

***Summary of Judge's Decision regarding
Otto Huttman***

DATE: January 31, 2006

ACTION NO.: 0501 90685

ACCUSED: **HUTTMAN**, Otto

JUDGE: T. C. Semenuk

PENALTY: \$12,650

TYPE OF CASE: This is a situation where the Accused pled guilty to 2 charges regarding unlawful slaughter and 2 charges of unlawful sale of uninspected meat under the *Meat Inspection Act*. The matter proceeded by way of joint submission and the Accused was represented by Counsel. When the above penalty was added to the penalty for the charges under the Public Health Act the total was \$30,475.

BACKGROUND FACTS:

- ◆ The Accused was the registered owner of a property municipally described as 967 Marcombe Drive N.E., Calgary, Alberta (the "Premises").
- ◆ The Accused operated as a mobile butcher, holding a valid mobile butcher license issued by Alberta Agriculture from 1995 to 2001.
- ◆ The Accused also operated a business called Northeast Halal Meat and Deli located at #3, 4100 Marlborough Drive N.E., Calgary, Alberta.
- ◆ In 2002 the Accused failed to renew his mobile butcher license and did not renew the lease on the building where his business operated.
- ◆ On August 10, 2004 Alberta Agriculture received a complaint of beef heads, feet and offal being dumped on the street in the Coventry Hills area of Northwest Calgary. An investigation determined the source of this material was Otto Huttman.
- ◆ Between October 1 and 23, 2004 Adel Khalil contacted the Accused and ordered a cow that he wanted slaughtered, processed, cut and wrapped. Khalil was going to split the meat from this cow with his brother and his brother-in-law.
- ◆ The 3 Khalils met the Accused at the garage of his Premises and followed him to a feed lot Northwest of Calgary, Morrison Farms and Feed Yard.
- ◆ The Khalils picked out a cow from a pen and paid Morrison \$1,000. Huttman then slaughtered the animal and it was not inspected prior to the slaughter.

- ◆ The Accused then loaded the uninspected carcass onto the back of his truck and transported it to the garage of his Premises.
- ◆ On October 23, 2004 the wives of the Khalils attended Huttman's garage and watched as he processed their meat by cutting and wrapping. They paid the Accused \$375 cash for the service upon taking delivery of the uninspected meat. Also present was Phyllis Huttman who did the majority of the wrapping.
- ◆ In 2004 Morrison sold between 30 to 40 beef to Huttman's customers and was paid cash with no records being kept.
- ◆ Between May 1, 2004 and December 6, 2004 the Accused sold 85 hides to the Alberta Processing Company.
- ◆ Between November 15, 2004 and December 11, 2004 Jamil Farhat contacted the Accused and ordered a cow to be slaughtered, processed, cut and wrapped. Mr. Farhat had purchased sides of beef from the Accused in the past.
- ◆ Farhat attended the garage of the Premises and rode with the Accused to the Morrison Farms and Feed Yard.
- ◆ Farhat picked out a cow and watched as the Accused placed the cow into a building and slaughtered it. The animal was not inspected prior to slaughter.
- ◆ After the slaughter the uninspected carcass was loaded into the walk-in cooler that the Accused had installed at the feed lot and later transported back to the garage at the Premises.
- ◆ On November 16, 2004 inspectors from Alberta Agriculture observed Huttman unloading a carcass from the trunk of a taxi cab into the garage of the Premises with the aid of rail system. No inspection legends were observed on the carcass.
- ◆ On December 11, 2004 Farhat attended the garage and took delivery of 10 boxes of processed meat. He paid the Accused for the animal and the processing by personal cheque in the amount of \$673.35 and \$300 in cash.
- ◆ On January 19, 2005 the Accused attended the farm of Nimo Simi located in Simmons Valley, Alberta with Monaire Hammoud and Talal Abouahmad.
- ◆ Otto Huttman slaughtered 2 beef cows, 1 for Monaire Hammoud and 1 for Talal Abouahmad, which Monaire Hammoud had just purchased from Nimo Simi for \$600 each. Neither animal was inspected prior to slaughter.
- ◆ After the slaughter, 1 animal was identified as belonging to Monaire Hammoud and one to Talal Abouahmad and then loaded into Otto Huttman's truck (License Plate No.: WJW 995) and then transported back to the garage.

- ◆ Arrangements were made between Otto Huttman, Monaire Hammoud and Talal Abouahmad to have the animals processed at the garage on January 29, 2005, at a cost of 30¢ to 35¢ per pound.
- ◆ On January 20, 2005, while conducting surveillance of the garage of the Premises, inspectors from Alberta Agriculture observed Otto Huttman backing up his pick-up truck to the garage and unloading the 8 quarters of beef from the rear of the truck into the garage.
- ◆ Sami El Sayed drove his taxi to the garage of the Premises on January 20, 2005, and purchased 40 kilograms of donair meat from Otto Huttman for a cost of \$157.52. Phyllis Huttman and Otto Huttman assisted Sami El Sayed in loading this meat into this vehicle.
- ◆ On January 20, 2005, Alberta Agriculture Food and Rural Development executed a Search Warrant on the garage of the Premises and inspected along with inspectors from Calgary Health Region.
- ◆ The sworn Information of inspector Vaughn Christensen was used to obtain a Search Warrant regarding the garage of the Premises.
- ◆ The garage of the Premises was set up as a full butcher shop and was not a permitted food establishment under the *Food and Food Establishments Regulation* of the *Public Health Act*. Numerous photographs were taken as well as a videotape of the conditions found.
- ◆ A search of the garage of the Premises found 8 quarters of beef hanging in the cooler. The quarters were not inspected and four of the quarters had paper on them saying Monaire and the remaining four quarters were marked Jab Talal.
- ◆ Monaire Hammoud has known and dealt with Otto Huttman for the past 10 years, both at his place of business and at the garage at the Premises.
- ◆ Monaire Hammoud has purchased live cattle through Otto Huttman for the past 10 years and has hired Otto Huttman to slaughter the animals and then process the meat.
- ◆ After Otto Huttman closed his place of business in 2002 (Northeast Halal Meat and Deli), the processing of the meat for Monaire Hammond took place at the garage of the Premises.

JUDGE'S COMMENTS ON SENTENCING:

- ◆ The Judge heard the lengthy submissions from the Crown with regards to the background facts and the joint submission on sentence as well as the relevant case law on December 5, 2005. He reserved his decision to January 31, 2006 at which time a written decision was given accepting the joint submission.
- ◆ The Judge quoted extensively from the case law provided regarding the importance of the food safety legislation.

- ◆ The aggravating factors that the Judge considered were as follows:
 - These are regulatory offences and deal with food safety which must be at the top of the list of public health priorities.
 - The offences were serious, gross departures from the regulations and long standing.
 - The offensive conduct by the Accused was repetitive and the Accused had been in the butcher business for many years and should have known better.
 - He breached the trust of people of the Muslim faith who relied on him and exposed everyone in the community to a potential for public harm.
 - The Accused was motivated by economic gain.
- ◆ By way of mitigating factors the Court considered the following:
 - The Accused pled guilty and avoided a 2 week Trial.
 - The Accused is elderly and comes before the Court with no prior record (however he was charged but not convicted of similar offences back in 1996).
 - The Accused is not well off financially and the fine will cause significant economic hardship.
- ◆ The Accused was given until July 31, 2006 to pay his fine failing which a warrant would be issued for his arrest and he would have to serve 220 days default time.

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