240536 PA Dept of Ag RTK Shepherd's Touch Farm Retail Food Applications and Inspection Reports

*No Meat Establishment License



May 21, 2024

Ms. Jenny Stephens Bucks County Beacon 868 West Street Road #313 Warminster PA 18974

Re: Right-to-Know Law Request No. 240536

Dear Ms. Stephens:

On May 15, 2024, the Agency Open Records Officer of the Pennsylvania Department of Agriculture (PDA) received your request for information pursuant to the Pennsylvania Right-To-Know Law, 65 P.S. §§ 67.101, et seq. (RTKL). Your request is as follows:

Please consider this a formal request under Pennsylvania's Right-to-Know Law, 65 P.S. §67.101 *et seq.*, (hereinafter "RTK") for the following records, which includes records maintained in electronic format.

Please provide a copy of all license applications, including those to renew an existing license, along with any required attachments that accompanied the license applications, submitted to the Pennsylvania Department of Agriculture to operate as a meat establishment, farm and retail food facility for the time period January 1, 2018 through March 31, 2024 by:

Shepherd's Touch Farm LLC Ephraim Stoltzfus 233 Gunhart Road Mohnton PA 19540

Additionally, please provide any inspection reports, citations for failing to comply with Title 3 of the Pennsylvania Statutes, and any consent decree(s) for the period January 01, 2018 through March 31, 2024.

As I am requesting electronic copies, I would like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. The Pennsylvania Right to Know Law requires a response time within five business days. If access to the records I am requesting will take longer than this amount of time, please contact me ·with information as to when I might expect access to the requested records.

Should you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information.

To the extent that records are in the possession, custody or control of PDA, your request is granted in part and denied in part. Attached you will find a Farmers' Market Retail Food Facility license application, license and inspection report for your review. No other records were located in response to this request. PDA has withheld specific information that is exempt from disclosure by law, as follows:

 A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e mail addresses; employee number or other confidential personal identification number is exempt pursuant to Section 67.708(b)(6)(i)(A) of the Pennsylvania Right-To-Know Law 65 P.S. §§ 67.101, et seq.

No records were located regarding violations or a meat establishment farm. Therefore, PDA does not have these records in its possession custody or control. Pursuant to the Office of Open Records Final Decision in *Jenkins vs. Pennsylvania Department of State*, Docket # AP 2009-065, it should be noted that: "It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see, e.g. section 67.506 (d)(1))."

PDA is permitted to charge up to \$.25 cents per page for requested documents. In accordance with the policy that a fee will not be assessed when records are produced and provided electronically, or for requests of 20 or less pages, no fee is due.

If you believe this response is a denial of access to records, you may file an appeal in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response.

In order to appeal, you must send to the OOR and simultaneously to me, in the same manner as the appeal is sent to the Office of Open Records (e-mail, fax, mail or hand delivery):

- 1) This response;
- 2) Your request;
- 3) The appeal form that is available on the OOR website at: https://www.openrecords.pa.gov/Appeals/AppealForm.cfm

You must also include on the appeal form the reasons why you think the Agency was wrong in its response to your request and what relief or agency action you are seeking. All of the above must be submitted for your appeal to be valid.

Please let me know if you have any questions related to this response.

Very truly yours,

PENNSYLYANIA DEPARTMENT OF AGRICULTURE

Susan West, Agency Open Records Officer

Jusan J. West

2301 North Cameron Street

Harrisburg, PA 17110

Telephone: (717) 787-5653

suewest@pa.gov

Attachment



Commonwealth of Pennsylvania Department of Agriculture Bureau of Food Safety and Laboratory Services

2301 N CAMERON ST HARRISBURG, PA 17110 717-787-4315

Retail Food Facility Inspection Report

Facility: SHEPHERD'S TOUCH FARM Facility ID: 172784

Owner: EPHRAIM STOLTZFUS Address: 233 Gunhart RD City/State: Mohnton PA

Zip: 19540 County: Berks Region: Territory 7S

Insp. ID: 1047441 Insp. Date: 3/8/2024 Insp. Reason: Opening No. of Risk Factors: 0 No. of Repeat link Factors: 0

Phone: (717) 471-7773 Overall Compliance: IN FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS Risk Factors are important practices and procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public Health Intervention are control measures to prevent foodborne illness or injury. IN = In Compliance, OUT = Out of Compliance, N/O = Not Observed, N/A = Not Applicable, C = Corrected On Site, R = Repeat Violation Supervision **Protection From Contamination** Person in charge present, demonstrates knowledge, & 14. Food separated & protected performs duties 15. Food-contact surfaces: cleaned & sanitized N/A **Employee Health** 16. Proper disposition of returned, previously served, In 2. Management, food employee & conditional food employee reconditioned, & unsafe food In knowledge, responsibilities & reporting Time/Temperature Control for Safety 3. Proper use of restriction & exclusion In 17. Proper cooking time & temperatures N/A 4. Procedure for responding to vomiting & diarrheal events In 18. Proper reheating procedures for hot holding N/A **Good Hygienic Practices** 19. Proper cooling time & temperatures N/A 5. Proper eating, tasting, drinking, or tobacco use In 20. Proper hot holding temperatures N/A 6. No discharge from eyes, nose, & mouth 21. Proper cold holding temperatures In In **Preventing Contamination by Hands** 22. Proper date marking & disposition N/A 7. Hands clean & properly washed 23. Time as a public health control: procedures & records N/A N/O 8. No bare hand contact with RTE food or a pre-approved Consumer Advisory N/A alternate method properly followed 24. Consumer advisory provided for raw / undercooked foods N/A 9. Adequate handwashing sinks properly supplied & accessible In **Highly Susceptible Population Approved Source** 25. Pasteurized foods used; prohibited foods not offered N/A 10. Food obtained from approved source In Food/Color Additives & Toxic Substances 11. Food received at proper temperature N/O 26. Food additives: approved & properly used N/A 12. Food in good condition, safe, & unadulterated In 27. Toxic substances properly identified, stored & used; held for In 13. Required records available: shellstock tags, parasite N/A retail sale, properly stored destruction **Conformance with Approved Procedures** Compliance with variance, specialized process, reduced oxygen packaging criteria or HACCP plan N/A **GOOD RETAIL PRACTICES** Good Retail Practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods. Safe Food & Water Proper Use of Utensils 29. Pasteurized eggs used where required In 42. In-use utensils: properly stored In 30. Water & ice from approved source 43. Utensils, equipment & linens: properly stored, dried & In In 31. Variance obtained for specialized processing methods handled In 44. Single-use/single-service articles: properly stored & used **Food Temperature Control** In 45. Gloves used properly 32. Proper cooling methods used; adequate equipment for In In temperature control Utensils, Equipment & Vending 33. Plant food properly cooked for hot holding 46. Food & non-food contact surfaces cleanable, properly In In 34. Approved thawing methods used designed, constructed, & used In 35. Thermometers provided & accurate 47. Warewashing facilities: installed, maintained & used; test In In Food Identification 48. Non-food contact surfaces clean In 36. Food properly labeled; original container In **Physical Facilities Prevention of Food Contamination** 49. Hot & cold water available; adequate pressure In 37. Insects, rodents & animals not present In 50. Plumbing installed; proper backflow devices In Contamination prevented during food preparation, storage & In 51. Sewage & waste water properly disposed In display 52. Toilet facilities: properly constructed, supplied, cleaned 39. Personal cleanliness In In 53. Garbage/refuse properly disposed; facilities maintained 40. Wiping cloths: properly used & stored In In 54. Physical facilities installed, maintained, & clean 41. Washing fruit & vegetables Out In 55. Adequate ventilation & lighting; designated areas used In FOOD EMPLOYEE CERTIFICATION Certified Food Employee Certificate 56. Certified Food Employee employed; acts as PIC; accessible Ex 57. Certified food manager certificate: valid & properly displayed **Visit Date** Person In Charge Person In Charge Sig. Date Sanitarian Sig. Date Sanitarian Signature Time Out Signature

3/8/2024 Thomas Merkel

3/8/2024 Ephraim Stoltzfus

(Posted)

10:00 AM

9:00 AM

3/8/2024



Commonwealth of Pennsylvania Department of Agriculture Bureau of Food Safety and Laboratory Services

2301 N CAMERON ST HARRISBURG, PA 17110 717-787-4315

Retail Food Facility Inspection Report

Facility: SHEPHERD'S TOUCH FARM Facility ID: 172784

Owner: EPHRAIM STOLTZFUS Address: 233 Gunhart RD City/State: Mohnton PA

Zip: 19540 County: Berks Region: Territory 7S

Phone: (717) 471-7773

Insp. ID: 1047441 Insp. Date: 3/8/2024 Insp. Reason: Opening No. of Risk Factors: 0 No. of Repeat Risk Factors: 0 Overall Compliance: IN

OBSERVATIONS AND CORRECTIVE ACTIONS Violations cited in this report must be corrected within the timeframes below					
Item Number	Violation of Code	Comment	Correct By Date	Repeat Violation	
54.	6 - 501.12	The floor area of the retail food facility is extremely dirty and in need of cleaning.	3/9/2024		

PUBLISHED COMMENTS

This is the initial inspection of this retail space. The space is a separate room at the end of the firm's custom slaughter barn. Firm is to continue to maintain a clean access area to the store entrance.

The firm is being licensed to only sell prepackaged shelf stable and refrigerated food items.

well water test: 1/29/2024,

Received Bird in Hand Band check # 13359 in the amount of \$103 made payable to the Commonwealth of PA for licensing fees.

Owner expressed interest in the near future to expand the retail space into a separate shed structure with a food handling room. Owner was instructed to contact the department when they start moving forward with those plans.

This report was reviewed with the person in charge and a copy was provided.

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF AGRICULTURE
BUREAU OF FOOD SAFETY AND LABORATORY SERVICES

6 MONTH RETAIL FOOD FACILITY LICENSE

License No: 218308 Business Name: SHEPHERD'S TOUCH FARM

Business Address: 233 GUNHART RD MOHNTON, PA 19540

Expiration Date: 3/8/2025

Owner's Name: EPHRAIM STOLTZFUS

Signature (applicant)

Director

Alpy Wan

LICENSE IS NON-TRANSFERABLE

UNOFFICIAL COPY

Presorted First Class U.S. Postage PAID PA Department of Agriculture

Facility # 172784

2 Pa. Code, Chapter 46, Food Code, the Rules and Regulations of the PA Department of Agriculture, are issued under the Resait Food Facility retail food facility must be submitted to and approved by the Department plans and specifications for construction, remodeling a citieration of a version of the FDA Model Food Code as its regulations. The Retail Food Facility Safety Act also requires that "New" Proprietors, or Owners, of a

Street number and name	City	State	Zip code
Berlss County	Comro	Township	
County	Township/Borough		
	(717) 438	5500	
Phone number	Facility fax number	Establisher Committee	
Shepherds touch Farm a gmail com			
Email address	cell number or altern	nate phone number	

All other vendors must SUBMIT copies of:

- Vendor stand floor plan/layout
- Location of all food service equipment (even if minimal)
- List of equipment including manufacture's names and model numbers Location of handwashing and warewashing sinks (if applicable)
- Restroom locations
- Surface or materials for floors, walls and ceilings (overhead protection) even if temporary
 Site plan showing the location of the vendor stand within the market

Plans may be hand drawn, but must be to approximate scale, neat and legible. Plans will <u>NOT</u> be returned. See "Application Instructions" for your guidance on completing this section of the application.

SECTION 6:

ZONING AND OTHER CODES

BUILDING CODES AND ZONING:			
N/A Market stand is compliant with local zoning/business requirements.	5 ma	11 Ror	m Stan
N/A ☐ Market building/structure is compliant with all building Code require structural, etc.) where applicable.	ments (electr Sma]t	ical, plumbi Furm	ng, ventilatio 5 tan d
SALES TAX: Select one;			
☐ A license to collect sales tax has been obtained or applied for. For in license, contact the Pennsylvania Department of Revenue at (717) 787-8 proof of application is attached to this application	formation on 201. A copy	applying fo of the sales t	r a sales tax tax license or
According to the PA Department of Revenue rules and regulations, I	have determ	ned that my	business is

MAILING ADDRESS (if different than above);			
233 Funhar A R.	Mohnton	PA	19540
Street number and name	City	State	Zip code
RESPONSIBLE OFFICIAL AT THE FARMER	RS MARKET (if not the own	er):	
Ephraim Stoltzaus	Own Title		
SECTION 3:	11120		
FARM MARKET / F	ACILITY SERVICE IN	FORMATION	
TYPE OF SERVICE: Check ALL that apply:			
Raw meats	ne market in packages/contain ket	Maple products Honey & related Acidified canne	1 products
NON Pre-packaged foods: Product di takes place at the market Baked goods Deli meat or che Other, describe:			
EMPLOYEE INFORMATION:			
Do you have a Certified Food Manager on	□ NO □ Exempt (n □ Exempt, c	ach copy of certific ion-profit) or other e ommercially pre-pac il non-TCS foods	xempt facility
Do you have an employee health policy? Do you have a written employee policy for	YES NO r cleanup of vomiting or diar	rheal events in the fa	acility? □YES □NO

Agrees that only a "proprietor" of a retail food fa that this document is an application for licensure food facility may obtain a retail food facility licen retail food facility within the Commonwealth of P food facility that is the subject of this application	icility may obtain a retail food facility license of a relail food facility. The applicant under- use, and that a "proprieter" may be a person ennsylvania. The applicant verifies by signat The applicant specifics that all vicencent on	etail food facility. The applicant understands and and that a "The Applicant understands and agrees stands and agrees that only a "proprietor" of a retail parinership, association or corporation operating a ure below, that they are the "proprietor" of the retail of information in this application is true and correct to ect to the ponalties of 18 Pa C.S.A. § 4904, relating to
INDIVIDUAL PERSON:	PARTNERSHIP:	
John 7 Steller	Signature - General Pariner	Signature - General Partner
Legally Print Name	Legibly Print Name	Legibly Pont Name
3-6-24 <u>2-39-80</u> Date Birth	Date of Birth	Date Date of Birth
☐ CORPORATION OR ASSOCIAT	TON / NON-PROFIT ENTITY:	
Name of Corporation or Non-Profit Entity		Record for residue to the
Name of current CEO/President or similar	Official Title	Date of Birth of CEO/President/or similar
Signature of Corporate / Association / Non-Profit Offi	cial	Official Title of Signatory

Name of LLC or LLP

Name of LC or LLP

Date of Birth of Senior Official/General Partner, or Similar

Official Title

Date Signature - Member

Date

Date

Legibly Print Name Legibly Print Name

Legibly Print Name

LEGAL BUSINESS NAME (if diff	ferent than facility name).				
Ephrain Stoltz					
LEGAL OWNER MAILING AD	DRESS (if different than	above mailing address	sir and a second		
233 Gunhart Rd		Mohnton	PA	1954 Zip code	0
Owner street number and name		City	State		
Owner phone number	Owner fax number	5500	Ephraim @ Owner e-mail address	Hingdom Live	56CE, CO.
SECTION 8: ALL APPLICA	NTS READ AND SIG	IN .			
All material must be submitted at least all required information could delay yo	60 days prior to the prep	paration/sale of food	from a retail food facil	ity. Failure to pro	ovide
Please check and sign ye		all required su	prorting docum	antation ale	NDG.
with	h submission of th	e completed a	pporting docum oplication.	citation are	mg
Section 3:					
I have attached the following	ng supporting documen	is:			
☐ Food Employee Co	ertification N/A				
Section 4: I have attached proof of m have attached my non-publ proof from DEP will resu	ic water supply results:	and affidavit/DEP d	ocumentation Failure	approval letter e to provide wi	OR I
☐ Proof of municipal	water supply (cx. A co	py of a water bill)			
OR DEP Approval Let OR	ter for a non-communit	y public water syste	m		
	supply results AND affi	davit / DEP docume	entation		
Section 5: I have attached the followi	ng supporting documen	ts:			
Vendor floorplan /□ Location of all foo	d service equipment				
List of equipment	including manufacture'	s names and model	numbers		
Section 6:					
☐ Sales tax license of OR	ng supporting documen r proof of application	ts:			
	A Department of Rever ction of sales tax.	nue rules and regula	tions, I have determin	ned that my busi	ness is
☐ I certify the facility	is compliant with sale	s tax licensing.			

*plans may be hand drawn, but must be to approximate scale, neat and legible. Plans will NOT be returned.

phave attached all required documentation for each section outlined above that are applicable to this plan review application. I have signed all applicable individual sections within the application. Failure to provide documentation or sign all sections will result in a delay of processing and/or the application may be denied.

Applicant Signature:

The Department of Agriculture will review the plans and notify you of its approval/disapproval. Please allow 4 – 6 weeks for processing. Once you receive your approval, notify your Food Inspector or regional office at least ten (10) days prior to operation to RA-AGPlanReview@pa.gov.

All material must be fully completed and returned with any necessary accompanying documentation to:

RA-AGPLANREVIEW@pa.gov

or mail / fax to:

Pennsylvania Department of Agriculture Bureau of Food Safety and Laboratory Services Attn: Plan Review 2301 N. Cameron St, Room 112 Harrisburg, PA 17110

Fax: 717-787-1873

There are NO fees associated with this Plan Review Application. DO NOT SEND MONEY WITH THIS APPLICATION.

License fees will be collected at the time of the licensing inspection pending the facility is compliant with all Food Safety laws and regulations. The fees are as follows (payable to: Commonwealth of PA):

License Fee Exemptions (not exempt from inspections)

- Pre-packaged non-TCS (time and temperature control for safety) foods ONLY
- Raw agricultural commodities ONLY

Retail Food License

- · New Licenses:
 - o Under 50 seats AND Owner Operated \$103

Other fees

- Annual Renewals \$82
- 2nd Follow-up Inspection \$150
- 3rd or Subsequent Follow-up Inspection \$300
- Duplicate License \$14
- Courtesy Inspection \$150

^{*}If your county is under a County Health Department Jurisdiction, you should contact them directly for licensing. These counties include Allegheny, Bucks, Chester, Delaware, Erie, Montgomery, and Philadelphia.

The following chart/schedules are for your optional use. Complete and submit with your plans ALL facility details and equipment schedules

FLOORS, WALLS, CEILINGS SCHEDULE

	Wall Finishes	Floor Finishes	Ceiling Finishes
Example	Drop down screening	Linoleum	Overhead tarp
Kitchen/Cooking Food Prep			
Sales Area	Concrete	Concrete	painted ceiling
Dry Storage			
Warewashing			

votes:			
401604			

LIGHTING SCHEDULE
If lighting is not provided due to outside/natural lighting, please indicate such.

	Foot Candles (fc)	Arrangement	Cleaning and Service	Shielding and Protection
Example	35 fluorescent overhead lights)	35 fluorescent lights spaced 4' apart	Routine monthly cleaning	Protected by plastic sheaths and end caps
Preparation/Work Area	NIA			
Storage	NIA			
Serving	NIA			
Dining Area	NIA			
Special	NSA			

Notes:						
- Actor Con	AND DESCRIPTION OF THE PERSON	 	 	 CONTRACTOR OF STREET		

EQUIPMENT SCHEDULE
provide a scaled layout drawing of all equipment, even if minimal, in the retail food facility. Complete the following list of equipment
and submit with your plans.

tem No.	Type of Equipment	Manufacturer's Name	,	
Example	Preezer Ceff.gerator	Hobart Q B D	Model No. ABC124 6D5-47-HC	Quantity 1
		219	Page 1	
	Tablia Samuel			Name to the second
The second secon				



Report of Analysis

Mail to: Kingdom Livestock 233 Gunhart Rd Mohaton PA 19540

Lab Number: 412445-01 Date Reported: 02/01/2024

Analyte	Result	200	Maximum Contaminant Level	Analysis				
		Pass/Fail		Date	Time	Analyst	Method	Reporting Limi
iampled: 01/29/2024 14:43	Sampler: Seth Kulp Source:	Outdoor Tap Ki	ingdom Livestock 23	3 Gunhart	Road !	Johnton		Toponing Lan
Sactoria - Total Coliforn	<1 MPN/100ml	Pass	0 MPN/100ml	01/30/2024	14.10	dwms	SM(223	- Company
	group of bacteria that are used as an rivale water systems, usually from my							
	nesses, fever, and other flu-like sympt							
may cause gastrointestinal ill per 100 milliters (mL) of wat Sactions - E cost	nesses, fever, and other flu-like sympt	ions. Results from a	oliforn bactena tests are O MPN/100ml	or animal wa normaliy ex 01/30/2024	stes. Con pressed a	suming war s the numb	ter with coliform to or of bactena col	pactena present onies present

was collected by a lab-authorized sampler.

The Maximum Continuenced Leyes (MCL) is the maximum perhaliphie level of a contemphatian water per the SDMA Some parameters have no entablished MCL Pure Test a conflect \$30,00038 by the Perinsylvenia Department of Environmental Projection, \$345 by the Maryland Department of the Environment.

This is amplie meets state and federal standards for safe drinking water, for the parameters reported.

MDE

anh I shirt Andrew T Heist, Lab Technician

Report Approved By:

