

## **ORDER OF AN EXECUTIVE OFFICER**

**To:** 1119755 Alberta Ltd.  
Fu Peng Guan  
"the Owner"

**RE:** **The Wokkery Restaurant, 10969 – 98 Street, 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. A bin of cooked rice was left on the counter at room temperature with no method of temperature control. Internal temperature was measured at ~18C.
- b. No thermometer appeared to be available in the stand-up sliding door cooler.
- c. Soiled wet cleaning cloths were stored and mounded on counters and other food contact surfaces.
- d. Gloves used for cleaning and showed evidence of dried chemicals and cleaning solution were stored in such a manner to cause potential cross contamination of food contact surfaces and unprotected food.
- e. Outside of the garlic powder container was extremely unsanitary and encrusted with filth.
- f. The inside of the powdered beef stock container showed significant buildup of old food debris.
- g. Food storage containers throughout the facility were missing protective covers or lids.
- h. Rotten vegetables such as cabbages and eggplant were stored in the walk-in cooler on soiled cardboard.
- i. Grease laden newspaper and soiled cardboard were used throughout the facility to line shelves and as a food contact surface.
- j. A soiled cloth was used to cover cooked rice in the walk-in cooler.
- k. Grease laden newspaper was left on the grill surface creating a potential fire hazard.
- l. Rodent droppings were observed in the back storage area next to and behind the stand up freezer, along the baseboards where the mops area stored, and under the bar area.
- m. Pest control records and/or check list were not being maintained and were not readily available for inspection.
- n. A cracked and chipping plastic container was used to store chopped vegetables.
- o. Written sanitation program cleaning schedules had not been developed and not in use.
- p. Poor sanitation was noted throughout the facility, including the floors, walls, and ceiling of the entire facility, under and on food equipment, utensil containers, high-touched areas such as cooler door handles, and the inside and outside of the coolers.
- q. The designated hand washing station in the staff washroom was obstructed with miscellaneous items and is not currently in use.
- r. The two-compartment utility sink in the kitchen that lacked soap/paper towel and was used as a hand washing station after staff used the washroom.

**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 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."
- b. Violation [b] is in contravention of Section 18 of the Food Regulation, which states, "An operator shall ensure that
  - (a) all equipment and utensils used in the food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance, and
  - (b) all refrigeration and hot holding equipment used in the food establishment are
    - (i) of a type and capacity that are adequate to meet the needs of the food establishment,
    - (ii) capable of maintaining the respective temperatures required by section 26, and
    - (iii) equipped with an accurate thermometer.
- c. Violation [c] is in 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."
- d. Violation [d] is in contravention of Sections 16, 24 & 28(2) of the Food Regulation, which state "All food processing in a food establishment must be done in a manner that makes the food safe to eat," and "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." and, "An operator shall ensure that, before 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."
- e. Violation [e] is in contravention of Section 28 of the Food Regulation 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
    - (a) kept in good working order and condition, and
    - (b) maintained in a manner that ensures the safe and sanitary handling of food.
- f. Violation [f] is in contravention of Sections 24 & 28(2) of the Food Regulation, which state "All food processing in a food establishment must be done in a manner that makes the food safe to eat," and "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."

- g. Violation [g] is in contravention of Section 23(1) 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."
- h. Violation [h] is in contravention of Sections 23(2), 24 & 28(2) of the Food Regulation, which states "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 shall not be served, offered for sale, processed, packaged, displayed or stored for human consumption." and, "All food processing in a food establishment must be done in a manner that makes the food safe to eat," and "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."
- i. Violations [i, j] are in contravention of Sections 24 & 28(2) 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," and "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."
- j. Violation [k] is in contravention of Section 2(1) of the Nuisance and General Sanitation Regulation which states, "No person shall create, commit or maintain a nuisance."
- k. Violation [l] is in contravention of Section 21(1) 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 harbouring or breeding of pests"
- l. Violation [m] is in contravention of Sections 21(1) & 21(2) 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 harbouring 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."
- m. Violation [n] is in contravention of Section 23(1) 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."
- n. Violation [o] 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 concentrations and uses."
- o. Violation [p] is in contravention of Sections 19 & 28 of the Food Regulation, which states "A person must not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in Section 16 for the commercial food establishment have

been approved by the executive officer, and (b) it is constructed and maintained in accordance with that approval." and

"(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

(a) kept in good working order and condition, and

(b) maintained in a manner that ensures the safe and sanitary handling of food.

p. Violation [q] is in contravention of Section 17(1)(e) of the Food Regulation, which states

"An operator must ensure that, before operation of the commercial food establishment commences, the food commercial establishment has hand washing stations, adequate in number and location, to ensure convenient access to all food handlers."

q. Violation [r] is in contravention of Section 30(1) of the Food Regulation, which states "A food handler shall

(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."

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. Keep all high risk foods at a safe temperature at all times. Ensure that food meant to be served hot is maintained at hot holding temperatures with a continual heat source. Ensure that high risk foods are stored, displayed and offered for sale at less than 4°C or greater than 60°C at all times to prevent microbial growth, unless approved otherwise by an Executive Officer.
- b. Cover all foods in the coolers and the freezer with food grade material. Ensure that food is always stored in a manner that prevents contamination.
- c. Keep thermometers in all coolers. Ensure that all coolers and hot holding units are equipped with accurate thermometers at all times for temperature monitoring.
- d. Store wiping cloths in an approved sanitizing solution when not in use. Ensure cleaning cloths and other utensils are always stored in a manner that does not contaminate food, food contact surfaces, or food service items.
- e. Cease and desist the practice of hand washing at the utility sink. Ensure hand washing is conducted at a designated hand washing only and that designated hand washing stations are equipped with hand washing supplies. Ensure paper towel is dispensed in a hygienic manner, such as in an enclosed dispenser.
- f. Discard and discontinue the use of all damaged food containers, to prevent foreign materials from contaminating foods.
- g. Remove all items not associated with food preparation from food areas. Such items do not contaminate food, food equipment or food preparation surfaces.

- h. Ensure that all containers used to store food and all food contact surfaces are constructed from food grade materials and maintained in a sanitary condition at all times to prevent contamination.
- i. Discard all rotten and contaminated food items. Ensure that all food in the food facility that is not fit for human consumption is promptly removed from the facility and is not allowed to contaminate other food items.
- j. Eliminate the presence of mice and flying insects. Ensure that appropriate pest control devices are properly placed to facilitate the eradication of the pests. Do not allow garbage, food, or debris to accumulate in a manner that would facilitate the harborage of pest or vermin. Ensure that the facility is maintained in a pest free condition at all times. Ensure that written records of pest control activities are maintained on site and available for inspection at all times. Hire a licensed pest control operator to facilitate in the elimination of mice or other vermin.
- k. Clean and maintain all food contact surfaces and equipment, and flooring. Ensure that all equipment, utensils and surfaces that may come into contact with food is maintained in a sanitary condition, washed, and sanitized in a manner that removes contamination at all times. Ensure that the food establishment is maintained in a clean and sanitary condition at all times. Cleaning is required:
  - Under and behind cooking appliances
  - Underneath and behind equipment
  - Under shelving units and coolers and all other equipment
  - The ceilings
  - All high-touched areas such as cooler door handles
  - Rodent droppings throughout the facility
  - Inside and outside of the coolers.
  - Thoroughly clean the shelving and the contents within
- l. Develop and utilize a sanitation program to facilitate the proper cleaning of all areas of the food establishment. 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 at all times. Ensure sanitation program includes a list of all cleaning and sanitizing agents used in the food establishment, including their concentrations and uses.

2. The work referred to in paragraph 1 shall be completed by the following deadlines:
  - a. Items a-i must be completed before March 15, 2017.
  - b. Items j-l must be completed before March 31, 2017.

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, March 9, 2017

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

Jannie Szeto, 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, Telus Plaza 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).

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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)

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