



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

**IN THE MATTER OF:  
Centro de Nutricion Familiar  
Violations of Executive Orders and  
RI Department of Health Regulations**

**IMMEDIATE COMPLIANCE ORDER AND  
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. Laws §§ 23-1-20 and 23-1-21, Executive Orders 20-32 and 20-98 (“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 Centro de Nutricion Familiar (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, and that, with respect to bar requirements, Respondent is in violation of applicable Executive Orders and/or the Safe Regulations, which violation requires immediate action to protect the health, welfare, and safety of the public.

**NEED FOR IMMEDIATE ACTION**

On March 9, 2020, Governor Gina M. Raimondo declared a state of emergency for the State of Rhode Island due to the dangers to health and life posed by COVID-19. The Safe Regulations were promulgated as an emergency rule, pursuant to R.I. Gen. Laws § 42-35-2.10, based on a finding that an imminent peril to the public health, safety, or welfare required immediate promulgation of the rule,

specifically that “[i]n order to prevent further spread of COVID-19 as individuals begin to leave their homes more frequently and establishments begin to reopen, protective measures must be followed and implemented for individuals and establishments to resume operations so that the public’s health and welfare is protected.”

#### **GROUNDS FOR DETERMINATION OF VIOLATIONS**

- I. Respondent is a dining establishment which maintains a bar/countertop area located at 732 Atwells Avenue in Providence.
- 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 September 18, 2020, a Task Force inspector met with owner Valentina Alvarado (“Owner”) 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 a 3/11 for overall requirements. After the inspection, the inspector spent approximately forty-five (45) minutes with 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 stated that they would comply. The Respondent was also advised that an inspector would conduct a reinspection in the near future.
- IV. On or about September 29, 2020, the same Task Force inspector conducted a reinspection of the Respondent. The inspector met with the Owner and again performed a checklist inspection based on the Safe Regulations. The inspector determined that the Respondent again scored a 3/11 for overall requirements and had not made any attempts toward achieving compliance since the inspection of September 18, 2020. As a result of this inspection, a ten (10) day Notice of

Compliance Order (“Notice”) was served upon the Respondent on October 1, 2020. (See “Exhibit 1”)

- V. On or about October 5, 2020, a different Task Force inspector met with the Owner 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 12/12 for overall requirements. During this reinspection, no bar or dining checklists were completed because the Respondent stated that it was “take out” only, and that no indoor dining occurred.
- VI. On or about November 18, 2020, a different Task Force inspector met with the Owner and conducted a reinspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that the Respondent scored an 8/12 for overall requirements, a 2/5 for dining requirements, and a 0/6 for bar/countertop requirements.
- VII. Of note is the fact that the Respondent failed to ensure that if parties were seated at the bar, no staff were permitted to work in any areas behind the bar unless a physical, non-porous barrier of appropriate height is installed between the bar work areas and customers; that even with physical barriers between the bar work areas and customers, staff may only serve seated customers drinks and food through a gap or opening in the barrier that is no more than eight (8) inches in size; and/or that working bar areas, such as drink making stations or glassware storage, must be located at least six feet from the gaps.
- VIII. Based on the foregoing, and in the absence of any other information to rebut the allegations, the Director of RIDOH has determined that Respondent is in present violation of multiple provisions of applicable Executive Orders and/or the Safe Regulations and that, with respect to the bar requirements, immediate action is necessary to protect the health, welfare, or safety of the public.

## **VIOLATIONS**

### **ALLEGED VIOLATIONS**

The following alleged violations stem from the November 18, 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 an exception applies and requires establishments to deny entry to any employee, who is not otherwise exempt from the requirement, who refuses to wear a cloth face covering when required. The inspector observed that the Owner, who was the only employee present, did not wear a cloth face covering and he did not claim an exception to the requirement to wear one.
- II. Respondent is in violation of Section 7.4.1(A)(6) & (7) of the Safe Regulations, which requires each covered entity to ensure the performance of environmental cleaning of its establishments once per day and to maintain records documenting such environmental cleaning. Upon request, the Respondent could not produce the required records.
- III. Respondent is in violation of Section 7.4.1(A)(8) of the Safe Regulations, which requires all covered entities to maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. This work log must be maintained for at least thirty (30) days. Upon request, Respondent could not produce an employee work log.
- IV. 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 were not separated by a barrier of any kind and were neither spaced at least eight (8) feet from table edge to table edge nor to allow six (6) feet of spacing between seated customers at different tables.

- V. Respondent is in violation of Section 7.4.2(A)(2) of the Safe Regulations, which prohibits self-service seating. The inspector observed that patrons were allowed to seat themselves without assistance by the Respondent.
- VI. Respondent is in violation of Section 7.4.2(A)(5) of the Safe Regulations, which requires that all parties seated at a bar be separated by at least 6 feet, unless separated by a physical, non-porous barrier of an appropriate height. The inspector observed that seating at the bar was not separated by a barrier of any kind and did not allow for at least six (6) feet of separation between customers. (See "Exhibits 2 and 3")
- VII. Respondent is in violation of Section 7.4.2(A)(6) of the Safe Regulations, which requires that:
  - a. when parties are seated at the bar, no staff are permitted to work in any areas behind the bar and all work areas behind the bar unless a physical, non-porous barrier of appropriate height and made of a material which complies with the interior finish requirements of the State Fire Code, is installed between the bar work areas and customers; and
  - b. even with physical barriers between bar work areas and customers, staff may only serve seated customers drinks and food through a gap or opening in the barrier that is no more than eight (8) inches in size; and,
  - c. working bar areas (e.g. drink making stations or glassware storage) must be located at least six (6) feet from these gaps. Drinks and/or food may not be passed to customers under, over, or around such barrier by staff behind the bar.

The inspector observed that customers were allowed to sit at the bar/countertop while employees worked from the work areas behind the bar/countertop without a non-porous physical barrier in place. (See "Exhibit 2 and 3")

- VIII. Respondent is in violation of Section 7.4.5(A)(6) of the Safe Regulations, which requires that information must be collected from all visitors and other entrants who have interacted with

others present on the site for a period of 15 minutes or more for the purposes of contact tracing. The information collected must be maintained for thirty (30) days. Upon request, the Respondent could not produce the required documentation.

## **ORDER**

### **IMMEDIATE COMPLIANCE**

It is hereby **ORDERED**, that Respondent is to immediately close its bar/bar area until such time as violations are remedied to the satisfaction of the Director of RIDOH by fulfilling the conditions as set forth below:

- I. Respondent must develop and incorporate into its written control plan a strategy to prevent the violations listed above from reoccurring. Said written plan shall incorporate, but not be limited to, the following:
  - a. Respondent shall ensure that:
    - i. when parties are seated at the bar, no staff are permitted to work in any areas behind the bar and all work areas behind the bar unless a physical, non-porous barrier (i.e., plexiglass) of appropriate height and made of a material which complies with the interior finish requirements of the State Fire Code is installed between the bar work areas and customers; and
    - ii. even with physical barriers between bar work areas and customers, staff may only serve seated customers drinks and food through a gap or opening in the barrier that is no more than eight (8) inches in size; and
    - iii. working bar areas (e.g. drink making stations or glassware storage) are located at least six (6) feet from these gaps and that drinks and/or food is not passed to customers under, over, or around such barrier by staff behind the bar.

- b. Respondent shall require all employees in its establishment to wear cloth face coverings unless an exception applies. In accordance with Section 7.4.1(A)(3)(a) of the Safe Regulations, Respondent shall deny access to its establishment to any employee who refuses to wear a cloth face covering when required by the Safe Regulations unless an exception applies.

#### **NOTICE OF COMPLIANCE**

It is further **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 develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- II. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- III. Respondent shall maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. This work log must be maintained for at least thirty (30) days.
- IV. Respondent shall ensure that tables are situated to allow separation of 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.
- V. Respondent shall ensure that information be collected from all visitors and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing.
- VI. Respondent shall ensure that all parties seated at a bar be separated by at least 6 feet, unless separated by a physical, non-porous barrier of an appropriate height.

VII. Respondent shall ensure that all parties are seated by the Respondent and that no self-seating occurs.

VIII. Once completed, said written plan must be emailed to [DBR.CovidTaskForce@dbr.ri.gov](mailto:DBR.CovidTaskForce@dbr.ri.gov) for approval. You will be notified whether your updated plan has been approved, and if so, the date for your reinspection.

**With respect to the Notice of Compliance Order, a written request for a hearing may be filed within ten (10) days of this notice.**

**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 23<sup>rd</sup> day of November 2020.

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott". The signature is fluid and cursive, with a large initial "N" and "A".

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Nicole Alexander-Scott, MD, MPH  
Director  
Rhode Island Department of Health  
Cannon Building, Rm. 401  
Three Capitol Hill  
Providence, RI 02908



# EXHIBIT 1



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

**ELIZABETH M. TANNER, ESQ.  
IN HER CAPACITY AS CHAIR OF THE  
RHODE ISLAND COVID-19 ENFORCEMENT  
TASK FORCE**

**IN THE MATTER OF:  
Centro de Nutricion Familiar  
Violations of Executive Orders and  
RI Department of Health Regulations**

**NOTICE OF VIOLATION AND COMPLIANCE ORDER**

Now comes the Chair (“Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”) and pursuant to R.I. Gen. Laws § 23-1-20, Executive Orders 20-32, 20-40, and 20-79, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (the “Safe Regulations”), determines that there are reasonable grounds to believe that Centro de Nutricion Familiar (“Respondent”) is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

**REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION**

- I. Respondent is a retail establishment located at 732 Atwood Avenue in Providence.
- II. Respondent is a covered entity as defined in the Safe Regulations. As such, the Respondent is required to comply with applicable Executive Orders and the Safe Regulations.
- III. On or about September 18, 2020, a Task Force inspector met with owner Valentina Alvarado (“Owner”) 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 a 3/11 for overall requirements. After the inspection, the inspector spent approximately forty-five (45) minutes with 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 stated that they would comply. The Respondent was also advised that an inspector would conduct a reinspection in the near future.

- IV. On or about September 29, 2020, the same Task Force inspector conducted a reinspection of the Respondent. The inspector met with the Owner and again performed a checklist inspection based on the Safe Regulations. The inspector determined that the Respondent again scored a 3/11 for overall requirements and had not made any attempts toward achieving compliance since the inspection of September 18, 2020.
- 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.

#### **ALLEGED VIOLATIONS**

The following alleged violations stem from the September 29, 2020 reinspection.

- I. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment. Upon request, Respondent could not produce a written plan.
- II. Respondent is in violation of Section 7.4.1(A)(8) of the Safe Regulations, which requires all covered entities to maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. This work log must be maintained for at least thirty (30) days. Upon request, Respondent could not produce an employee work log.

- III. Respondent is in violation of Sections 7.4.1(A)(6) & (7) of the Safe Regulations, which require each covered entity to ensure the performance of environmental cleaning of its establishments once per day and to maintain records documenting such environmental cleaning. Upon request, the Respondent could not produce the required records.
- IV. Respondent is in violation of Section 7.4.1(A)(6) of the Safe Regulations, which requires each covered entity to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings in accordance with CDC guidance for specific industries. The Respondent admitted that it did not clean commonly touched surfaces in accordance with CDC guidance.
- V. Respondent is in violation of Section 7.4.1(A)(2) of the Safe Regulations, which requires each covered entity to implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason. Upon inquiry, the Respondent admitted that it did not conduct entry screening. In addition, there were no posters visible at or near the entrance concerning entry screening.
- VI. Respondent is in violation of Section 7.4.1(A)(4) of the Safe Regulations, which requires each covered entity to ensure the placement of posters or signs at entry to its establishments educating any individual at the establishment concerning entry screening, required physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH. The inspector observed that none of the required information was posted at the entry to the establishment and concluded, therefore, that the Respondent failed to ensure the placement of required posters.
- VII. Respondent is in violation of Section 7.4.1(A)(5) of the Safe Regulations, which requires all covered entities to ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times. The inspector observed

that the Respondent did not have its restrooms open and it did not have ready access to hand sanitizer available.

- VIII. Respondent is in violation of Section 7.4.1(A)(1)(a) of the Safe Regulations, which requires establishments to ensure compliance with a plan that includes procedures relative to, among other things, physical distancing at all times, to the extent feasible, and additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible. As stated, above, Respondent admitted to not having the required plan and the inspector observed that there were no measures in place to ensure that physical distancing was maintained.

#### **ORDER**

It is hereby 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 develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- II. Respondent shall maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. This work log must be maintained for at least thirty (30) days.
- III. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- IV. Respondent shall clean all high touch surfaces in accordance with CDC guidelines, in accordance with its specific industry, and maintain records documenting such cleaning.
- V. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.

- VI. Respondent shall ensure the placement of posters or signs at entry to its establishment educating any individual at the establishment concerning entry screening, required physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- VII. Respondent shall ensure that its establishment has its restroom open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.
- VIII. Respondent shall ensure compliance with its plan for safe operation, required pursuant to Section 7.4.1(A)(1) of the Safe Regulations, including compliance with, among other things, procedures consistent with the Safe Regulations relative to physical distancing at all times, to the extent feasible, and additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible.

**Failure to comply with this ORDER may result in the imposition of civil fines, the issuance of an immediate compliance order, and/or any other action authorized by regulation, the Act, or other applicable law.**

Entered this 1<sup>st</sup> day of October 2020.

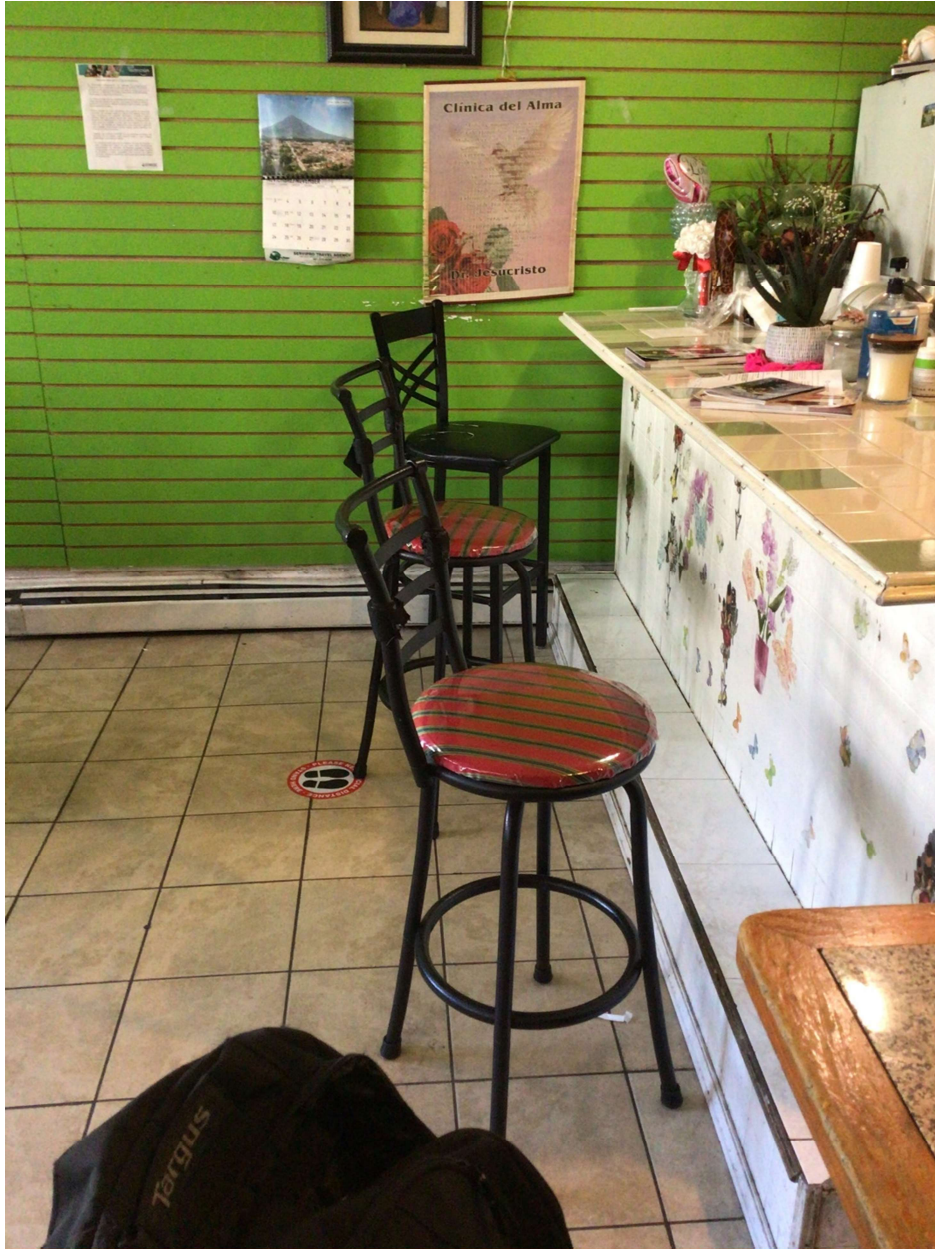


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Elizabeth M. Tanner, Esq.  
Chair  
Rhode Island COVID-19 Enforcement Task Force  
RI Department of Health  
Cannon Building, Rm. 401  
Three Capitol Hill  
Providence, RI 02908

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

# EXHIBIT 2



# EXHIBIT 3

