## 3717-1 OAC Violation Checked

### Management and Personnel

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>2.1</td>
<td>Employee health</td>
</tr>
<tr>
<td>2.2</td>
<td>Personal cleanliness</td>
</tr>
<tr>
<td>2.3</td>
<td>Hygienic practices</td>
</tr>
<tr>
<td>X 2.4</td>
<td>Supervision</td>
</tr>
</tbody>
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### Food

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>X 2.4</td>
<td>Protection of clean items</td>
</tr>
</tbody>
</table>

### Water, Plumbing, and Waste

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
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<tbody>
<tr>
<td>5.0</td>
<td>Water</td>
</tr>
<tr>
<td>5.1</td>
<td>Plumbing system</td>
</tr>
<tr>
<td>5.2</td>
<td>Mobile water tanks</td>
</tr>
<tr>
<td>5.3</td>
<td>Sewage, other liquid waste and rainwater</td>
</tr>
<tr>
<td>5.4</td>
<td>Refuse, recyclables, and returnables</td>
</tr>
</tbody>
</table>

### Physical Facilities

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.0</td>
<td>Materials for construction and repair</td>
</tr>
<tr>
<td>X 6.2</td>
<td>Numbers and capacities</td>
</tr>
</tbody>
</table>

### Equipment, Utensils, and Linens

<table>
<thead>
<tr>
<th>Violation</th>
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</tr>
</thead>
<tbody>
<tr>
<td>X 4.0</td>
<td>Materials for construction and repair</td>
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<td>X 4.2</td>
<td>Numbers and capacities</td>
</tr>
</tbody>
</table>

### Special Requirements

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>8.0</td>
<td>Poisonous or Toxic Materials</td>
</tr>
<tr>
<td>8.1</td>
<td>Special Requirements</td>
</tr>
</tbody>
</table>

### Administration

<table>
<thead>
<tr>
<th>Violation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>901:3-4 OAC</td>
<td>Adminstration</td>
</tr>
<tr>
<td>3701-21 OAC</td>
<td>Adminstration</td>
</tr>
</tbody>
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### Violations/Comment(s)

**3717-1-02.4 Management and personnel: supervision.**

(A) The license holder shall be the person responsible for the food service operation or retail food establishment. The license holder may be the person in charge or shall designate a person or persons in charge and shall ensure that a person in charge with applicable knowledge is present at the food service operation or retail food establishment during all hours of operation. This paragraph does not apply to a micro market as defined in Chapter 3717-1 of the Administrative Code.

(2) One year after the effective date of this rule, at least one employee that has supervisory and management responsibility and the authority to direct and control food preparation and service shall obtain the level two certification in food protection according to rule 3701-21-25 of the Administrative Code.

(3) Temporary, mobile, vending and risk level I and risk level II food service operations or retail food establishments are exempt from paragraph (A)(2) of this rule.

At this point, there is no one Level 2 certified in food protection. According to the manager, someone has taken the class, but has not tested yet.

The staff onsite does not have sufficient food safety knowledge. Safe cold and hot holding temperatures were not known.

*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 (F) 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.

The following foods were out of safe temperature ranges: Turkey sub 122F, Pizza 115F - 133F, chicken breast 128-137F, sandwiches 116F, scalloped potatoes 119F. HOT holding temps of 135F limits pathogen growth. CORRECTED BY REHEATING CHICKEN AND REMOVING THE REST TO TRASH.

3717-1-04.8 Equipment, utensils, and linens: protection of clean items.
(E) Equipment, utensils, linens, single-service articles, and single-use articles - storage.
(1) Cleaned equipment and utensils, laundered linens, single-service articles, and single-use articles shall be stored:
(a) In a clean, dry location;
(b) Where they are not exposed to splash, dust, or other contamination; and
(c) At least six inches (fifteen centimeters) above the floor unless the items are kept in closed packages on dollies, pallets, racks, and skids that are designed as specified under paragraph (II) of rule 3717-1-04.1 of the Administrative Code.

(2) Clean equipment and utensils shall be stored as specified under paragraph (E) (1) of this rule and shall be stored:
(a) In a self-draining position that allows air drying; and
(b) Covered or inverted.

(3) Single-service and single-use articles shall be stored as specified under paragraph (E)(1) of this rule and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

Styrofoam bowls, paper plates, and hot dog papers are stored with the food contact surface up, which allows contamination. CORRECTED BY INVERTING

3717-1-06.4 Physical facilities: maintenance and operation.
(D) Cleaning ventilation systems, nuisance and discharge prohibition.
(1) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by dust, dirt, and other materials.
(2) If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge.

The grates on the walk-in cooler fans are dusty.

3717-1-06.4 Physical facilities: maintenance and operation.
(B) Cleaning - frequency and restrictions.
(1) The physical facilities shall be cleaned as often as necessary to keep them clean.
(2) Cleaning shall be done during periods when the least amount of food is exposed such as after closing.
This requirement does not apply to cleaning that is necessary due to a spill or other accident.

The wall and ceiling, above the pizza oven, are visibly greasy.

3717-1-06.2 Physical facilities: numbers and capacities.
(I) Lighting - intensity
The light intensity shall be:
(1) At least ten foot candles (one hundred eight lux) at a distance of thirty inches (seventy-five centimeters) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during
periods of cleaning;
(2) At least twenty foot candles (two hundred fifteen lux):
   (a) At a surface where food is provided for consumer self-service such as buffets and salad bars or where
       fresh produce or packaged foods are sold or offered for consumption;
   (b) Inside equipment such as reach-in and under-counter refrigerators; and
   (c) At a distance of thirty inches (seventy-five centimeters) above the floor in toilet rooms and in areas
       used for handwashing, warewashing, equipment storage, or utensil storage; and
(3) At least fifty foot candles (five hundred forty lux) at a surface where a food employee is working with food,
    utensils or equipment such as knives, slicers, grinders, or saws where employee safety is a factor.

The light intensity is 0-1 foot candles. There is a panel of lights that are not working. The minimum level is 10.

3717-1-03.5 Food: food identity, presentation, and on premises labeling.
(C) Food labels.
(1) Food packaged in a food service operation or retail food establishment, shall be labeled as specified in 21
(2) Label information shall include:
   (a) The common name of the food, or absent a common name, an adequately descriptive identity statement;
   (b) If made from two or more ingredients and sub-ingredients, a list of ingredients in descending order of
       predominance by weight, including a declaration of artificial colors, artificial flavors and chemical
       preservatives, if contained in the food;
   (c) An accurate declaration of the quantity of contents;
   (d) The name and place of business of the manufacturer, packer, or distributor; and
   (e) The name of the food source for each major food allergen contained in the food unless the food source is
       already part of the common or usual name of the respective ingredient.
   (f) Except as exempted in the Federal Food, Drug, and Cosmetic Act Section 403(q)(3)-(5) (as amended on
       August 2, 2004), nutrition labeling as specified in 21 C.F.R. 101 and 9 C.F.R. 317 Subpart B.
   (g) For any salmonid fish containing canthaxanthin or astaxanthin as a color additive, the labeling of
       the bulk fish container, including a list of ingredients, displayed on the retail container or by other written
       means, such as a counter card, that discloses the use of canthaxanthin or astaxanthin.
(3) Bulk food that is available for consumer self-dispensing shall be prominently labeled with the following
    information in plain view of the consumer:
   (a) The manufacturer's or processor's label that was provided with the food; or
   (b) A card, sign, or other method of notification that includes the information specified under paragraphs
       (C)(2)(a), (C)(2)(b), and (C)(2)(f) of this rule.
(4) Bulk, unpackaged foods such as bakery products and unpackaged foods that are portioned to consumer
    specification need not be labeled if:
   (a) A health, nutrient content, or other claim is not made; and
   (b) The food is manufactured or prepared on the premises of the food service operation or retail food
       establishment or at another food service operation or retail food establishment or a food processing plant
       that is owned by the same person and is regulated by the food regulatory agency that has jurisdiction.

Pre-packaged, customer self-service foods are not labeled, as required above. This includes you subs, sandwiches, and
scalloped potatoes. CORRECTED BY REMOVING FROM SERVICE.

*CRITICAL VIOLATION*
3717-1-03.4 Food: limitation of growth of organisms of public health concern.
(G) Ready-to-eat, time/temperature controlled for safety food - date marking.
(1) Except when packaging food using a reduced oxygen packaging method as specified under paragraph (K)
    of this rule, and except as specified in paragraphs (G)(4) and (G)(5) of this rule, refrigerated, ready-to-eat,
    time/temperature controlled for safety food prepared in a food service operation or in a retail food
    establishment for more than twenty-four hours, shall be clearly marked to indicate the date or day by which the food
    shall be consumed on the premises, sold, or discarded when held at a temperature of forty-one degrees Fahrenheit
    (five degrees Celsius) or less for a maximum of seven days. The day of preparation shall be counted as day one.
(2) Except as specified in paragraphs (G)(5) to (G)(7) of this rule; refrigerated, ready-to-eat time/temperature
    controlled for safety food prepared and packaged by a food processing plant shall be clearly marked, at the time
    the original container is opened in a food service operation or retail food establishment and if the food is held for
    more than twenty-four hours, to indicate the date or day by which the food shall be consumed on the premises,
    sold, or discarded, based on the temperature and time combination specified in paragraph (G)(1) of this rule and:

Name of facility: Waynesfield Carry Out
(a) The day the original container is opened in the food service operation or retail food establishment shall be counted as day one; and
(b) The day or date marked by the food service operation or retail food establishment may not exceed a manufacturer's use-by date if the manufacturer determined the use-by date based on food safety.
(3) A refrigerated, ready-to-eat, time/temperature controlled for safety food ingredient or a portion of a refrigerated, ready-to-eat, time/temperature controlled for safety food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.
(4) A date marking system that meets the criteria stated in paragraphs (G)(1) and (G)(2) of this rule may include:
(a) Using a method approved by the licensor for refrigerated, ready-to-eat time/temperature controlled for safety food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine;
(b) Marking the date or day of preparation, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under paragraph (G)(1) of this rule;
(c) Marking the date or day the original container is opened in a food service operation or retail food establishment, with a procedure to discard the food on or before the last date or day by which the food must be consumed on the premises, sold, or discarded as specified under paragraph (G)(2) of this rule; or
(d) Using calendar dates, days of the week, color-coded marks, or other effective marking methods, provided that the marking system is disclosed to the licensor upon request.
(5) Paragraphs (G)(1) and (G)(2) of this rule do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.
(6) Paragraphs (G)(1) and (G)(2) of this rule do not apply to shellstock
(7) Paragraph (G)(2) of this rule does not apply to the following foods prepared and packaged by a food processing plant under inspection:
(a) Deli salads manufactured in accordance with 21 C.F.R. 110, such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad;
(b) Hard cheeses containing not more than thirty-nine per cent moisture as defined in 21 C.F.R. 133, such as cheddar, gruyere, parmesan and reggiano, and romano;
(c) Semi-soft cheeses containing more than thirty-nine per cent moisture, but not more than fifty per cent moisture, as defined in 21 C.F.R. 133, such as blue, edam, gorgonzola, gouda, and monterey jack;
(d) Cultured dairy products as defined in 21 C.F.R. 131, such as yogurt, sour cream, and buttermilk;
(e) Preserved fish products, such as pickled herring and dried or salted cod, and other acidified fish products defined in 21 C.F.R. 114;
(f) Shelf stable, dry fermented sausages, such as pepperoni and Genoa; and
(g) Shelf stable salt-cured products such as prosciutto and Parma (ham)

Cooked chicken breast pieces are in the reach-in cooler without a date. Dating helps prevent pathogen buildup.
CORRECTED BY DATING BECAUSE THE EMPLOYEE OPENED THE ORIGINAL CONTAINER.

3717-1-05.1 Water, plumbing, and waste: plumbing system.
(S)Plumbing system - maintained in good repair.
A plumbing system shall be:
(1) Repaired according to the Ohio building code; and
(2) Maintained in good repair.

Three compartment sink appears to be leaking grey water into a tub, under it.