



**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:
China Star III
Violations of Executive Orders and
RI Department of Health Regulations**

NOTICE OF VIOLATION AND COMPLIANCE ORDER

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

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a dining establishment located at 110 Williams Street in Newport.
- 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 July 14, 2020, a Task Force inspector met with owner Owen Chen 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 5/11 for overall 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 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 August 7, 2020, a different Task Force inspector conducted a reinspection of the Respondent. The inspector met with Owen Chen and again performed a checklist inspection based on the Safe Regulations. The inspector determined that the Respondent scored a 5/11 for overall 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.

ALLEGED VIOLATIONS

The following alleged violations stem from the August 7, 2020 reinspection.

- I. 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. Based on the responses by the Respondent, it was apparent to the inspector that there was no Point of Contact who was familiar with applicable Executive Orders and the Safe Regulations. The Respondent admitted that he hadn't paid much attention to the requirements and guidelines as explained to him in the first inspection because he didn't think he would be reinspected so soon.

- II. 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 they did not have a written plan.
- 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 admitted that they did not maintain a work log.
- IV. 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 their establishments once per day and to maintain records documenting such environmental cleaning. Respondent states that they do conduct daily cleaning but could not produce a cleaning log.
- V. 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. It appeared to the inspector that with specific regard to the customer pick up area, that this commonly touched surface was not being cleaned on a regular basis.
- VI. 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 physical distancing at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible. The inspector observed that customers had to enter a small vestibule area to pick up their food. This area was large enough for only one customer at a time. The Respondent admitted that at times, more than one customer would be in this area. Thus, the inspector concluded that physical distancing could not be maintained in this area because there were no markings or other measures present to ensure compliance.

ORDER

It is hereby ORDERED, that on or before the tenth (10th) 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 designate a point of contact who will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up.
- II. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- 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 the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- V. Respondent shall clean all high touch surfaces in accordance with CDC guidelines, in accordance with its specific industry.
- VI. Respondent shall ensure that physical 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 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.

SIGNATURE APPEARS ON NEXT PAGE

Entered this 12th day of August 2020.

A handwritten signature in cursive script, reading "Elizabeth M. Tanner", enclosed in a rectangular box.

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**