

Montana Department of Livestock Meat and Poultry Inspection
Program

TYPE OF NONCOMPLIANCE



Food Safety



Other Consumer Protection

1. DATE

2/6/2018

2. RECORD NO.

VSL5910021406N / 1

3. ESTABLISHMENT NO.

M129MT

4. TO (Name and Title)

James Caplis

Owner

5. PERSONNEL NOTIFIED

6. RELEVANT REGULATIONS

416.2(b)(2)
walls/floors/ceilings durable, impervious, cleaned & sanitized

6a. ASSOCIATED NR(s)

7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING
DOCUMENTATION

7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM

8. INSPECTION TASK

Operational SSOP Review
and Observation

9. VERIFICATION ACTIVITY



Review & Observation



Record Keeping



Both

9a. AFFECTED PRODUCT INFORMATION none

9b. RETAIN/REJECT TAGS

2489

10. DESCRIPTION OF NONCOMPLIANCE

On 02-06-18, I Jennifer Alm, with Supervisor Nick Wormgoor, noticed plant did not complete their plan of improvement within the agreed upon time frame. They agreed to have the walls and ceilings chipping paint removed by February 5, 2018. This is in violation of the 9 CFR 416.2(b)(2) which is incorporated by reference in ARM 32.6.712. At this point no product has been affected.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

12. ESTABLISHMENT MANAGEMENT RESPONSE:

This document serves as written notification that your failure to comply with regulatory requirements(s) could result in additional regulatory or administrative action.

13. SIGNATURE OF ESTABLISHMENT MANAGEMENT

14. DATE

15. VERIFICATION SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

16. DATE

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VSL5910021406N - ALM,
JENNIFER

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Montana Department of Livestock Meat and Poultry Inspection Program		TYPE OF NONCOMPLIANCE <input checked="checked" type="checkbox"/> Food Safety <input type="checkbox"/> Other Consumer Protection	
1. DATE 2/27/2018	2. RECORD NO. VSL3018021027N / 1	3. ESTABLISHMENT NO. M129MT	
4. TO (Name and Title) James Caplis Owner		5. PERSONNEL NOTIFIED James Caplis;	
6. RELEVANT REGULATIONS 416.4(b) Non-food contact surface, cleaning & sanitizing		6a. ASSOCIATED NR(s)	
7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING DOCUMENTATION		7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM	
8. INSPECTION TASK SPS Verification	9. VERIFICATION ACTIVITY <input checked="checked" type="checkbox"/> Review & Observation <input type="checkbox"/> Record Keeping <input type="checkbox"/> Both 9a. AFFECTED PRODUCT INFORMATION 9b. RETAIN/REJECT TAGS		
10. DESCRIPTION OF NONCOMPLIANCE On 02-27-18, while conducting a plant review, I Jennifer Meinzen, with my Supervisor, Nick Wormgoor, found multiple sanitation issues throughout the plant. Cooler and freezer floors have accumulated debris and have not been swept. We found dust build up on the blower fans in both cooler and freezer. In cooler there were 4 shelves that have rust. Office floor and desk is very dirty and entire office is unorganized and cluttered. Walls from stairwell through the sink area and into break room all need to be washed. These are all non-food contact surfaces and no product is affected. This is in violation of 9 CFR 416.4 (b) which is incorporated by reference in ARM 32.6.712			
11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE			
<i>You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.</i>			
12. ESTABLISHMENT MANAGEMENT RESPONSE:			
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JENNIFER

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VSL2615032407N - ALM,
JENNIFER

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Montana Department of Livestock Meat and Poultry Inspection
Program

TYPE OF NONCOMPLIANCE



Food Safety



Other Consumer Protection

1. DATE

3/27/2018

2. RECORD NO.

VSL5416030328N / 1

3. ESTABLISHMENT NO.

M129MT

4. TO (Name and Title)

James Caplis

Owner

5. PERSONNEL NOTIFIED

James Caplis;

6. RELEVANT REGULATIONS

416.4(b)

Non-food contact surface, cleaning & sanitizing

416.2(b)(2)

walls/floors/ceilings durable, impervious, cleaned & sanitized

6a. ASSOCIATED NR(s)

7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING
DOCUMENTATION

7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM

8. INSPECTION TASK

Operational SSOP Review
and Observation

9. VERIFICATION ACTIVITY



Review & Observation



Record Keeping



Both

9a. AFFECTED PRODUCT INFORMATION

9b. RETAIN/REJECT TAGS

10. DESCRIPTION OF NONCOMPLIANCE

On March 27, 2018 while conducting my inspection, I found a couple of non-compliance issues. The first being the bottom of the doors on the elevator. The laminate surface is gone and the wood is exposed and breaking off. The doors of the cooler have spots where they are rusting and pieces of rust are flaking off. These are in violation of the 9 CFR 416.2(b)(2) which in reference in ARM 32.6.712. The smokehouse has rust on the side of it that is built up and flaking off. This is in violation of the 9 CFR 416.4(b) which in reference in ARM 32.6.712.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

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12. ESTABLISHMENT MANAGEMENT RESPONSE:

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JENNIIFER

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Montana Department of Livestock Meat and Poultry Inspection
Program

TYPE OF NONCOMPLIANCE

☐

Food Safety

☒

Other Consumer Protection

1. DATE

2. RECORD NO.

3. ESTABLISHMENT NO.

4/6/2018

VSL5110040613N / 1

M129MT

4. TO (Name and Title)

5. PERSONNEL NOTIFIED

James Caplis

Owner

6. RELEVANT REGULATIONS

6a. ASSOCIATED NR(s)

316.16

Custom prepared products to be marked "Not for Sale"

7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING
DOCUMENTATION

7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM

8. INSPECTION TASK

9. VERIFICATION ACTIVITY

General Labeling

☒

Review & Observation

☐

Record Keeping

☐

Both

9a. AFFECTED PRODUCT INFORMATION Salami 4 sticks

9b. RETAIN/REJECT TAGS

10. DESCRIPTION OF NONCOMPLIANCE

While doing an in-depth inspection of the facilities at K and C Meats, by Gary Hamel, Nick Wormgoor and myself, David Sylvester, several packages of whole salami were found in the freezer downstairs. These items were packaged in white paper with no label attached. It was determined since K and C has no records for RTE products that these item was produced without the benefit of inspection therefore should be marked as "Not For Sale." This in violation of 9CFR 316.16. James Caplis was notified of this violation during our exit meeting.

9CFR is incorporated by reference into ARM 32.6.712.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

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12. ESTABLISHMENT MANAGEMENT RESPONSE:

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VSL5110040613N - Sylvester, David

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Montana Department of Livestock Meat and Poultry Inspection Program		TYPE OF NONCOMPLIANCE <input checked="checked" type="checkbox"/> Food Safety <input type="checkbox"/> Other Consumer Protection	
1. DATE 4/6/2018	2. RECORD NO. VSL1311041313N / 1	3. ESTABLISHMENT NO. M129MT	
4. TO (Name and Title) James Caplis Owner		5. PERSONNEL NOTIFIED	
6. RELEVANT REGULATIONS 416.2(b)(1) sound construction, good repair & sufficient size 416.2(b)(2) walls/floors/ceilings durable, impervious, cleaned & sanitized 416.2(b)(3) walls/floors/ceilings constructed to prevent entrance of vermin 416.2(e)(3) Plumbing installed & maintained to prevent adulteration and creation of insanitary conditions		6a. ASSOCIATED NR(s) 1, VSL2615032407N-1	
7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING DOCUMENTATION		7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM	
8. INSPECTION TASK SPS Verification	9. VERIFICATION ACTIVITY <input checked="checked" type="checkbox"/> Review & Observation <input type="checkbox"/> Record Keeping <input type="checkbox"/> Both 9a. AFFECTED PRODUCT INFORMATION none 9b. RETAIN/REJECT TAGS		
10. DESCRIPTION OF NONCOMPLIANCE While conducting an in-depth inspection of K and C meats by myself, Gary Hamel, and Nick Wormgoor the following noncompliant issues were found downstairs: 1) Downstairs, there was a significant water leak. A water valve was leaking significant amounts of water onto the basement floor causing insanitary conditions. This is a violation of 9 CFR 416.2(e)(3). 2) Ceiling tiles in the downstairs office are falling down leaving large holes in the ceiling. This is a violation of 9 CFR 416.2(b)(1). 3) The ceiling in the downstairs freezer was breaking apart and falling down. This is a violation of 9 CFR 416.2(b)(1). 4) The ceiling outside and above the downstairs freezer has exposed wooden surfaces and is not impervious to moisture. This is a violation of 9 CFR 416.2(b)(2). 5) Downstairs, the supporting wall area near the freezer contained a large accumulation of dust and cobwebs and contained large holes. The area is neither impervious to moisture nor readily cleanable as required by regulation. This is a violation of 9 CFR 416.2(b)(2). 6) The downstairs office across from the freezer was extremely cluttered. Papers, envelopes, and other materials were stacked and piled in a manner that creates conditions that may contribute to harborage of pests and is a violation of 9 CFR 416.2(b)(3). 7) The carpet in the downstairs office was covered with filth and appeared that it had not been cleaned in a significant period of time. This is a violation of 9 CFR 416.2(b)(2). 8) The junction boxes located near the downstairs freezer are covered in rust. This is a violation of 9 CFR 416.2(b)(1).			

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- 9) Metal pipes holding electrical cords near the freezer are coated with a thick covering of dust. This is a violation of 9 CFR 416.2(b)(1).
- 10) There was a build-up of lint and dirt on the rock and cement walls in the basement area. This is a violation of 9 CFR 416.2(b)(2) which requires walls to be constructed of materials impervious to moisture and cleaned as often as necessary to prevent adulteration of product.
- We notified Jim Caplis of the above noncompliant issues in an exit meeting. No product was affected at this time.
- 9CFR is incorporated by reference into ARM 32.6.712

11.SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

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VSL1311041313N - Sylvester, David

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Montana Department of Livestock Meat and Poultry Inspection
Program

TYPE OF NONCOMPLIANCE



Food Safety



Other Consumer Protection

1. DATE

4/6/2018

2. RECORD NO.

VSL3912042013N / 1

3. ESTABLISHMENT NO.

M129MT

4. TO (Name and Title)

James Caplis

Owner

5. PERSONNEL NOTIFIED

6. RELEVANT REGULATIONS

416.2(b)(1)
sound construction, good repair & sufficient size

416.4(b)
Non-food contact surface, cleaning & sanitizing

416.2(b)(2)
walls/floors/ceilings durable, impervious, cleaned & sanitized

416.3(a)
Constructed to facilitate cleaning of processing equipment

416.1
Operate in a manner to prevent insanitary conditions

6a. ASSOCIATED NR(s)

2, VSL1311041313N-1

7. TITLE(S) OF HACCP OR SSOP PLAN or OTHER SUPPORTING DOCUMENTATION

7a. NAME OF HACCP CCP(S) or PREREQUISITE PROGRAM

8. INSPECTION TASK

Operational SSOP Review
and Observation

9. VERIFICATION ACTIVITY



Review & Observation



Record Keeping



Both

9a. AFFECTED PRODUCT INFORMATION None

9b. RETAIN/REJECT TAGS

10. DESCRIPTION OF NONCOMPLIANCE

On 4-6-2018 myself, Gary Hamel, and Nick Wormgoor conducted an in-depth inspection of K and C meats. During our inspection the following noncompliant issues were found in the processing area located on the main floor:

- 1) The entire establishment was in poor sanitary condition. Filth, rust, and peeling paint was present throughout the facility. This is a violation of 9 CFR 416.1.
- 2) The ceiling in the processing room had a large amount of peeling paint. Although this was part of a plan to improve sanitary conditions, progress on completing the repairs was not done. This is a violation of 9 CFR 416.2(b)(1).
- 3) A wall in the front office was covered with an unknown residue consistent with the color of blood. This is a violation of 9 CFR 416.2(b)(2) which requires that wall surfaces be cleaned and sanitized as often as necessary to prevent adulteration of product.
- 4) The door to the elevator located in the processing room was covered with peeling paint, exposed wood and rust. This is a violation of 9 CFR 416.2(b)(1).
- 5) A significant accumulation of rust and peeling paint located on a wall in the processing room behind a cutting table was present in the establishment. This is a violation of 9 CFR 416.2(b)(1).
- 6) The cooler door contained a large accumulation of rust and peeling paint. This is a violation of 9 CFR 416.3(a).
- 7) There was a significant accumulation rust on the rail located in the cooler. This is a violation of 9 CFR 416.2(b)(1).

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- 8) Fan covers in the processing room are rusty and are coated with grey, dirty matter. This is a violation of 9 CFR 416.2(b)(1).
- 9) Fan covers in the cooler are rusty and are coated with grey, dirty matter. This is a violation of 9 CFR 416.2(b)(1).
- 10) Dried scraps of meat were found on the floor of the cooler. This is a violation of 9 CFR 416.4(b).
- 11) The junction boxes located on the ceiling throughout the processing room were covered in rust. This is a violation of 9 CFR 416.2(b)(1).
- 12) Metal pipes holding electrical cords throughout the processing room are coated with a thick covering of rust. This is a violation of 9 CFR 416.2(b)(1).
- 13) The smokehouse is covered with a thick coating of rust with large pits that are beginning to rust through. This is a violation of 9 CFR 416.3(a).
- 14) The firebox for the smoker was cluttered with a hammer, some containers, matches and other accumulation as well as an accumulation of what appeared to be dirt. This creates an insanitary condition. This is a violation of 9 CFR 416.3(a).
- 15) A block of wood anchored to the ceiling holding up a meat rail in the processing room has exposed surfaces and is not impervious to moisture. This is a violation of 9 CFR 416.2(b)(2).
- 16) Light bulbs above the processing room floor held an accumulation of filth. This is a violation of 9 CFR 416.4(b).
- 17) A wall across from a three-compartment sink in a hallway around the corner from the processing area had a large accumulation of peeling paint. This is a violation of 9 CFR 416.2(b)(1).

We notified Jim Caplis of the above noted noncompliances during our exit meeting. No product was affected at this time.

9CFR is incorporated by reference into ARM 32.6.712.

11. SIGNATURE OF INSPECTION PROGRAM EMPLOYEE

You are hereby advised of your right to appeal this decision as delineated by 306.5 and/or 381.35 of 9 CFR.

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VSL3912042013N - Sylvester, David

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STATE OF MONTANA

STEVE BULLOCK, GOVERNOR

DEPARTMENT OF LIVESTOCK

PO BOX 202001

HELENA, MONTANA 59620-2001



DEPARTMENT OF LIVESTOCK (406) 444-7323

ANIMAL HEALTH & FOOD SAFETY DIVISION (406) 444-2043

BRANDS ENFORCEMENT DIVISION (406) 444-2045

CENTRALIZED SERVICES DIVISION (406) 444-4993

FAX (406) 444-1929

Delivered by Certified Mail #7009 0080 0002 4374 6198

April 11, 2018

Jim Caplis
C/O K & C Foods
310 W. Alder
Missoula, MT 59802

RE: April 6, 2018 plant inspection, suspension

Dear Mr. Caplis:

On April 6, 2018, the Meat and Poultry Inspection Bureau visited K & C Foods to conduct an in-depth inspection to determine whether sanitation was sufficient to meet provisions of the Federal Meat Inspection Act and applicable portions of the Code of Federal Regulations (CFR). Multiple sanitation violations were evident during the inspection. Floors, walls, and equipment were covered with filth and the entire plant is in need of deep cleaning, repairs, painting, and having rust removed.

Because K & C Foods was not being maintained in a sanitary condition as required under 9 CFR 416.1, it was suspended immediately as authorized under 9 CFR 500.3(a)(4), until the establishment can be restored to a sanitary condition. Consequently, unless the suspension is lifted or held in abeyance, K & C Foods cannot conduct processing activities effective April 6, 2018.

When inspecting on April 6, 2018, multiple violations of the CFR were noted. All CFR citations are adopted by reference in Administrative Rules of Montana (ARM) 32.6.712. Based upon that inspection, I offer the following analysis of the findings:

- 1) The entire establishment was in poor sanitary condition. Filth, rust, and peeling paint was present throughout the facility. This is a violation of 9 CFR 416.1.
- 2) The ceiling in the processing room had a large amount of peeling paint. Although this was part of a plan to improve sanitary conditions, progress on completing the repairs was not done. This is a violation of 9 CFR 416.2(b)(1).

- 3) A wall in the front office was covered with an unknown residue consistent with the color of blood. This is a violation of 9 CFR 416.2(b)(2) which requires that wall surfaces be cleaned and sanitized as often as necessary to prevent adulteration of product.
- 4) The door to the elevator located in the processing room was covered with peeling paint, exposed wood and rust. This is a violation of 9 CFR 416.2(b)(1).
- 5) A significant accumulation of rust and peeling paint located on a wall in the processing room behind a cutting table was present in the establishment. This is a violation of 9 CFR 416.2(b)(1).
- 6) The cooler door contained a large accumulation of rust and peeling paint. This is a violation of 9 CFR 416.3(a).
- 7) There was a significant accumulation rust on the rail located in the cooler. This is a violation of 9 CFR 416.2(b)(1).
- 8) Fan covers in the processing room are rusty and are coated with grey, dirty matter. This is a violation of 9 CFR 416.2(b)(1).
- 9) Fan covers in the cooler are rusty and are coated with grey, dirty matter. This is a violation of 9 CFR 416.2(b)(1).
- 10) Dried scraps of meat were found on the floor of the cooler. This is a violation of 9 CFR 416.4(b).
- 11) The junction boxes located on the ceiling throughout the processing room were covered in rust. This is a violation of 9 CFR 416.2(b)(1).
- 12) Metal pipes holding electrical cords throughout the processing room are coated with a thick covering of rust. This is a violation of 9 CFR 416.2(b)(1).
- 13) The smokehouse is covered with a thick coating of rust with large pits that are beginning to rust through. This is a violation of 9 CFR 416.3(a).
- 14) The firebox for the smoker was cluttered with a hammer, some containers, matches and other accumulation as well as an accumulation of what appeared to be dirt. This creates an insanitary condition. This is a violation of 9 CFR 416.3(a).
- 15) A block of wood anchored to the ceiling holding up a meat rail in the processing room has exposed surfaces and is not impervious to moisture. This is a violation of 9 CFR 416.2(b)(2).
- 16) Downstairs, there was a significant water leak. A water valve was leaking significant amounts of water onto the basement floor causing insanitary conditions. This is a violation of 9 CFR 416.2(e)(3).
- 17) Light bulbs above the processing room floor held an accumulation of filth. This is a violation of 9 CFR 416.4(b).
- 18) Ceiling tiles in the downstairs office are falling down leaving large holes in the ceiling. This is a violation of 9 CFR 416.2(b)(1).
- 19) The ceiling in the downstairs freezer was breaking apart and falling down. This is a violation of 9 CFR 416.2(b)(1).
- 20) The ceiling outside and above the downstairs freezer has exposed wooden surfaces and is not impervious to moisture. This is a violation of 9 CFR 416.2(b)(2).
- 21) Downstairs, the supporting wall area near the freezer contained a large accumulation of dust and cobwebs and contained large holes. The area is neither impervious to moisture nor readily cleanable as required by regulation. This is a violation of 9 CFR 416.2(b)(2).

STATE OF MONTANA

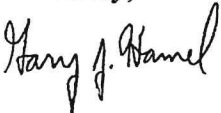
STEVE BULLOCK, GOVERNOR

- 22) The downstairs office across from the freezer was extremely cluttered. Papers, envelopes, and other materials were stacked and piled in a manner that creates conditions that may contribute to harborage of pests and is a violation of 9 CFR 416.2(b)(3).
- 23) Several packages of salami in the downstairs freezer intended for personal use were not properly labeled. This is a violation of 9 CFR 316.16 which requires products not intended for sale to be marked "not for sale."
- 24) A wall across from a three-compartment sink in a hallway around the corner from the processing area had a large accumulation of peeling paint. This is a violation of 9 CFR 416.2(b)(1).
- 25) The carpet in the downstairs office was covered with filth and appeared that it had not been cleaned in a significant period of time. This is a violation of 9 CFR 416.2(b)(2).
- 26) The junction boxes located near the downstairs freezer are covered in rust. This is a violation of 9 CFR 416.2(b)(1).
- 27) Metal pipes holding electrical cords near the freezer are coated with a thick covering of dust. This is a violation of 9 CFR 416.2(b)(1).
- 28) There was a build-up of lint and dirt on the rock and cement walls in the basement area. This is a violation of 9 CFR 416.2(b)(2) which requires walls to be constructed of materials impervious to moisture and cleaned as often as necessary to prevent adulteration of product.

Although K & C Foods is under suspension, we still offer you an opportunity to produce product under inspection by rectifying the sanitation issues. Once you have restored the establishment to a sanitary operating condition, please contact me and to schedule a follow-up inspection.

If you have further questions, do not hesitate to contact me by telephone or by email. I can be reached by email at gghamel@mt.gov or by telephone at (406) 444-5293.

Sincerely,



Gary J. Hamel, Chief
Montana Meat and Poultry Inspection

STATE OF MONTANA

STEVE BULLOCK, GOVERNOR

DEPARTMENT OF LIVESTOCK

PO BOX 202001
HELENA, MONTANA 59620-2001



DEPARTMENT OF LIVESTOCK (406) 444-7323
ANIMAL HEALTH & FOOD SAFETY DIVISION (406) 444-2043
BRANDS ENFORCEMENT DIVISION (406) 444-2045
CENTRALIZED SERVICES DIVISION (406) 444-4993
FAX (406) 444-1929

Delivered by Overnight Fed X 0201 772736577600

July 18, 2018

Jim Caplis
C/O K & C Foods
310 W. Alder
Missoula, MT 59802

RE: Immediate stop production of meat products and recommendation for recall

Dear Mr. Caplis:

On April 6, 2018, your operations were suspended due to insanitary conditions whereby products produced in your establishment may have been contaminated with filth. On July 3, 2018, compliance investigators discovered that various meat products were in commerce bearing the state mark of inspection without the benefit of inspection and with production under insanitary conditions. The purpose of this letter is to direct you to IMMEDIATELY stop producing and selling all meat products.

In addition, the Montana Department of Livestock convened a recall committee and is recommending a Class I recall of products produced from April 6, 2018, through the current date. Per the Department's recall process, you have 48 hours to respond in writing to accept or reject the recall recommendation. If you fail to respond or choose not to follow the recommendation, the Department will pursue further administrative or legal action.

If you have further questions, do not hesitate to contact me by telephone or by email. I can be reached by email at gghamel@mt.gov or by telephone at (406) 444-5293.

Sincerely,

Gary J. Hamel, Chief
Montana Meat and Poultry Inspection