

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: 1568079 Alberta Ltd
"the Owner"

Linh H Nguyen
"the Owner"

Thi Le
"the Owner"

Van Dong
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:

Pho Huong Viet
Unit 145 - 1829 Ranchlands Boulevard NW

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. The level of food production exceeds the capacity of the kitchen. High risk food is prepared in excess of what the refrigerated units can safely hold.
- b. Twenty-four shrimp salad rolls were left out at room temperature and measured 25 degrees Celsius.
- c. Two containers of bean sprouts were left out at room temperature and measured between 10 to 16 degrees Celsius.
- d. Seventeen take out bowls of cooked rice noodles were stored at room temperature and measured between 31.1 to 32.0 degrees Celsius.
- e. Six boxes of frozen beef tendons were being thawed at room temperature and were measured between 5.0 to 8.0 degrees Celsius along the edges.
- f. A container of raw chicken was being marinated at room temperature and measured 14 degrees Celsius.
- g. A package of deli meat was stored on top of the prep cooler insert and measured 9.7 degrees Celsius.
- h. Four buckets of 5-gallon pho soup broth were being cooled at room temperature.
- i. A bucket of rice noodles was being soaked at room temperature.
- j. The only handwashing sink in the kitchen was blocked by a container of mushrooms among other containers.

- k. There was no handwashing sink in the immediate vicinity of the middle/back food preparation area. Access was obstructed to the only handwashing sink in the front food preparation area during operation.
- l. The paper towel roll in the dispenser was covered with grease.
- m. Staff were not handwashing or changing single use gloves between tasks.
- n. Staff personal drinks and snacks were scattered throughout the kitchen, and take-out containers were stored on top of staff snacks. An indication that staff are eating and drinking while preparing food.
- o. Staff personal cell phones were stored among food items.
- p. There was no chlorine detected in the front service sanitizer.
- q. Greasy, dirty cleaning cloths were left on top of food preparation surfaces and there were no containers of approved sanitizer solution available to immerse cloths in.
- r. Dishwashing was being done in the sink basin directly adjacent to a sink basin where open food was being prepared.
- s. The spray sink tap extension was repaired with spray foam and wrapped with a dirty cloth to stop the leak.
- t. There was uncovered food in both the freezer and walk-in cooler.
- u. There was a build-up of grime on the fan in the walk-in cooler. The fan was blowing air onto uncovered food below.
- v. There were food containers piled right up to the door inside the walk-in cooler and blocking access.
- w. Lemon scented bleach was used as the dishwasher sanitizer and also used to make sanitizer for food contact surfaces.
- x. There were **many** black flies in the kitchen.
- y. The back door was left opened, and the screen door was broken along the side and bottom.
- z. Three boxes of rice noodles were stored outside in the back alley.
- aa. Utensils and food containers were stored in greasy dirty bins/containers.
- bb. Colanders, utensils handles, and food containers were melted by heat, cracked and in despair.
- cc. A side panel was missing along the top lid of the back deep freezer, exposing insulation.
- dd. Rust was observed on the top lid of the middle deep freezer. Additionally, the broken handle was covered with grease and glue.
- ee. There was a buildup of grease and food debris on equipment and utensils throughout the kitchen including but not limited to; the underside of the food preparation cooler handles, stove surfaces, grills, deep fryers and the ventilation canopy.
- ff. The ice machine was coated with grease and food debris.
- gg. There was dried meat debris on the meat slicer.
- hh. The raised wooden panel under the standing freezers was covered in dirty sealant, debris, and grease.
- ii. There was a build-up of grime, grease, and food debris on structural surfaces throughout the facility including but not limited to, the floors, shelving units, ceiling and walls.
- jj. Staff lacked basic food safety knowledge.
- kk. Records were not signed off for cooler and freezer temperatures, dishwasher sanitizer concentration, food service sanitizer concentrations and the cleaning schedule.

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 exist in and about the above noted premises, namely:

- a. The level of food production exceeds the capacity of the kitchen. High risk food is prepared in excess of what the refrigerated units can safely hold. This is in contravention of the Food Regulation AR 31/2006, section 24 which states that: All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.
- b. Twenty-four shrimp salad rolls were left out at room temperature and measured 25 degrees Celsius. This is in contravention of the Food Regulation AR 31/2006, section 25 (1) (a) (b), which states that: All high risks food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature.
- c. Two containers of bean sprouts were left out at room temperature and measured between 10 to 16 degrees Celsius. This is in contravention of the Food Regulation AR 31/2006, section 25 (1) (a) (b), which states that: All high risks food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature.
- d. Seventeen take out bowls of cooked rice noodles were stored at room temperature and measured between 31.1 to 32.0 degrees Celsius. This is in contravention of the Food Regulation AR 31/2006, section 25 (1) (a) (b), which states that: All high risks food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature.
- e. Six boxes of frozen beef tendons were being thawed at room temperature and were measured between 5.0 to 8.0 degrees Celsius along the edges. This is contravention of Section 3.3.2(b) of the Food Services and Food Retail Code which states that: Food may be thawed: i) under refrigeration at 4 degrees Celsius (40 degree Fahrenheit) or less; ii) completely submerged in cold running water; iii) as part of the cooking process (but only when thawing is taken into consideration in determining cooking time); and iv) by microwaving
- f. A container of raw chicken was being marinated at room temperature and measured 14 degrees Celsius. This is in contravention of the Food Regulation AR 31/2006, section 25 (1) (a) (b), which states that: All high risks food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature.
- g. A package of deli meat was stored on top of the prep cooler insert and measured 9.7 degrees Celsius. This is in contravention of the Food Regulation AR 31/2006, section 25 (1) (a) (b), which states that: All high risks food must be stored, displayed and transported

at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature.

- h. Four buckets of 5-gallon pho soup broth were being cooled at room temperature. This is in contravention of the Food Regulation AR 31/2006, section 24, which states that: all food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.
- i. A bucket of rice noodles was being soaked at room temperature. This is in contravention of the Food Regulation AR 31/2006, section 25 (1) (a) (b), which states that: All high risks food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature.
- j. The only handwashing sink in the kitchen was blocked by a container of mushrooms among other containers. This is in contravention of the Food Regulation AR 31/2006, section 30 (4), which states that: The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied.
- k. There was no handwashing sink in the immediate vicinity of the middle/back food preparation area. Access was obstructed to the only handwashing sink in the front food preparation area during operation. This is in contravention of the Food Regulation AR 31/2006, section 17 (1) (e), which states that: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment has handwashing stations that are adequately in number and situated so as to ensure convenient access by all food handlers.
- l. The paper towel roll in the dispenser was covered with grease. This is in contravention of the Food Regulation AR 31/2006, section 30(4) which stated: The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied.
- m. Staff were not handwashing or changing single use gloves between tasks. This is in contravention of the Food Regulation AR 31/2006 Section 23(1) and 24, which states that: food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner and all food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.
- n. Staff personal drinks and snacks were scattered throughout the kitchen, and take-out containers were stored on top of staff snacks. An indication that staff are eating and drinking while preparing food. This is in contravention of the Food Regulation AR 31/2006 Section 30(1), which states that: A food handler must (a) wear clean clothing and footwear, (b) exhibit cleanliness and good personal hygiene, (c) ensure that food is not contaminated by hair, (d) wash hands as often as necessary to prevent the contamination of food or food areas, (e) refrain from smoking in a food area, and (f) refrain from any other conduct that could result in the contamination of food or a food area.
- o. Staff personal cell phones were stored among food items. This is in contravention of the Food Regulation AR 31/2006 Section 20(1) which states that: All articles and material in a commercial food establishment that are not associated with or required for the operation or

maintenance of the food areas must be stored separately from the food and the food areas and in a manner that contaminates neither.

- p. There was no chlorine detected in the front service sanitizer. This is in contravention of the Food Regulation AR 31/2006 Section 28(2), which states that: 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.
- q. Greasy, dirty cleaning cloths were left on top of food preparation surfaces and there were no containers of approved sanitizer solution available to immerse cloths in. This is in contravention of the Food Regulation AR 31/2006, section 28 (2), which states that: 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. Dishwashing was being done in the sink basin directly adjacent to a sink basin where open food was being prepared. This is in contravention of the Food Regulation AR 31/2006, section 23 (1)), which states that: All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner.
- s. The spray sink tap extension was repaired with spray foam and wrapped with a dirty cloth to stop the leak. This is in contravention of the Food Regulation AR 31/2006, section 19(b), which states that: A person must not operate a commercial food establishment unless it is constructed and maintained in accordance with that approval.
- t. There was uncovered food in both the freezer and walk-in cooler. This is in contravention of the Food Regulation AR 31/2006, section 23 (1)), which states that: All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner.
- u. There was a build-up of grime on the fan in the walk-in cooler. The fan was blowing air onto uncovered food below. This is in contravention of the Food Regulation AR 31/2006, section 28 (2), which states that: 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.
- v. There were food containers piled right up to the door inside the walk-in cooler and blocking access. This is in contravention of the Food Regulation AR 31/2006, section 28 (1), which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- w. Lemon scented bleach was used as the dishwasher sanitizer and also used to make sanitizer for food contact surfaces. This is in contravention of the Food Regulation AR 31/2006, section 20 (2), which states that: All chemicals, cleansers and other similar agents

associated with or required for the operation or maintenance of the food areas must be stored (a) in containers that are not intended to be used to store food and that are clearly labelled to identify their contents, and (b) in such a manner as to prevent the contamination of any food or food area.

- x. There were many black flies in the kitchen. This is in contravention of the Food Regulation AR 31/2006, section 21 (1), which states that: Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to harbouring or breeding of pests.
- y. The back door was left opened, and the screen door was broken along the side and bottom. This is in contravention of the Food Regulation AR 31/2006, section 17 (2), which states that: Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests.
- z. Three boxes of rice noodles were stored outside in the back alley. This is in contravention of the Food Regulation AR 31/2006, section 17 (2), which states that: All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner.
- aa. Utensils and food containers were stored in greasy dirty bins/containers. This is in contravention of the Food Regulation AR 31/2006, section 28 (3), which states that: All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food.
- bb. Colanders, utensils handles, and food containers were melted by heat, cracked and in despair. This is in contravention of the Food Regulation, AR 31/2006 section 28(3) (a) (b) which states that: All equipment and utensils in a commercial food establishment must be kept in good working order and condition and maintained in a manner that ensures the safe and sanitary handling of food.
- cc. A side panel was missing along the top lid of the back deep freezer, exposing insulation. This is in contravention of the Food Regulation AR 31/2006, section 18(a) which states that: An operator must ensure that all equipment and utensils used in the commercial food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from material that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance.
- dd. Rust was observed on the top lid of the middle deep freezer. Additionally, the broken handle was covered with grease and glue. This is in contravention of the Food Regulation AR 31/2006, section 18(a) which states that: An operator must ensure that all equipment and utensils used in the commercial food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from material that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance.
- ee. There was a buildup of grease and food debris on equipment and utensils throughout the kitchen including but not limited to; the underside of the food preparation cooler handles,

stove surfaces, grills, deep fryers and the ventilation canopy. This is in contravention of the Food Regulation, AR 31/2006 section 28(2) which states that: 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.

- ff. The ice machine was coated with grease and food debris. This is in contravention of the Food Regulation, AR 31/2006 section 28(2) which states that: 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
- gg. There was dried meat debris on the meat slicer. This is in contravention of the Food Regulation, AR 31/2006 section 28(2) which states that: 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.
- hh. The raised wooden panel under the standing freezers was covered in dirty sealant, debris, and grease. This is in contravention of the Food Regulation, AR 31/2006 section 28(2) which states that: 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
- ii. There was a build-up of grime, grease, and food debris on structural surfaces throughout the facility including but not limited to, the floors, shelving units, ceiling and walls. This is in contravention of the Food Regulation AR 31/2006, section 28 (2), which states that: 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.
- jj. Staff lacked basic food safety knowledge. This is in contravention of the Food Regulation, AR 31/2006, section 31(1) which states that: A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one individual who has care and control of the commercial food establishment holds a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.
- kk. Records were not signed off for cooler and freezer temperatures, dishwasher sanitizer concentration, food service sanitizer concentrations and the cleaning schedule. This is in contravention of the Food Regulation, AR 31/2006, section 29 (1) (2) which states that: (1) A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance. (2) The procedures must include (a) the cleaning and sanitizing requirements for the commercial food establishment and for all equipment and

utensils in it, if any, that are not normally washed in a dishwasher, and (b) a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentrations and uses.

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. Schedule a Compliance Review meeting with Alberta Health Services, Environmental Public Health management.
 - b. Compose a reduced menu for approval. The reduced menu must include comprehensive procedures for thawing, cooking, cooling and cold storage or hot holding of each item on the menu.
 - c. Discard all perishable foods that were left out at room temperature.
 - d. Store all perishable foods at 4 degrees Celsius or below or at 60 degrees Celsius or above.
 - e. Thaw all foods according to Section 3.3.2 (b) of the Food Service and Food Retail Code.
 - f. Cool soups down rapidly using ice baths or ice wands, then store in the refrigerator or freezer.
 - g. Obtain regular/unscented bleach to prepare the sanitizer solution for food contact surfaces. Ensure the concentration of the food surface sanitizer is at 100ppm. Use appropriate test strips to measure the concentration.
 - h. Obtain a chlorine product as directed by manufacture instructions for the dishwasher. Use appropriate test strips to measure the concentration following the rinse cycle
 - i. Prepare written audit forms for daily opening and closing procedures. The form(s) must outline all safety and maintenance procedures needed to operate the food establishment (i.e., how to mix and test the surface sanitizer solution/bucket solution and frequency changing the solution, how to assess the dishwasher to ensure it is operating optimally and confirm the concentration of sanitizer following the sanitization cycle, check that the handwashing sink is clear and stocked with liquid soap and paper towel. How to check cold holding and storage equipment and record temperatures 3 times during operating hours (beginning, middle and end of the day), ensure hot water is available at the beginning of each day, etc.)
 - j. Ensure all foods are protected from contamination and handled in a sanitary manner. All foods must be stored in food grade containers and be properly covered.
 - k. Ensure the handwashing sink is available for handwashing at all times and stocked with liquid soap and clean paper towels.
 - l. Discard the roll of paper towel covered with grease.
 - m. Properly install a handwashing sink in the middle food preparation area.

- n. Ensure staff are washing their hands before donning and after removing gloves. Ensure gloves are changed between tasks.
 - o. Discard all broken utensils, containers and equipment.
 - p. Clean and sanitize all surfaces and equipment and maintain the food establishment in a clean and sanitary state hereafter.
 - q. Eliminate black flies from the food establishment. Provide an Alberta Health Services Executive Officer a written professional pest control contract and records.
 - r. Keep the back door closed at all times or repair the screen on the back door so it is tight fitting.
 - s. Relocate all staff personal items and food items to an area that is separate from food and food service items for the public.
 - t. All staff must complete the basic food safety course online (Alberta Food Safety Basics Interactive Course).
 - u. One person in care and control of the food establishment must re-take an approved food safety certificate course. (List of approved courses: <https://www.alberta.ca/assets/documents/health-recognized-food-safety-courses-alberta.pdf>.)
Check and record temperatures of coolers and freezer, dishwasher and sanitizer daily.
 - v. Prepare, implement, and maintain a detailed written sanitation program to facilitate the proper cleaning of all areas of the food establishment, including equipment, and structural surfaces. The sanitation program must include a list of all cleaning and sanitizing agents used within the food establishment. The cleaning schedule must be signed off by owner and daily signed records must be kept.
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, August 24, 2021.

Confirmation of a verbal order issued to Linh Hong Nguyen on August 19, 2021.

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 Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Calgary • Southport • Environmental Public Health

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www.albertahealthservices.ca/eph.asp