

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: **Richard De Castro**
719, 700 Ramage Close
Red Deer, AB T4P 3X8

RE: The food establishment located in Red Deer, AB and municipally described as **719, 700 Ramage Close, Red Deer, for the mobile food concession known as “Kubie King”**.

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. A lack of hot running water for the purposes of hand washing and ware washing.
- b. A lack of fresh water sufficient to meet the needs of the mobile concession.
- c. A lack of hand washing equipment including soap and paper towel.
- d. Cooked kielbasa sausages were being stored at approximately 30 degrees Celsius.
- e. A lack of sufficient grey water storage to meet the needs of the mobile concession.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- a. The hot water tank was found to be turned off and there was not enough fresh water available for hand and ware washing. This condition is in contravention of Section 17(1)(f)(i) which states as follows: “An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment (f) is (i) supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the commercial food establishment.”
- b. No hand washing supplies (e.g. soap and paper towel) were available in the unit. This is in contravention of Section 17(1)(e) which states as follows: “An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment has hand washing stations that are adequate in number and situated so as to ensure convenient access by all food handlers.”
- c. High risk foods were left stored at approximately 30 degrees Celsius. This condition is in contravention of section 25(1)(a)(b) of the Food Regulation (AR31/2006), which states as follows: “All high risk food must be stored, displayed and transported at a temperature of (a) not more than 4 degrees Celsius or such higher temperature, or (b) not less than 60 degrees Celsius or such lower temperature.”
- d. An inappropriate grey water storage container was hooked up to the sink drain. This condition is in contravention of Section 17(1)(f)(ii) which states as follows: “An

operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment (f) is (ii) connected to a lawful and properly operating sewage disposal system.”

- e. The owner of the mobile unit does not have an approved food safety training certificate. This is in contravention of Section 31(1) which states as follows: “A person operating a commercial food establishment must, at any time where 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.”

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

1. That you, the owner and/or operator, immediately close the above noted food establishment and cease from any further retailing or conveying of food products to the public.
2. 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 sufficient hot and cold running water are available at all times and in sufficient quantities to meet the needs of the food establishment (minimum 20L of water).
 - b. Ensure that hand washing supplies, including soap and paper towel, are always available at the hand washing sink.
 - c. Ensure that high risk foods are maintained at proper temperatures and handled in such a manner that they do not present a risk to public health.
 - d. Ensure that the unit has a grey water holding tank of sufficient size to meet the unit’s requirements (minimum 22L tank).
 - e. Ensure that at least one food handler, who is in care and control of the food establishment, has completed or is registered to complete an approved food sanitation and hygiene course.
3. The work referred to in paragraph 2 (a), (b), (c), (d) shall be completed by November 4, 2012 or before the unit can operate again and the work referred to in paragraph 2(e) shall be completed by Feb 1, 2013.

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 **Red Deer**, Alberta, **November 3, 2012**.

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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

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.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

Confirmation of an oral order issued to **Richard De Castro**, at **November 3, 2012 at 1:30am**.

Copy **Garth Gosselin**, Area Supervisor