

ORDER OF AN EXECUTIVE OFFICER

To: 1172123 Alberta Ltd.
Shiu Wong
Kwok Ki Wong
Gabriel Kee Wai Ho
Simon Cheung
“the Owner”

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Taipan Café 10627 97 Street, Edmonton, AB

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. Raw meat bones and cooked chicken were thawing on the counter at room temperature in the back food preparation area.
- b. Containers of cooked food were stacked in a manner that the bottom of one container was in direct contact with the food beneath with no food grade barriers to separate it.
- c. Several foods throughout the kitchen were found to be uncovered, partially covered and/or gave access to the cockroaches or other potential sources of contamination including on the cook line, coolers, freezers, and dry storage area.
- d. Containers of sauces stored directly on the floor in the kitchen and storage areas.
- e. Wet cleaning cloths were not stored in a sanitizing solution. Cloths were mounded on counters and other food contact surfaces.
- f. Bleach sanitizer solution was stored in a reused food bucket that still had a baking powder label on it and was not labeled as bleach.
- g. Raw meat was stored above and beside ready-to-eat foods, vegetables, and cooked foods in the walk-in cooler. A bowl of raw poultry was stored above a container of noodles and a bin of raw poultry was stored above vegetables. Hanging poultry was in direct contact with the dirty and greasy shelving in the walk-in cooler and above an open container of tofu.
- h. A staff member was observed to be handling raw meat and then continued to another task without washing hands.
- i. Food was being stored in, or on, non-food grade material. Raw meat bones were stored in a non-food grade black garbage bag. Food was being stored directly on newspaper.
- j. Reuseable, non-disposable, orange rubber kitchen gloves were used for both food handling and washing dirty dishes. These did not appear to be washed or sanitized between uses.
- k. Evidence of extensive cockroach infestation was noted throughout the facility. Many live and dead cockroaches of all life stages noted in food and on glue boards, counters, food equipment, utensils, containers, and structures involving various growth stages. A cockroach egg sack was noted on the outside of a food container.

- l. Utensils improper stored. Bowls were used as scoops and were stored with the high touch surfaces in direct contact with the food ingredient. A utensil was stored in between hand sink and a wall, which is not a sanitary area.
- m. Food equipment stored in basement area utility space which is not approved for food storage.
- n. Food preparation was apparently being conducted in the dishpit as confirmed by the manager. Rice cooker and bin of dry rice were stored in the dish pit so rice could be cooked here.
- o. Chopping block was grooved, stained, and beginning to pit and was severely worn. A dirty, stained cutting board was in use.
- p. Several bins were found to be broken or otherwise in disrepair.
- q. Effective pest control monitoring program was not in place. Glue boards were discarded or relocated by staff members and not put back in locations for accurate monitoring.
- r. Cleaning program was not effective. Cleaning schedule did not have cleaning and sanitizing procedures for all equipment and utensils, a complete detailed list of all equipment and utensils, or a list of cleaning and sanitizing agents used in the food establishment with their concentration and uses.
- s. Renovations were started in the food facility without approval (after the verbal Executive Officers Order was issued).

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. Violation [a] is in contravention of Section 25(1) of the Food Regulation which states:
 - (1) "All high-risk food must be stored, displayed and transported at a temperature of
 - (a) not more than 4C or such higher temperatures, or
 - (b) not less than 60C or such lower temperature as an executive officer stipulates under subsection (4)".
- b. Violations [a, b, c, d, e, g, h, l, j, k, l, m, o and p] 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."
- c. Violations [b, c, d, e, g, i, k] are in contravention of Section 23(1) of the Food Regulation, which states:
 - (1) "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.
 - (2) Subject to any procedures 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."
- d. Violations [c, d, i, k, l, m, n and p] 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 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.”

e. Violation [f] is in contravention of Section 20(2) of the Food Regulation, which states:

(2) “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.”

f. Violation [j] is in contravention of Section 30 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 food area.”

(2) A person must not work as a food handler if prohibited from working under the *Communicable Diseases Regulation* (AR 238/85).

(3) The operator must ensure that subsections (1) and (2) are complied with

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

g. Violations [e, k, and q] are in contravention of Section 21 of the Food Regulation which states:

(1) “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

(2) A written record of all pest control measures in the food establishment and surrounding area, premises and facilities referred to in subsection (1) must be maintained.”

h. Violations [m and n] are in contravention of Section 16(1) of the Food Regulation, which states:

(1) “An operator shall ensure that, before the operation of the commercial food establishment commences, the commercial food establishment

(a) is of sound construction and in a good state of repair,

(b) is so designed as to facilitate the effective cleaning and sanitizing of it and all equipment, utensils and surfaces with which food comes into contact, in it,

(c) is so designed as to ensure the safe and sanitary handling of food in it,

(d) has all its food areas separated from living quarters and from other areas where activities are carried out that are incompatible with the safe and sanitary handling of food.”

- i. Violations [r] is in contravention of Section 29 of the Food Regulation and Section 4.0 of the Food Retail and Food Services Code which states:
 - (1) “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.” AND
 - (4.0) “A food establishment shall have effective systems in place to:
 - i) Ensure adequate and appropriate maintenance and cleaning of the facilities and equipment;
 - ii) Control pests;
 - iii) Remove wastes: and
 - iv) Monitor and record the effectiveness of maintenance and sanitation procedures.”

- j. Violation [s] is in contravention of Section 6 of the Food Regulation which states, “A permit holder must notify the regional health authority that issued the permit in writing regarding
 - (a) any changes in the information provided in the application for the permit, or
 - (b) any changes in the operation of or major renovations or alternation to the food establishment in respect of which the permit was issued.

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. Ensure that all owners, supervisory staff, or anyone in care and control of the food establishment takes an Alberta approved food safety course that has been taken on or after the date of this Order. All other staff working in this food facility are to complete additional food safety training, at minimum Alberta Health Services Alberta Food Safety Basics.

 - b. 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.

 - c. Store food containers off of the floor. Ensure that food and food equipment is stored in a manner that prevents cross contamination at all times.

 - d. 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 at all times. Due to cockroach infestation, ensure that all other shelf stable foods are stored in pest proof containers with tight fitting lids and ensure those lids are fully seated when not in use.

- e. 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 at all times.
- f. Cease and desist the practice of storing food scoops or bowls in direct contact with food product. Use scoops with handles. Ensure the food equipment is clean before use for food preparation and storage at all times. 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.
- g. Ensure all chemicals, cleansers and similar agents are stored in clearly labeled containers so that their contents are easily identified.
- h. 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.
- i. 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.
- j. 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.
- k. Do not store food intended for human consumption or undertake food handling in unapproved food handling/ food storage areas, including the dishpit, utility room, or hot water tank area. Store food and food equipment off of the floor. Distinctly separate food storage areas from non-food storage areas, like the utility and hot water tank area downstairs.
- l. 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 at all times.
- m. Hands must be washed with soap 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.

- n. 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.
 - o. 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.
 - p. 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.
 - q. Due to high possibility of asbestos and/ or mould in the building, ensure any renovations done, including removing any walls, painting, reinstallation of drywall and laying of new flooring and/or sub floors, are compliant with Alberta Occupational Health and Safety requirements, which may include doing asbestos and/ or mould testing. All work for renovations must be approved in writing by Alberta Health Services and done in conjunction with Alberta Occupational Health and Safety requirements.
2. The work referred to in paragraph 1 shall be completed by the following deadline
- a. Item a must be completed on or before December 27, 2018. This date may be revised in writing by an Executive Officer of Alberta Health Services.
 - b. Items b - q must be maintained until December 27, 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 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 Edmonton, Alberta, October 11, 2018

Confirmation of a verbal order issued to Gabriel Kee Wai Ho on September 27, 2018.

_____(Original Signed)_____
Angelina Barlow, 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
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.

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: www.health.alberta.ca/about/health-legislation.html

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Cc: Alberta Gaming and Liquor Commission, Scott Gauthier
Alberta Occupational Health and Safety, Mike Mills
Zena's Extermination Company Inc., Susan Baxter

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[Suite 700, 10055 106 Street, Edmonton, Alberta, Canada T5J 2Y2](#)

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