

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: 2154733 Alberta Inc.
Brian T Kombani
Chantelle Gomien
“the Owner”

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Uncle Brian’s Food Company, 3480 93 Street NW, T6E 6A4

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. High risk potentially hazardous foods were observed and verified as stored at more than 4°C and less than 60°C when not in use, namely: raw meat stored on the vacuum sealer at room temperature – measured at +19°C both with internal probe and external temperature readings. High risk foods were left inside of a toaster/air fryer – measured at +18°C external temperature reading.
- b. The dry-aged meat was stored improperly that includes but is not limited to:
 - a. The dry-aged meat observed in the walk-in cooler was not aged/stored in a humidity-controlled environment as required to produce dry-aged meat.
 - b. The dry-aged meat was partially covered in plastic that would prevent the proper air flow.
 - c. The dry-aged meat was stored in a raw meat cooler – requirements are that the dry-aged meat is stored in an environment that prevents contamination and was required to be segregated from all other meat products and meat processing activities.
- c. Improper packaging or incomplete vacuum sealing of packaged meats was observed: freezer burned meats had packaging full of air and ice crystals.
- d. No ready-made sanitizer was available for used dirty cloth storage. Spray bottles labeled “sanitizer” contained no measurable concentration of a food grade sanitizer.
- e. Used bloody and dirty cleaning cloths were stored on the counter and the smoker unit and were not stored in sanitizing solution before use or between uses.
- f. No labels were applied onto some of the re-prepackaged meat that were on display in the customer area and ready for sale.
- g. The handsink in the kitchen was dirty, was blocked from easy access, and was missing paper towel for proper handwashing.
- h. Food and/or food equipment was stored in an unsanitary manner which includes but is not limited to:
 - Food related equipment was stored on top of a dirty garbage can.

- A knife was observed on the floor.
- Food and/or food equipment was observed stored on the floor of the dry storage room.
- Griddles were observed stored on the floor, a dirty broom was stored on the griddle surface.
- Sausage casings were stored in an open and were unprotected from contamination.
- i. Personal items and non-food items were stored on top of and among food and/or food equipment throughout the food processing areas. A vape was stored with the mouthpiece in direct contact with the meat processing table. No separation or organization of food/food equipment from non-food objects.
- j. In the walk-in cooler, meat intended for human consumption was stored in garbage bags made with plastic that was not food grade.
- k. Staff were conducting cooking activities in raw meat areas and not in the designated staff area.
- l. A chemical spray bottle was not labelled to as to disclose contents and prevent mixing of chemicals.
- m. Food equipment was broken and not maintained in good repair:
 - Some of the meat display trays were broken, overworn, overused, and pieces of plastic were missing from the trays.
 - Tape was used on broken pieces of the sous vide equipment.
- n. Improper clean-in-place procedures were observed. Inconsistent, infrequent, and inadequate sanitization and cleaning of raw meat food equipment was observed:
 - Food equipment had been left used and dirty, with raw meat and blood product contaminating food touch surfaces - with no cleaning or sanitizing after use was complete.
 - Other food equipment exhibited build-up of food and debris were observed that include and but were not limited to - the metal racks for dish/equipment, the air fryer, storage equipment, the spice spills in the dry storage room, the cords and exteriors of equipment, the scale.
- o. A large puddle of water and blood was observed in the walk-in cooler.
- p. The back door was left open, no screen was in place. Live flies were observed within the facility.
- q. The faucet of the compartment dishwashing sinks was leaking water.
- r. Written cleaning schedules for staff to sign were observed on the walls, many were not filled out and/or signed recently.

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. High risk potentially hazardous foods were observed and verified as stored at more than 4°C and less than 60°C when not in use, namely: raw meat stored on the vacuum sealer at room temperature – measured at +19°C both with internal probe and external temperature readings. High risk foods were left inside of a toaster/air fryer – measured at +18°C external temperature reading; which is in contravention of **Section 25(1) of the Food Regulation, AR 31/2006**, which states that: "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 stipulated under subsection (4).

- b. The dry-aged meat was stored improperly that includes but is not limited to: the dry-aged meat observed in the walk-in cooler was not aged/stored in a humidity-controlled environment as required to produce dry-aged meat, the dry-aged meat was partially covered in plastic that would prevent the proper air flow, the dry-aged meat was stored in a raw meat cooler – requirements are that the dry-aged meat is stored in an environment that prevents contamination and was required to be segregated from all other meat products and meat processing activities; which is in contravention of **Section 23(1) and Section 24 of the Food Regulation, AR 31/2006**, which states that: **23(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. AND **Section 24** All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.
- c. Improper packaging or incomplete vacuum sealing of packaged meats was observed: freezer burned meats had packaging full of air and ice crystals; which is in contravention of **Section 23 of the Food Regulation, AR 31/2006**, which states that: **23(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 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.
- d. No ready-made sanitizer was available for used dirty cloth storage. Spray bottles labeled “sanitizer” contained no measurable concentration of a food grade sanitizer; which is in contravention of **Section 28(1) and 28(2) of the Food Regulation, AR 31/2006** 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.
- e. Used wet, bloody, and dirty cleaning cloths were stored on the counter and the smoker and were not stored in sanitizing solution before use or between use; which is in contravention of **Section 28(1) and Section 28(2) of the Food Regulation, AR 31/2006**, which states that: **28(1)** A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance. **28(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.
- f. No labels were applied onto some of the re-prepackaged meat that were on display in the customer area and ready for sale; which is in contravention of **Sections 22(1) and 22(2) of the Food Regulation, AR 31/2006**, which states that: **22(1)** Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity. **(2)** Subsection (1) does not apply to a food establishment that lawfully provides cutting and wrapping services for uninspected meat, but such meat must be clearly labelled, adequately separated from all other food and identified as not for public consumption to the satisfaction of the executive officer.

- g. The handsink in the kitchen was dirty, was blocked from easy access, and was missing paper towel for proper handwashing; which is in contravention of **Section 28(1) and 28(2) and Section 30(1)(f) and (4) of the Food Regulation, AR 31/2006** 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. AND **Section 30(1)(f)** refrain from any other conduct that could result in the contamination of food or a food area" (3) The operator must ensure that subsections (1) and (2) are complied with **30(4)** The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied."
- h. Food and/or food equipment was stored in an unsanitary manner which includes but is not limited to: Food related equipment was stored on top of a dirty garbage can, a knife was observed on the floor, food and/or food equipment was observed stored on the floor of the dry storage room, griddles were observed stored on the floor, a dirty broom was stored on the griddle surface, sausage casings were stored in an open and were unprotected from contamination; which is in contravention of **Section 23(1) of the Food Regulation, AR 31/2006**, which states that: **23(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.
- i. Personal items and non-food items were stored on top of and among food and/or food equipment throughout the food processing areas, a vape was stored with the mouthpiece in direct contact with the meat processing table, no separation or organization of food/food equipment from non-food objects; which is in contravention of **Section 20(1) and Section 23(1) of the Food Regulation, AR 31/2006**, which states that: **20(1)** All articles and materials 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. AND **Section 23(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.
- j. In the walk-in cooler, meat intended for human consumption was stored in garbage bags made with plastic that was not food grade; which is in contravention of **Section 23(1) of the Food Regulation, AR 31/2006**, which states that: **23(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.
- k. Staff were conducting cooking activities in raw meat areas and not in the designated staff area; which is in contravention of **Section 20(1) and Section 23(1) of the Food Regulation, AR 31/2006**, which states that: **20(1)** All articles and materials 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. AND **Section 23(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.

- l. A chemical spray bottle was not labelled to as to disclose contents and prevent mixing of chemicals; which is in contravention of **Section 20(2) of the Food Regulation, AR 31/2006**, which states that: **20(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.
- m. Food equipment was broken and not maintained in good repair: some of the meat display trays were broken, overworn, overused, and pieces of plastic were missing from the trays, tape was used on broken pieces of the sous vide equipment; which is in contravention of **Section 18(a) and 17 (1)(a)(b)(c) of the Food Regulation, AR 31/2006**, which states that: **18** An operator must ensure that (a) 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 materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance. **AND 17(1)** An operator must 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 designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it, (c) is designed so as to ensure the safe and sanitary handling of food in it.
- n. Improper clean-in-place procedures were observed. Inconsistent, infrequent, and inadequate sanitization and cleaning of raw meat food equipment was observed: food equipment had been left used and dirty, with raw meat and blood product contaminating food touch surfaces - with no cleaning or sanitizing after use was complete, other food equipment exhibited build-up of food and debris were observed that include and but were not limited to - the metal racks for dish/equipment, the air fryer, storage equipment, the spice spills in the dry storage room, the cords and exteriors of equipment, the scale; which is in contravention of **Section 28 of the Food Regulation, AR 31/2006**, which states that: **28(1)** A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance. **28(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. **28(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.
- o. A large puddle of water and blood was observed in the walk-in cooler; which is in contravention of **Section 23(1) and Section 28(2) of the Food Regulation, AR 31/2006** which states: **23(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. **AND Section 28(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.

- p. The back door was left open, no screen was in place. Live flies were observed within the facility; which is in contravention of **Section 21 of the Food Regulation, AR 31/2006**, which states that: **21(1)** Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests. (1.1) The following must be kept reasonably free of pests and of conditions that lead to the harbouring or breeding of pests: (a) any surrounding area, premises or facilities supporting a commercial food establishment, including any outdoor food handling areas of the commercial food establishment; (b) a mobile food establishment.
- q. The faucet of the compartment dishwashing sinks was leaking water; which is in contravention of **Section 17(1)/1(a) and Section 17(1)(f) of the Food Regulation, AR 31/2006**, which states that: **17(1)** An operator must 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, **17(1)(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, **(ii)** connected to a lawful and properly operating sewage disposal system.
- r. Written cleaning schedules for staff to sign were observed on the walls, many were not filled out and/or signed recently; which is in contravention of **Section 29 of the Food Regulation, AR 31/2006**, which states: **29(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. 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. 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 to prevent microbial growth.

- b. Discard the dry-aged meat hind leg observed inside the walk-in cooler. The meat is required to be dry aged in a temperature-controlled environment that is humidity-controlled and/or monitored. The meat that is being dry-aged cannot be in contact with plastic or any other in contact covering that will impede continuous air flow. Dry aged meat must be segregated from all other meat products and not done where other fresh meat is stored. Dedicated walk-in coolers or chambers should be used. Any dry-age meat records must be maintained that document temperature and humidity levels of the aging environment on a routine basis. Dry aged meat must not exceed 120 days.
- c. Remove and discard all foods that were freezer burned due to improper packaging and vacuum sealing techniques. Ensure that stock rotation is maintained a first in, first out basis. Ensure that all foods that enter the food facility are in good condition, are wholesome, are not rotten or spoiled, and exhibit dates that are not expired or past the best before dates.
- d. Keep wet used cleaning cloths in an approved sanitizer solution when not in use. Ensure that the container used to house the sanitizer is maintained in a clean and sanitary condition and the solution is changed as often as needed and tested to ensure proper concentration. Use on contaminated surfaces and in the customer areas often. Ensure that the Guidelines for the use of Wiping Cloths is followed.
- e. All packaged/re-packaged foods within the food facility must conform to the Canadian Food Inspection Agency requirements and therefore, exhibit labels that disclose its contents, the source of the product, and the contact information for the location the food was packaged in.
- f. Ensure that the hand sinks are accessible for use, equipped with soap and paper towel and are maintained in a clean and sanitary manner. Retrain staff members in proper handwashing and glove use practices. Ensure that staff members follow the following requirements:
 - i. Hands must be washed 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.
 - ii. Use of plastic gloves while preparing food is effective only if employees wash their hands before putting them on and when they change into a new pair.
 - iii. Gloves must be changed as often and as necessary.
 - iv. Hands must be washed and gloves changed between handling of different foods during preparation and between unrelated tasks (moving stock, handling cash, garbage, soiled dishware, etc...).
 - v. Once used gloves are removed from the hands, discard the gloves – do not save for later use.
- g. Re-organize the food and equipment storage areas. Remove the food and/or food equipment from the floor. Obtain a clean and sanitary method for storing unused sausage casings. Do not store food or food equipment on the floor or on garbage cans. Ensure that food and food equipment is stored in a manner that prevents contamination.
- i. Create a system and storage area for staff clothing that is distinctly separate from all food and food related equipment. Cease and desist the practice of personal and/or dirty items on food equipment, food, and other areas. Distinctly separate tools, personal items, and inedible material from food intended for human consumption and food equipment. Remove tools, chemicals, golf clubs,

medications, personal items, and any other equipment not needed for the day-to-day operation of the facility from the food processing and food storage areas.

- h. Cease and desist using green/orange/black garbage bags to cover food at any time. Use only food-grade plastic to cover or contain food.
- i. Cease and desist the practice of preparing ready to eat foods and drinks in the raw meat processing areas of the food facility. Designate a clean separate area for staff to store and/or make and store their own food and beverages that is distinctly separate from all raw meat areas.
- j. Discard all chemical bottles that have been re-used for a different chemical. Do not mix chemicals. Follow the instructions for use specific to the chemical. Label all generic spray bottles in a manner that discloses the chemical content within. Create and maintain a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentrations and uses. Train the staff to use the chemical list and how to prevent the mixing of different chemicals.
- k. Remove/repair/replace all broken, damaged, or otherwise unsuitable equipment, cutting boards, utensils, bins, tables, trays, and containers (etc.) from the food areas. Do not use duct tape or tape or string to repair food equipment. Ensure that food equipment is in good working condition and state of repair.
- j. Cease and desist the practice of leaving raw meat components on any food equipment processing overnight. Clean, sanitize, and maintain all food contact surfaces and equipment. Ensure that all meat equipment is cleaned and sanitized before switching to a different animal protein. Ensure that all meat equipment is cleaned and sanitized immediately once a staff member has finished using that equipment. Clean up all pools of blood and raw meat components from the walk-in cooler floor and storage. Thoroughly clean and maintain the metal racks for dish/equipment, the air fryer, storage equipment, the spice spills in the dry storage room, the cords and exteriors of equipment, the scale. Please ensure that the food establishment is maintained in a clean and sanitary condition.
- k. Remove the presence of flies. Keep up-to-date written pest control maintenance records. Ensure all surfaces in the food facility are in good repair and in a condition that renders them easy to clean and in a condition that does not allow the harborage of pests. Install a screen door to prevent the flies. Conduct any other repairs identified by the pest control company.
- l. Repair the leaking plumbing or other sources of leaks from the faucets and/or dishwashing sinks. Repair the indicated defects in the plumbing, drains, and/or sanitary drainage systems. Such systems include drains, fixtures, stacks, traps, and vents. Ensure that plumbing and drainage systems are maintained in compliance with the Alberta Plumbing Code and any other associated regulations. Ensure that all plumbing is maintained in good working condition.
- m. Create or revise your written sanitation program to facilitate the proper cleaning of all areas and all food equipment 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. Train the staff to use and implement the written sanitation program.
- n. Modify any developed food safety plan to address the chronic and problematic issues and areas identified during this inspection and on past inspections.
 - i. Ensure that the food safety plan facilitates the proper handling and storage of food within the commercial food establishment - and meets the

- requirements and intentions of section 3.0 of the Food Retail and Food Services Code, 2003, (Amended June 2020).
- ii. Ensure that all appropriate staff are properly educated and trained regarding duties and requirements of the food safety plan.
 - iii. Maintain the food safety plan to reflect safe and proper food handling practices within the commercial food establishment.
 - iv. Ensure that the food safety plan is maintained and kept on site for staff to follow and is available upon request for inspection.
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 Edmonton, Alberta, June 20, 2024

Confirmation of a verbal order issued to Chantelle Gomien and Brian Kombani on June 18, 2024.

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 the Public Health Appeal Board or visiting their website.

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Edmonton • Environmental Health • Safe Food Division

Suite 700, 10055 106 Street, Edmonton, Alberta, T5J 2Y2

www.albertahealthservices.ca/eph.asp