

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COUNTY OF ALLEGHENY, a political
subdivision of the Commonwealth of
Pennsylvania,

Plaintiff,

vs.

THE CRACKED EGG, LLC,

Defendant.

CIVIL DIVISION – EQUITY

No. GD-20- 9809

**EMERGENCY
MOTION FOR PRELIMINARY INJUNCTION**

Filed on behalf of Plaintiff

Counsel of Record for Plaintiff:

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Pa. Id. No.: 90979
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Allegheny County Health Department

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DEPT OF COMMON RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

FILED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COUNTY OF ALLEGHENY, a political)	
subdivision of the Commonwealth of)	CIVIL DIVISION – EQUITY
Pennsylvania,)	
)	
Plaintiff,)	No.: GD-20-
)	
vs.)	
)	
THE CRACKED EGG, LLC,)	
)	
Defendant.)	

EMERGENCY MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, County of Allegheny, through the Allegheny County Health Department (“ACHD” or “Department”), by and through its undersigned counsel, hereby files its Motion for Preliminary Injunction pursuant to Rule 1531 of the Pennsylvania Rules of Civil Procedure. In support of this Motion, the Department hereby incorporates by reference as if fully set forth herein the averments and exhibits contained in the Department’s Complaint in Civil Action - Equity (the “Complaint” and which has been attached hereto as Exhibit “A”).

I. SUMMARY OF RELEVANT FACTS

1. Plaintiff is the County of Allegheny, a home rule county and political subdivision of the Commonwealth of Pennsylvania, acting by and through the Allegheny County Health Department (hereinafter “ACHD”), a local health department organized under the Local Health Administration Law, 16 P.S. §§ 12001-12029, whose powers and duties include the enforcement of laws relating to public health and food and environmental safety within Allegheny County.

2. Pursuant to the Pennsylvania Disease Prevention and Control Law of 1955 (hereinafter “DPCL”), the ACHD has primary responsibility for the prevention and control of

communicable and non-communicable diseases in Allegheny County. 35 P.S. § 521.3(a).

3. Upon information and belief, Defendant The Cracked Egg, LLC operates a food facility, The Crack'd Egg, at 4131 Brownsville Road, Pittsburgh, PA, 15227 (lot and block number 0188-N-00133).

4. The property that The Crack'd Egg operates from is owned by Tri-River Associates II, LLC.

5. On June 19, 2020, the ACHD received the first of many complaints from the public regarding The Crack'd Egg's failure to comply with COVID-19 control measures issued by the Commonwealth of Pennsylvania.

6. On July 1, 2020, ACHD representatives inspected The Crack'd Egg and observed public-facing employees and patrons not wearing face masks.

7. On July 28, 2020, ACHD representatives re-inspected The Crack'd Egg and observed employees and patrons not wearing face masks.

8. On August 5, 2020, ACHD representatives re-inspected The Crack'd Egg and observed food safety violations of Article III and COVID-19 violations, including public-facing employees working without wearing face masks, patrons admitted into facility without face masks, permitting the use of a bar area, and failure to sufficiently space apart outdoors seats.

9. On August 7, 2020, ACHD representatives re-inspected The Crack'd Egg and observed food safety violations of Article III and COVID-19 violations, including public-facing employees working without wearing face masks, patrons admitted into facility without face masks, and failure to sufficiently space apart outdoors seats.

10. On August 11, 2020, ACHD representatives re-inspected The Crack'd Egg and observed public-facing employees working without wearing face masks and a patron admitted into

the facility without a face mask.

11. On July 1, 2020, the Commonwealth of Pennsylvania issued an *Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings* which required the use of face coverings at indoor locations where the public is generally admitted and while engaged in work, including at restaurants.

12. On July 15, 2020, the Commonwealth of Pennsylvania issued an *Order of the Secretary of the Pennsylvania Department of Health Directing Targeted Mitigation Measures* which required restaurants to limit occupancy to 25% of stated fire code maximum occupancy for indoor dining and to limit occupancy at discrete indoor events or gatherings to 25 persons; include restaurant staff in occupancy limit; and employ social distancing, masking, and other mitigation measures to protect workers and patrons.

13. Due to the imminent danger to the public health caused by continued non-compliance with the Governor's orders regarding COVID-19 control measures, on August 11, 2020, the ACHD immediately suspended The Crack'd Egg's permit to operate and ordered the facility to close (hereinafter "August 11th Closure Order").

14. In violation of this suspension, The Crack'd Egg has continued to operate, conceal its closure sign, and remove the sign, as observed by ACHD representatives on August 24, 2020 through August 28, 2020, inclusive, August 31, 2020 through September 4, 2020, inclusive, and September 10, 2020.

15. Upon information and belief, Defendant The Cracked Egg, LLC has deliberately continued operations in direct violation and contravention of the August 11th Closure Order.

II. ARGUMENT

A. Injunction Standards

16. The “purpose” of a preliminary injunction is to preserve the status quo as it exists or previously existed before the acts complained of, thereby preventing irreparable injury or gross injustice.” *Maritrans GP, Inc. v. Pepper, Hamilton & Scheetz*, 602 A.2d 1277, 1286 (Pa. 1992); *see also Chipman v. Avon Grove Sch. District.*, 841 A.2d 1098, 1101 (Pa. Commw. 2004).

17. The decision to grant an injunction rests in the sound discretion of the trial court. *Ambrogi v. Reber*, 932 A.2d 969, 974 (Pa. Super. 2007).

18. An injunction should be granted where:

- a. the movant possesses a clear right to the injunctive relief;
- b. the injunctive relief prevents immediate and irreparable harm to the movant;
- c. refusing the injunctive relief will result in greater harm than granting it;
- d. the injunctive relief will not adversely affect the public interest, and
- e. the injunctive relief is narrowly tailored and restores the status quo as it existed before the defendant’s alleged wrongful conduct.

See, e.g., Brayman Constr. Corp. v. Penn Dep’t of Transp., 13 A.3d 925, 935 (Pa. 2011); *Ambrogi*, 932 A.2d at 976; *Kessler v. Broder*, 851 A.2d 944, 947 (Pa. Super. 2004).

B. Allegheny County is Entitled to Preliminary Injunctive Relief.

19. The Department, acting in conformity with powers and authority delegated to it by the Local Health Administration Law 16 P.S. §§ 12001-12029, the ACHD’s Rules and Regulations as promulgated under Article III, Food Safety (Allegheny County Code of Ordinances Chapter

830) (hereinafter “Article III”), and the Pennsylvania Disease Prevention and Control Law of 1955 (hereinafter “DPCL”), issued multiple orders to the Defendant for noncompliance with the Commonwealth of Pennsylvania’s orders regarding COVID-19 control measures.

20. Following the Defendant’s refusal to comply with the Commonwealth’s orders regarding COVID-19 control measures, the Department exercised its authority under Article III and issued its August 11th Closure Order.

21. There can be no credible argument that the Department, acting in accordance with its powers and authority and following the issuance of an order, is not entitled to injunctive relief.

C. Allegheny County Will Suffer Immediate and Irreparable Harm Without the Requested Injunction.

22. The goal of injunctive relief is to avoid “irreparable injury or gross injustice until the legality of the challenged action can be determined.” *Fischer v. Dep’t of Pub. Welfare*, 439 A.2d 1172, 1174 (Pa. 1982).

23. Irreparable harm is harm that cannot be adequately measured or compensated by money damages. *City of Philadelphia v. Weiner*, 550 A.2d 274, 278 (Pa. Commw. 1988); *see also Ambrogi*, 932 A.2d 969, 978.

24. As set forth more fully in the Complaint, Defendant has resumed operation of its facility in violation of the August 11th Closure Order.

25. Because exposure to COVID-19 poses a significant public health hazard, the harm that Defendant’s conduct presents is one that is immediate and irreparable by mere monetary damages. The harm caused by Defendant’s action is imposed upon the entire community within the Department’s jurisdiction and in whose interest the Department now acts.

D. Refusing to Grant the Preliminary Injunction Will Result in Greater Harm Than Granting It.

26. It cannot be overstated that Defendant's refusal to act in conformity with the August 11th Closure Order constitutes an immediate public health risk to the extent that it is exposing the public to a highly infectious, communicable disease caused by a new coronavirus not previously seen in humans.

27. If Defendant is permitted to continue to avoid compliance, a greater harm will be put upon the community by its exposure to COVID-19. Conversely, maintaining the status quo as it existed prior to Defendant's violation does nothing but forces the Defendant to comply with the August 11th Closure Order.

E. The Injunctive Relief Will Not Adversely Affect the Public Interest.

28. As noted above, the Department has been delegated the powers and duty to enforce the laws relating to public health and COVID-19 control measures within Allegheny County.

29. It is in the public interest that the citizens of Allegheny County not be exposed to COVID-19.

30. The Department has acted in the interest of public health in the issuance of the August 11th Closure Order directing the Defendant to close its facility in order to comply with the orders of the Commonwealth.

31. Accordingly, the injunctive relief sought, in fact, promotes the public interest insofar as it would require Defendant to enforce mask usage for employees and patrons, maintain safe distancing, and comply generally with the Commonwealth's COVID-19 control measure orders.

F. The Injunctive Relief Sought Is Narrowly Tailored and Restores the Status Quo as it Existed Before the Defendant's Wrongful Conduct.

32. “The status quo to be maintained by a preliminary injunction is the last actual, peaceable, and lawful non-contested status which preceded the pending controversy.” *Lewis v. City of Harrisburg*, 631 A.2d 807, 812 (Pa. Commw. 1993) (citing *Commw. v. Coward*, 414 A.2d 91, 99 (Pa. 1980)).

33. The Department seeks a preliminary injunction which would compel the Defendant's adherence to an already issued order; namely the August 11th Closure Order.

34. The wrongful conduct was positively established prior to the issuance of the August 11th Order and factual findings to that effect were proffered as a part of that order.

35. Despite having notice and an opportunity to appeal the August 11th Closure Order, Defendant has never availed itself of that opportunity.

36. Accordingly, the relief sought is tailored narrowly to ensure compliance with a previously issued administrative order and seeks solely to restore the facility to the safe conditions existing prior to Defendant's violations.

III. CONCLUSION

WHEREFORE, Plaintiff County of Allegheny, through the Allegheny County Health Department herein moves this Honorable Court to issue an order, in the form herein attached, imposing immediate preliminary injunction upon Defendant The Cracked Egg, LLC.

Date: 9/14/2020

By: Vijya Patel
Vijyalakshmi Patel Esq.
Attorney for the Plaintiff Allegheny County
301 39th Street, Bldg. No. 7
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Tel.: 412-578-2653
Email: Vijya.Patel@AlleghenyCounty.US

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing EMERGENCY MOTION FOR PRELIMINARY INJUNCTION was served on this 16th day of September 2020, via email PDF to the following address:

Pro Se:

The Cracked Egg, LLC
c/o Kimberly and Don Waigand
4131 Brownsville Road
Pittsburgh, PA, 15227
Email: thecrackedegg250@gmail.com
(Defendant The Cracked Egg, LLC)



Vijjalakshmi Patel, Esq.

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CIVIL DIVISION – EQUITY

No. GD-20-

ORDER OF THE COURT

Filed on behalf of Plaintiff

Counsel of Record for Plaintiff:

Michael A. Parker, Esq.

Pa. Id. No.: 90979

Solicitor

Allegheny County Health Department

Vijyalakshmi Patel, Esq.

Pa. Id. No.: 319945

Assistant Solicitor

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Plaintiff,)	No.: GD-20-
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vs.)	
)	
THE CRACKED EGG, LLC,)	
)	
Defendant.)	

ORDER OF COURT

AND NOW, this _____ day of _____, 2020, upon consideration of Plaintiff's Emergency Motion for Preliminary Injunction, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court makes the following findings:
 - a. Plaintiff possesses a clear right to injunctive relief on its claims for violation of Plaintiff's August 11th Closure Order;
 - b. Injunctive relief will prevent immediate and irreparable harm to Plaintiff and the general public;
 - c. Refusing injunctive relief will result in greater harm than granting it;
 - d. Injunctive relief will not adversely affect the public interest; and
 - e. The injunctive relief is narrowly tailored, and restores the status quo as it existed before Defendant's wrongful conduct.

2. Plaintiff's Motion for Preliminary Injunction is GRANTED and a Preliminary Injunction is hereby entered, as follows.

The above-captioned Defendant, as further identified in the Complaint, is hereby ORDERED to:

a. Submit to the ACHD a COVID-19 compliance plan for the operation of The Crack'd Egg at 4131 Brownsville Road, Pittsburgh, PA, 15227 (lot and block number 0188-N-00133).

b. Cease and desist from violating the August 11, 2020 enforcement order by willfully opening and operating The Crack'd Egg at 4131 Brownsville Road, Pittsburgh, PA, 15227 (lot and block number 0188-N-00133).

c. Cease and desist from ignoring its obligations under the August 11, 2020 enforcement order,

3. This ORDER shall become effective IMMEDIATELY.

BY THE COURT: _____, J

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CIVIL DIVISION – EQUITY

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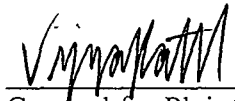
COMPLAINT IN CIVIL ACTION - EQUITY

Code 020

Certificate of Location

This Equity Complaint affects a tract
of real property located at 4131
Brownsville Road, Brentwood,
Allegheny County, Pennsylvania,
designated as Parcel I.D. No. 0188-
N-00133 in the Real Estate Office of
Allegheny County.

By:



Counsel for Plaintiff,
Allegheny Co. Health Dept.

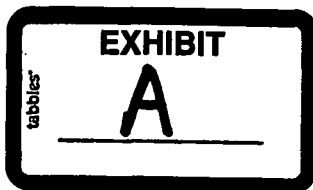
Filed on behalf of Plaintiff

Counsel of Record for Plaintiff:

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THE CRACKED EGG, LLC,)	
)	
Defendant.)	

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE,
The Allegheny County Bar Association
11th Floor Koppers Building, 436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555
www.acbalrs.org

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)	
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)	
THE CRACKED EGG, LLC,)	
)	
Defendant.)	

COMPLAINT IN CIVIL ACTION – EQUITY

AND NOW comes the County of Allegheny, acting by and through the Allegheny County Health Department (hereinafter “Department” or “ACHD”) and its undersigned attorneys, and brings this action pursuant to the ACHD’s Rules and Regulations, Article III, Food Safety (Allegheny County Code of Ordinances Chapter 830) (hereinafter “Article III”), against Defendant, The Cracked Egg, LLC, and in support thereof avers the following:

PARTIES

1. Plaintiff is the County of Allegheny, a home rule county and political subdivision of the Commonwealth of Pennsylvania, acting by and through the ACHD, a local health department organized under the Local Health Administration Law, 16 P.S. §§ 12001-12029, whose powers and duties include the enforcement of laws relating to public health and food and environmental safety within Allegheny County.

2. Upon information and belief, Defendant The Cracked Egg, LLC operates a food facility, The Crack’d Egg, at 4131 Brownsville Road, Pittsburgh, PA, 15227 (lot and block number 0188-N-00133).

3. The property that The Crack'd Egg operates from is owned by Tri-River Associates II, LLC.

BACKGROUND

4. The ACHD is a local health department organized under the Local Health Administration Law, 16 P.S. §§ 12001-12029 (hereinafter, "LHAL"), whose powers and duties include the enforcement of laws relating to public health within Allegheny County, including, but not limited to ACHD Article III, Food Safety.

5. The LHAL requires that whenever the ACHD's director finds a nuisance detrimental to the public health, the director must order that that nuisance be abated. 16 P.S. § 12012(d).

6. Pursuant to the Pennsylvania Disease Prevention and Control Law of 1955 (hereinafter "DPCL"), the ACHD has primary responsibility for the prevention and control of communicable and non-communicable diseases in Allegheny County. 35 P.S. § 521.3(a).

7. Section 5 of the DPCL states, "Upon receipt by a local board or department of health or by the department, as the case may be, of a report of a disease which is subject to isolation, quarantine, or any other control measure the local board or department of health or the department shall carry out the appropriate control measures in such a manner and in such a place as is provided by rule or regulation." 35 P.S. § 521.5.

8. The DPCL authorizes the State Advisory Health Board to promulgate rules and regulations concerning, "...the communicable diseases which are subject to isolation, quarantine, or other control measures..." 35 P.S. § 521.16(a)(3).

9. The ACHD is a "local health authority" as that term is defined by State Advisory Health Board promulgated regulations. See 28 Pa. Code § 27.1.

10. As a county department of health organized under the LHAL, the ACHD is a "local

morbidity reporting office” or “LMRO”, as that term is defined by the State Advisory Health Board at 28 Pa. Code § 27.1.

11. The State Advisory Health Board has issued a regulation regarding communicable disease control measures which states:

a. “The Department or local health authority shall direct isolation of a person or an animal with a communicable disease or infection; surveillance, segregation, quarantine or modified quarantine of contacts of a person or an animal with a communicable disease or infection; and any other disease control measure the Department or the local health authority considers to be appropriate for the surveillance of disease, when the disease control measure is necessary to protect the public from the spread of infectious agents.

b. The Department and local health authority will determine the appropriate disease control measure based upon the disease or infection, the patient's circumstances, the type of facility available and any other available information relating to the patient and the disease or infection.

c. If a local health authority is not an LMRO, it shall consult with and receive approval from the Department prior to taking any disease control measure.”

28 Pa. Code § 27.60.

12. COVID-19 is a highly infectious, communicable disease caused by a new coronavirus not previously seen in humans. It is a respiratory disease with symptoms including fever, cough, shortness of breath, and difficulty breathing.

13. On March 6, 2020, Pennsylvania Governor Tom Wolf, finding that threat from COVID-19 constitutes a threat of imminent disaster to the health of the citizens of the Commonwealth, made a statewide disaster declaration concerning the COVID-19 pandemic.

14. On March 12, 2020, Allegheny County made a county-wide emergency declaration due to the COVID-19 pandemic according to the ratification by county council.

15. Based on a determination that universal face coverings were an appropriate

control measure for COVID-19, the *Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings* (hereinafter, “Universal Face Coverings Order”), was issued by the Commonwealth of Pennsylvania on July 1, 2020.

16. Section 2 of the Universal Face Coverings Order requires the use of face coverings at indoor locations where the public is generally admitted and while engaged in work, including at restaurants.

17. Based on a determination that certain limitations on the occupancy of food service facilities were an appropriate control measure for COVID-19, the *Order of the Secretary of the Pennsylvania Department of Health Directing Targeted Mitigation Measures* (hereinafter, “Targeted Mitigation Order”) (the Universal Face Coverings Order and the Targeted Mitigation Order shall hereinafter collectively be referred to as the “COVID-19 Control Measure Orders”) was issued by the Commonwealth of Pennsylvania on July 15, 2020.

18. Section 1.B.i of the Targeted Mitigation Order requires, *inter alia*, restaurants to limit occupancy to 25% of stated fire code maximum occupancy for indoor dining and to limit occupancy at discrete indoor events or gatherings to 25 persons.

19. Section 1.B.ii of the Targeted Mitigation Order indicates that the occupancy limits imposed by Section 1.B.i include restaurant staff.

20. Section 1.B.iii of the Targeted Mitigation Order requires restaurants to employ social distancing, masking, and other mitigation measures to protect workers and patrons.

21. Section 7 of the Targeted Mitigation Order states, “Enforcement of this Order will begin on the effective date. All Commonwealth agencies involved in the licensing or inspection of any of the above-described facilities are directed to increase their enforcement efforts to ensure compliance with these critical mitigation measures. All local officials currently involved

or able to be involved in the Commonwealth's enforcement efforts are called upon to enforce these critical mitigation measures.

22. On October 5, 2015, the ACHD issued a permit to The Cracked Egg, LLC for the operation of The Crack'd Egg, client number 201510290005.

23. From July 1, 2020 through the present, The Cracked Egg, LLC has repeatedly violated orders issued by the Commonwealth of Pennsylvania and the ACHD's Article III at The Crack'd Egg.

24. The ACHD has initiated this suit to seek all remedies available under Article III and the ACHD's Rules and Regulations Article XVI, Environmental Health Civil Penalties, (hereinafter "Article XVI") regarding COVID-19 violations. Furthermore, ACHD seeks those remedies including injunctive relief and the imposition of civil penalties.

**COUNT 1:
VIOLATION OF COMMONWEALTH OF PENNSYLVANIA COVID-19
CONTROL MEASURE ORDERS:
UNIVERSAL FACE COVERING AND OTHER MITIGATION MEASURES**

25. The averments set forth in Paragraphs 1-24 are incorporated by reference as though fully set forth below.

26. In accordance with the COVID-19 Control Measure Orders, The Crack'd Egg must require all employees and patrons to wear face coverings when on the premises of the facility, employ proper social distancing measures, and cease using the bar area for customer seating.

27. On or about June 19, 2020, the ACHD began receiving complaints from the public regarding failure to comply with the COVID-19 Control Measure Orders at The Crack'd Egg. To date, the ACHD has received 16 complaints concerning failure to comply with the COVID-19 Control Measure Orders at The Crack'd Egg.

28. In response to these citizen complaints, the ACHD sent representatives to investigate the compliance status of The Crack'd Egg on July 1, 2020. During that onsite visit, ACHD representatives observed public-facing employees not wearing masks when interacting with customers and multiple customers not wearing masks as they entered the facility. These observations were documented in an Inspection Report, dated July 1, 2020, and attached hereto as Exhibit "A".

29. During the July 1, 2020 onsite visit at The Crack'd Egg, the ACHD representatives provided guidance on control measure order compliance.

30. Despite the compliance guidance provided to The Crack'd Egg on July 1, 2020, the ACHD continued to receive citizen complaints about failure to comply with COVID-19 control measure orders issued by the Governor and the County at the The Crack'd Egg.

31. On July 28, 2020, due to the continued citizen complaints, ACHD representatives conducted another onsite inspection for COVID-19 assessment. During this onsite inspection, ACHD representatives observed employees and patrons not wearing face masks. These observations were documented in a COVID-19 Assessment Report, dated July 28, 2020, and attached hereto as Exhibit "B".

32. On August 5, 2020, due to continued citizen complaints, ACHD representatives conducted a third onsite inspection. During this onsite inspection, ACHD representatives observed food safety violations of Article III and COVID-19 violations, including public-facing employees working without wearing face masks, patrons admitted into facility without face masks, permitting the use of a bar area, and failure to sufficiently space apart outdoors seats. These observations were documented in an Inspection Report, dated August 5, 2020, and attached hereto as Exhibit "C".

33. During the August 5, 2020 onsite visit at The Crack'd Egg, the ACHD representatives

provided guidance on control measure order compliance and provided the facility with a COVID-19 Safety Procedures for Businesses poster to be posted at the facility.

34. On August 7, 2020, ACHD representatives conducted a follow-up onsite inspection. During this onsite inspection, ACHD representatives observed food safety violations of Article III and COVID-19 violations, including public-facing employees working without wearing face masks, patrons admitted into facility without face masks, and failure to sufficiently space apart outdoors seats. These observations were documented in an Inspection Report, dated August 7, 2020, and attached hereto as Exhibit "D".

35. During the August 7, 2020 onsite visit at The Crack'd Egg, the ACHD representatives provided guidance on control measure order compliance and corrective actions for the violations identified.

36. On August 11, 2020, ACHD representatives conducted a partial onsite reinspection to assess COVID-19 compliance. During this onsite inspection, ACHD representatives observed public-facing employees working without wearing face masks and a patron admitted into the facility without a face mask. These observations were documented in an Inspection Report, dated August 11, 2020, and attached hereto as Exhibit "E".

37. Due to continued non-compliance with the COVID-19 Control Measure Orders observed on the August 11th Inspection, the ACHD determined that The Crack'd Egg's failure to comply with the COVID-19 Control Measure Orders constituted an imminent danger to the public health and, on August 11, 2020, issued, pursuant to the authority granted by Article III § 337.1, an immediate permit suspension order to The Crack'd Egg (hereinafter "Permit Suspension Order"). The Permit Suspension Order is attached hereto as Exhibit "F".

38. These recorded instances during which The Crack'd Egg operated in violation of the

COVID-19 Control Measure Orders, as averred in Paragraphs 28-36, necessitated the commencement of this enforcement action.

**COUNT 2:
VIOLATION OF ARTICLE III § 337.1:
PERMIT SUSPENSION**

39. The averments set forth in Paragraphs 1-38 are incorporated by reference as though fully set forth below.

40. Article III § 337.1 states as follows:

If the Director finds there is imminent danger to the public health the permit shall immediately be suspended. Any person whose permit has been suspended under this section shall upon written request be entitled to a hearing pursuant to Article XI, "Hearings and Appeals", of the Allegheny County Rules and Regulations. Upon suspension or revocation of a permit, the Director shall immediately post a notice of permit suspension or revocation in plain view at all customer entrances to the premises. Such notice shall not be concealed or removed. Removal shall be only at the direction of the Department. A person whose permit has been suspended shall have the permit reinstated upon completion of the corrective action required by the Director and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended permit.

41. On August 13, 2020 and on subsequent dates, an organization entitled Entrepreneurs Against Tyranny posted on social media that The Crack'd Egg will host an event at its premises on August 24, 2020. The social media posts are attached hereto as Exhibit "G".

42. On August 21, 2020, the ACHD issued a warning letter to The Crack'd Egg that opening the facility will result in violations of the Department's Article III (hereinafter "Warning Letter"). The Warning Letter is attached here to as Exhibit "H".

43. During on-site observations conducted on August 24, 2020 through August 28, 2020, inclusive, August 31, 2020 through September 4, 2020, inclusive, and September 10, 2020, ACHD representatives observed continued operations at The Crack'd Egg in violation of the Permit

Suspension Order. During those on-site observations, ACHD representatives also observed continued violations of the COVID-19 Control Measure Orders. The observations were documented in a series of memorandums and photographs attached hereto as Exhibit "I".

44. On August 26, 2020, August 27, 2020, and August 28, 2020, The Crack'd Egg concealed the closure placard placed by the ACHD on its facility, in violation of Article III § 337.1.

45. On August 31, 2020, September 1, 2020, September 2, 2020, September 3, 2020, September 4, 2020, and September 10, 2020, the closure placard placed by the ACHD on The Crack'd Egg was not posted, in violation of Article III § 337.1.

46. The Crack'd Egg blatantly advertised its deliberate intention to operate and actual operation in spite of the Permit Suspension Order on Facebook. Those advertisements were posted to The Crack'd Egg's Facebook page on August 12, 2020, August 17, 2020, August 31, 2020, and September 1, 2020. PDF copies of those Facebook posts are collectively attached hereto as Exhibit "J".

47. To date, The Cracked Egg, LLC has not filed an appeal of the Permit Suspension Order with the ACHD.

48. These recorded instances during which The Crack'd Egg violated Article III § 337.1 by operating and either concealing or removing the closure placard, as averred in Paragraphs 43-45, necessitated the commencement of this enforcement action.

WHEREFORE, the ACHD respectfully requests this honorable Court to find in favor of Plaintiff Allegheny County and against Defendant The Cracked Egg, LLC on all Counts averred in this Complaint and grant the following relief:

- a. Enter judgment declaring The Cracked Egg, LLC failed to comply with the

Commonwealth of Pennsylvania's COVID-19 Control Measure Orders and Article III § 337.1.

b. Enjoin The Crack'd Egg from operating until a COVID-19 compliance plan is submitted to and approved by the ACHD.

c. Direct The Cracked Egg, LLC to pay to the ACHD Food Safety Fund civil penalties consistent with Article XVI §1605 and Article III §337.4(D) prior to re-opening for violations of its ACHD permit.

d. Grant any such other relief as the Court deems necessary and/or appropriate.

Date: 9/14/2020

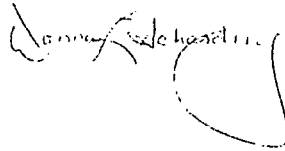
By: Vijya Patel
Vijyalakshmi Patel, Esq.
Attorney for the Plaintiff Allegheny County
301 39th Street, Bldg. No. 7
Pittsburgh, PA 15201-1891
Tel.: 412-578-2653
Email: Vijya.Patel@AlleghenyCounty.US

VERIFICATION

I, Donna L. Scharding, certify that I am authorized to make this verification on Plaintiff's behalf. I hereby verify that the averments made in the foregoing COMPLAINT IN CIVIL ACTION – EQUITY are true and correct to the best of my knowledge, information, and belief. I understand that this verification is made subject to the penalties provided in 18 P.S. § 4904, relating to unsworn falsification to authorities.

9-14-20

Date: _____



By: _____

Donna Scharding
Food Safety Program Manager
Allegheny County Health Department
For the Plaintiff



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT
REPORT

Client ID: 201510290005
Address: 4131 Brownsville Road
City: Pittsburgh
Municipality: Brentwood
Category Code: 211-Restaurant without Liquor
Re- Inspection: No - Inspector

Client Name: The Crack'd Egg
State: PA Zip: 15227
Inspector: Nakkeow, Varangkorn
Re- Inspection Date:

Inspection Date: 07/01/2020
Purpose: Complaint
Permit Exp. Date: 10/31/2020
Priority Code: H

Food Safety Assessment Categories	◆	Assessment Status				Violation Risk		
		S	NO	NA	V	High	Med.	Low
1 Food Source/Condition								
2 Cooking Temperatures #								
3 Consumer Advisory								
4 Reheating Temperatures #								
5 Cooling Food #								
6 Hot Holding Temperatures #								
7 Cold Holding Temperatures #								
8 Facilities to Maintain Temperature								
9 Date Marking of Food								
10 Probe-Type Thermometers								
11 Cross-Contamination Prevention #								
12 Employee Health #								
13 Employee Personal Hygiene #								
14 Cleaning and Sanitization #								
15 Water Supply								
16 Waste Water Disposal								
17 Plumbing								
18 Handwashing Facilities								
19 Pest Management #								
20 Toxic Items								
21 Certified Food Protection Manager								
22 Demonstration of Knowledge								
23 Contamination Prevention - Food, Utensils and Equipment								
24 Fabrication, Design, Installation and Maintenance								
25 Toilet Room								
	0	0	0	0	0	0	0	0

General Sanitation	◆	Assessment Status				Violation Risk		
		S	NO	NA	V	High	Med.	Low
26 Garbage and Refuse								
27 Floors								
28 Walls and ceilings								
29 Lighting								
30 Ventilation								
31 Dressing rooms and Locker rooms								
32 General Premises								
33 Administrative					x			
	0	0	0	0	1	0	0	0
# U.S. Centers for Disease Control and Prevention "high risk" for	0	0	0	0	1			

◆ - Diamond Exceptional
Client # 201510290005

S - Satisfactory NO - Not Observed NA - Not Applicable V- Violation





ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

INSPECTION DETAILS

Inspector Name: Nakkeow , Varangkorn	Balance Amount: \$0.00
Placarding: Inspected & Permitted	Contact: Kimberly & Don Waigar
Start Time: 09:50:00 AM	End Time: 11:00:00 AM
Phone:	(412) 881-3000

Violation: 33 Administrative

Comments:

- Facility is not complying with the mask usage guidelines. 3 - 4 public facing employees not wearing masks when interacting with customers.
- Multiple customers observed entering the facility with no mask on during inspection.

Food Code Section(s): 330

Corrective Action: Wear a mask or a facial covering.

Other Assesment observations and comments:

Exceptional Observations:

General Comments:

- Inspection conducted as a follow-up to multiple received complaints of no mask usage. Facility owner present at the time of inspection. Multiple employees observed without masks or facial covering. No enforcement of mask usage for customers entering the facility. Owner, as of today, will speak to her public-interfacing employees about wearing a mask. Owner will continue to provide disposable surgical masks. Signs are placed at the reception desk and on the sign board outside. Discussed mask usage guidelines, who and where a mask needs to be worn, and policy going forward. Owner feels it is a violation of personal rights to force employees to wear a mask. See attached files.

Update: 7/7/2020

Facility kitchen is large enough to accomodate three employees without crowding. Owner stated that there is no more than 2 cooks and a single dish washer present at any given time.



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

COVID-19 ASSESSMENT REPORT

3901 PENN AVE,

PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

Client ID: 201510290005

Client Name: The Crack'd Egg

Address: 4131 Brownsville Road

Date: 07/28/2020

City: Pittsburgh

State: PA Zip: 15227

Purpose: COVID-19 Assessment

Municipality: Brentwood

Assessor: K012983

Category Code: 211-Restaurant without Liquor

Assessment Categories	Assessment	
	Satisfactory	Unsatisfactory
Indoor occupancy (25%)	x	
Tables 6 feet apart	x	
Closed bar seating	x	
Face coverings by staff		x
Table service only	x	
Zero tobacco usage	x	
Closed by 11:00 pm	x	
	6	1
	6	1

ASSESSMENT DETAILS

Assessor: K012983

Contact:

Kimberly & Don Waigar

Start Time: 12:10:00 PM

End Time:

Phone:

(412) 881-3000

Unsatisfactory

Face coverings by staff

Comments:

Masks not required for staff or patrons. Masks are made available though.

Other assessment observations and comments:

Tables 6 feet apart Satisfactory

Every other table sat.

Closed bar seating Satisfactory

N/A

Table service only Satisfactory

N/A





ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT
REPORT

Client ID: 201510290005
Address: 4131 Brownsville Road
City: Pittsburgh
Municipality: Brentwood
Category Code: 211-Restaurant without Liquor
Re-Inspection: Yes - Inspector

Client Name: The Crack'd Egg
State: PA Zip: 15227
Inspector: Nakkeow, Varangkorn
Re-Inspection Date: 08/06/2020

Inspection Date: 08/05/2020
Purpose: Initial, Compla
Permit Exp. Date: 10/31/2020
Priority Code: 1

Food Safety Assessment Categories	◆	Assessment Status				Violation Risk			
		S	NO	NA	V	High	Med.	Low	
1 Food Source/Condition					x			x	
2 Cooking Temperatures #		x							
3 Consumer Advisory		x							
4 Reheating Temperatures #			x						
5 Cooling Food #					x	x		x	
6 Hot Holding Temperatures #		x							
7 Cold Holding Temperatures #					x	x			
8 Facilities to Maintain Temperature		x							
9 Date Marking of Food					x			x	
10 Probe-Type Thermometers		x							
11 Cross-Contamination Prevention #		x							
12 Employee Health #		x							
13 Employee Personal Hygiene #		x							
14 Cleaning and Sanitization #					x	x		x	
15 Water Supply		x							
16 Waste Water Disposal		x							
17 Plumbing		x							
18 Handwashing Facilities		x							
19 Pest Management #					x			x	
20 Toxic Items					x		x		
21 Certified Food Protection Manager		x							
22 Demonstration of Knowledge					x		x		
23 Contamination Prevention - Food, Utensils and Equipment		x							
24 Fabrication, Design, Installation and Maintenance					x			x	
25 Toilet Room		x							
		0	15	1	0	9	3	2	6

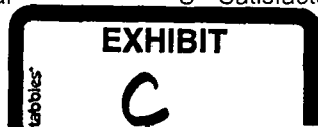
General Sanitation	◆	Assessment Status				Violation Risk			
		S	NO	NA	V	High	Med.	Low	
26 Garbage and Refuse					x			x	
27 Floors		x							
28 Walls and ceilings		x							
29 Lighting		x							
30 Ventilation					x			x	
31 Dressing rooms and Locker rooms				x					
32 General Premises		x							
33 Administrative					x				
		0	4	0	1	3	0	0	2

U.S. Centers for Disease Control and Prevention "high risk" for

0	19	1	1	12
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◆ - Diamond Exceptional S - Satisfactory NO - Not Observed NA - Not Applicable V - Violation

Client # 201510290005





ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

INSPECTION DETAILS

Inspector Name: Nakkeow, Varangkorn
Placarding: Inspected & Permitted
Start Time: 09:50:00 AM
End Time: 12:40:00 PM
Balance Amount: \$0.00
Contact: Kimberly & Don Waigar
Phone: (412) 881-3000

Violation: 1 Food Source/Condition

Comments: *LOW RISK*
- Bulk storage of dry ingredients such as a flour stored in a three-compartment plastic rolling bin in the basement preparation area.. No labels present for the bulk items.

Food Code Section(s): 303

Corrective Action: - Properly label.

Violation: 5 Cooling Food

Comments: *HIGH RISK***
- Plastic gallon sized container of sausage gravy and a 2/3 insert pan of home fries found cooling improperly. Temperature of the home fries between 77-96°F after 3 hours. Sausage gravy, temperatures reported by the operator between 72-77°F after 3 hours, when taken by the inspector, temperatures found at 85°F. Products discarded during inspection.

LOW RISK

- Cooling charts incorrectly filled out and time/temperatures not met during monitoring.
- Incorrect cooling procedures in place. Ice baths used do not meet the level of the food and the containers do not provide sufficient amounts of ice/water. Containers are almost equal in size.

Food Code Section(s): 304

Corrective Action: Use approved means such as blast chillers or adding ice to a condensed food.

Corrective Action: Cool cooked foods in uncovered metal containers 4 inches or less in depth or in pieces smaller than 4 pounds.

Violation: 7 Cold Holding Temperatures

Comments: *HIGH RISK***
- Portions of sliced cheeses wrapped in plastic found stored at 53°F in the upper compartment of the preparation cooler across from the cook line of the kitchen. Product moved to the lower compartment of the preparation cooler.

Food Code Section(s): 303

Corrective Action: Food must be held at 41° F or below

Violation: 9 Date Marking of Food

Comments: *LOW RISK*
- Prepared foods found stored and labeled with preparation dates and no discard dates throughout the facility.

Food Code Section(s): 304

Corrective Action: Properly label foods

Corrective Action: Discard date = Preparation date + 6 days.



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM
3901 PENN AVE,
PITTSBURGH, PA 15224
PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

Violation: **14 Cleaning and Sanitization**

Comments:

HIGH RISK**

- Deli slicer in the basement preparation area found soiled with a layer of old food debris on the backside of the cutting blade. Operator cleaned the unit during inspection.

LOW RISK

- Facility lacks test strips for low temperature chlorine dish machine behind the breakfast bar.
- Gaskets of the lower compartments of the preparation coolers found soiled with food debris present.
- Unidentifiable pink slime found present along the inside lip of the ice machine chute.

Food Code Section(s): 312

Corrective Action: Clean and sanitize food-contact surfaces of equipment and utensils after each use and following any interruption of operations, during which time, contamination may have occurred utilizing the following procedure:

1. Wash- hot soapy water.
2. Rinse-clear water.
3. Sanitize-approved sanitizer and water.
4. Air-dry.

Corrective Action: Clean and maintain non-food-contact surfaces of equipment

Corrective Action: Provide appropriate test strips or monitoring equipment

Violation: **19 Pest Management**

Comments:

LOW RISK

- Screen door in the basement that leads to the rear of the facility has multiple gaps present between the door and the frame. Visible light comes through around the door when closed. Seal.

Food Code Section(s): 319

Corrective Action: Eliminate harborage area, food sources, and entry sites

Violation: **20 Toxic Items**

Comments:

MEDIUM RISK*

- Kitchen:

-- Stainless steel polish stored above the hand sink/preparation where eggs are being actively cooled under running water next to the dish machine.
-- Spray cleaner stored on top of the ice machine and food preparation table next to the pass.
-- Compressed gas canisters and torch stored above the preparation table next to the right side range burners where food is being actively cooled.

- Basement:

-- Chemical cleaning agents, such as Comet stored above the preparation area across from the walk-in.

Food Code Section(s): 325

Corrective Action: Store chemicals below or separate from food and food contact surfaces

Violation: **22 Demonstration of Knowledge**

Comments:

MEDIUM RISK*

- Kitchen manager unaware of proper cooling procedures.

Food Code Section(s): 336

Corrective Action: Temperature Control - Cooling.



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

Violation:

24 Fabrication, Design, Installation and Maintenance

Comments:

LOW RISK

- Facility is using milk crates throughout the facility to elevate food items, such as cases of eggs and pancake batter from the floor in the walk-in cooler.
- Facility is using milk crates behind the breakfast bar to elevate utensils and single service articles from the floor.

Food Code Section(s): 309

Corrective Action: Repair / replace equipment

Violation:

26 Garbage and Refuse

Comments:

LOW RISK

- Dumpster stored on grass and dirt next to the paved parking lot behind the facility.

Food Code Section(s): 318

Corrective Action: Provide smooth, well-drained, easily cleaned surface

Violation:

30 Ventilation

Comments:

LOW RISK

- Cooking equipment not completely installed under the ventilation hood. Overhang not present along the left side of the ventilation hood over the range burners.

Food Code Section(s): 323

Corrective Action: Install equipment completely under hood / Provide sufficient overhang

Violation:

33 Administrative

Comments:

- Failure to comply with mandate requiring face coverings. Three employees working without masks or other face coverings.
- Failure to comply with requirement of patrons/guests entering into the facility with mask or face covering. Two guests observed entering the facility, not wearing a mask or face covering.
- Failure to comply with spacing and seating. Breakfast bar in-use and lack of spacing of outdoor seats. Breakfast bar accommodates five guests and seats are not spaced apart.

Food Code Section(s): 330

Corrective Action: Comply with government guidelines.

Other Assessment observations and comments:

Exceptional Observations:

General Comments:

Inspection conducted with Rachel Casteel, EHS I, in response to repeated complaints of no mask/facial covering usage. Facility does not require employees to wear a mask. No supply of masks observed during inspection. Public facing employees observed not wearing masks. Guests not wearing masks allowed into the facility without notice to have a mask or facial covering put on. Breakfast bar in-use for guest seating and dining. Bar accommodates five guests, but do not space out the seating. Facility does not have the COVID-19 Safety Procedures for Businesses poster posted. Discussed COVID-19 operating procedures and guidelines with the manager after report review. Facility given 24 hours for compliance, reinspection scheduled for 8/6/2020 to ensure compliance. Facility provided with the poster for COVID-19 Safety Procedures for Businesses to have filled out and displayed. In regards to the kitchen temperatures, ambient air temperature 88°F and spacing is available for distancing. Spacing of in-use tables is in adequate for the outdoor dining area. See uploaded images. Indoor dining and use of tables could not be identified due to decreased facility traffic.



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

Client ID: 201510290005
Address: 4131 Brownsville Road
City: Pittsburgh
Municipality: Brentwood
Category Code: 211-Restaurant without Liquor
Re- Inspection: Yes - Inspector

Client Name: The Crack'd Egg
State: PA **Zip:** 15227
Inspector: Nakkeow , Varangkorn
Re- Inspection Date: 08/10/2020

Inspection Date: 08/07/2020
Purpose: Reinspection
Permit Exp. Date: 10/31/2020
Priority Code: H

	◆	Assessment Status				Violation Risk			
		S	NO	NA	V	High	Med.	Low	
1 Food Source/Condition					x	x			
2 Cooking Temperatures #									
3 Consumer Advisory									
4 Reheating Temperatures #									
5 Cooling Food #					x		x		
6 Hot Holding Temperatures #									
7 Cold Holding Temperatures #					x	x			
8 Facilities to Maintain Temperature									
9 Date Marking of Food					x			x	
10 Probe-Type Thermometers									
11 Cross-Contamination Prevention #									
12 Employee Health #									
13 Employee Personal Hygiene #									
14 Cleaning and Sanitization #		x							
15 Water Supply									
16 Waste Water Disposal									
17 Plumbing									
18 Handwashing Facilities									
19 Pest Management #					x			x	
20 Toxic Items					x		x		
21 Certified Food Protection Manager									
22 Demonstration of Knowledge					x		x		
23 Contamination Prevention - Food, Utensils and Equipment									
24 Fabrication, Design, Installation and Maintenance					x			x	
25 Toilet Room									
		0	1	0	0	8	2	3	3

	◆	Assessment Status				Violation Risk			
		S	NO	NA	V	High	Med.	Low	
26 Garbage and Refuse					x			x	
27 Floors									
28 Walls and ceilings									
29 Lighting									
30 Ventilation					x			x	
31 Dressing rooms and Locker rooms									
32 General Premises									
33 Administrative					x				
		0	0	0	0	3	0	0	2
# U.S. Centers for Disease Control and Prevention "high risk" for		0	1	0	0	11			

◆ - Diamond Exceptional

S - Satisfactory NO - Not Observed NA - Not Applicable V- Violation

Client # 201510290005





ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

INSPECTION DETAILS

Inspector Name: Nakkeow, Varangkorn **Balance Amount:** \$0.00
Placarding: Inspected & Permitted **Contact:** Kimberly & Don Waigar
Start Time: 10:00:00 AM **End Time:** 01:00:00 PM **Phone:** (412) 881-3000

Violation: 1 Food Source/Condition

Comments:

*HIGH RISK***

- Manufactured vacuum packaged frozen beef found thawing in the middle compartment of the three-bowl sink located in the basement preparation area. Water temperature 55°F and the source of the water is the drain from the ice machine. Discontinue practice. Water from ice machine drain is considered waste water.
- Pooled eggs being served to highly susceptible populations.

-- Re-inspection comment:

- Bins labeled with common name of products.

Food Code Section(s): 301 ; 302

Corrective Action: Discard/remove food that is not in sound condition or not from an approved source.

Violation: 5 Cooling Food

Comments:

*MEDIUM RISK**

- Falsified temperatures on cooling charts identified. Listed "homies" or home fries to be at 40°F, but when checked, the temperatures range between 52-55°F depending on location inside the insert pan. Pan found stored covered in the basement walk-in cooler.
- Improper cooling procedures in-place for cooling. Ice baths incorrectly setup. Ice and water do not reach the top level. Facility is placing ice in an equally sized pan under the product to be cooled and ice on top of the product container in an effort to cool. Discontinue practice.

Food Code Section(s): 304

Corrective Action: Monitor cooling temperatures of leftover food or foods prepared in advance

Corrective Action: Record cooling temperature on charts

Corrective Action: Retain cooling charts for at least 30 days

Corrective Action: Properly chart food temperatures.

Violation: 7 Cold Holding Temperatures

Comments:

*HIGH RISK***

- Pooled eggs found at 45°F in the upper compartment of the preparation located across from the range burners at the end of the cook line.

Food Code Section(s): 303

Corrective Action: Food must be held at 41° F or below

Violation: 9 Date Marking of Food

Comments:

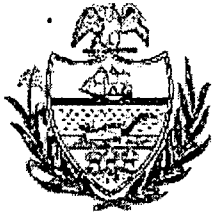
LOW RISK

- Facility is date-marking with +7 days to the preparation date.

Food Code Section(s): 304

Corrective Action: Properly label foods

Corrective Action: Discard date = Preparation date + 6 days.



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,
PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

Violation:

19 Pest Management

Comments:

LOW RISK

- Screen door in the basement that leads to the rear of the facility has multiple gaps present between the door and the frame. Visible light comes through around the door when closed. Seal.

Food Code Section(s): 318

Corrective Action: Eliminate harborage area, food sources, and entry sites

Violation:

20 Toxic Items

Comments:

*MEDIUM RISK**

- Stainless steel polish stored above the hand sink/preparation where eggs are being actively cooled under running water next to the dish machine.

Food Code Section(s): 325

Corrective Action: Store chemicals below or separate from food and food contact surfaces

Violation:

22 Demonstration of Knowledge

Comments:

*MEDIUM RISK**

- Owner is unaware of proper cooling procedures. Owner is taking the servsafe course on Monday, 8/10/2020.

Food Code Section(s): 336

Corrective Action: Temperature Control - Cooling.

Violation:

24 Fabrication, Design, Installation and Maintenance

Comments:

LOW RISK

- Facility is using milk crates throughout the facility to elevate food items, such as cases of eggs and pancake batter from the floor in the walk-in cooler.

- Facility is using milk crates behind the breakfast bar to elevate utensils and single service articles from the floor.

- Facility is using milk crates in the lower compartment of the preparation cooler across from the range burner at the end of the cook line.

Food Code Section(s): 309

Corrective Action: Resurface / replace

Corrective Action: Provide approved, NSF standard equipment

Violation:

26 Garbage and Refuse

Comments:

LOW RISK

- Dumpster stored on grass and dirt next to the paved parking lot behind the facility.

Food Code Section(s): 318

Corrective Action: Provide smooth, well-drained, easily cleaned surface

Violation:

30 Ventilation

Comments:

LOW RISK

- Cooking equipment not completely installed under the ventilation hood. Overhang not present along the left side of the ventilation hood over the range burners. Kitchen temperature between 87-88°F.

Food Code Section(s): 323

Corrective Action: Install equipment completely under hood / Provide sufficient overhang



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,

PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

Violation:

33 Administrative

Comments:

- Failure to comply with mandate requiring face coverings. Five employees working without masks or other face coverings.
- Failure to comply with spacing and seating. Spacing of tables for outdoor seating are not adequately spaced apart. Guests observed grouped up in the patio dining area.
- Failure to comply with requirement of patrons/guests entering into the facility with mask or face covering. Two guests observed entering the facility, not wearing a mask or face covering.
- Tables stated to be not in-use are not marked with indicators. Owner stated that tables to be used are marked with welcome signs.

Food Code Section(s): 330

Corrective Action: Comply with government guidelines and mandates.

Other Assessment observations and comments:

14 Cleaning and Sanitization

Satisfactory

- Deli slicer in the basement preparation area is clean.
- Test strips provided for the breakfast bar area.
- No pink slime identified inside the ice machine chute.

Exceptional Observations:

General Comments:

Administrative conference with the owner, Kim Waigand, regarding COVID-19 guidelines and policies. Discussed corrective actions to the violations identified. Inspection conducted with Rachel Casteel, EHS I, and Janet Russo, EH Supervisor in regards to complaints of no mask usage in the facility by public facing employees. Public facing employees observed not wearing masks. Guests not wearing masks allowed into the facility without notice to have a mask or facial covering put on.



ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

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FOOD SAFETY ASSESSMENT
REPORT

Client ID: 201510290005
Address: 4131 Brownsville Road
City: Pittsburgh
Municipality: Brentwood
Category Code: 211-Restaurant without Liquor
Re-Inspection: Pending - Inspector

Client Name: The Crack'd Egg
State: PA Zip: 15227
Inspector: Nakkeow, Varangkorn
Re-Inspection Date:

Inspection Date: 08/11/2020
Purpose: Partial ReInsp
Permit Exp. Date: 10/31/2020
Priority Code: H

Food Safety Assessment Categories	Assessment Status				Violation Risk			
	◆	S	NO	NA	V	High	Med.	Low
1 Food Source/Condition								
2 Cooking Temperatures #								
3 Consumer Advisory								
4 Reheating Temperatures #								
5 Cooling Food #								
6 Hot Holding Temperatures #								
7 Cold Holding Temperatures #								
8 Facilities to Maintain Temperature								
9 Date Marking of Food								
10 Probe-Type Thermometers								
11 Cross-Contamination Prevention #								
12 Employee Health #								
13 Employee Personal Hygiene #								
14 Cleaning and Sanitization #								
15 Water Supply								
16 Waste Water Disposal								
17 Plumbing								
18 Handwashing Facilities								
19 Pest Management #								
20 Toxic Items								
21 Certified Food Protection Manager								
22 Demonstration of Knowledge								
23 Contamination Prevention - Food, Utensils and Equipment								
24 Fabrication, Design, Installation and Maintenance								
25 Toilet Room								
	0	0	0	0	0	0	0	0

General Sanitation	Assessment Status				Violation Risk			
	◆	S	NO	NA	V	High	Med.	Low
26 Garbage and Refuse								
27 Floors								
28 Walls and ceilings								
29 Lighting								
30 Ventilation								
31 Dressing rooms and Locker rooms								
32 General Premises								
33 Administrative					x			
	0	0	0	0	1	0	0	0
# U.S. Centers for Disease Control and Prevention "high risk" for	0	0	0	0	1			

◆ - Diamond Exceptional
Client # 201510290005

S - Satisfactory NO - Not Observed NA - Not Applicable V - Violation





ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVE,

PITTSBURGH, PA 15224

PHONE: 412-578-8044 FAX: 412-578-8190

FOOD SAFETY ASSESSMENT REPORT

INSPECTION DETAILS

Inspector Name: Nakkeow , Varangkorn	Balance Amount: \$0.00
Placarding: Closure/Imminent Hazard	Contact: Kimberly & Don Waigar
Start Time: 12:30:00 PM	End Time: 01:45:00 PM
Phone:	(412) 881-3000

Violation: 33 Administrative

Comments:

330.1b

- Failure to comply with mask or facial covering guidelines. 4 employees who take orders and deliver food to guests observed not wearing facial coverings. Facility owner observed not wearing a facial covering. Observed one guest enter the facility without a mask or facial covering and proceeded to seat himself.

- Facility will remain closed for 7 days. Do not conceal or remove the closure placard. A reinspection must be requested and an inspection must be conducted prior to permit reinstatement.

337.1

- Summary Suspension/Imminent Hazard If the Director finds there is imminent danger to the public health the permit shall immediately be suspended.

PA Disease Prevention and Control Law, Section 521.5

Order of the Secretary of the Pennsylvania Department of Health for Universal Face Coverings, dated July 1, 2020

Food Code Section(s): 330

Corrective Action: Employees and patrons are to properly wear face covering as described in the Order of the Secretary of the Pennsylvania Department of Health for Universal Face Coverings, dated July 1, 2020.

The facility must provide a written copy of its COVID-19 prevention plan prior to reopening. The facility must provide information on how it will comply to all COVID-19 orders and guidance issued by the Commonwealth and the Allegheny County Health Department.

Other Assessment observations and comments:

Exceptional Observations:

General Comments:

Facility ordered closed per the Food Safety Program. Appeals can be sent to the address listed below. EH Supervisor, Janet Russo, and EH Specialist I, Zachery Prokocki-Loomis, present for the inspection.

Address:

Dr. Debra Bogen
542 Fourth Ave
Pittsburgh, PA 15219

Partial re-inspection conducted in response to violations pertaining to COVID-19 orders and guidance issued by the Commonwealth and the Allegheny County Health Department.

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

August 11, 2020

The Crack'd Egg
Kimberly & Don Waigand
4131 Brownsville Road
Pittsburgh, PA 15227

Re: Client# 201510290005
The Crack'd Egg
4131 Brownsville Road
Brentwood, 15227

Dear Kimberly & Don Waigand,

An inspection of your facility on 08/11/2020 indicates an imminent hazard to the public health.

THEREFORE, IN ACCORDANCE WITH ARTICLE III, SECTION 337, YOUR HEALTH PERMIT IS SUSPENDED AND YOU ARE **ORDERED TO CLOSE** THE FACILITY IMMEDIATELY UPON RECEIPT OF THIS NOTICE. IT IS ILLEGAL TO OPERATE A FOOD FACILITY IN ALLEGHENY COUNTY WITHOUT A HEALTH PERMIT.

Failure to close will result in immediate initiation of an enforcement action. Notice of permit suspension shall be posted in plain view and shall not be removed or concealed except by direction of the Department.

In order to have the health permit reinstated, you must correct all emergency violations and submit to this office the attached form requesting an inspection and reinstatement of the health permit.

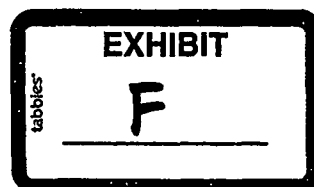
Article XI - "Hearings and Appeals" provides for your right for a hearing if aggrieved by this notice. Requests for a hearing must be made in writing and filed with the Department within thirty (30) days upon receipt of this notice.

Please Contact me at (412)578-7919 to resolve this matter.

Sincerely,

J Russo
Environmental Health Supervisor

Food Safety Program
3901 Penn Avenue, Building 1
Pittsburgh, Pennsylvania 15224-1318
Phone: (412) 578-8044
Fax: (412) 578-8190
www.achd.net



RONALD A. SUGAR, ESQ., MBA, INTERIM DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 4TH AVE • PITTSBURGH, PA 15219
PHONE (412) 687-2243 • FAX (412) 578-8325 • WWW.ACHD.NET

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Events

Events



AUG 24 E.A.T & GREET Crack'd Egg
Public · Hosted by E.A.T

Invite

Monday, August 24, 2020 at 10:00 AM EDT
Next Week · 20-29°C Partly Cloudy

Crack'd Egg
4131 Brownsville Rd, Pittsburgh, PA 15227

Show Map

18 Going · 44 Interested

Details

Patriots...E.A.T is heading to western Pa August 24, 2020 10:00am Crack'd Egg In Brentwood...Come out and have breakfast w/ the E.A.T and help us relaunch another amazing PA business...See You There!

Crackdegg.com

4131 Brownsville Road
Pittsburgh, Pa 15227

Causes

Hosted by



E.A.T

About the Venue

Crack'd Egg

American Restaurant · 4,434 likes

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Password

[Forgot account?](#)

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207 guests

Food Trucks Part 2
Sun, Sep 13 EDT at Whitehall F...
243 guests

South Hills Cars and Coffee C...
Sunday EDT at Crazy Horse Co...
245 guests

Chicken & Ham Bar-B-Q - Driv...
Sat, Sep 12 EDT at Bellegrave ...
155 guests

English (US) · Español · Português (Brasil) · Français (France) · Deutsch

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8/21/2020

E.A.T & GREET Crack'd Egg



Crack'd Egg
American

Family owned and opera
October 2015! Fresh Foo
Service, Family Friendly. C
a Fine Experience. Dog Fi
the outside seating area.
Day Cracking with US

- 4131 Brownsville Rd
Pittsburgh, PA 15227
- <http://crackdegg.co>

Like



E.A.T

August 13 at 9:56 AM ·

Patriots...E.A.T is heading to western Pa August 24, 2020 10:00am Crack'd Egg In Brentwood...Come out and have breakfast w/ the E.A.T and help us relaunch another amazing PA business...See you there!!

<https://facebook.com/events/s/eat-greet-crackd-egg/1668898766594053/?ti=icl>

Crackdegg.com

4131 Brownsville Road
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48 Shares

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8/20/2020

(20+) Facebook



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1,750 likes

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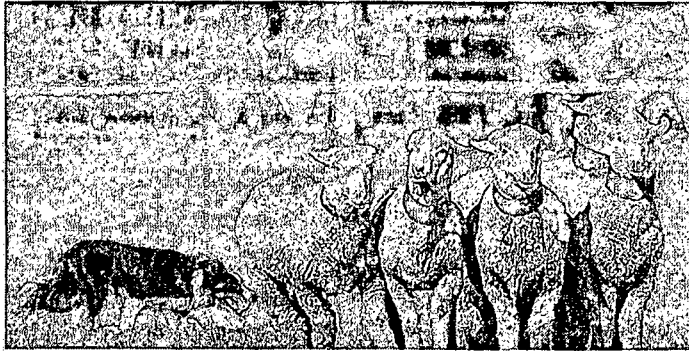
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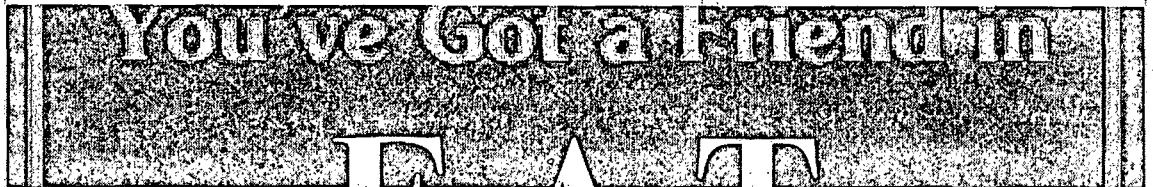
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Journalist

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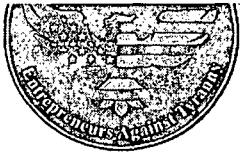
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20

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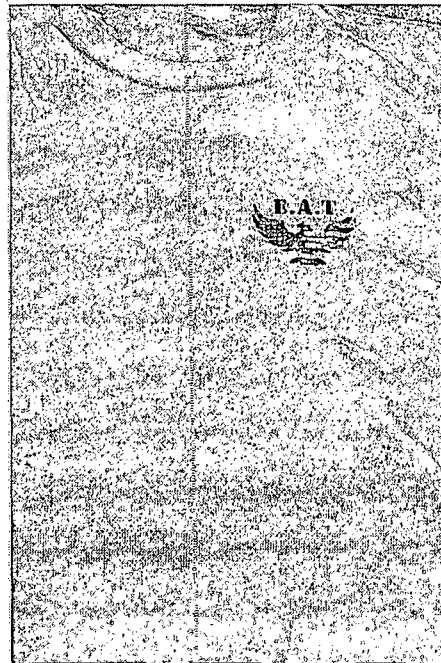
Share



E.A.T

21 hrs

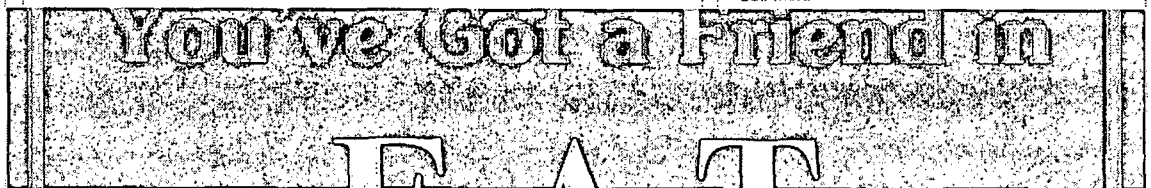
Our new Team shirts...We will make E.A.T shirts available if there is a request for them.



94



29 Comments 1 Share



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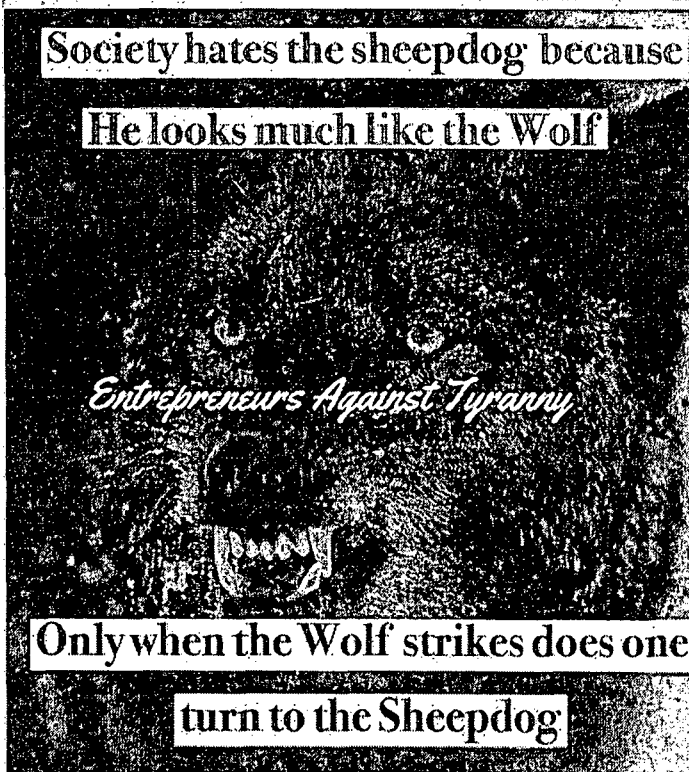
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80

3 Comments 15 Shares

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Susan Tees-Bowers I am on the Lord's side...
E.A.T.

1d

6



Top Fan
Vicky Stowe DeVyver Awesome

23h

1

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E.A.T
August 19 at 12:47 PM

Signal Us & We Fight



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131

14 Comments 13 Shares

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Michelle Rachal I thought immediately that this was similar to the bat sigra!!

19h

2



Jennifer Pershal: Horrocks You all ROCK!

1d

1 Reply

View 7 more comments



E.A.T

August 19 at 9:15 AM ·

Open your businesses....The Farm show a 100+ year tradition and Government doesn't care, you think they care about you?



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E.A.T Anette Witman Love that idea
1d 1

View 1 more reply

Bonnie Oswald-Schaeffer Thats BS.
Love the animals,
But... See More
1d 2

View 15 more comments

E.A.T
August 18 at 11:37 AM

E.A.T Will Be On The Wendy Bell Show Sunday August 23, 2020 @ 2:00pm

64

6 Comments 33 Shares

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Tracy Goralczyk Woo hoo!!! ill spread the word
2d 2 Replies

Terri Waughtel Omgsh that's awesome
2d 3

View 2 more comments

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113 Comments 155 Shares

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Author

E.A.T Here's one of them....more to come



Varangkorn Nakkeew

Environmental Health Specialist at Allegheny County Health Department
Former Environmental Health Specialist at Allegheny County Health Department

3d 12

15 Replies



Melissa Solomon It's funny how overnight these people were trained and out in community. Allegheny county let their residents and businesses down

3d 7

Mike Bro Melissa Solomon because it's mostly Dem

3d 4

Stephen T Roth Melissa Solomon it sad they can not see the harm they are doing as good little soldier in Wolf and Levine army against the talking virus. But the soldiers in Germany also believe they were helping to combat the Typhoid virus at first. A slippery slo... See More

3d 4

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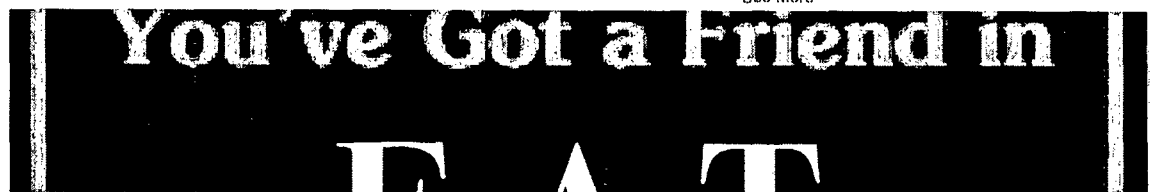


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Italian Restaurant



Nicole Fuschino WJAC
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- 3d

Madigan James Bokka What is the process if a business refuses to comply (probably on constitutional grounds)? I'm guessing, fine to start with. REFuse to pay, it keeps going up rapidly with penalties. Eventually a summons to court - ah there's where it could get interest... See More

2 Replies
- 3d

Tess Teresa Vedilago How about turning the tables on them and giving the the third degree on why they are doing what they are doing, what's your education, what's your authority hear, have some official Idand video it all.

2d

Jean Booze What are they charged with??

3d

Most Relevant is selected, so some replies may have been filtered out.

Author
E.A.T Jean Booze Exactly

3d

View 6 more replies
- Chris Lisa Hawbaker** Stay encouraged and stay open!! It was good meeting you Sat. at Freedom Fest!

3d
- Linda Greene** Shame . This is America.

3d
- Jim Hrehowsik** When is the rally?

3d

View 2 more replies

Author
E.A.T Jim Hrehowsik Amazing!!

3d

View 1 more reply
- Rachel Moyer** Why does it take three of them? Couldn't just one person come investigate?

3d

6 Replies
- Samuel Lazar** Where is this business? They need support! Address?

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- Nicole Fuschino WJAC**
Journalist

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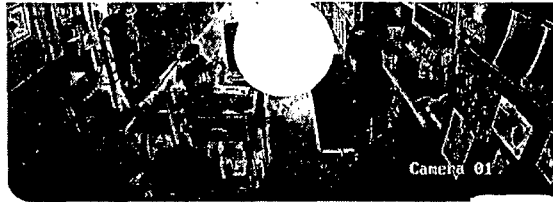
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3d 10
Most Relevant is selected, so some replies may have been filtered out.

Crack'd Egg Crack'd Egg as you can see I wasn't protecting them with wearing a mask...they approached me!
3d 9

View 3 more replies

Joe Mcginley File a suit. You have every right to be open under constitution.
3d 4

Eileen Ritter Gestapo!
3d 8

Brian Burke What exactly is/was their reason ?
3d 4

Hugh Fehrenbacher The next time they walk in. Everyone should just surround them and scream like the liberal wackos do.
3d 7

Scott Hetrick Expose them all !
3d 4

Jared Hessom Do these people look professional at all?
3d 2

Terri Waughtel Stand your ground!
3d 4

Dave Golowski Unbelievable and they look ridiculous to boot
3d 8

1 Reply

TJ Dest They look really healthy.
3d 1

Susan ChattenHoffmann Pos
3d 1

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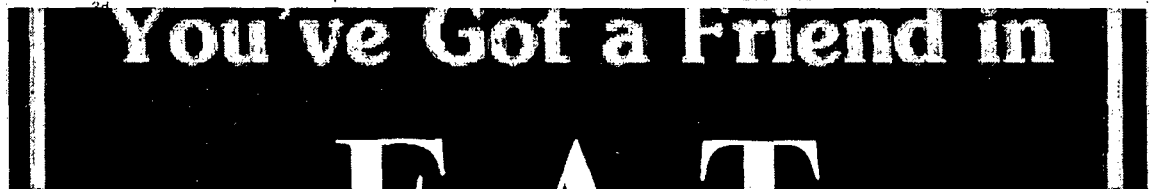
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- 


MaryLou Brubaker Go EAT!!!!

3d 5
- 

Beth Annb Stay open!


3d 3
- 

Mike Bro Dems!


3d 1
- 

Jayme Hood Al's cafe and a bunch of others I thought were getting together to fight all this. Maybe contact them to see if you can join forces...

3d 2


2 Replies
- 

Eric Gold not a one of them are social distancing. shame shame

20h
- 


Melissa Ann Grimes They don't look very professional.

3d 4


2 Replies
- 

Salim Milas Businesses in PA need to put notices on their doors regarding these contact tracers. It should be noted that these folks are not permitted on their property, and those who refuse to leave. will be deemed as trespassers.

2d 6

1 Reply
- 

Judy Hartman Do they really dress like that to represent Wolf??? Looks about right to me!

3d 2
- 

Tamara Kuklinski They are dressed like they just crawled out of a dumpster. Not surprised since they are Adolph's cronies

3d 10

1 Reply

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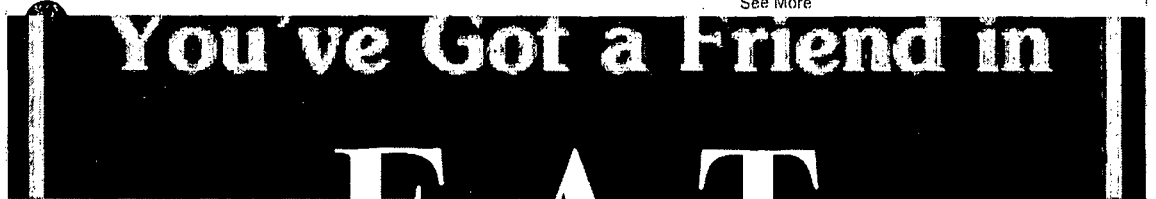
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1 Reply
Steven Kindle Looks exactly like the type of scum that would work for the county. Physiognamy is real.

19h

Tracy Shuarts Stephen Godsall follow E.A.T.

E.A.T
August 16 at 9:16 AM ·

E.A.T Team @ Freedom Fest Aug 15, 2020



5,200 Views

Dave Golowski
August 16 at 6:53 AM ·

E.A.T was at Freedom Fest.. and we will be coming to a place near you !! Christian Wartluft Christine Wartluft Matthew Foltz and I are E.A.T

34

1 Comment 3 Shares

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SAT, SEP 12 AT 11:30 AM EDT
Assemble for Freedom 2.0 and 9/11 commemoration
Front Steps of the Pennsylvania State Capitol
3,058 people interested

68

7 Comments

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Ryan Shrader That is awesome. My wife and I would love to go. Hope it works out for us.

5d



Dave Golowski Sweet , finally we get to meet Wendy Bell

4d



Author

E.A.T Dave Golowski Maybe before that

4d

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E.A.T

August 14 at 9:07 PM

E.A.T will go Live from Freedom Fest Tomorrow We will be speaking briefly about our movement.



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about your group at Freedom Fest! Keep up the good work!
5d

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E.A.T added an event.
August 13 at 7:08 AM



MON, AUG 24 AT 10:00 AM EDT
E.A.T & GREET Crack'd Egg
Crack'd Egg · Pittsburgh, PA
Causes

72

5 Comments

Like

Comment

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Vicki AC I like the EAT and Greet. Very clever!
1w

Matthew Foltz replied · 1 Reply

Cindy Coles Come on NEPA,
1w

Susan Tees-Bowers We're comin'!!
1d

E.A.T replied · 1 Reply

E.A.T
August 13 at 6:56 AM

Patriots...E.A.T is heading to western Pa August 24, 2020 10:00am Crack'd Egg In Brentwood...Come out and have breakfast w/ the E.A.T and help us relaunch another amazing PA business...See you there!!



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Page Transparency

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Page created - August 5, 2020

People

1,750 likes

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Political Organization

PA State Rep. Russ Diamond
Government Official

Senator Doug Mastriano
Government Official

Taste Of Sicily
Italian Restaurant

Nicole Fuschino WJAC
Journalist

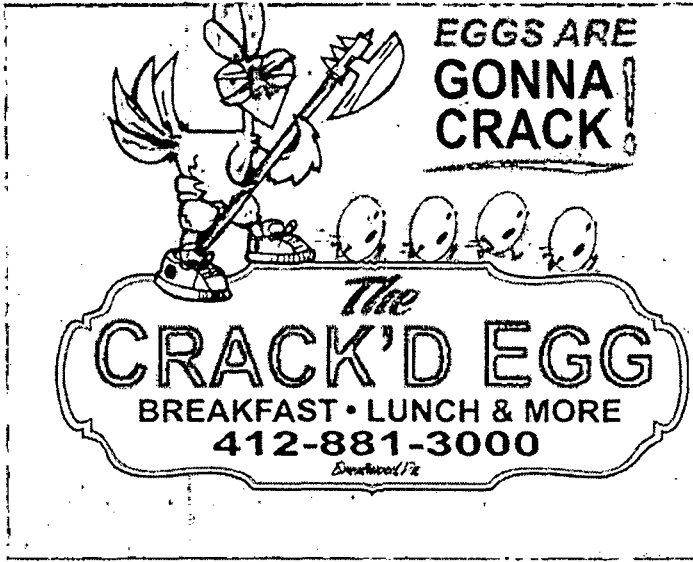
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E.A.T

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- Reviews
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- Services
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65

48 Shares

Like

Comment

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E.A.T

August 12 at 7:20 PM

**Would Any Videographer Like
To Volunteer To Capture &
Film E.A.T Events?
PM If Interested**

9

6 Comments 12 Shares



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1,750 people like this

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6d

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Most Relevant is selected, so some comments may have been filtered out.

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E.A.T
3 hrs ·

The Crack'd Egg & Our Team need to have our breakfast packed out on Monday August 24 2020. The Big Bad Wolf Knows We Are Coming...If You Love Pa Like We Know You Do, Spread The Word!! We Are Not Afraid....E.A.T Is Still Coming!!!!

COUNTY OF ALLEGHENY



RICH FITZGERALD
County Executive

August 21, 2020

The Crack'd Egg LLC
2924 Custer Avenue
Pittsburgh, PA 15227

RE: Intent to Operate
Client ID#: 201510290005
The Crack'd Egg
4131 Brownsville Road
Brentwood

Dear Kimberly and Dan Wargand,

It has come to the attention of the Allegheny County Health Department (ACHD) Food Safety Program that your establishment may have plans to operate on Monday, August 24, 2020 despite the ACHD closure orders issued on 08/11/2020. As you will remember, opening your establishment for operations would place your establishment in noncompliance with the following requirements of Article III, Food Safety Rules and Regulations:

- Section 337.1: If the Director finds there is imminent danger to the public health the permit shall immediately be suspended...A person whose permit has been suspended shall have the permit reinstated upon completion of the corrective action required by the Director and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended permit.
- Section 330.1 (B): Only persons who comply with all applicable Department Rules and Regulations, State and Federal Laws shall be entitled to receive and retain such a permit.

The ACHD Food Safety Program is requesting your cooperation in avoiding the noncompliant reopening activity listed above upon receipt of this letter. Please be advised that if you do not comply, the ACHD Food Safety Program may conduct an on-site investigation of your business and take further action, which may include civil penalties and permit revocation.

Thank you for your attention to this matter.

If you have any questions, please contact this office at 412-578-8044.

Sincerely,

Amanda Mator
Program Operations Manager



DEBRA DOSEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
FOOD SAFETY PROGRAM
2001 PENNSYLVANIA BLVD, SUITE 101 • PITTSBURGH, PA 15224-1318
PHONE: 412.578.8044 • FAX: 412.578.8100
WWW.ALLEGHENYCOUNTY.USB/HEALTHDEPARTMENT



95

67 Comments 56 Shares

Share

Most Relevant



Rachael Vermeulen I want to be there so bad to stand up for them...I wish it wasnt so far away...Ill be there in spirit for support!!

3h

6



Jan Hall Savko Amazing how fast good news travels!! Gotta love it.
Either a mole or smoke signals?!

Related Pages



Doug Mastriano for Governor 2022
Political Organization



PA State Rep. Russ Diamond
Government Official



Senator Doug Mastriano
Government Official



Taste Of Sicily
Italian Restaurant



Subtle Beast Podcast
Journalist



Nicole Fuschino WJAC
Journalist



Gumbas
Product/Service



PA State Rep. Valerie Gaydos
Government Official



In The Trenches with Teddy Dani...
Podcast



Atlantic Tackle
Fishing Store



Heather Heidelbaugh for Att...
Politician



WMSS 91.1 FM
Radio Station

Recent Post by Page



E.A.T


See more of E.A.T on Facebook

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- 1h



Ryan Shrader You are doing good things for our businesses in PA. God bless you this weekend.


10
- 3h



Dara Christian-Pegher Tell them it's a car show, everything should be okay!!!

17


Most Relevant is selected, so some replies may have been filtered out.

 **Author**
 E.A.T Dara Christian-Pegher It's an EAT In...protest against Gov's orders...can't break up a protest!!

3h


12

View 5 more replies
- 3h · Edited




Salim Milas Open up, 100%!! It's about time we start defying these unreasonable, draconian, needlessly perpetuated, and insidious restrictions from Governor Wolf and his drag-queen sidekick!!

13
- 3h




Dave Golowski More scare tactics to make sure they stay in check with the Dictator Wolf !! So now they threaten them with sending in the sumo wrestler

6
- 1h




Christine Wartluft I HAVE ONE OF THOSE... STAY OPEN

2
- 1h



Kim Marrone I wish I could be there to support them... OPEN UP STAY OPEN... Wolf and Levine's credibility was tossed out the window months ago!!


1
- 2h



Terri Waughtel I'll be peacefully protesting this letter with a forkful of Freedom French Toast in my mouth

5


1 Reply
- 3h



Racheal Mae This just goes to prove there are snitches out among us.


3

1 Reply
- 3h · Edited




Jennifer Kleckner Everyone park your cars nicely in the parking lot and lift your hoods. GO GET'EM . Wish this wasn't so far from me.

7
- 3h



Jessey Cole Kessler Wish I could be there. Unfortunately have to work, but will be praying over you all!!

1
- 2h



Ron Price Jus: tell them it's a protest

1

have our breakfast packed out on ...
See More

95 67 Comments 56 Shares

Share



E.A.T
Today at 9:42 AM

Crack'd Egg has some amazing breakfast specials for Monday Aug 24, 2... See More

70 17 Comments 18 Shares

Share

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5 Replies



Lisa LaBarko Walkowski Its a peaceful breakfast protest!

3h

6



Deborah A. Poust Go getum E.A.T your not afraid of the big bad wolf you have my support 110%

3h

4



Robyn Klose Yocum Unfortunately I can't make it but I did share!

3h

1

1 Reply



Ryan Shrader Make sure you tell the governors goons to get a life and leave the good people alone and let them walk as free people.

3h

5

2 Replies



Patty Kish-Sanderson Brownsville rd.?

1h

2

2 Replies



Judy Hartman Ridiculous! I wonder if we will be on tv?

1h

2

6 Replies



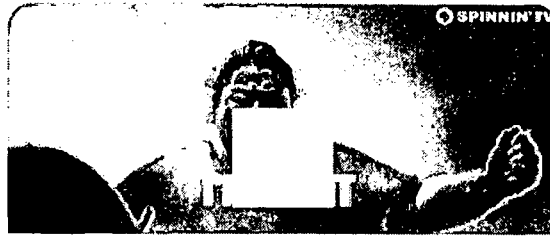
Kimberly Hall Praying

3h

1



Dave Golowski



GIPHY

3h

3



Kim Shade Adornetto This is total bullshit! I hope this establishmer t sues the hell out of this administration when this is all over!

2h

5

1 Reply



Matthew Foltz For all that come out to breakfast, I have a handful of "Walk As Free People" bracelets and these amazing stickers provided & created by Amber Paxton

See more of E.A.T on Facebook

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or

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3h

[View 3 more replies](#)



Author

E.A.T Teresa Montecalvo Coppola Twice in a week...how lucky am I?!! It!!

2h

[View 4 more replies](#)

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See more of E.A.T on Facebook

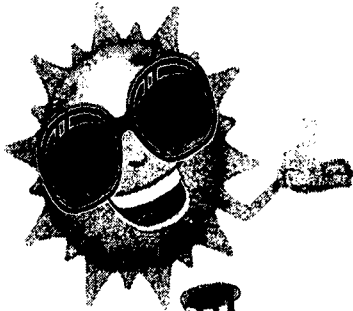
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or

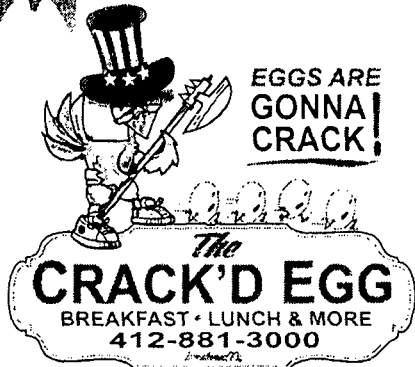
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20+



**E.A.T. & Greet @ the Egg
Monday August 24th
The E.A.T. team here @ 10am**



**EGGS ARE
GONNA
CRACK!**

**The
CRACK'D EGG**
BREAKFAST • LUNCH & MORE
412-881-3000



Freedom French Toast 3 Pieces of French Bread dipped in a Red Velvet Egg Mixture topped with a Vanilla Cream Sauce and Berries. Served with PA Amish Bacon. 7.99

Caprese Omelet This Caprese Omelet is filled with Balsamic Drenched Tomatoes, Spinach & Mozz/ Topped with Basil Pesto. Served with choice of Breakfast Potato and Toast. 8.99

Taste of Sicily Scramble 3 Eggs Scrambled with Ham, Pepperoni, Potatoes, Mozz and Parm Cheeses. Served with a Side of The Gumbas Sauce and your choice of Toast. 8.99 (available after 10am)

E.A.T. Breakfast Croissant Egg, American Cheese, Turkey Sausage Patty on a Buttery Flaky Croissant. Served with a side of Fresh Cut Freedom Fries. 6.99

"What nicer thing can you do for somebody than to make them breakfast?"

Anthony Bourdain

Like · Reply · 17h



Karen Bauer

Welcome back, hope to see you. Good luck



Like · Reply · 16h



Chad Ringbloom

I really wish I could be there but I'm out of vacation time. We'll be there whenever you guys are open on a weekend



Like · Reply · 17h



Roberta Loadman

Wish we could be there too good luck



Like · Reply · 13h



Mike Rutkowski

You guys opening back up?!



Like · Reply · 18h



Author

Crack'd Egg



Write a comment...

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

August 21, 2020

The Crack'd Egg LLC
2924 Custer Avenue
Pittsburgh, PA 15227

RE: Intent to Operate
Client ID#: 201510290005
The Crack'd Egg
4131 Brownsville Road
Brentwood

Dear Kimberly and Don Waigand,

It has come to the attention of the Allegheny County Health Department (ACHD) Food Safety Program that your establishment may have plans to operate on Monday, August 24, 2020 despite the ACHD closure orders issued on 08/11/2020. As you will remember, opening your establishment for operations would place your establishment in noncompliance with the following requirements of Article III, Food Safety Rules and Regulations:

- **Section 337.1:** If the Director finds there is imminent danger to the public health the permit shall immediately be suspended...A person whose permit has been suspended shall have the permit reinstated upon completion of the corrective action required by the Director and an inspection verifying such corrections. It shall be unlawful to operate a food facility with a suspended permit.
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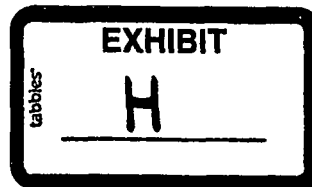
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Thank you for your attention to this matter.

If you have any questions, please contact this office at 412-578-8044.

Sincerely,

Amanda Mator
Program Operations Manager



DEBRA BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT

FOOD SAFETY PROGRAM

3901 PENN AVENUE • BUILDING 1 • PITTSBURGH, PA 15224-1318
PHONE: 412.578.8044 • FAX: 412.578.8190
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT





MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood

This office received information that the subject facility plans to reopen today Monday 8/24/2020.

I contacted EHSII Patrick Kapfhammer and together, we drove by this facility several times between 10:36 AM and 11:05 AM.

The Red, "CLOSED" Acdh placard was intact on the front door.

The facility found open and operating.

There were several customers eating.

One female server taking orders- No mask or other face covering.

One male employee serving food – No mask or other face covering.

One greeter by the front door- No mask or other face covering.

Two female customers standing at the patio- No mask or other face covering.

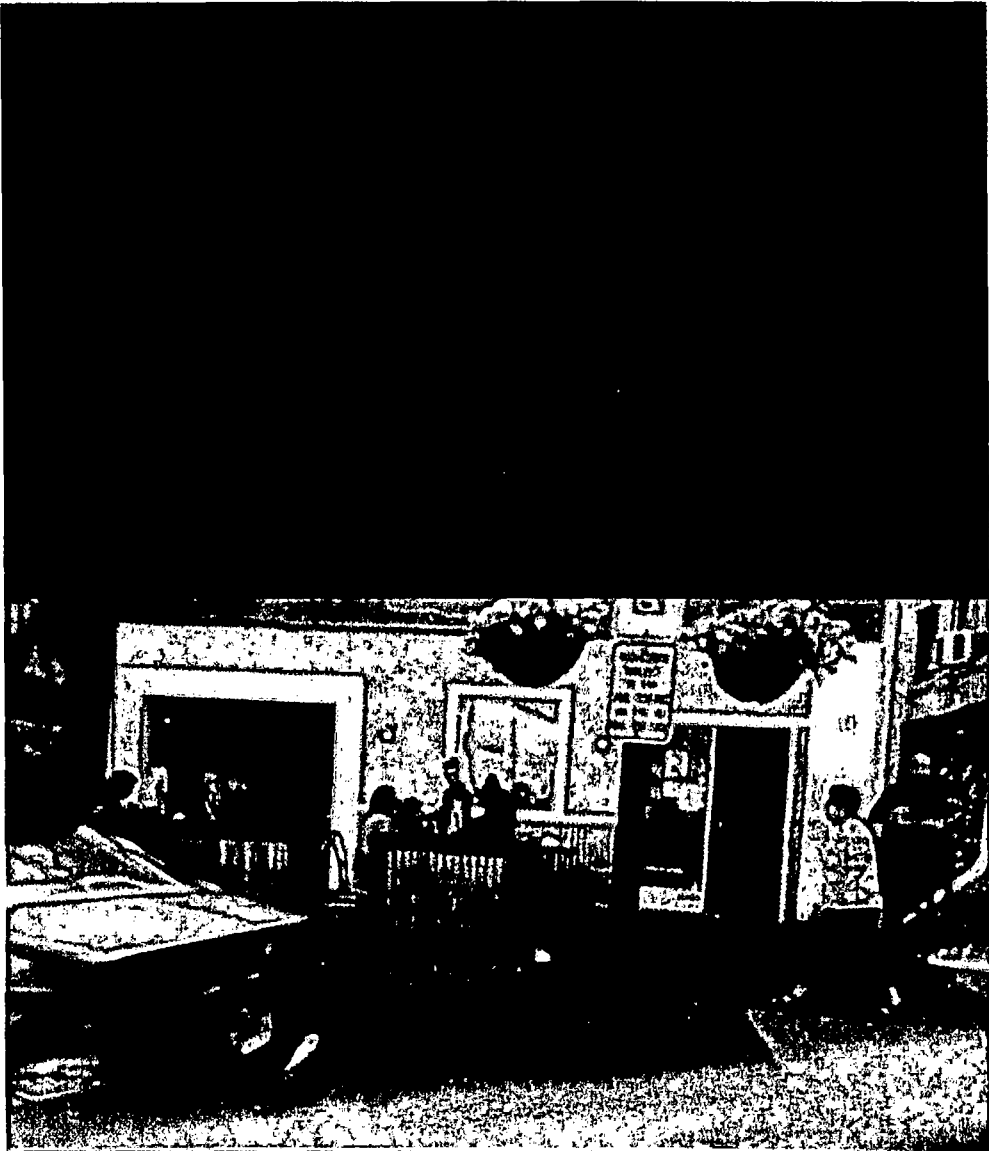
As a reminder, this facility was ordered closed on 8/11/2020 for failure to operate under the current mask/ facial covering guidelines.

Costis Angel
E.H. Supervisor

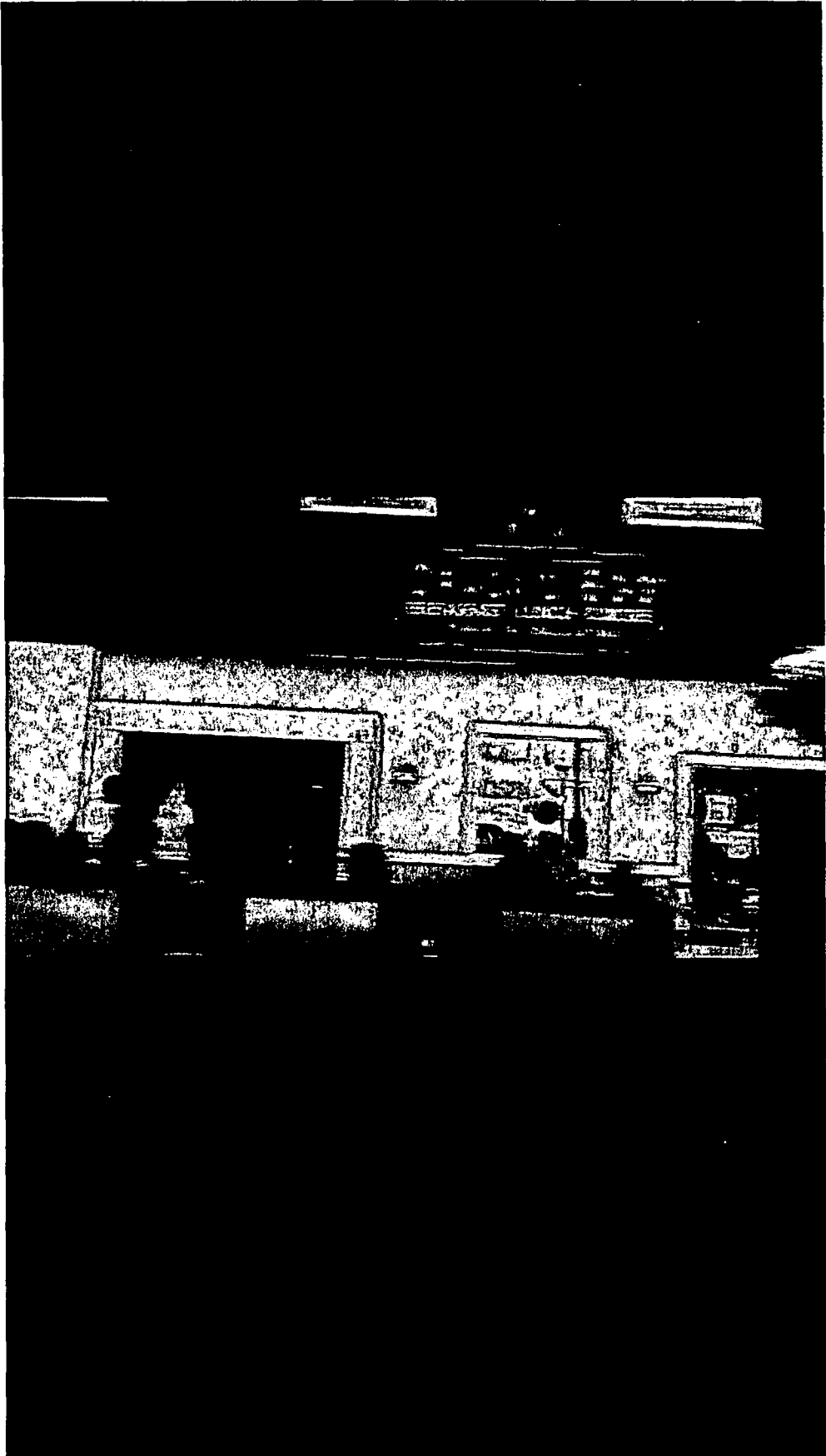
Pictures attached – also uploaded on the enforcement folder.











Completed By: **C. Angel**

Date: **8/24/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood

Compliance Check Tuesday August 25, 2020

I drove by this facility several times between 7:51 AM and 7:57 AM.

The Red, "CLOSED" Achd placard was intact on the front door.

The facility found open and operating.

There was at least one customer eating at the front counter.

One female server - No mask or other face covering.

One male employee – No mask or other face covering

As a reminder, this facility was ordered closed on 8/11/2020 for failure to operate under the current mask/facial covering guidelines.

Costis Angel
E.H. Supervisor

Pictures attached – also uploaded on the enforcement folder.

cricket LTE

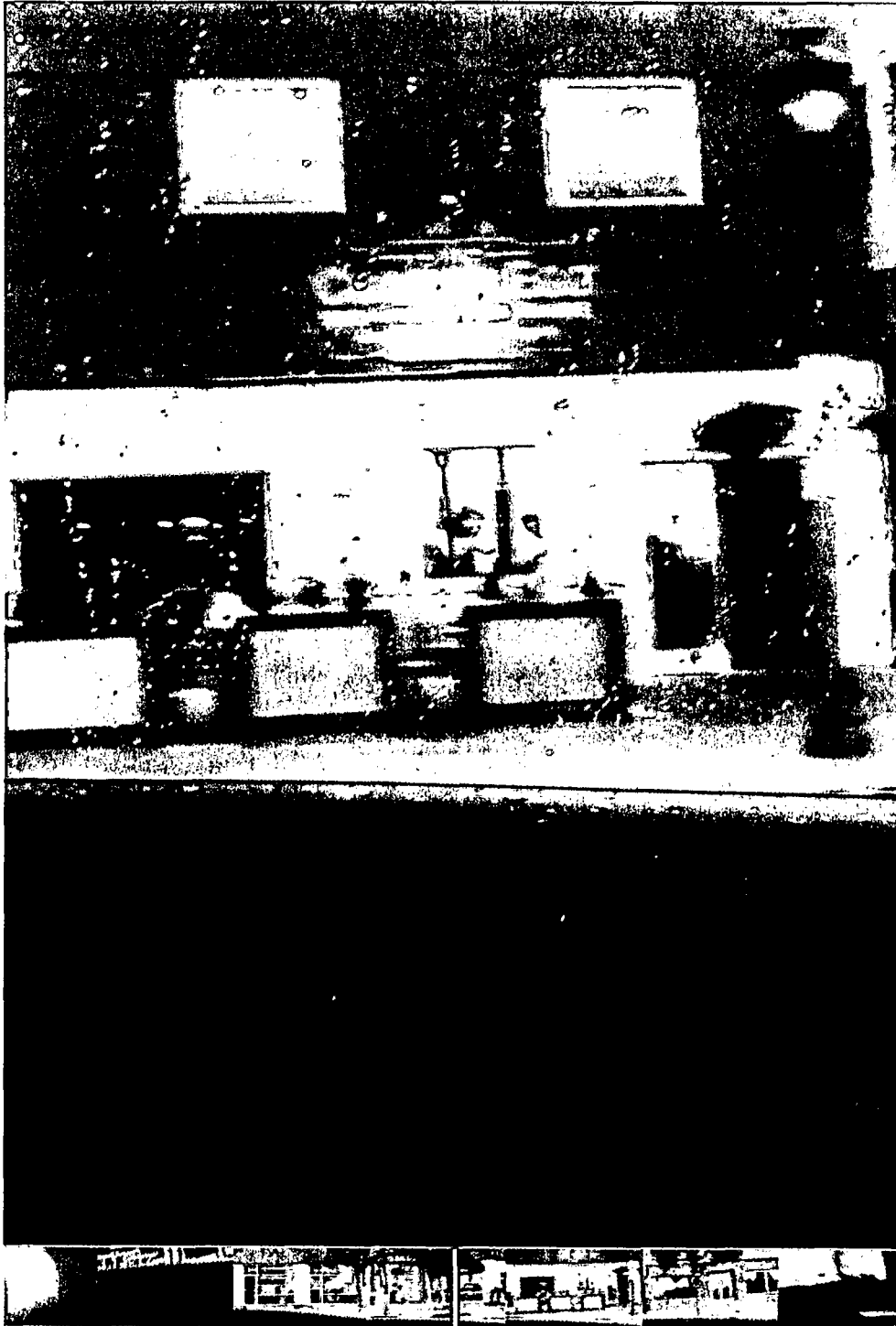
7:58 AM

61%



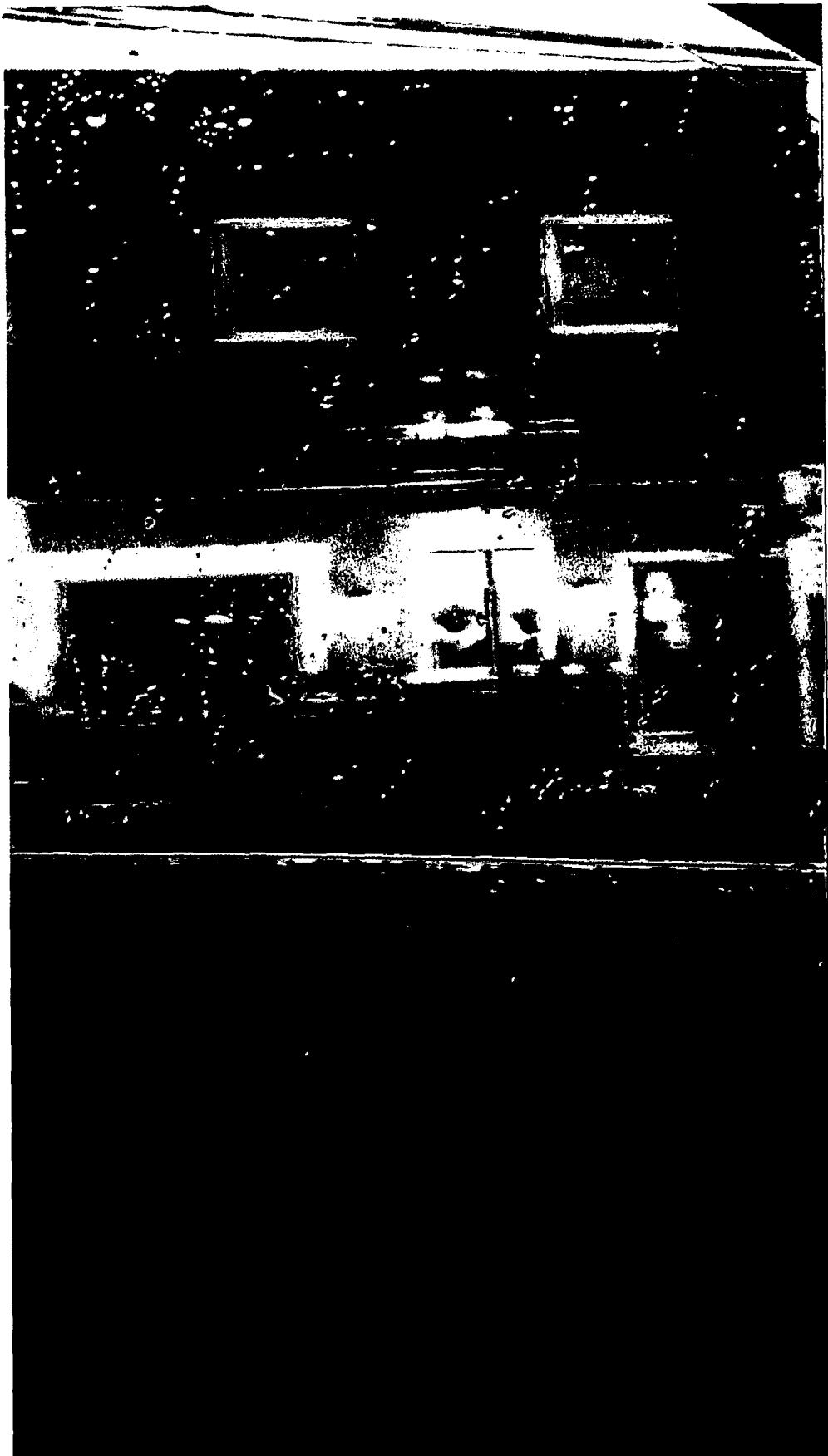
Today
7:57 AM

All Photos



Edit







Today
7:51 AM

All Photos



Edit



Completed By: **C. Angel**

Date: **8/25/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood

Compliance Check Wednesday, August 26, 2020

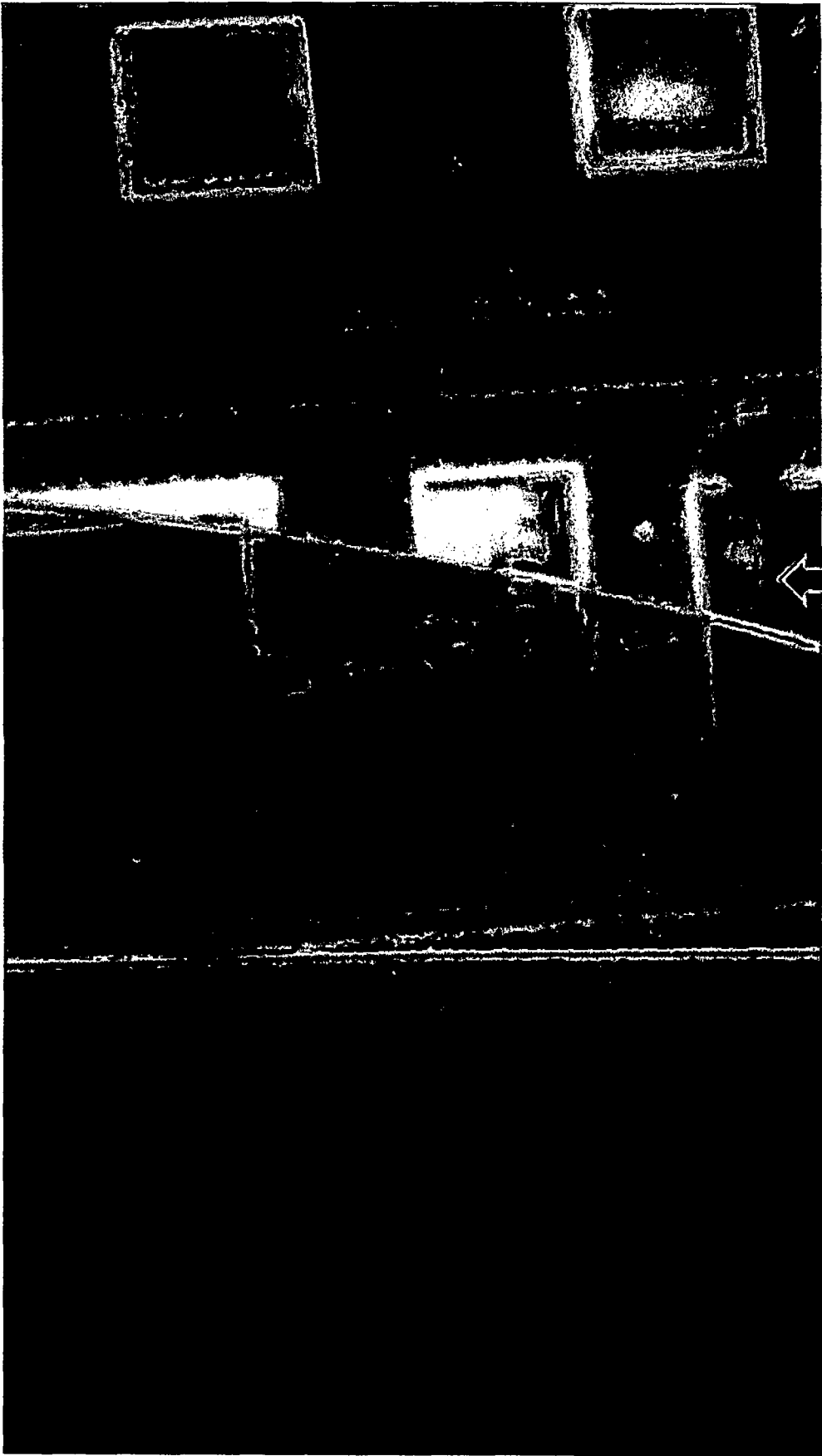
I drove by this facility several times between 1:10 PM AM and 2:20 PM

The Red, "CLOSED" Acd placard was concealed- took picture(s).

The facility was open and operating.

There were three customers seating and eating outside.

As a reminder, this facility was ordered closed on 8/11/2020 for failure to operate under the current mask/ facial covering guidelines.



Placard
concealed
with a sign

cricket

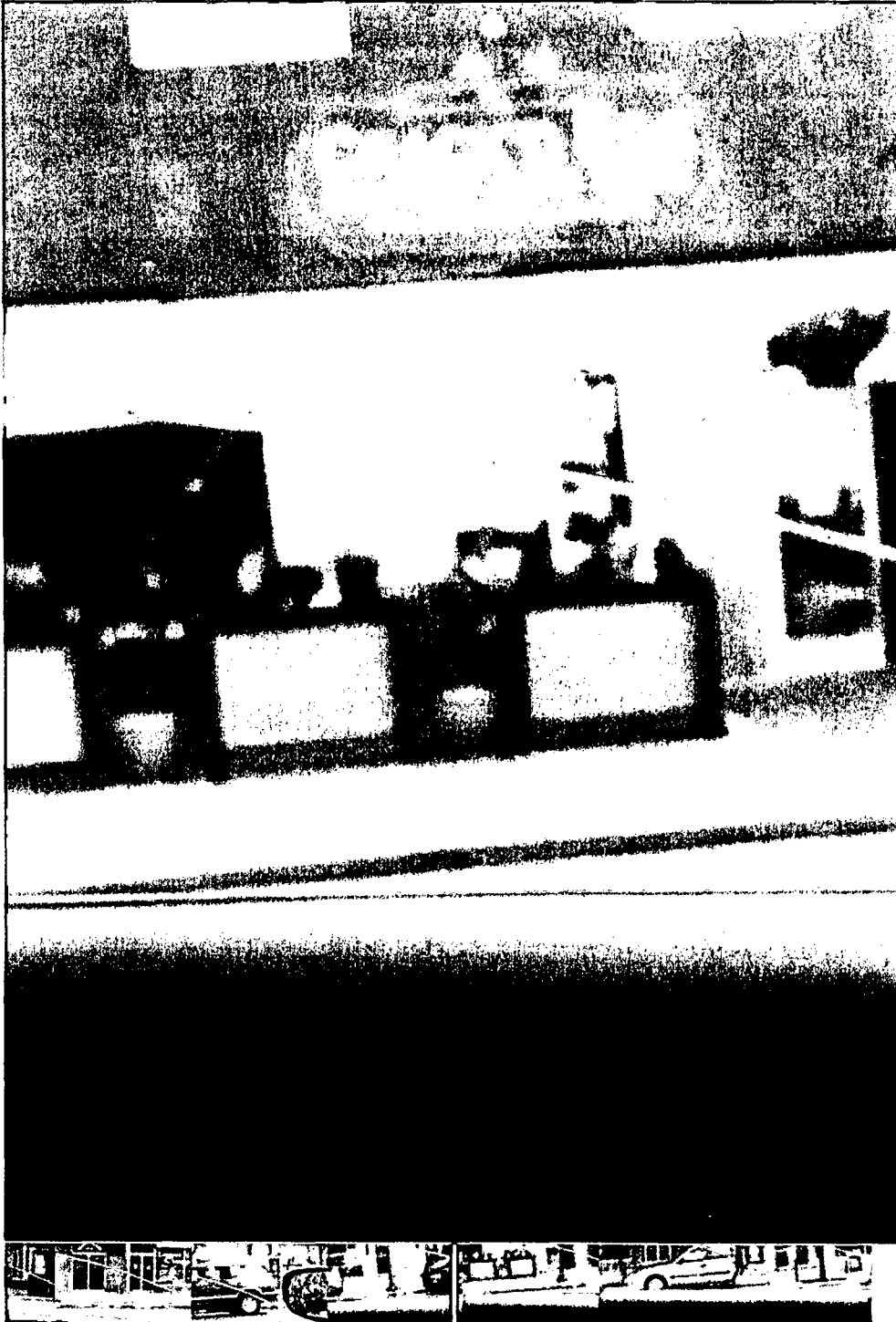
8:19 PM

89%



Today
1:13 PM

All Photos



Edit



Costis Angel
E.H. Supervisor

Pictures attached – also uploaded on the enforcement folder.

Completed By: **C. Angel**

Date: **8/26/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg, Brentwood

Compliance Check Wednesday, August 27, 2020

I drove by this facility twice between 8:00 AM and 8:05 AM.

The Red, "CLOSED" Acdh placard was concealed- took picture(s).

The facility was open and operating.

There was one customer seating and eating outside.

As a reminder, this facility was ordered closed on 8/11/2020 for failure to operate under the current mask/
facial covering guidelines.



Today
7:58 AM

All Photos

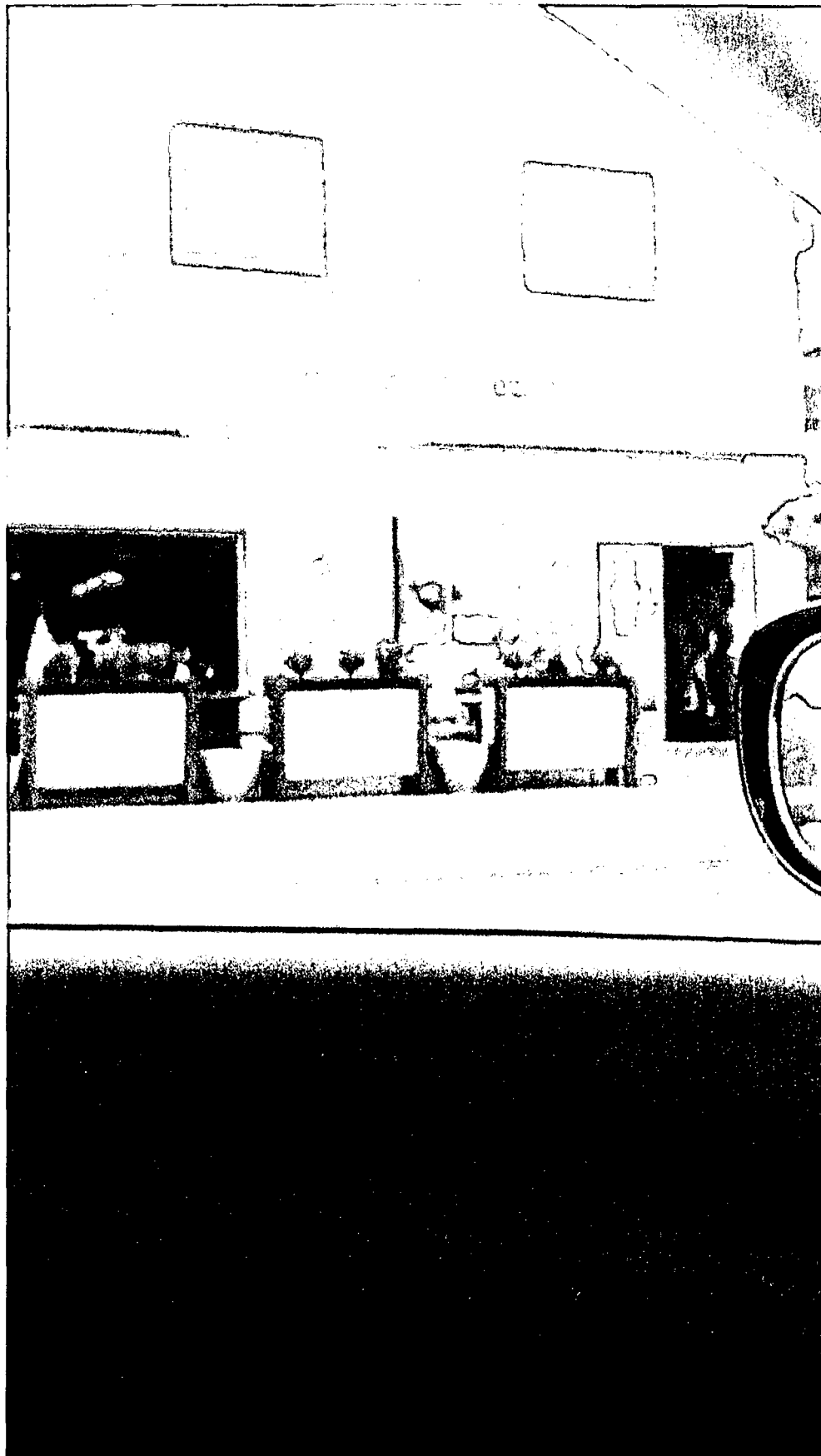


Placard
Concealed
8/27/2020



Edit





Costis Angel
E.H. Supervisor

Pictures attached – also uploaded on the enforcement folder.

.....



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood

Compliance Check Wednesday, August 28, 2020

I drove by this facility at 8:00 AM

The Red, "CLOSED" Achd placard was still concealed- took picture(s).

The facility was open and operating.

There were two customers eating outside.

As a reminder, this facility was ordered closed on 8/11/2020 for failure to operate under the current mask/ facial covering guidelines.

Costis Angel
E.H. Supervisor

Pictures attached – also uploaded on the enforcement folder.

Completed By: C. Angel

Date: 8/28/2020

cricket LTE

8:02 AM

88%



Today
8:01 AM

All Photos



Placard
concealed
with a sign



Edit



Completed By: **C. Angel**

Date: **8/28/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood

Compliance Check Tuesday August 31, 2020

I drove by this facility at 8:05 AM.

The Original red, "CLOSED" Acdh placard was missing.

The second "CLOSED" placard posted by the local supervisor on the front door on 8/28/2020 had also been removed.

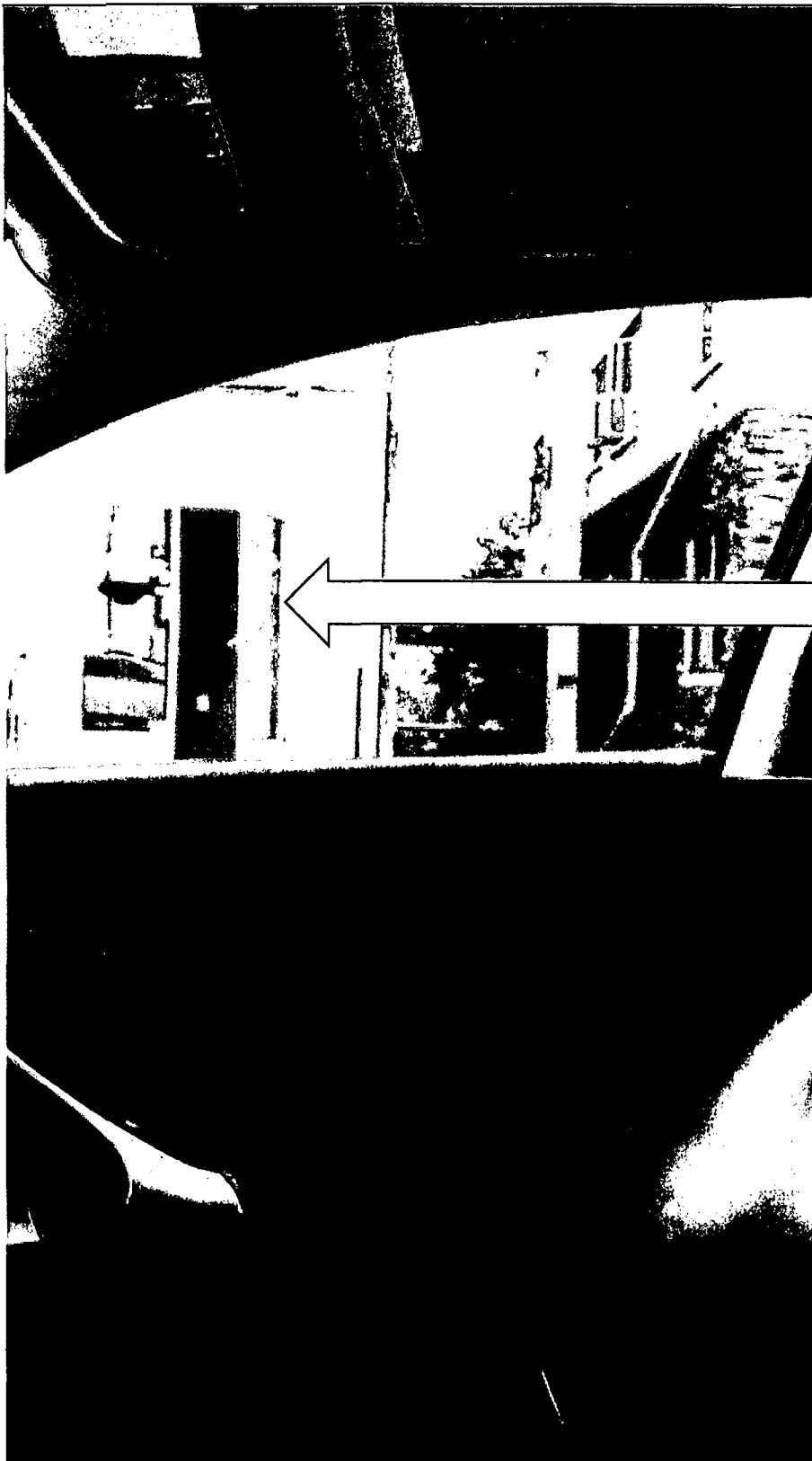
The facility found open, however there were no customers sitting outside (61F - Cloudy).

One male server - No mask or other face covering.

As a reminder, this facility was ordered closed on 8/11/2020 for failure to operate under the current mask/facial covering guidelines.

Costis Angel
E.H. Supervisor

Pictures attached –



2nd
Placard
removed

cricket

8:07 AM

54%



Today
8:06 AM

All Photos



Edit



Completed By: **C. Angel**

Date: **8/31/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood 9/1/2020

I drove by this facility at 8:10 AM
The facility was open and operating.
There was No "CLOSED" Achd placard at the door.
Picture attached.



Completed By: **C. Angel**

Date: **09/01/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood 9/2/2020

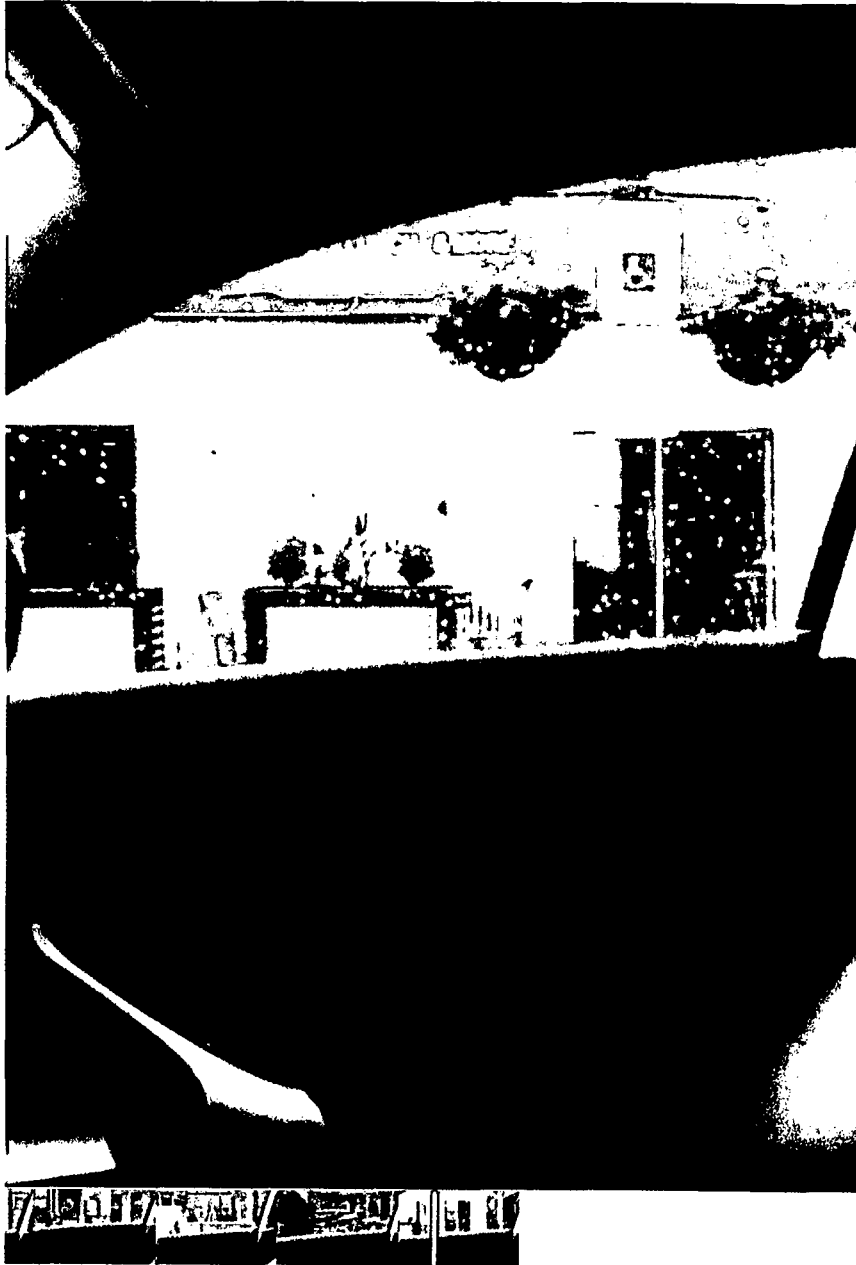
I drove by this facility at 8:05 AM
The facility was open and operating.
There was No "CLOSED" Achd placard at the door.
Picture attached.





Today
8:06 AM

All Photos



Edit





MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood 9/3/2020

I drove by this facility at 8:25 AM
The facility was open and operating.
Observed 3- 4 customers without masks sitting at the front counter.
There was No "CLOSED" Achd placard at the door.
Picture attached.



Today
8:26 AM

All Photos



Edit



.....



Today
8:26 AM

All Photos



Edit



cricket

8:28 AM

93%



Today
8:26 AM

All Photos



Edit



Completed By: **C. Angel**

Date: **09/03/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood 9/4/2020

I drove by this facility at 8:10 AM

The facility was open and operating.

Observed a recent bread delivery still sitting on a table by the left garage door.

There was No "CLOSED" Acd placard at the door.

Picture attached.

cricket

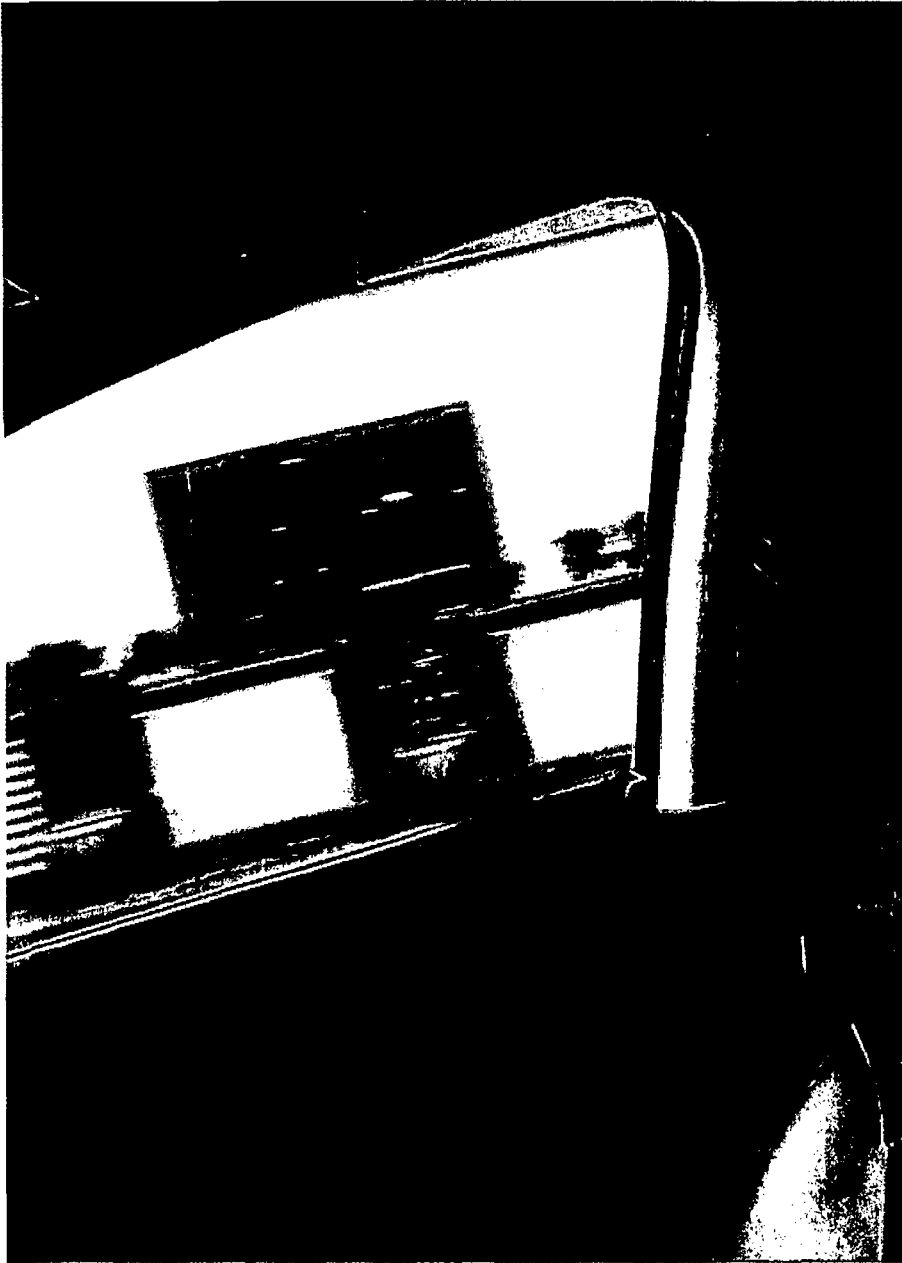
8:08 AM

70%



Today
8:07 AM

All Photos



Edit



cricket

8:08 AM

70%



Today
8:07 AM

All Photos



Edit



Completed By: **C. Angel**

Date: **09/04/2020**



MEMORANDUM TO FILE

Re: Crack'd Egg 4131 Brownsville Rd Pittsburgh PA 15227 CID: 201510290005

RE: Compliance Check Crack'd Egg Brentwood 9/10/2020

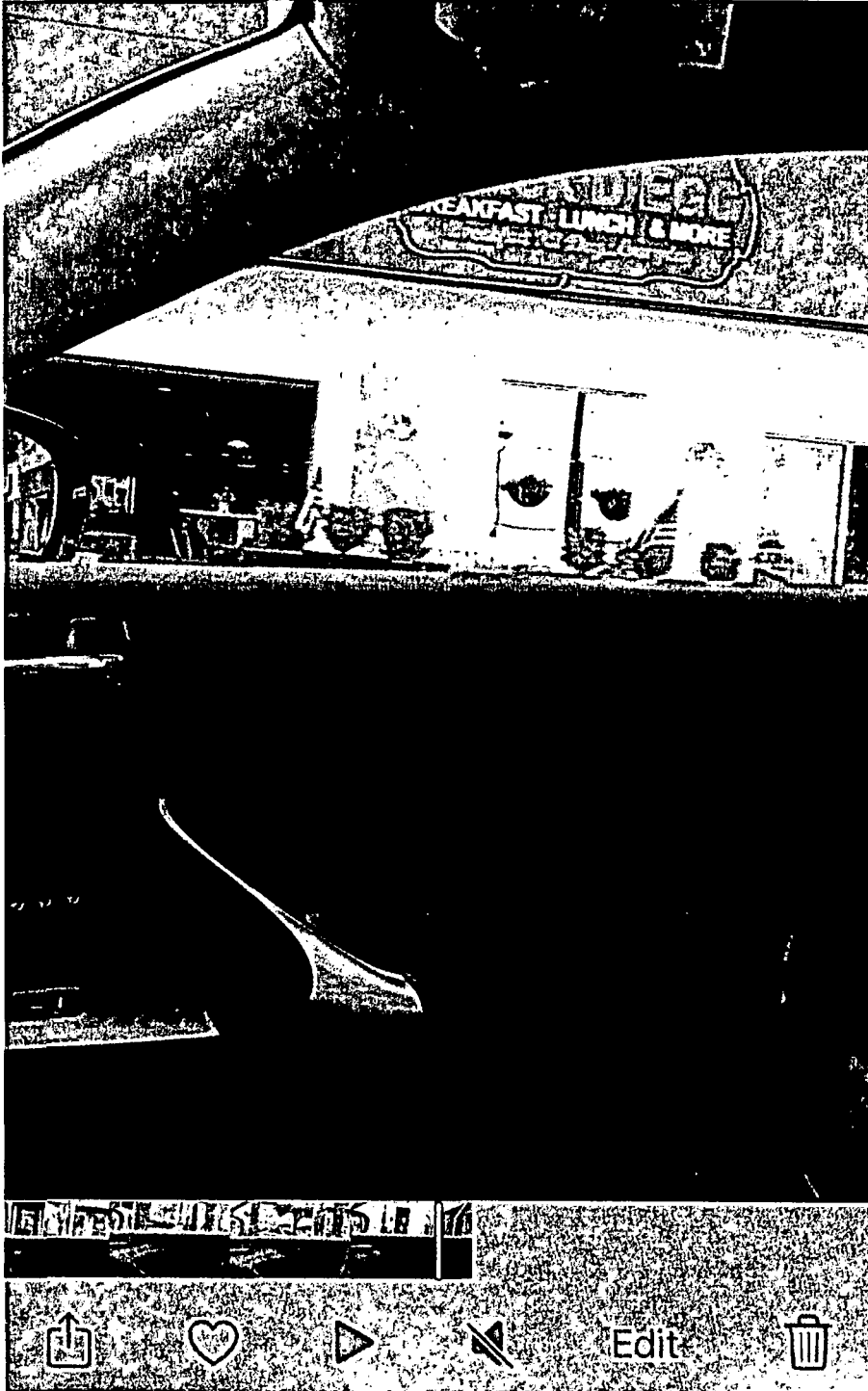
I drove by this facility at 8:10 AM
The facility was open and operating.

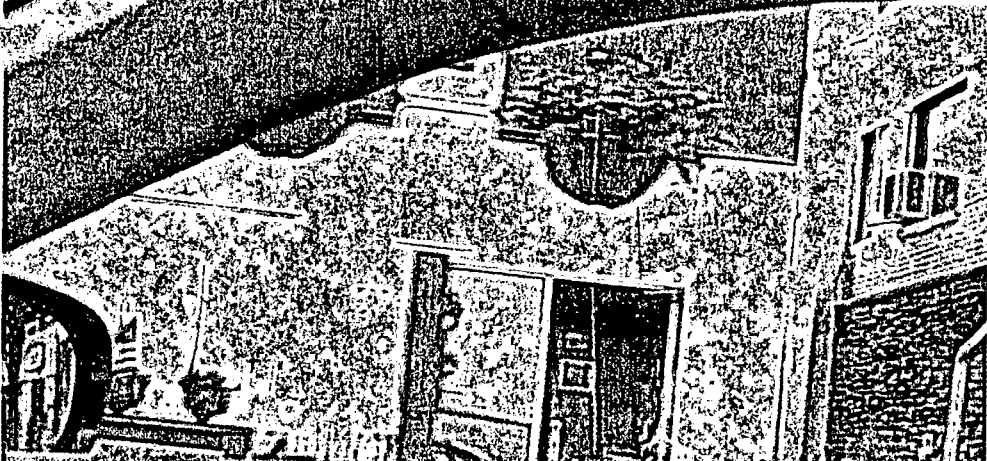
There was No "CLOSED" Achd placard at the door.
Picture attached.



Today
8:08 AM

All Photos





Recent social Media posts indicate that the person(s) responsible for this food facility intend to continue to operate indefinitely.

Completed By: **C. Angel**

Date: **09/10/2020**

facebook.com/...

Crack'd Egg

ACHD CLOSED US DOWN. Thank you for those that support us and for those that don't. Another restaurant that shares your beliefs would be grateful for your support.

See Less

Like Comment Share

Comments

Most Relevant

Chad Ringboom · 3:38
You offered me water when I was preaching the gospel across the street. You guys have great breakfast and now I have another reason to support you.

Like Reply

6 Replies

Cary Entwistle · 0:21
What a shame. I've spent a lot of money at this restaurant.

Write a comment

facebook.com/...

08-07-2020 10:24:43

Camera 01

Crack'd Egg

Kept my distance from the masked health department employees out of concern of their fear. My mask protects you, your mask protects me? ACHD not practicing social distancing.

See Less

Like Comment Share

Up Next

Emily Blunt Wins...
John Krasinski Wins...
The Graham Norton S...

There's No Point to
Having a Husband...
Comedy Central Stars


Massive Dog Takes
Care Of His Favorite...
The Dodo

Comments

Write a comment



facebook.com



001 / 1:20

Crack'd Egg

Like Comment Share

Comments

Most Relevant


Lynn Shallenberger · 2:45
Awesome, I initially enjoyed my breakfast these last weeks. Keep on fighting. This harassment has to stop.
Like Reply

Stella Grace · 0:57
Autumn 17 and I will be stopping in.
Like Reply

View 37 more comments

While you comment

facebook.com



001 / 0:41

Crack'd Egg

FREE'DOM French Toast Today at the Egg, open Monday thru Saturday 7am-2pm

Like Comment Share

Up Next

- Why Dakota Johnson shutting down Ellen... June 16
- Nick Jonas And Priyanka Chopra's... MTV June 16
- Salma Hayek Mid A Shameful Secret fro... Get 100% June 16
- The Woman Who Broke Keanu Reeves'... June 16

Comments

While you comment