



**STATE OF RHODE ISLAND  
RHODE ISLAND DEPARTMENT OF HEALTH**

**IN THE MATTER OF:  
Boulevard Grille and Cigar Lounge  
Violations of Executive Orders and  
RI Department of Health Regulations**

**NOTICE OF VIOLATION AND COMPLIANCE ORDER**

Now comes the Director of the Rhode Island Department of Health (“RIDOH”), as informed by the Chair (“Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”), and pursuant to R.I. Gen. Law § 23-1-20, Executive Orders 20-32 and 20-50 (“Executive Orders”), and the RIDOH rules and regulations pertaining to Safe Activities By Covered Entities During the COVID-19 Emergency (216-RICR-50-15-7) (“Safe Regulations”), determines that there are reasonable grounds to believe that Boulevard Grille and Cigar Lounge (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations.

**GROUND FOR DETERMINATION OF VIOLATIONS**

- I. Respondent is a dining establishment located at 609 Armistice Boulevard in Pawtucket.
- II. Respondent is a covered entity, as defined in the Safe Regulations. As such, Respondent is required to comply with applicable Executive Orders and the Safe Regulations.
- III. On or about July 13, 2020, a Task Force inspector met with a representative and conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that Respondent scored an 9/11 for

overall requirements and a 5/5 for dining requirements. In response, the inspector provided information and resources to the Respondent to help it achieve full compliance. This included a recommendation to the Respondent on how to access [www.ReopeningRI.com](http://www.ReopeningRI.com) and the relevant websites for the Executive Orders, rules, regulations, and guidance. The Respondent was also advised that an inspector would conduct a reinspection in the near future.

- IV. On or about July 25, 2020, a different Task Force inspector met with owner Bob Towaner and conducted a reinspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that the Respondent scored a 6/11 for overall requirements and a 4/5 for dining requirements.
- V. Therefore, as a result of the Respondent's continued failure to comply with applicable Executive Orders and the Safe Regulations, and in the absence of any other information to rebut the allegations above, RIDOH has drawn the conclusion that the above allegations are true, and the Respondent is not in compliance with applicable Executive Orders and/or the Safe Regulations.

### **VIOLATIONS**

The following violations stem from the July 25, 2020 reinspection:

- I. Respondent is in violation of Section 7.4.1(A)(3) of the Safe Regulations, which requires all individuals in an establishment to wear cloth face coverings unless social distancing or an exemption applies. Although there were four employees properly wearing masks, the owner did not wear one. He made the statement that he was just tired about the whole thing. The owner did not claim any medical reason or exemption for not complying with the mask requirement.
- II. Respondent is in violation of Section 7.4.1(A)(1)(f) of the Safe Regulations, which requires the designation of a point of contact who will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up. Although the owner is the designated Point of Contact, it was clear to the inspector that the owner was not familiar with the guidance

and regulations. The owner admitted that he needed to be shown where to find applicable Executive Orders and the Safe Regulations.

- III. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop and maintain a written plan for the safe operation of the establishment. Upon request, Respondent admitted that it did not have a written plan. In response, the inspector assisted the Respondent to print one from [www.ReopeningRI.com](http://www.ReopeningRI.com).
- IV. Respondent is in violation of Section 7.4.1(A)(1)(a) of the Safe Regulations, which requires all individuals in public or in an establishment to maintain social distancing at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where social distancing is not feasible. The inspector observed that tables in the outside area were too close together. Although the Respondent stated that the parties had moved the tables on their own to avoid direct sunlight, the Respondent failed to ensure that social distancing was being maintained.
- V. Respondent is in violation of Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires that tables be separated by at least eight (8) feet from table edge to table edge or to allow six (6) feet spacing between seated customers at different tables unless separated by a physical, non-porous barrier of an appropriate height. The inspector observed that tables in the outside area were too close together and did not meet the minimum required spacing of 8 feet from table edge to table edge.

#### **ORDER**

It is **ORDERED**, that on or before the tenth (10<sup>th</sup>) day from service of this Notice of Violation and Compliance Order, Respondent shall remedy the above cited violations and come into full compliance with applicable Executive Orders and Regulations, by fulfilling the conditions as set forth below:

- I. Respondent shall require all employees in its establishment to wear cloth face coverings unless physical distancing can be easily and continuously maintained, or an exemption applies.
- II. Respondent shall designate a point of contact who is familiar with applicable Executive Orders and the Safe Regulations, and will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up.
- III. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- IV. Respondent shall ensure that social distancing is maintained at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where social distancing is not feasible.
- V. Respondent shall ensure that tables are separated by at least eight (8) feet from table edge to table edge or to allow six (6) feet spacing between seated customers at different tables unless separated by a physical, non-porous barrier of an appropriate height.

**Failure to comply with this ORDER may result in the imposition of civil penalties and/or any other action authorized by applicable law or regulation.**

Entered this 28nd day of July 2020.



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**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN  
TEN DAYS AFTER THIS NOTICE**