State of Ohio
Standard Inspection Report
Authority: Chapters 3717 and 3715 Ohio Revised Code

Name of facility
MAX’S DAIRY BAR

Check one

License number
484

Date
03/21/2018

Address:
901 BELLEFONTAINE ST.
WAPAKONETA, OH 45895

License holder
DERALD WALKER

Travel Time (min)
15

Type of visit (check)

Follow-up date (if required)

Follow-up date (if required)

FOLLOW-UP

Other

Sample date/result (if required)

Sample date/result (if required)

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3717-1 OAC Violation Checked

Management and Personnel

2.1 Employee health

4.4 Maintenance and operation

Poisonous or Toxic Materials

7.0 Labeling and identification

2.2 Personal cleanliness

4.5 Cleaning of equipment and utensils

7.1 Operational supplies and applications

2.3 Hygienic practices

4.6 Sanitizing of equipment and utensils

7.2 Storage and display separation

2.4 Supervision

4.7 Laundering

Special Requirements

8.0 Fresh juice production

Food

5.0 Water

8.1 Heat treatment dispensing freezers

3.1 Sources, specification and original containers

5.1 Plumbing system

8.2 Custom processing

3.2 Protection from contamination after receiving

5.2 Mobile water tanks

8.3 Bulk water machine criteria

3.3 Destruction of organisms

5.3 Sewage, other liquid waste and rainwater

8.4 Acidified white rice preparation criteria

3.4 Limitation of growth of organisms

5.4 Refuse, recyclables, and returnables

8.5 Dust and dirt control

3.5 Identity, presentation, on premises labeling

Physical Facilities

6.0 Materials for construction and repair

6.1 Design, construction and installation

6.2 Numbers and capacities

6.3 Location and placement

6.4 Maintenance and operation

Equipment, Utensils, and Linens

4.0 Materials for construction and repair

4.1 Design and construction

4.2 Numbers and capacities

4.3 Location and installation

4.4 Maintenance and operation

4.5 Cleaning of equipment and utensils

4.6 Sanitizing of equipment and utensils

4.7 Laundering

4.8 Protection of clean items

5.0 Water

5.1 Plumbing system

5.2 Mobile water tanks

5.3 Sewage, other liquid waste and rainwater

5.4 Refuse, recyclables, and returnables

5.5 Water storage and treatment

5.6 Water distribution system

5.7 Water in ice dispensers

5.8 Water testing

5.9 Water purification units

5.10 Water systems - mobile water tanks

Water, Plumbing, and Waste

6.0 Materials for construction and repair

6.1 Design, construction and installation

6.2 Numbers and capacities

6.3 Location and placement

6.4 Maintenance and operation

2.1 Employee health

4.4 Maintenance and operation

Water, Plumbing, and Waste

6.0 Materials for construction and repair

6.1 Design, construction and installation

6.2 Numbers and capacities

6.3 Location and placement

6.4 Maintenance and operation

3717-1 OAC Violation Checked

Violations/Comment(s)

3717-1-03.2 Food: protection from contamination after receiving. (K) In-use utensils - between-use storage.

During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be stored:

1) Except as specified under paragraph (K) of this rule, in the food with their handles above the top of the food and the container;

2) In food that is not time/temperature controlled for safety with their handles above the top of the food within containers or equipment that can be closed, such as bins of sugar, flour, or cinnamon;

3) On a clean portion of the food preparation table or cooking equipment only if the in-use utensil and the food-contact surface of the food preparation table or cooking equipment are cleaned and sanitized at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;

4) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes;

5) In a clean, protected location if the utensils, such as an ice scoops, are used only with a food that is not time/temperature controlled for safety; or

6) In a container of water if the water is maintained at a temperature of at least one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) and the container is cleaned at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;

Plastic scoops used to serve toppings near the front serving counter were observed in the topping containers with the handles down on the products. Please keep utensils with the handles up out of the products to prevent potential contamination from bare hand contact with the handles. SCOOPS WERE MOVED TO KEEP HANDLES UP OUT OF THE PRODUCT TO CORRECT.

*CRITICAL VIOLATION*

3717-1-03.4 Food: limitation of growth of organisms of public health concern. (F) Time/temperature controlled for safety food - hot and cold holding.

1) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under paragraph (I) of this rule, and except as specified under paragraph (F)(2) and in paragraph
(F)(3) of this rule, time/temperature controlled for safety food shall be maintained at a temperature specified as follows:

(a) At one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or above, except that roasts cooked to a temperature and for a time specified in paragraph (A)(4) of rule 3717-1-03.3 of the Administrative Code or reheated as specified in paragraph (H)(1) of rule 3717-1-03.3 of the Administrative Code may be held at a temperature of one hundred thirty degrees Fahrenheit (fifty-four degrees Celsius) or above; or

(b) At forty-one degrees Fahrenheit (five degrees Celsius) or less.

(2) Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (seven degrees Celsius) or less.

(3) Time/temperature controlled for safety food in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under paragraph (F)(1) of this rule, while contained within specially designed equipment that complies with the design and construction requirements as specified under paragraph (P)(5) of rule 3717-1-04.1 of the Administrative Code.

Products were observed in the walk in cooler between 43F to 45F. Cold held products shall be kept at or below 41F to prevent rapid pathogen growth in the products. A RE-INSPECTION WILL BE PERFORMED.

3717-1-04.0 Equipment, utensils, and linens: materials for construction and repair.

(I) Nonfood-contact surfaces - materials. Nonfood-contact surfaces of equipment that are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

Cloths were being laid out on mixer bases, under, frozen tubs, and between plastic tubs to soak up spills or excess moisture. Absorbent materials can grow mold or bacteria. Cleaning up spills as they occur is the preferred method of keeping the areas clean and sanitized. CLOTHS WERE REMOVED TO CORRECT.

3717-1-04.1 Equipment, utensils, and linens: design and construction.

(KK) Food equipment - certification and classification.

(1) Except as provided in paragraph (KK)(2) of this rule, food equipment that is acceptable for use in a food service operation or retail food establishment shall be approved by a recognized food equipment testing agency.

(2) The Ohio department of agriculture, the Ohio department of health, or the licensor may approve the use of food equipment, other than vending machines, bulk water machines, and equipment that displays time/temperature controlled for safety food in a micro market, that have not been approved by a recognized testing agency if the equipment demonstrates compliance with this chapter.

A roaster was observed in the back storage room that was for household use only. Only NSF or similarly approved commercial equipment shall be used in the facility. THE ROASTER WAS REMOVED DURING THE INSPECTION TO CORRECT.

Large straws that were not individually wrapped were being used near the front serving counters. The facility is using their remaining supply of unwrapped straws and has a box of pre-wrapped straws on-site for future use.