



**ORANGE COUNTY HEALTH CARE AGENCY**  
 REGULATORY/MEDICAL HEALTH SERVICES  
 ENVIRONMENTAL HEALTH

**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>A01 - ROUTINE INSPECTION</b>		INSPECTION DATE <b>6/12/2018</b>	
PE <b>0134 - RESTAURANT 101-150 PERSONS - COMPLEX</b>			FOOD MANAGER CERTIFICATE / EXPIRATION DATE <b>J. Miranda expires 3/22/23</b>		REINSPECTION DATE: <b>N/A</b>

Based on an inspection this day, the compliance status (IN, MAJ, MIN, OUT, N/A, N/O, COS) has been identified below. Violations noted as MAJ, MIN or OUT must be corrected. Failure to correct the listed violation(s) prior to the designated compliance date may necessitate a reinspection at an additional fee. See the following page(s) for the California Health and Safety code sections and other applicable codes for the general requirements that correspond to the violation(s) noted below.

IN = In Compliance N/A = Not Applicable N/O = Not Observed MAJ = Major MIN = Minor OUT = Out of Compliance COS = Corrected on Site

**CRITICAL RISK FACTORS**

IN	MAJ	MIN	N/A	N/O	DESCRIPTION	COS
<b>EMPLOYEE KNOWLEDGE</b>						
●					1. Demonstration of knowledge	
●					2. Food manager certification; food handler cards	
<b>EMPLOYEE HEALTH &amp; HYGIENIC PRACTICES</b>						
●					3. Communicable disease; reporting, restrictions & exclusions	
●					4. No discharge from eyes, nose, and mouth	
●					5. Proper eating, tasting, drinking or tobacco use	
<b>PREVENTING CONTAMINATION BY HANDS</b>						
●					6. Hands clean and properly washed; gloves used properly	
		●			7. Adequate handwashing facilities supplied & accessible	
<b>TIME AND TEMPERATURE RELATIONSHIPS</b>						
	●				8. Proper hot and cold holding temperatures	
			●		9. Time as a public health control; procedures & records	
			●		10. Proper cooling methods	
			●		11. Proper cooking time & temperatures	
			●		12. Proper reheating procedures for hot holding	

IN	MAJ	MIN	N/A	N/O	DESCRIPTION	COS
<b>PROTECTION FROM CONTAMINATION</b>						
●					13. Returned and reserve of food	
●					14. Food in good condition, safe and unadulterated	
●					15. Food contact surfaces: clean and sanitized	
<b>FOOD FROM APPROVED SOURCES</b>						
●					16. Food obtained from approved source	
			●		17. Compliance with shell stock tags, condition, display	
			●		18. Compliance with Gulf Oyster Regulations	
<b>ADDITIONAL CRITICAL RISK FACTORS</b>						
			●		19. Compliance with variance, specialized process, & HACCP Plan	
			●		20. Consumer advisory provided for raw or undercooked foods	
			●		21. Licensed health care facilities/public & private schools: prohibited foods not offered	
●					22. Hot and cold water available	
●					23. Sewage and wastewater properly disposed	
	●				24. No rodents, insects, birds, or animals	

**GOOD RETAIL PRACTICES**

OUT	DESCRIPTION	COS
<b>SUPERVISION</b>		
	25. Person in charge present and performs duties	
	26. Personal cleanliness and hair restraints	
<b>GENERAL FOOD SAFETY REQUIREMENTS</b>		
	27. Approved thawing methods used, frozen food	
●	28. Food separated and protected	
	29. Washing fruits and vegetables	
	30. Toxic substances properly identified, stored, used	
<b>FOOD STORAGE/DISPLAY/SERVICE</b>		
●	31. Food storage: food storage containers identified	
	32. Consumer self-service	
	33. Food properly labeled & honestly presented	

OUT	DESCRIPTION	COS
<b>EQUIPMENT/UTENSILS/LINENS</b>		
	34. Nonfood contact surfaces clean	
	35. Warewashing facilities: installed, maintained, used; test strips	
●	36. Equipment/Utensils approved; installed; good repair, capacity	
●	37. Equipment, utensils and linens: storage and use	
	38. Adequate ventilation and lighting; designated areas, use	
	39. Thermometers provided and accurate	
	40. Wiping cloths: properly used and stored	
<b>PHYSICAL FACILITIES</b>		
	41. Plumbing: proper backflow devices	
	42. Garbage and refuse properly disposed; facilities maintained	
	43. Toilet facilities: properly constructed, supplied, cleaned	
	44. Premises; personal/cleaning items; vermin-proofing	

OUT	DESCRIPTION	COS
<b>PERMANENT FOOD FACILITIES</b>		
●	45. Floor, walls, ceilings: built, maintained, and clean	
	46. No unapproved private homes/living or sleeping quarters	
<b>SIGNS/REQUIREMENTS</b>		
	47. Signs posted; last inspection report available	
●	48. Plan Review	
	49. Health Permit	
<b>COMPLIANCE AND ENFORCEMENT</b>		
●	50. Permit Suspension - Imminent Health Hazard	
	51. Notice of Violation - Hearing	
	52. Permit Suspension	
	53. Voluntary Condemnation & Destruction (VC&D)	
	54. Impoundment	
	55. Sample Collected	



## RETAIL FOOD FACILITY INSPECTION REPORT

FACILITY NAME <b>RUBYS DINER</b>	DATE <b>6/12/2018</b>
LOCATION <b>131102 NEWPORT AVE. TUSTIN, CA 92780</b>	RELATED ID <b>PR0004745</b>

### OPENING COMMENTS

The purpose of this visit was to conduct a routine inspection.

#### 7. ADEQUATE HANDWASHING FACILITIES SUPPLIED & ACCESSIBLE

Inspector Comments: Observed soap missing from the soap dispenser at the handwashing sink. Soap was provided at the time of the inspection.

Violation Description: Handwashing facilities must be provided. Handwashing soap and single-use towels or drying device shall be provided in dispensers; dispensers shall be maintained in good repair. Handwashing facilities shall be clean, unobstructed, and accessible. (113953, 113953.1, 113953.2, 114067)

#### 8. PROPER HOT AND COLD HOLDING TEMPERATURES

Inspector Comments: The following foods were measured at the respective temperatures:

Salad cooler

BBQ sauce measured at 45F, ranch measured at 44F

The person in charge stated that the food had been held for 2 hours

Cooked bacon measured at 85F at the cook's line.

The person in charge stated that the food had been held for 2 hours.

The bacon was moved to the walk in cooler.

Violation Description: Potentially hazardous foods shall be held at or below 41°F or at or above 135°F. (113996, 113998, 114037, 114343(a), 114004)

#### 24. NO RODENTS, INSECTS, BIRDS, OR ANIMALS

Inspector Comments: Rodent droppings were observed in the following areas:

-Several droppings were observed on a cardboard drink holder. Remove the droppings and clean and sanitize the area.

-Numerous droppings were observed on the floor beneath a chemical / storage room. Remove the droppings and clean and sanitize the area.

--Several droppings were observed beneath the food storage racks in several areas. Remove the droppings and clean and sanitize the area.

-A few droppings were observed along the wall beneath the ice machine. Remove the droppings and clean and sanitize the area.

-Several droppings were observed in 3 different plastic containers holding utensils. The contents were washed at the time of the inspection.

Photos were taken at the time of the inspection.

Eliminate the infestation/activity of cockroaches/rodents/flies/vermin from the food facility by using only approved methods. Remove all evidence of the infestation and thoroughly clean and sanitize all affected surfaces. Construct, equip, maintain and operate the food facility so as to prevent the entrance and harborage of animals, birds and vermin including, but not limited to, rodents and insects.

Violation Description: Each food facility shall be kept free of insects, birds, animals, or vermin: rodents (rats, mice), cockroaches, flies. (114259, 114259.1, 114259.4, 114259.5)



## RETAIL FOOD FACILITY INSPECTION REPORT

FACILITY NAME <b>RUBYS DINER</b>	DATE <b>6/12/2018</b>
LOCATION <b>13102 NEWPORT AVE. TUSTIN, CA 92780</b>	RELATED ID <b>PR0004745</b>

### 28. FOOD SEPARATED AND PROTECTED

Inspector Comments: 1. Observed uncovered containers inside the reach in cooler. Provide sanitary, non-absorbent and approved coverings on all open food containers except when in use.

2. Observed raw pooled egg stored next to sour cream inside the reach in cooler. Separate the raw food from the ready to eat food. Store ready-to-eat foods above or separately from raw animal products.

Violation Description: All food shall be separated and protected from contamination. (113980, 113984, 113986, 114060, 114067, 114077, 114073, 114143)

### 31. FOOD STORAGE; FOOD STORAGE CONTAINERS IDENTIFIED

Inspector Comments: Observed food stored on the floor inside the walk in cooler. Maintain foods off of the floor on approved shelves.

Violation Description: Food shall be stored in approved containers and labeled as to its contents. Food shall be stored at least 6" above the floor on approved shelving and in an approved area. (114047, 114049, 114051, 114053, 114055, 114067(h), 114069 [b])

### 36. EQUIPMENT/UTENSILS - APPROVED; INSTALLED; GOOD REPAIR; CAPACITY

Inspector Comments: 1. Observed food stored on milk crates within the walk in cooler. Store foods on approved shelves in the walk in cooler.

2. Observed debris and dust on the fan covers to the walk in cooler. Clean the fan covers and maintain in good condition.

Violation Description: All utensils and equipment shall be fully operative and in good repair. All utensils and equipment shall be approved, installed properly, and meet applicable standards. (114130, 114130.1, 114130.2, 114130.3, 114130.4, 114130.5, 114130.6, 114132, 114133, 114137, 114139, 114153, 114155, 114163, 114165, 114167, 114169, 114175, 114177, 114180, 114182)

### 37. EQUIPMENT, UTENSILS AND LINENS: STORAGE AND USE

Inspector Comments: Observed the handle of the cole slaw touching the cole slaw. Corrected at the time of the inspection. Store the ice scoop in a sanitary, cleanable container or inside the ice machine/bin in a manner that does not allow the handle to come into contact with the ice. Clean the scoop regularly.

Violation Description: All clean and soiled linen shall be properly stored; non-food items shall be stored and displayed separate from food and food-contact surfaces. Utensils and equipment shall be handled and stored so as to be protected from contamination. (114074, 114081, 114119, 114121, 114161, 114178, 114179, 114083, 114185, 114185.2, 114185.3, 114185.4, 114185.5)

### 45. FLOORS, WALLS AND CEILINGS: BUILT, MAINTAINED, AND CLEAN

Inspector Comments: A hole in the wall was observed near the chemical/ supply storage room. Patch the hole and maintain in good condition.

Violation Description: The walls / ceilings shall have durable, smooth, nonabsorbent, light-colored, and washable surfaces. All floor surfaces, other than the customer service areas, shall be approved, smooth, durable, and made of nonabsorbent material that is easily cleanable. Approved base coving shall be provided in all areas, except customer service areas and where food is stored in original unopened containers. Food facilities shall be fully enclosed. All food facilities shall be kept clean and in good repair. (114143(d), 114266, 114268, 114268.1, 114271, 114272)

### 48. PLAN REVIEW

Inspector Comments: It is the responsibility of the owner/operator to call for final plan check approval. Please call 714-433-6074 to schedule your final plan check prior to 6/19/2018.

Violation Description: A person proposing to build or remodel a food facility shall submit plans for approval before starting any new construction or remodeling of any facility for use as a retail food facility. (114380)



**RETAIL FOOD FACILITY INSPECTION REPORT**

FACILITY NAME <b>RUBYS DINER</b>	DATE <b>6/12/2018</b>
LOCATION <b>13102 NEWPORT AVE. TUSTIN, CA 92780</b>	RELATED ID <b>PR0004745</b>

**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 above, 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) 433-6418 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, 2018 is \$44.63 per quarter hour, or fraction thereof; time charged includes all travel time.

The CLOSED notification seal was issued this date.

**REASON FOR CLOSURE: RODENT CLOSURE**

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**

It was agreed that a copy of this report will be sent to the e-mail address provided. The person in charge was directed to call this office if the report is not received within 2 business days. Additional information can be found at <http://www.ochealthinfo.com/eh/>.

NAME:D. Marriott  
 TITLE:general manager



**ORANGE COUNTY HEALTH CARE AGENCY**  
REGULATORY/MEDICAL HEALTH SERVICES  
ENVIRONMENTAL HEALTH

**RETAIL FOOD FACILITY INSPECTION REPORT**

FACILITY NAME <b>RUBYS DINER</b>	DATE <b>6/12/2018</b>
LOCATION <b>13102 NEWPORT AVE. TUSTIN, CA 92780</b>	RELATED ID <b>PR0004745</b>

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).