

County of Santa Clara

Department of Environmental Health

Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0270290 - RUBY'S PAN DULCE		Site Address 829 BORREGAS AV B, SUNNYVALE, CA 94085		Inspection Date 07/28/2025		Placard Color & Score GREEN 83		
Program PR0402373 - FOOD PREP / FOOD SVC OP 0-5 EMPLOYEES RC 2 - FP10			Owner Name PRADO, DAVID		Inspection Time 10:30 - 12:00			
Inspected By GUILLERMO VAZQUEZ		Inspection Type ROUTINE INSPECTION		Consent By JOSE G.				FSC Not Available

RISK FACTORS AND INTERVENTIONS		IN	OUT		COS/SA	N/O	N/A	PBI
			Major	Minor				
K01	Demonstration of knowledge; food safety certification			X				N
K02	Communicable disease; reporting/restriction/exclusion	X						
K03	No discharge from eyes, nose, mouth	X						
K04	Proper eating, tasting, drinking, tobacco use	X						
K05	Hands clean, properly washed; gloves used properly	X						
K06	Adequate handwash facilities supplied, accessible	X						S
K07	Proper hot and cold holding temperatures	X						
K08	Time as a public health control; procedures & records		X					
K09	Proper cooling methods	X						
K10	Proper cooking time & temperatures					X		
K11	Proper reheating procedures for hot holding	X						
K12	Returned and reservice of food	X						
K13	Food in good condition, safe, unadulterated	X						
K14	Food contact surfaces clean, sanitized	X						S
K15	Food obtained from approved source	X						
K16	Compliance with shell stock tags, condition, display						X	
K17	Compliance with Gulf Oyster Regulations						X	
K18	Compliance with variance/ROP/HACCP Plan						X	
K19	Consumer advisory for raw or undercooked foods						X	
K20	Licensed health care facilities/schools: prohibited foods not being offered						X	
K21	Hot and cold water available	X						
K22	Sewage and wastewater properly disposed	X						
K23	No rodents, insects, birds, or animals	X						

GOOD RETAIL PRACTICES		OUT	COS
K24	Person in charge present and performing duties		
K25	Proper personal cleanliness and hair restraints		
K26	Approved thawing methods used; frozen food		
K27	Food separated and protected		
K28	Fruits and vegetables washed		
K29	Toxic substances properly identified, stored, used		
K30	Food storage: food storage containers identified	X	
K31	Consumer self service does prevent contamination		
K32	Food properly labeled and honestly presented		
K33	Nonfood contact surfaces clean	X	
K34	Warewash facilities: installed/maintained; test strips	X	
K35	Equipment, utensils: Approved, in good repair, adequate capacity		
K36	Equipment, utensils, linens: Proper storage and use		
K37	Vending machines		
K38	Adequate ventilation/lighting; designated areas, use		
K39	Thermometers provided, accurate		
K40	Wiping cloths: properly used, stored		
K41	Plumbing approved, installed, in good repair; proper backflow devices		
K42	Garbage & refuse properly disposed; facilities maintained		
K43	Toilet facilities: properly constructed, supplied, cleaned		
K44	Premises clean, in good repair; Personal/chemical storage; Adequate vermin-proofing		
K45	Floor, walls, ceilings: built, maintained, clean		
K46	No unapproved private home/living/sleeping quarters		
K47	Signs posted; last inspection report available		

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K48	Plan review	
K49	Permits available	
K58	Placard properly displayed/posted	

Comments and Observations

Major Violations

K08 - 8 Points - Improperly using time as a public health control procedures & records; 114000

Inspector Observations: Facility is using TPHC for the tamales at the front of the facility; tamales are not being hot held with any type of hot holding mechanism. Unable to provide TPHC forms.

[CA] When time only, rather than time and temperature is used as a public health control, PHFs shall be time marked to indicate when item is removed from temperature control, discarded if not consumed or served within 4 hours, and written procedures shall be readily available for review. Submit TPHC form into this department for approval.

Minor Violations

K01 - 3 Points - Inadequate demonstration of knowledge; food manager certification

Inspector Observations: Unable to provide a current food manger certification and food handler cards for employees at the time of inspection.

[CA] Obtain a food manger certification within 60-days and food handler cards for employees within 30-days. REPEAT VIOLATION. Failure to comply may result in enforcement action.

K30 - 2 Points - Food storage containers are not identified; 114047, 114049, 114051, 114053, 114055, 114067(h), 114069 (b)

Inspector Observations: Facility has a storage container outside of the facility that has food inside.

[CA] Food or food related equipment shall be stored in an approved fully enclosed food facility. Bring all food products inside of food facility.

K33 - 2 Points - Nonfood contact surfaces not clean; 114115(c)

Inspector Observations: 1. Heavy dust build up on the fan guards of the walk in.

[CA] Nonfood-contact surfaces of equipment shall be kept free of an accumulation of dust, dirt, food residue, and other debris.

2. Caulking around the 3-compartment sink has a mold like substance on it.

[CA] Remove old caulking and fresh silicon.

K34 - 2 Points - Warewashing facilities: not installed or maintained; no test strips; 114067(f,g), 114099, 114099.3, 114099.5, 114101(a), 114101.1, 114101.2, 114103, 114107, 114125

Inspector Observations: 3-Compartment sink is being used as a prep sink at the time of inspection.

[CA] Discontinue this practice and use sink for its intended use (wash, rinse, sanitize).

Performance-Based Inspection Questions

Needs Improvement - Demonstration of knowledge; food manager certification.

Measured Observations

Item	Location	Measurement	Comments
Hot water	3-Compartment/prep/mop sinks	120.00 Fahrenheit	
Shelled eggs	Walk in	38.00 Fahrenheit	
Warm water	Hand wash/restroom	100.00 Fahrenheit	
Ham	Prep table	38.00 Fahrenheit	
Cooked tamales	Metal pot	91.00 Fahrenheit	Per PIC, the tamales are under TPHC.
Cooked pork	Walk in	59.00 Fahrenheit	Cooling for about 2-hours.
Milk	Walk in	40.00 Fahrenheit	
Cut tomato	Prep table	38.00 Fahrenheit	
Milk	Reach in	39.00 Fahrenheit	
Cake	Display refrigeration	40.00 Fahrenheit	
Jello	Reach in	39.00 Fahrenheit	
Flan	Display refrigeration	40.00 Fahrenheit	

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Overall Comments:

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **8/11/2025**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

Legend:

[CA]	Corrective Action
[COS]	Corrected on Site
[N]	Needs Improvement
[NA]	Not Applicable
[NO]	Not Observed
[PBI]	Performance-based Inspection
[PHF]	Potentially Hazardous Food
[PIC]	Person in Charge
[PPM]	Part per Million
[S]	Satisfactory
[SA]	Suitable Alternative
[TPHC]	Time as a Public Health Control

Jose G. Prado

Received By: Jose G.
Manager
Signed On: July 28, 2025