

Posted on Sun, Mar. 21, 2010

## Restaurant inspectors take on detective role

BY FRED MANN AND HURST LAVIANA

The Wichita Eagle

At first, no problems. The servers' hands were washed, their gloves were on, the place was clean. Then she stuck her thermometer into a container of tuna salad that she'd hauled out of a reach-in cooler.

It was five degrees warmer than the state requires.

A "critical" violation.

Which meant Kathy Jackson, a public health sanitarian for the city of Wichita, had some work to do.

How did it happen? When was the tuna salad prepared? How had it been stored? For how long? Was there a problem with the cooler? Carelessness?

"We play detective," she said.

One critical violation like this wasn't going to shut down the fast-food restaurant in south Wichita that Jackson was inspecting Friday. It was one of the most common violations found in restaurants in the state.

Many restaurants have had worse problems. Kansas Department of Agriculture figures show that 654 of the 13,858 inspections of food service establishments conducted in 2009 — about 4.7 percent — turned up six or more critical violations of the Kansas Food Code.

Records show that 123 inspections turned up 10 or more critical violations, and four inspections found 17 such violations.

Violations are considered critical if they are likely to contribute to food-borne illness or injury, food contamination, or environmental health hazards.

Six or more such violations require another inspection within 10 days.

Those cited for 17 critical violations were:

- \* Daimaru Steakhouse and Sushi Bar in Topeka on Feb. 2. A follow-up inspection on March 9 found no critical violations.
- \* Kites Grille and Bar in Manhattan on Nov. 30. A follow-up inspection on Dec. 10 turned up one critical violation, and a Jan. 12 follow-up inspection uncovered no violations.
- \* The Olive Tree Bistro in Wichita on July 27. A follow-up inspection on Aug. 3 found nine critical violations, and another follow-up inspection on Sept. 24 found seven. In a consent agreement dated Jan. 6, the Department of Agriculture said the restaurant ceased operations Nov. 24. The department agreed to waive a proposed fine and the owner agreed not to reopen at the North Rock Road location.

More than 28 percent of the inspections uncovered no critical violations, and 16 percent found no violations of any kind.

The Old Chicago Restaurant at 300 Mead in Old Town was cited for 14 critical violations during an inspection Jan. 28, 2009. They included failure to wash hands after handling dirty dishes, cutting cilantro and scooping ice cream with bare hands, storing raw hamburger patties on raw beef steaks, and having some moldy tomatoes and severely dented cans.

Most problems were corrected on the spot. The restaurant had to destroy some chicken, tomatoes, lasagna and mushrooms.

A follow-up inspection Feb. 6 found only two critical violations, and another in April didn't turn up any violations.

Steve Hohl, regional manager of Old Chicago Restaurants, wrote in an e-mail to the Eagle, "After a very thorough

inspection the health department addressed some items and the majority of them we were able to correct immediately on site. They did a follow up visit a week later to check the performance of one of our coolers. They were pleased with the overall cleanliness of the restaurant and the corrective measures we took."

An inspection of Paula's Bar and Grill, 10501 West Hwy. K-42, on Jan. 26, 2009, also turned up 14 critical violations, including an employee cutting ready-to-eat tomatoes with bare hands, raw ground beef and raw beef steak stored above ready-to-eat tortillas, 10 to 15 dead pests in the back office area and by the drive-through window, and no hot water.

Most problems were fixed right away. On Feb. 7, the restaurant was cited for one critical violation — improper temperatures of some chicken and hamburger steak. Those items were thrown out.

Inspectors always can find something inside a restaurant, said Paula Navarre, the restaurant's manager.

"I think it's silly some of the things they write you up for," she said. "Along the baseboard, there were some crumbs and a little bit of dirt — just silly things. They had nothing to do with food."

But restaurants work with inspectors to correct problems, she said.

"Everybody fears them, but they're actually pretty easy to get along with," Navarre said.

### **Required inspections**

Diners may find out how a restaurant they plan to visit fared in its inspections by [searching the database on Kansas.com](#) or the Kansas Department of Agriculture's Web site, [www.ksda.gov/winwam/](http://www.ksda.gov/winwam/).

The state long ago dumped its grading system that allowed diners to see A, B or C grade cards posted in restaurant windows. Wichita dropped that system in 2003.

New York requires the grades now, and other cities are considering them, but Kansas isn't, said Steve Moris, program manager for the Division of Food Safety and Lodging with the Kansas Department of Agriculture.

Inspections are required once a year, so inspections provide only a snapshot of a restaurant, Moris said.

"Our view is that may be a false representation of the business," he said. "If I went into a restaurant and I saw they had an A grade, I would assume the Kansas Department of Agriculture is saying that place is perfectly safe. But they could've gotten that grade on one inspection months ago."

The online reports offer detailed descriptions of the violations, he said.

Statewide, 30 inspectors work from their homes in their local territories. Three counties, including Sedgwick, Lyons and Johnson, contract with the state to perform inspections.

In addition to routine inspections, state and local inspectors go out after receiving complaints of food-borne illness within 24 hours, and all other complaints within 48 hours, Moris said.

Outbreaks of illnesses like gastroenteritis and salmonella in restaurants are handled by the Bureau of Surveillance and Epidemiology in the Kansas Department of Health and Environment.

Records show that no outbreaks occurred in Sedgwick County restaurants last year.

### **Inspection process**

Restaurants are evaluated in 55 different categories, including worker hygiene, food temperatures, prevention of food contamination, cleanliness, labeling and dating of food, and physical facilities.

If there are critical violations, and they aren't corrected on the spot, an inspector returns within 10 days.

Six or more violations brings an inspector back within 10 days even if the restaurant corrects all of them on the spot, Moris said.

"If they have six critical violations, we actually need to make sure they've fixed them and kept them fixed," he said.

If a restaurant has 10 or more critical violations, inspectors call their supervisors in Topeka to discuss findings and decide whether to ask the restaurant to voluntarily close.

If a restaurant refuses to close, and the state thinks it needs to close, the state sends a legal order telling it that it must close.

From March 2009 to last week, 41 restaurants statewide had closed voluntarily, including 20 in Sedgwick County.

Moris wouldn't name them.

Statewide, 17 restaurants had their licenses suspended, including one in Sedgwick County. One license was temporarily suspended for up to 90 days, none in Sedgwick County.

The state also may fine repeat offenders up to \$500 per violation per day. But a fine is not in the best interests of the state or the restaurant, Moris said.

"I don't want their money. What I want is for them to actually be in compliance," he said.

In Wichita, the city's seven inspectors went out on about 400 complaint calls from diners between July 2008 and June 2009, said Laura Quick, food protection supervisor for the city.

Wichita restaurants aren't better or worse than in previous years, she said, and the number of inspections hasn't increased or dropped noticeably.

She also said most restaurants in Wichita cooperate with inspectors and try to fix problems.

"We try to focus on educating the restaurant operators and showing them how to comply, not just telling them what is wrong," Quick said.

For example, after finding the too-warm tuna in the fast-food restaurant in south Wichita, Jackson, who has been doing her job for nine years, offered suggestions to the on-site manager about how to fix the problem and ensure it didn't happen again.

She had the offending tuna, which she learned had been prepared about 4 1/2 hours earlier, spread on a sheet of paper on a metal tray, then had the tray placed in the walk-in cooler in the rear of the restaurant to lower the tuna's temperature quickly.

Later she checked the temperature to make sure it was within the proper range.

Jackson cited the restaurant for the violation in her report to the state, which she filled out on a laptop computer at a table in the restaurant's seating area, and she printed a copy for the manager.

Jackson said she thinks of her job as helping restaurants do their jobs better.

Reach Fred Mann at 316-268-6310 or [fmann@wichitaeagle.com](mailto:fmann@wichitaeagle.com).

© 2010 Wichita Eagle and wire service sources. All Rights Reserved. <http://www.kansas.com>