

## ORDER OF AN EXECUTIVE OFFICER

**To:** 1419581 Alberta Ltd. O/A Dynasty Century Palace Restaurant  
Thang (Tom) Ly  
“the Owner”

**RE:** The food establishment located in Edmonton, Alberta and municipally described as:  
Dynasty Century Palace, #206, 9700 105 Avenue, Edmonton, Alberta

**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. On July 10, 2018, September 18, 2018, October 16, 2018, and November 2, 2018 raw meat was stored above and beside ready-to-eat foods, vegetables, and cooked foods in the cooler.
- b. On July 10, 2018 multiple staff were noted to be eating food in the kitchen and food prep areas, without distinct separation.
- c. On July 10, 2018, August 15, 2018 September 18, 2018 and October 16, 2018 wet, dirty, used cleaning cloths were observed on countertops. Bucket of sanitizer ranged from approximately 0 to over 200ppm.
- d. On July 10, 2018 the hand sink in the women’s washroom lacked soap.
- e. On July 10, 2018 and August 15, 2018 0ppm chlorine solution was tested in the rinse bay of the dishwasher. The dishwasher was dispensing 200ppm chlorine at the nozzle, but it was not reaching the dishes as there was no residual in the rinse bay.
- f. On July 10, 2018, September 18, 2018, October 1, 2018, and October 16, 2018 some foods were partially covered and/or gave access to the cockroaches or other potential sources of contamination.
- g. Hot holding of various high risk food items were noted between 40°C-50°C
  1. On July 10, 2018 a large pot of broth was noted at 45°C. The burner was turned off.
  2. On October 16, 2018 buns with perishable fillings and non-steamed dim sum items were noted between 40°C-50°C.
- h. Perishable foods were noted at room temperature.
  1. On July 10, 2018 rice was noted soaking at room temperature.
  2. On August 15, 2018 several whole chickens were noted hanging at room temperature with no timers.
  3. On September 18, 2018 various cooked dim sum items were noted at 30°C and bus pans of rice and rice noodles were noted at room temperature.
  4. On September 18, 2018 and October 1, 2018 a bowl of egg slurry was noted at 16°C and 13°C
  5. On October 16, 2018 a container of cooked beans, reconstituted garlic in oil, and several perishable sauces noted between 18.9°C-19.9°C when probed

6. On October 26, 2018 2 "house made" sauces, identified as sweet and sour sauce was noted between 21.0°C-21.1°C when probed.
  - i. On July 10, 2018, September 18, 2018, October 16, 2018 and November 2, 2018 bowls were being used as scoops and were stored with the high touch surfaces in direct contact with the food ingredient.
  - j. On July 10, 2018, August 15, 2018, September 18, 2018, October 16, 2018, October 19, 2018, October 26, 2018, and November 2, 2018 poor sanitation was noted at varying levels throughout the whole facility, including, but not limited to the food equipment, back storage areas, behind/underneath all shelves and equipment on the cook lines and food prep areas, high touch areas, grease bins, garbage containers, electrical outlets, pipes and plumbing lines, the cooler handles, in the dishwashing area, etc.
  - k. On August 15, 2018 the hand sink in the food prep area lacked paper towel.
  - l. On August 15, 2018, September 18, 2018, October 16, 2018, October 26, 2018 and November 2, 2018 evidence of cockroach infestation was noted within the facility. Live and dead cockroach was observed both on and off the glue traps during multiple inspections.
  - m. On August 15, 2018 a staff member was observed handling food then proceeding to touch multiple food prep surfaces and equipment without removing gloves or washing hands.
  - n. On August 15, 2018, October 16, 2018 and November 2, 2018 re-useable, non-disposable, orange rubber kitchen gloves were noted throughout the facility and appeared to be used for both food handling and washing dirty dishes.
  - o. On August 15, 2018 a staff member was observed to use a pair of tongs that fell on the floor without adequately cleaning and sanitizing the tongs.
  - p. On August 15, 2018, September 18, 2018, and October 16, 2018 no supervisory or management personnel in the facility had recognized qualifications in food sanitation, Section (31).
  - q. On September 18, 2018 and October 1, 2018 frozen meats were noted improperly thawing in a prep sink filled with stagnant water and/or sitting on the counter at room temperature.
  - r. On September 18, 2018, October 16, 2018, October 26, 2018, and November 2, 2018 unlabeled/mislabeled bottles or buckets with a clear liquid were noted throughout the kitchen.
  - s. On September 18, 2018 and October 16, 2018 an effective pest control monitoring program was not in place; there were no records available at the time of inspection. Glue boards were missing on many of the walls throughout the facility. The glue boards present were placed in a manner that was not effective at trapping cockroaches.
  - t. On September 18, 2018 and October 1, 2018 various food items (potato bird nests/bok choy and deep fried chips) were being stored in the laundry room.
  - u. On September 18, 2018 a buildup of food debris was noted in many wooden dim sum bowls that had been washed and stored with the clean dishes.
  - v. On September 18, 2018 yellow cleaning cloths used to cover raw chicken were noted mounded on food prep surfaces.
  - w. On October 16, 2018 and October 19, 2018 containers for storing dishes and utensils were in poor condition and were broken in multiple places.
  - x. On September 18, 2018 and October 19, 2018 fraying and broken metal sieves were noted in use.
  - y. September 18, 2018 and October 16, 2018 clean dishes and utensils were stored in bins that have debris, grease, and grime buildup
  - z. On September 18, 2018 and October 16, 2018 the exhaust canopy was missing filters preventing the equipment from adequately removing grease laden vapors

- aa. On September 18, 2018 and October 16, 2018 a written food safety program was not created, implemented or utilized by staff or in a format that could be utilized by staff
- bb. On October 16, 2018 the referred to food facility was in contravention of an Executive Officer's Order previously issued on September, 19 2017.
- cc. On October 16, 2018 multiple food containers were stacked in a manner that the bottom of one container was in direct contact with the food beneath – no barriers to separate it.
- dd. On October 16, 2018 containers of sauces stored directly on the floor in the kitchen and storage areas.
- ee. On October 16, 2018 a staff member was observed coming out of the staff washroom wearing orange rubber gloves. The staff member continued to wash dishes without washing hands.
- ff. On October 16, 2018 and November 2, 2018 grease was dripping from the ventilation canopy on the cook line
- gg. On October 19, 2018 the ambient air temperature in the small walk-in cooler was noted at 11°C-12°C. Internal food temperatures were noted above 4°C when probed.
- hh. On October 20, 2018 food items (thawing shrimp, taro dumplings, congee, and pineapple buns) were being handled when an order to cease and desist food preparation had been issued to the premise.
- ii. On October 26, 2018 a rusty spatula was noted between a chopping block and unsanitary pillar. Spatula was in disrepair and not easily cleanable.
- jj. On November 2, 2018 at least one bucket of sanitizer was noted less than 100ppm chlorine.
- kk. On November 2, 2018 a staff member was observed washing reusable orange gloves in wok water, then used paper towel to dry the gloves off and placed them on a food contact surface in the main kitchen. The staff member then put the gloves back on and proceeded to wash dirty dishes and then handle the clean dishes without removing gloves or washing hands.
- ll. On November 2, 2018 dirty dishes left over from the previous night were noted in the dish pi, an area noted to be high in cockroach activity.
- mm. On November 2, 2018 the ambient air temperature of the smaller walk-in cooler was noted at 7.8°C.
- nn. On November 2, 2018 rice in the smaller walk-in cooler was improperly cooled. Internal temperature was measured at 15°C when probed.
- oo. On November 2, 2018 a plumbing leak was noted on the east side of the cook line
- pp. On November 2, 2018 three large crusted rocks were noted in the facility, one of which was stored in a pot in a plastic storage container covered by a yellow cloth napkin
- qq. On November 2, 2018 a severely frayed bristle brush was noted.
- rr. On November 2, 2018 a knife was noted in a dirty cardboard sheath.

**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. Violations [a., f., i., cc., and dd.] are contravention of Section 23 of the Food Regulation, which states: "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.

And "subject to any procedure involved in disposing of it that is otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption must not be served, offered for sale, processed, packaged, displayed or stored for human consumption."

- b. Violations [b., d., k., m., n., ee., and kk.] are in contravention of Sections 30(1) and 30(4) of the Food Regulation, which states:

(1) "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"

AND

(4) "The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied."

- c. Violations [c., e., o., u., v.-z., ii., jj., qq. And rr.] are in contravention of Section 28 of the Food Regulation, which states:

(1) "A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.

(2) 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.

(3) 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."

- d. Violation [f., j., l., s., ff., and ll.] is in contravention of Section 21 of the Food Regulation which states, "The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harboring or breeding of pests" and "A written record of all pest control measures used in the food establishment and surrounding area, premises and facilities referred to in subsection (1) must be maintained."

- e. Violations [g., h., gg., mm. ] are in contravention of sections 24 & 25(1) of the Food Regulation which states, "All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat." and "All high-risk food must be stored, displayed and transported at a temperature of

(a) not more than 4 C or such higher temperature, or

(b) not less than 60 C or such lower temperature as an executive officer stipulates under subsection (4)."

- f. Violations [q., t., hh., nn., oo., and pp.] are in contravention of section 24 of the Food Regulation which states, "All food processing in a food establishment must be done in a manner that makes the food safe to eat."
- g. Violation [p.] is in contravention of Section 31 of the Food Regulation which states, "(1) 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 certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate."
- h. Violation [r.] is in contravention of Section 20(2) of the Food Regulation which states: 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."
- i. Violations [aa.] is in contravention of Section 29 of the Food Regulation which states, "A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance" and "The procedures must include (a) the cleaning and sanitizing requirements for the 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 food establishment, including their concentration and uses."
- j. Violation [bb.] is in contravention of Section 73(1) of the Public Health Act which states, "A person who contravenes this Act, the regulations, an order under section 62 or an order of a medical officer of health or physician under Part 3 is guilty of an offence."

**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 undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Cease and desist the practice of storing high risk perishable foods at room temperature. Keep perishable foods in the cooler or freezer until needed for processing. Ensure that hot foods meant to be served hot are maintained at hot holding temperatures of 60°C with a continual heat source. Ensure coolers are at 4°C or less and are equipped with an accurate thermometer. Only take out as much food as needed for immediate food preparation. Promptly refrigerate or freeze perishable foods after processing and cooling or promptly place hot foods in hot holding equipment. Ensure *all* perishable foods are maintained either below 4°C or above 60°C at all times as to prevent microbial growth.

- b. Store food containers off of the floor. Ensure that food and food equipment is stored in a manner that prevents cross contamination.
- c. Ensure all foods are adequately covered before stacking another item on top of the food. Only allow food to come into contact with clean food grade materials. Store all open bags of bulk food ingredients in pest – proof containers with tight fitting lids that are smooth, cleanable, and nonabsorbent. Ensure all shelf stable foods are stored in pest proof containers with tight fitting lids and ensure those lids are fully seated when not in use.
- d. Re-organize the freezers and the coolers. Always cover foods with food grade material when not being processed to prevent cross contamination. Do not store food containers in contact with food in the container underneath it (i.e. do not stack without a barrier). Do not store raw meat products above or next to cooked foods, vegetables, partially cooked foods, or ready to eat foods at any time. Ensure that food is stored in a manner that prevents cross contamination.
- e. Cease and desist the practice of bowls in direct contact with food product. Use scoops with handles. Ensure the food equipment is clean before use for food preparation and storage. Retrain staff on the proper cleaning practices and storage procedures for scoops. Ensure that utensils are stored in a manner that prevents contamination of food when not in use.
- f. Ensure all chemicals, cleansers and similar agents are stored in clearly labeled containers so that their contents are easily identified.
- g. Cease and desist the practice of using the same gloves to wash dirty dishes and handle or prepare foods, hands must be washed and gloves changed between tasks (handling cash, garbage, soiled dishware, etc...). Ensure Alberta Health Services Guidelines for Proper Glove Use is followed.
- h. Continue to work with your pest control company to implement an integrated pest management program within the facility to eliminate to cockroach infestation. Do not move, interfere or tamper with any cockroach monitoring stations, bait, traps or other pest management devices placed by the Pest Control Company unless directed or authorized by the Pest Control Company and/or Executive Officer. Store all foods in a manner that does not allow for pest contamination. Do not allow garbage, food, debris, or unnecessary equipment to accumulate in a manner that would facilitate the harborage of pest or vermin.
- i. Vacuum/clean up dead cockroach carcasses, dust and grease throughout the facility, including fan motors of all equipment. This activity should be reflected and recorded in the sanitation plan.
- j. Do not store food intended for human consumption or undertake food handling in unapproved food handling/ food storage area. Store food and food equipment off of the floor. Distinctly separate food storage areas from non-food storage areas (e.g. the laundry room or elevator room).
- k. Keep wet, used, cleaning cloths in an approved sanitizer solution when not in use. Ensure that the Alberta Health Services Guidelines for the use of Wiping Cloths is followed.

- l. Ensure employees wash their hands with soap and dry with single-use paper towel before beginning work, after handling raw foods of animal origin; raw meat or poultry or raw fish, shellfish, marine crustacea, or eggshells; and after going to the toilet, coughing or sneezing, or smoking. Ensure that all staff practice proper personal hygiene and handwashing at designated fully equipped handwashing stations.
  
  - m. Ensure that a detailed, written sanitation program is maintained and utilized to facilitate the proper cleaning of all areas of the food establishment, including equipment and structural surfaces. Ensure that all staff are properly educated and trained regarding duties and requirements of the sanitation plan. Ensure that the written sanitation program is in compliance with Section 4.0 of the Food Retail and Food Services Code, 2003. Maintain the sanitation program to reflect the cleaning practices in the facility. Ensure that the written sanitation program is maintained and kept on site for staff to follow and ensure it is adhered to. Ensure sanitation program includes a list of all cleaning and sanitizing agents used in the food establishment, including their concentrations and uses.
  
  - n. Ensure that a detailed, written food safety plan is maintained and utilized regarding the criteria, monitoring, corrective actions and verification procedures and/or internal policies for temperature control of high-risk foods from purchase to service, personal hygiene, food storage, and pest control. For example, fill out and maintain the provided "Food Safety First – Daily Checklist", a written sanitation schedule, temperature logs, as well as the "Pest Control Checklist" and Alberta Serving Safer Food Alberta Guidebook on a daily basis. Ensure that these checklists are available upon request within the indicated food facility.
    - Ensure that the food safety plan facilitates the proper handling and storage of food within the commercial food establishment.
    - Ensure that all staff are properly educated and trained regarding duties and requirements of the food safety plan.
2. The work referred to in paragraph 1a.–n. shall commence immediately. The maintenance of the work prescribed by this Order remains in effect until February 23, 2018. This date may be revised in writing by an Executive Officer of Alberta Health Services depending on compliance and adherence to the imposed conditions.

The above conditions were noted at the time of inspections 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 Edmonton, Alberta, November 23, 2018

Confirmation of a verbal order issued to Thang (Tom) Ly on October 20, 2018.

\_\_\_\_\_(Original Signed)\_\_\_\_\_

Sarah Young, CPHI(C)  
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](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <http://www.health.alberta.ca/about/PHAB.html>

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](http://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](http://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: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)

Template revised May 8, 2018