



Lincoln-Lancaster County Health Department
Environmental Health Division
 3131 O Street
 Lincoln, Nebraska 68510

Time In 10:30 AM	Purpose Regular	Inspection Date 04/30/2019
Time Out 2:00 PM	Facility Codes 01A, 12A, 16A	

FIRM **MISTYS STEAKHOUSE & BREWERY**

OWNER **PRA INC DBA MISTY'S**

ADDRESS **200 N 11TH ST**

LINCOLN NE, 68508

FOOD ENFORCEMENT NOTICE

PRIORITY 7 CORE 7

PRIORITY FOUNDATION 2

FOOD ESTABLISHMENT INSPECTION REPORT

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS		GOOD RETAIL PRACTICES	
Supervision		Safe Food and Water	
1	IN COMPLIANCE PIC present, demonstrates knowledge, and performs duties	28	IN COMPLIANCE Pasteurized eggs used where required
Employee Health/Responding to Contamination Events		29	IN COMPLIANCE Water and ice from approved source
2	IN COMPLIANCE Management and food employee knowledge,	30	IN COMPLIANCE Variance obtained or specialized processing methods
3	IN COMPLIANCE Proper use of restriction and exclusion	Food Temperature Control	
Good Hygienic Practices		31	IN COMPLIANCE Proper cooling methods used; adequate equipment for temperature control
4	IN COMPLIANCE Proper eating, tasting, drinking, or tobacco use	32	IN COMPLIANCE Plant food properly cooked for hot holding
5	IN COMPLIANCE No discharge from eyes, nose, and mouth	33	OUT OF COMPLIANCE Approved thawing methods used
Control of Hands as a Vehicle of Contamination		34	IN COMPLIANCE Thermometers provided and accurate
6	IN COMPLIANCE Hands clean properly washed	Food Identification	
7	OUT OF COMPLIANCE No bare hand contact with RTE foods or a pre-approved alternate properly followed	35	IN COMPLIANCE Food properly labeled; original container
8	OUT OF COMPLIANCE Adequate handwashing sinks, properly supplied and accessible	Prevention of Food Contamination	
Approved Source		36	IN COMPLIANCE Insects, rodents and animals not present
9	IN COMPLIANCE Food obtained from approved source	37	IN COMPLIANCE Contamination prevented during food preparation, storage and display
10	IN COMPLIANCE Food received at proper temperature	38	IN COMPLIANCE Personal cleanliness; hair restrained
11	IN COMPLIANCE Food in good condition, safe, and unadulterated	39	IN COMPLIANCE Wiping cloths; properly used and stored
12	NOT APPLICABLE Required records available: shellstock tags, parasite destruction	40	IN COMPLIANCE Washing fruits and vegetables
Protection from Contamination		Proper Use of Utensils	
13	IN COMPLIANCE Food separated and protected	41	IN COMPLIANCE In-use utensils; properly stored
14	OUT OF COMPLIANCE Food-contact surfaces: cleaned sanitized	42	IN COMPLIANCE Utensils, equipment and linens; properly stored, dried, handled
15	IN COMPLIANCE Proper disposition of returned, previously served, reconditioned, and unsafe food	43	IN COMPLIANCE Single-use/single-service articles; properly stored, used
Time Temperature Control for Safety Food (TCS Food)		44	IN COMPLIANCE Gloves used properly
16	IN COMPLIANCE Proper cooking time and temperatures	Utensils, Equipment, and Vending	
17	OUT OF COMPLIANCE Proper reheating procedures for hot holding	45	OUT OF COMPLIANCE Food and non-food contact surfaces cleanable, properly designed, constructed, and used
18	OUT OF COMPLIANCE Proper cooling time and temperatures	46	IN COMPLIANCE Warewashing facilities, installed, maintained, used, test strips
19	IN COMPLIANCE Proper hot holding temperatures	47	OUT OF COMPLIANCE Non-food-contact surfaces clean
20	OUT OF COMPLIANCE Proper cold holding temperatures	Physical Facilities	
21	OUT OF COMPLIANCE Proper date marking and disposition	48	IN COMPLIANCE Hot and cold water available; adequate pressure
22	NOT APPLICABLE Time as a Public Health Control: procedures and records	49	OUT OF COMPLIANCE Plumbing installed; proper backflow devices
Consumer Advisory		50	IN COMPLIANCE Sewage and waste water properly disposed
23	IN COMPLIANCE Consumer advisory provided for raw or undercooked food	51	IN COMPLIANCE Toilet facilities; properly constructed, supplied, clean
Highly Susceptible Population		52	IN COMPLIANCE Garbage and refuse properly disposed; facilities maintained
24	NOT APPLICABLE Pasteurized foods used; prohibited foods not offered	53	OUT OF COMPLIANCE Physical facilities installed, maintained, and clean
Food/Color Additives and Toxic Substances		54	IN COMPLIANCE Adequate ventilation and lighting; designated areas used
25	NOT APPLICABLE Food additives: approved and properly used		
26	IN COMPLIANCE Toxic substances properly identified, stored, and used; held for retail sale, properly stored		
Conformance with Approved Procedures			
27	NOT APPLICABLE Compliance with variance, specialized process, ROP criteria or HACCP plan		



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TEMPERATURE OBSERVATIONS			STAFFING/RECORDS REQUIREMENTS	
FOOD PRODUCT	° F	LOCATION	Food Handler Permits	OUT OF COMPLIANCE
Steak	42	delivered	Permit Records	OUT OF COMPLIANCE
Prime Rib	52	Cooler (walk-in)	Alcohol Server	IN COMPLIANCE
Prime Rib	44	Cooler (walk-in)	/Seller Permits	
Soup	40	Cooler (walk-in)		
Soup	40	Cooler (walk-in)		
Mushrooms	167	Steam Table		
au jus	168	Steam Table		
onions cooked	187	Steam Table		
Prime Rib	99	atlo sham (reheating)		
Sliced Tomatoes	40	Rail		
Sliced Tomatoes	40	Rail		
Sliced Tomatoes	36	Rail		
spread	36	Rail		
Pasta	38	Reach-in Cooler		
Beef	40	Reach-in Cooler		
onions cooked	94	Steam Table		
Sauce	122	Steam Table		
Chicken (cooked)	167	cooked		
Sliced Tomatoes	36	Cooler (rail)		
Sliced Tomatoes	38	Cooler (rail)		
Meat	38	Cooler (reach-in)		
Steak	48	Cooler (grill drawer)		
Salmon	46	Cooler (grill drawer)		
Chicken (raw)	48	Cooler (grill drawer)		
Sliced Tomatoes	41	Cooler (grill drawer)		
Ambient Air	44	Cooler (grill drawer)		
Steak	34	Cooler (Upright)		
Chicken (cooked)	181	cooked		
Prime Rib	135	Warmer		
Prime Rib	133	Warmer		
Milk	35	Reach-in Cooler		

FOOD ENFORCEMENT NOTICE

Pursuant to LLCHD Policy 222.31, this is to serve as notice of:

WARNING ☒ Failure to immediately correct violations posing an immediate and substantial hazard to public health (checked as priority violations below) may result in action to suspend or revoke your Food Establishment Permit.

VIOLATION DETAIL					
Code	Critical	Repeat	Violation Description	Remarks	Corrected
Priority Level	Risk Factor		Food Code Citation		Correct By
8.20.190	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Manager on duty lacking current food handler permit. Update immediately.		<input type="checkbox"/>
Priority	RF 0		(c) A food permit holder shall arrange for and require all employees to have valid food handler permit and/or food manager permit as required by the Lincoln Food Code.		05/05/2019
					NOTICE: Priority Item Violation



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8.20.070 Priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Employee observed touching items with bare hands at salad station. Was unaware of requirement. Did don gloves.	<input checked="" type="checkbox"/> CORRECTED NOTICE: Priority Item Violation
		RF 7	Food handlers and food managers shall not have bare hand contact with ready to eat foods unless they are working in a food establishment that has received approval from the Health Director as specified in section 8.20.070(b).	
4-702.11 Priority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Dish machine in kitchen and bar not sanitizing. Dish machine had new bucket and was not primed so air in line. Dish machine at bar with build up of residues in line possibly causing issue. Use test strips to verify working.	<input type="checkbox"/> 05/05/2019 NOTICE: Priority Item Violation
		RF 14	Utensils and food-contact surfaces of equipment shall be sanitized before use after cleaning.	
3-403.11 Priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Items observed on steam table below 135. Employee had on stove top and then placed on steam table. Ensure 165 prior to placing onto steam well. Had been on steam table for 30 minutes. Reheated to 165.*Discussed prime rib reheating and changing procedure	<input checked="" type="checkbox"/> CORRECTED NOTICE: Priority Item Violation
		RF 17	Except as specified under ¶¶ (B) and (C) and in ¶ (E) of this section, time/temperature control for safety food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 74°C (165°F) for 15 seconds.	
3-501.14 Priority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Prime rib measured 52. Had been prepared yesterday and placed in walk-in. Was left as whole roast. Discussed cutting into quarters. Soup observed at 48 that had been cooled yesterday. In 4 inch pan covered. Did not cool properly. Discarded.	<input checked="" type="checkbox"/> CORRECTED NOTICE: Priority Item Violation
		RF 18	Cooked potentially hazardous food (time/temperature control for safety food) shall be cooled: (1) Within 2 hours from 57°C (135°F) to 21°C (70°F); and (2) Within a total of 6 hours from 57°C (135°F) to 5°C (41°F) or less,	
81-2,272.01 Priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Raw meat in front portion of drawer cooler observed above 41. Items in back of unit below 41. Said have had issues with unit and has been serviced recently. Discussed monitoring and using bags of ice to help keep cold until repaired.	<input type="checkbox"/> 05/05/2019 NOTICE: Priority Item Violation
		RF 20	Except during preparation, cooking, or cooling or when time is used as the public health control as specified under § 3-501.19, and except as specified under (2) of this section, time/temperature control for safety food shall be maintained: At a temperature specified in the following: (i) 5°C (41°F) or less; or (ii) 7°C (45°F) or between 5°C (41°F) and 7°C (45°F) in existing refrigeration equipment that is not capable of maintaining the food at 5°C (41°F) or less if: (b) Refrigeration equipment that is not capable of meeting a cold holding temperature of forty-one degrees Fahrenheit (five degrees Celsius) that is in use on the operative date of this act shall, upon replacement of the equipment or at a change of ownership of the food establishment, be replaced with equipment that is capable of maintaining foods at forty-one degrees Fahrenheit (five degrees Celsius) or below.	
3-502.12 Priority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fish reduce oxygen packaged in facility observed in freezer. Said received, packaged, then froze. Must be frozen throughout process and have HACCP plan. Discussed risks. 2 packages of Rop'd beef observed. Said don't normally ROP.	<input type="checkbox"/> 05/05/2019 NOTICE: Priority Item Violation
		RF 33	Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.	
5-205.11 Priority Foundation	<input type="checkbox"/>	<input type="checkbox"/>	Bar hand sink with strainer inside. Use for handwashing only.	<input type="checkbox"/> 05/05/2019
		RF 8	A handwashing sink may not be used for purposes other than handwashing.	



3-501.17	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Some items that had been placed in freezer then pulled, lacking pull date. Provide.	<input type="checkbox"/>	05/05/2019
Priority Foundation			RF 21 Except when packaging food using a reduced oxygen packaging method as specified under § 3-502.12, and except as specified in ¶¶ (E) and (F) of this section, refrigerated, ready-to-eat, time/temperature control for safety food prepared and held in a food establishment for more than 24 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 5°C (41°F) or less for a maximum of 7 days. The day of preparation shall be counted as Day 1.		
4-501.11	<input type="checkbox"/>	<input type="checkbox"/>	Grill drawer cooler not holding temp throughout unit. Call technician to address. Use temp logs to closely monitor. Provided during visit.	<input type="checkbox"/>	05/30/2019
			RF 45 Equipment shall be maintained in a state of repair and condition that meets the requirements specified under Parts 4-1 and 4-2.		
4-501.11	<input type="checkbox"/>	<input type="checkbox"/>	Door seals damaged on coolers, warmer. Repair. Hole in door of walk-in cooler. Oven door broken. Repair.	<input type="checkbox"/>	05/30/2019
			RF 45 Equipment components such as doors, seals, hinges, fasteners, and kick plates shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.		
4-501.12	<input type="checkbox"/>	<input type="checkbox"/>	Cutting boards scored and stained. Resurface or replace.	<input type="checkbox"/>	05/30/2019
			RF 45 Surfaces such as cutting blocks and boards that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized, or discarded if they are not capable of being resurfaced.		
4-601.11	<input type="checkbox"/>	<input type="checkbox"/>	Between equipment with build up of food residues. Interior of fryer cabinet with residues. Increase cleaning frequency.	<input type="checkbox"/>	05/30/2019
			RF 47 Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.		
5-205.15	<input type="checkbox"/>	<input type="checkbox"/>	Hand sink faucets leaking in kitchen. Prep sink with leak at faucet. Repair.	<input type="checkbox"/>	05/30/2019
			RF 49 A plumbing system shall be: Maintained in good repair.		
6-501.11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Wall damage underneath bar warewashing sink. Floor tile damage at cooks line and steam jacket kettles. Ceiling tile grid damage at dish machine. Repair. Areas of wall in disrepair.	<input type="checkbox"/>	05/30/2019
			RF 53 The physical facilities shall be maintained in good repair.		
6-501.12	<input type="checkbox"/>	<input type="checkbox"/>	Behind equipment like dish, cook line, etc with residues. Grease dripping from hood. Increase cleaning frequency.	<input type="checkbox"/>	05/30/2019
			RF 53 The physical facilities shall be cleaned as often as necessary to keep them clean.		



ADDITIONAL ACTION REQUIRED: You are hereby ordered to submit a written plan of action within five (5) days that you will implement to assure that items designated "NOTICE: Priority Item Violation" will be prevented in the future. Send to: Food Team Supervisor, LLCHD, 3131 O Street, Lincoln, NE 68510.

Correction of the above violations does not preclude further actions in accord with Lincoln Municipal Code 8.20 and /or the Nebraska Pure Food Act. You may appeal this Food Enforcement Notice within three (3) working days by filing a written request with the Health Director. The request shall include the specific findings which are being appealed and why the enforcement action taken should be modified. Violations identified on this Notice must be corrected regardless of your decision to appeal.

Remarks: *FEN issued for improper cooling and other priority items observed during visit. Follow-up will be in 5 days. A full regular inspection will be in 30. Staff at discussed with inspector that work to try and monitor equipment. Discussed at end of inspection frequency of monitoring. Checking cold holding every 4 hours and hot holding every 2. Staff had reheated some of the items to proper temperatures. Appears that deliveries had arrived just before and during beginning of visit that could have been barrier. Items had been on steam table for 30 minutes prior to visit, so pulled and reheated. When checking temps, was sticking therm too far into pan, getting higher temp. Pan was flat and long so difficult to get good temp. Said have a lot of new staff working and could be issue with cooling. Work to train all staff about expectations/procedures for cooling. Monitor and follow-up. If items are not in the right container for cooling when come in next day, automatically can assume there is an issue. Prime rib is cooled and reheated. Discussed how cannot cool when kept in large portion. For reheating, even though parameters are different, want to ensure reheating to the right temperature for right time frame. Prime rib was cut in half and ensure reaching 130. Must remain at 130 for 112 minutes. Good cooking temperatures observed and overall good handwashing by staff.*

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☒ Follow-up



Environmental Health Specialist

ANDREA R. BETHKE, EHS 67
abethke@lincoln.ne.gov (402) 441-8074



Received by Person-In Charge

SILVER DALLIN
MANAGER

Obtain Food Handler and alcohol server/seller permits at
www.lincoln.ne.gov search word "Food".



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