



**RETAIL FOOD FACILITY INSPECTION REPORT**

FACILITY NAME <b>RUBYS DINER</b>		FACILITY ADDRESS <b>13102 NEWPORT AVE, TUSTIN, CA 92780</b>	
MAILING ADDRESS <b>PO BOX 52230 IRVINE, CA 92619</b>		IDENTIFIER <b>None</b>	
C/O - OWNER <b>DIMITRIS RESTAURANT PARTNERS LTD</b>		RESULT <b>CLOSED</b>	
FACILITY ID <b>FA0004745</b>	RELATED ID <b>PR0004745</b>	SERVICE: <b>C01 - COMPLAINT INVESTIGATION - INITIAL</b>	INSPECTION DATE <b>8/10/2020</b>
PROGRAM DESCRIPTION <b>0134 - RESTAURANT 101-150 PERSONS - COMPLEX</b>		FOOD MANAGER CERTIFICATE / EXPIRATION DATE <b>J. Miranda 3/22/23</b>	REINSPECTION DATE: <b>N/A</b>

**Items noted below were observed during the course of this inspection. Any violations observed must be corrected. Failure to correct the listed violation(s) prior to the designated compliance date may necessitate a reinspection at an additional fee.**

**OPENING COMMENTS**

This report supercedes the handwritten report left on site.  
The purpose of this visit is to respond to a complaint (CO#74366) received by this Agency. The complaint alleges that, there is no hot water in the facility.  
The complaint was discussed with D. Marriott.

**22. HOT AND COLD WATER AVAILABLE - MAJOR**

Inspector Comments: Hot water measured at 84F at the 2 compartment sink. Maintain hot water at 120F throughout the facility.

Violation Description: An adequate, protected, pressurized, potable supply of hot water and cold water shall be provided at all times. (113941, 113953c, 114099.2b, 114163, 114189, 114192, 114192.1, 114195)

**50. PERMIT SUSPENSION - IMMINENT HEALTH HAZARD**

Inspector Comments: IMMEDIATE HEALTH PERMIT SUSPENSION AND CLOSURE

The permit to operate the above named food facility is hereby temporarily suspended, and the facility is ordered immediately closed under the authority of Sections 114405 and 114409 of Division 104, Part 7, Chapter 13, Article 3 of the California Health and Safety Code. The attached Inspection Report specifies the conditions that warrant this closure and the Sections of the law that are being violated.

Any food facility for which the permit has been temporarily suspended shall cease all food handling, close and remain closed until all conditions warranting the closure are corrected and your permit has been reinstated by a representative of Environmental Health.

You are hereby notified that you have the right to request a hearing, within 15 calendar days after service of this Notice to show cause why the permit suspension is not warranted. Your failure to request a hearing within 15 calendar days shall be deemed a waiver of your right to a hearing.

An owner, manager or operator who fails to comply with this Closure Notice may be found guilty of a misdemeanor, with a possible fine of \$1,000.00 and/or imprisonment for not more than six months for each offense.

This Health Permit Suspension and Closure Notice is issued to you under the authority of the California Health and Safety Code, Division 104, Part 7, Chapter 13, Article 3. Copies of the Code Sections referred to herein may be reviewed at most public libraries, the Internet, or at Environmental Health.

Contact this office at the number noted on this report, during normal days of business to request a re-inspection, or if you have any questions.

If you are calling after 5:00 pm or on weekends, leave a message at (714) 433-6419 and an inspector/on call staff will call you back at their earliest convenience. Please make after hour request calls before 8:00 pm. The afterhours overtime rate through June 30, 2021 is \$45.75 per quarter hour, or fraction thereof; time charged includes all travel time.

The CLOSED notification seal was issued this date.

**REASON FOR CLOSURE: NO HOT WATER THROUGHOUT FACILITY**

Violation Description: If an imminent health hazard is found, an enforcement officer may temporarily suspend the permit and order the food facility immediately closed. (114409)

**SIGNATURE(S) OF ACKNOWLEDGEMENT**



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FACILITY NAME RUBYS DINER	DATE 8/10/2020
LOCATION 13102 NEWPORT AVE, TUSTIN, CA 92780	RELATED ID PR0004745

NAME: D. Marriott  
TITLE: general manager

Signing for the receipt of the above report is not an admission of the facts of the violations set forth herein.

INSPECTOR:

M CASSEDY, REHS  
ENVIRONMENTAL HEALTH SPEC I  
(714) 659-0452  
mcassedy@ochca.com

Did you know that effective January 1, 2018, the California Health and Safety Code was amended to make it easier for food facilities to donate food? Please consider donating your excess food/product to a local food bank, pantry, or soup kitchen. As a good faith food donor, you are protected from civil and criminal liability if the food product later causes harm to its recipient, unless the injury is a direct result of your gross negligence or intentional misconduct in the preparation or handling of the donated food. See Section 1714.25 of the Civil Code and Sections 114432 to 114434, inclusive, of the Health and Safety Code. For more information, please visit [ocfoodinfo.com](http://ocfoodinfo.com) or [wastenotoc.org](http://wastenotoc.org).