

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Markjoel's Fresh Meat & Vegetables Wholesale & Retail Inc.
"the Owner"

Melecio Batalla
"the Operator"

Felina Batalla
"the Operator"

RE: The food establishment located in Calgary, Alberta and municipally described as:
Markjoel's BBQ
3215 17 Avenue SE

WHEREAS I, an **Executive Officer of Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the Public Health Act, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. There was fire damage along the wall beside the kitchen ventilation hood.
- b. Walls in proximity to the cooking line were greasy.
- c. The walls and ceiling of the facility were of a colour that did not facilitate keeping the kitchen clean. The walls and ceiling tile appeared yellowed/discoloured from grease.
- d. Fire suppression foam was not fully cleaned off the floor and the walls of the roasters.
- e. Blood from pig carcasses was dripping directly onto the walk-in cooler floor the floor was filthy.
- f. There was an accumulation of dirt and debris on the interior and exterior surfaces of large 55 gallon containers in the walk-in cooler used to store raw meat.
- g. Cooked foods in the walk-in cooler were stored in cardboard boxes.
- h. Hanging pig carcasses were stored in very close proximity to other meat containers in the walk-in cooler.
- i. The finish of the interior floor/wall joints of the walk-in cooler were bubbled, cracked and rusted.
- j. A large pot with a buildup of food debris/grime and a dirty utensil was left in the walk-in cooler.
- k. There was a buildup of food debris and grime on the wire shelving racks in the walk-in cooler and on storage shelving in the back of the kitchen.
- l. Two sections of fluorescent lighting in the back kitchen were not operational.
- m. The bathroom light fixture was altered in a way that appeared to be unsafe. Electrical wires were exposed due to friction from the door opening and closing, stripping the casing.
- n. Paper towel at the bathroom handwashing sink was not placed in an appropriate dispenser.

- o. There were multiple cracked and broken kitchen floor tiles.
- p. Dispensers holding soap and paper towel at the handwashing sink in the back of the kitchen did not work.
- q. Metal roasting skewers used for cooking were not cleaned and sanitized after use.
- r. There was heavy grease buildup in the area where dirty metal skewers were stored.
- s. A sufficient cleaning schedule was not available; the frequency of cleaning was not sufficient in maintaining the food establishment in a clean and sanitary condition.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006 and the Food Retail and Foodservices Code 2003 exist in and about the above noted premises, namely:

- a. There was fire damage along the wall beside the kitchen ventilation hood. This is contravention of section 17(1)(a) of the Food Regulation AR 31/2006, which states: "An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair."
- b. Walls in proximity to the cooking line were greasy. This is contravention of section 28(2) of the Food Regulation AR 31/2006, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- c. The walls and ceiling of the facility were of a colour that did not facilitate keeping the kitchen clean. The walls and ceiling tile appeared yellowed/discoloured from grease. This is in contravention of section 2.3(a)(i) of the Food Retail and Foodservices Code 2003 and section 17(1)(b) of the Food Regulation AR 31/2006, which respectfully states: "Walls and ceilings in food preparation, processing and storage areas should be constructed of finishes such as tile, plaster, sealed brick, stainless steel, or other equivalent materials, which are impervious, washable, durable and light coloured," and "An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it."
- d. Fire suppression foam was not fully cleaned off the floor and the walls of the roasters. This is contravention of Section 28(2) of the Food Regulation, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- e. Blood from pig carcasses was dripping directly onto the walk-in cooler floor the floor was filthy. This is contravention of section 28(2) of the Food Regulation AR 31/2006, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- f. There was an accumulation of dirt and debris on the interior and exterior surfaces of large 55 gallon containers in the walk-in cooler used to store raw meat. This is contravention of

section 28(2) of the Food Regulation AR 31/2006, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."

- g. Cooked foods in the walk-in cooler were stored in cardboard boxes. This is contravention of section 23(1) of the Food Regulation AR 31/2006, which states: "All food used or to be used in a commercial food establishment must be protected from contamination, and handled in a sanitary manner."
- h. Hanging pig carcasses were stored in very close proximity to other meat containers in the walk-in cooler. This is contravention of section 23(1) of the Food Regulation AR 31/2006, which states: "All food used or to be used in a commercial food establishment must be protected from contamination, and handled in a sanitary manner."
- i. The finish of the interior floor/wall joints of the walk-in cooler were bubbled, cracked and rusted. This is in contravention of section 17(1)(a) of the Food Regulation AR 31/2006, which states: "An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair."
- j. A large pot with a buildup of food debris/grime and a dirty utensil was left in the walk-in cooler. This is contravention of sections 23(21) and 28(2) of the Food Regulation AR 31/2006, which respectfully states: "All food used or to be used in a commercial food establishment must be protected from contamination, and handled in a sanitary manner." and "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- k. There was a buildup of food debris and grime on the wire shelving racks in the walk-in cooler and on storage shelving in the back of the kitchen. This is contravention of section 28(2) of the Food Regulation AR 31/2006, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- l. Two sections of fluorescent lighting in the back kitchen were not operational. This is contravention of section 17(1)(f)(iii) of the Food Regulation AR 31/2006, which states: "An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the food handling areas."
- m. The bathroom light fixture was altered in a way that appeared to be unsafe. Electrical wires were exposed due to friction from the door opening and closing, stripping the casing. This is contravention of section 17(1)(a) of the Food Regulation AR 31/2006, which states: "An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair."

- n. Paper towel at the bathroom handwashing sink was not placed in an appropriate dispenser. This is contravention of section 30(4) of the Food Regulation and section 2.14(b)(iv) of the Food Retail and Foodservices Code 2003, which respectfully states: "The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied," and "handwashing facilities should be provided with soap in suitable dispensers (e.g., liquid soap) and single-use hand drying devices such as paper hand towel dispensers, roll dispensers, or air dryers."
- o. There were multiple cracked and broken kitchen floor tiles. This is in contravention of section 2.3(a)(i) of the Food Retail and Foodservices Code 2003 and section 17(1)(a) of the Food Regulation AR 31/2006, which respectfully states: "Walls and ceilings in food preparation, processing and storage areas should be constructed of finishes such as tile, plaster, sealed brick, stainless steel, or other equivalent materials, which are impervious, washable, durable and light coloured," and "an operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair."
- p. Dispensers holding soap and paper towel at the handwashing sink in the back of the kitchen did not work. This is contravention of section 30(4) of the Food Regulation AR 31/2006 and section 2.14(b)(iv) of the Food Retail and Foodservices Code 2003, which respectively states: "The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied," and "handwashing facilities should be provided with soap in suitable dispensers (e.g., liquid soap) and single-use hand drying devices such as paper hand towel dispensers, roll dispensers, or air dryers."
- q. Metal roasting skewers used for cooking were not cleaned and sanitized after use. This is contravention of section 28(2) of the Food Regulation AR 31/2006, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- r. There was heavy grease buildup in the area where dirty metal skewers were stored. This is contravention of section 28(2) of the Food Regulation AR 31/2006, which states: "A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination."
- s. A sufficient cleaning schedule was not available; the frequency of cleaning was not sufficient in maintaining the food establishment in a clean and sanitary condition. This is contravention of section 29(1) of the Food Regulation AR 31/2006, which states: "A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance."

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately close the above noted premises.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Assess the kitchen to determine the extent of fire-related damage. Repair or replace all surfaces/finishes affected by fire or smoke in the back kitchen with new materials.
 - b. Properly clean and sanitize all surfaces affected by fire suppression material.
 - c. Clean/degrease the floor, walls, and ceiling.
 - d. If after cleaning/degreasing, the surfaces are of a colour that does not facilitate keeping the kitchen clean, replace or refinish the surface of the walls and ceiling to a light colour that will facilitate cleanliness.
 - e. Ensure blood from hanging meat carcasses is dripping directly into a washable container. Clean and sanitize containers at a regular frequency.
 - f. Ensure all foods are stored in food grade containers.
 - g. Remediate all bubbled, cracked and rusted floor/wall joint in the walk-in cooler. Ensure the surfaces are durable, impervious to moisture, and easy to clean.
 - h. Do not leave dirty, empty food containers in the walk-in cooler. Wash, rinse, and sanitize all containers before inserting new food product. Any container that does not fit in the wash basins or dishwasher for cleaning and sanitizing must have a written clean-in-place method. Provide the written procedure(s) to an Alberta Health Services, Executive Officer for review.
 - i. Repair the broken sections of fluorescent lighting in the back kitchen.
 - j. Install a bathroom light in accordance with applicable building codes. Obtain necessary permits from the City of Calgary for electrical work.
 - k. Remove and replace all cracked and damaged floor tiles.
 - l. Provide soap and paper towel in working dispensers for the back kitchen and bathroom handwashing sinks.
 - m. Stored food must have effective food-grade covers. Consider covering meat carcasses in a food-grade material.
 - n. Clean and sanitize all wire racks in the walk-in cooler and the back kitchen. Ensure all shelving units are cleaned on a routine basis.
 - o. Clean/degrease, rinse, and sanitize the metal skewers after each use.
 - p. Prepare and maintain a detailed cleaning schedule which will facilitate timely cleanliness of the food establishment. The sanitation schedule must include a list of equipment/surfaces and the corresponding cleaning and sanitizing agents used within the food establishment. Provide the written cleaning schedule to an Alberta Health Services, Executive Officer for review.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, January 15, 2024.

Confirmation of a verbal order issued to Melecio Batalla on January 14, 2024.

Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Copy: City of Calgary

Calgary • Southport • Environmental Public Health

10101 Southport Road SW Calgary AB, T2W 3N2

<https://www.ahs.ca/eph>