

# Food Establishment Inspection Report



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

**SITE NO.** 671    **INV NO.** 1    **IR NO.**    **DATE** 06/11/2010    **INSPECTION TIME**    **INSPECTOR** O'Neal, Robbie

**SITE INFORMATION**  
WHISTLE STOP  
522 E CLEVELAND  
ELECTRA TX 76360  
940-495-4207

**INVENTORY/MANAGER**  
Process 3  
DERRAL HODGKINS

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

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**Violations:    Critical - 5    Non-Critical - 7    Score: 88**

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## CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
2	Cold Hold (41/45 degrees F)	5	06/11/2010
9	Approved Source/Labeling	4	06/11/2010
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____
25	Food Contact Surfaces-Cleaned/Sanitized/Good Repair/Storage	3	_____

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## NON-CRITICAL VIOLATIONS SUMMARY

<u>CODE</u>	<u>DESCRIPTION</u>	<u>POINTS</u>	<u>CORRECTED</u>
28	OTHER VIOLATIONS	0	_____
28	OTHER VIOLATIONS	0	_____
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**CRITICAL VIOLATIONS DETAIL**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>
2	<p>Texas food Establishment Rules</p> <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> <p>To Wit: The coleslaw is in/on the counter at an internal temperature of 75 to 79 degrees F and is not being maintained at 41/45 degrees F or below after cooling for 08 hours. (Corrected 06/11/10)</p> <p>To Correct: Discard the coleslaw that is/are not being maintained at 41/45 degrees F or below. Corrections must be made immediately.</p>
9	<p>Pages 33 to 37            229.164(b) Pages 33 to 37</p> <p>(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 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</p>

**CODE****DESCRIPTION**

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:

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§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.

(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

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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.

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§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

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(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.

(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

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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  
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 §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.

To Wit:

The packaged bakery products is not labeled as specified in law. (Corrected 06/11/10)

<u>CODE</u>	<u>DESCRIPTION</u>
To Correct:	The packaged bakery products must be labeled as specified in law. Corrections must be made immediately.
25	Texas Food Establishment Rules  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
To Wit:	Single service, single use and clean sanitized scoops must have a handle stored in the food bins are exposed to splash, dust, or other contamination.
To Correct:	Single service, single use and clean sanitized utensils must be stored where they are not exposed to splash, dust, or other contamination and at least six (6) inches above the floor. Corrections must be made immediately.
To Wit:	The slicer located in the food preparation area has adhering food or food particles.
To Correct:	The slicer located in the food preparation area must be properly washed, rinsed and sanitized and free of food or food particles. Corrections must be made immediately.
To Wit:	The can opener located in the food preparation area has adhering foreign material.
To Correct:	The can opener located in the food preparation area must be properly washed, rinsed and sanitized and free of foreign material. Corrections must be made immediately.

**NON-CRITICAL VIOLATIONS DETAIL**

<b><u>CODE</u></b>	<b><u>DESCRIPTION</u></b>
28	OTHER VIOLATIONS- REQUIRE CORRECTIVE ACTION , NOT TO EXCEED 90 DAYS OR NEXT INSPECTION, WHICHEVER COMES FIRST.
To Wit:	walls in kitchen need to be cleaned
To Wit:	dishmachine racks need to be replaced
To Wit:	light not shieled in vent-a-hood
To Wit:	lights need to be cleaned above grill area
To Wit:	vent-a-hood not drawing enough to draw hot air out of kitchen
To Wit:	two workers no food handlers cards
To Wit:	dishmachine wall area growing balck mold , need to rpair or replacewall area.

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

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**Robbie O'Neal, Public Health Inspector II**

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**OWNER / MANAGER SIGNATURE**

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**OWNER / MANAGER PRINT NAME**