR** McKenzie, Suzanne

**SITE INFORMATION**

WENDY'S  
3601 KEMP  
WICHITA FALLS TX 76308  
940-691-2944

**INVENTORY/MANAGER**

Process 2

**SERVICE TYPE/FREQUENCY**

Inspection- Regular  
Inspected 3 Times per Year

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**Violations: Critical - 4 Score: 83**

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**CRITICAL VIOLATIONS SUMMARY**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>POINTS</u></b>	<b><u>CORRECTED</u></b>
2	Cold Hold (41/45 degrees F)	5	03/29/2010
3	Hot Hold (135 °F)	5	03/29/2010
13	Approved Systems (Time as Public Hlth Control/HACCP Plan)	4	03/29/2010
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	03/29/2010

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**CRITICAL VIOLATIONS DETAIL**

**CODE**                      **DESCRIPTION**

2                              Texas food Establishment Rules

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§229.164(o)(6) Potentially hazardous food, hot and cold holding.

Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under paragraph (9) of this subsection, and except as specified in subparagraph (B) of this paragraph, potentially hazardous food shall be maintained:

(A) at 57 degrees Celsius (135 degrees Fahrenheit) or above, except that roasts cooked to a temperature and for a time specified in subsection (k)(1)(B) of this section or reheated as specified in subsection (m)(2)(E) of this section may be held at a temperature of 54 degrees Celsius (130 degrees Fahrenheit) or above; or

(B) at a temperature specified in the following:

CODE	DESCRIPTION
	<p>(i) 5 degrees Celsius (41 degrees Fahrenheit) or less; or  (ii) 7 degrees Celsius (45 degrees Fahrenheit) or less in countertop, under-counter and open-top refrigeration units located in the food preparation area that were in use prior to October 6, 2003, provided the food is date marked as specified in paragraphs (7)-(9) of this subsection.</p> <p>(C) Shell eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 7 degrees Celsius (45 degrees Fahrenheit) or less.</p>
To Wit:	The pork product is at room temperature with an internal temperature of 65 to 69 degrees F and is not being maintained at 41/45 degrees F or below. (Corrected 03/29/10)
To Correct:	Discard the pork product that is not being maintained at 41/45 degrees F or below. Corrections must be made immediately.
3	<p>Page 60  §229.164(o)(6) Potentially hazardous food, hot and cold holding.  Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under paragraph (9) of this subsection, and except as specified in subparagraph (B) of this paragraph, potentially hazardous food shall be maintained:</p> <p>(A) at 57 degrees Celsius (135 degrees Fahrenheit) or above, except that roasts cooked to a temperature and for a time specified in subsection (k)(1)(B) of this section or reheated as specified in subsection (m)(2)(E) of this section may be held at a temperature of 54 degrees Celsius (130 degrees Fahrenheit) or above; or</p> <p>(B) at a temperature specified in the following:  (i) 5 degrees Celsius (41 degrees Fahrenheit) or less; or  (ii) 7 degrees Celsius (45 degrees Fahrenheit) or less in countertop, under-counter and open-top refrigeration units located in the food preparation area that were in use prior to October 6, 2003, provided the food is date marked as specified in paragraphs (7)-(9) of this subsection.</p> <p>(C) Shell eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 7 degrees Celsius (45 degrees Fahrenheit) or less.</p>
To Wit:	The poultry/poultry product is in/on the food warmer at a temperature of 115 to 119 degrees F and is not being maintained at 140 degrees F or above. (Corrected 03/29/10)
To Correct:	Rapidly reheat poultry/poultry product to 165 degrees F and maintain at 140 degrees F or higher throughout the hot holding period. Corrections must be made immediately.
13	<p>Texas Food Establishment Rules</p> <p>Page 63  §229.164(o)  (9) Time as a public health control.  (A) Except as specified under subparagraph (B) of this paragraph, if time only, rather than time in conjunction with temperature, is used as the public health control for a working</p>

**CODE****DESCRIPTION**

supply of potentially hazardous food before cooking, or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

- (i) the food shall be marked or otherwise identified to indicate the time that is four hours past the point in time when the food is removed from temperature control;
- (ii) the food shall be cooked and served, served if ready-to-eat, or discarded, within 4 hours from the point in time when the food is removed from temperature control;
- (iii) the food in unmarked containers or packages or marked exceed a four hour limit shall be discarded; and
- (iv) written procedures shall be maintained in the food establishment and made available to the regulatory authority upon request, that ensure compliance with:
  - (I) clauses (i)-(iv) of this subparagraph, and (II) paragraph (4) of this subsection for food that is prepared, cooked, and refrigerated before time is used as a public health control.
  - (B) In a food establishment that serves a highly susceptible population, time only, rather than time in conjunction with temperature, may not be used as the public health control for raw eggs.

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§229.171

(d) HACCP plan requirements.

(1) When a HACCP plan is required.

(A) Before engaging in an activity that requires a HACCP plan, a food establishment shall submit to the regulatory authority for approval a properly prepared HACCP plan as specified under paragraph (2) of this subsection and the relevant provisions of these rules if:

(i) submission of a HACCP plan is required according to law;

(ii) a variance is required as specified under §§229.164(k)(1)(D)(iii) and (p)(1)(A)–(H), or 229.165(f)(10)(B) of this title; or

(iii) the regulatory authority determines that a food preparation or processing method requires a variance based on an inspectional finding or a variance request.

(B) A food establishment shall have a properly prepared HACCP plan as specified under §229.164(o)(2) of this title.

To Wit: The food in the WIR and WIF that is located in the food preparation area has been refrigerated for more than 24 hours and is not marked with the day of preparation or the date which the food shall be consumed by. (Corrected 03/29/10)

To Correct: The food in the WIR and WIF that is located in the food preparation area that has been refrigerated for more than 24 hours must be marked with the day of preparation and the date which the food shall be consumed by.

25 Texas Food Establishment Rules

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§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:

**CODE****DESCRIPTION**

- (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

To Wit: The door on the ice machine located in the food preparation area is cracked, chipped, bent or broken and cannot be properly cleaned and sanitized. (Corrected 03/29/10)

To Correct: The door on the ice machine 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.

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

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**Suzanne McKenzie, PUBLIC HEALTH OFFICER**

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**OWNER / MANAGER SIGNATURE**

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**OWNER / MANAGER PRINT NAME**