



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

**IN THE MATTER OF:
Club Bebeto
Violations of Executive Orders and
RI Department of Health Regulations**

IMMEDIATE 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, Executive Orders 21-27, 21-29, 21-31, and 21-34 (“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 Club Bebeto (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violations require 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."

GROUND FOR DETERMINATION OF VIOLATION

- I. Respondent is a purported dining establishment located at 31 Greenville Avenue in Johnston. As such, the Respondent is required to be licensed by the RIDOH. Upon inquiry, the Respondent does not possess an active Food Services License.
- 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. During the month of March 2021, the Task Force received three (3) complaints against the Respondent. The complaints pertained to mask wearing, use of hookah indoors, dancing/mingling/congregating, and lack of physical distancing.
- IV. On or about April 10, 2021 a Task Force inspector conducted a spot check inspection of the Respondent to determine compliance with applicable Executive Orders and the Safe Regulations. The inspector observed multiple significant violations of applicable Executive Orders and/or the Safe Regulations. The inspector also observed that no food was being served and, as such, the establishment was operating more akin to a nightclub than a restaurant.
- V. Therefore, as a result of the Respondent's 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 alleged violations stem from the April 13, 2021 spot check.

- 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 or who refuses to wear a cloth face covering when required. The inspector observed two (2) employees behind the bar, neither of which was wearing a cloth face covering. Neither employee claimed an exception. In addition, the inspector observed approximately twenty-three (23) patrons in the establishment who were not wearing a cloth face covering.

- II. 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 individuals seated at the bar who were neither separated by at least 6 feet, nor separated by a physical, non-porous barrier of an appropriate height. (See "Exhibit A")
- III. 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 numerous customers seated at the bar without a physical, non-porous barrier of appropriate height installed between the bar work areas and customers. (See "Exhibit A")

- IV. Respondent is in violation of Section 7.4.1.(A)(12) of the Safe Regulations, which prohibits congregating and/or mingling in an establishment or areas under the establishment's control. The inspector observed numerous individuals congregating and mingling in areas under the establishment's control. (See "Exhibit B")
- V. Respondent is in violation of Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires 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. Upon request, the Respondent could not produce the required information.
- VI. Respondent is in violation of Section 7.4.1.(A)(11) of the Safe Regulations, which prohibits the use of hookah or waterpipes indoors. The inspector observed numerous patrons using hookah indoors. (See "Exhibit C")

ORDER

It is hereby **ORDERED**, that Respondent is to immediately close. Prior to reopening, violations shall be 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 the following:
 - a. Respondent shall require all employees in its establishment to wear cloth face coverings unless physical distancing can be continuously maintained, or an exception applies. In accordance with Section 7.4.1(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.
 - b. Respondent shall instruct all individuals/customers in its establishment to wear cloth face coverings unless physical distancing or an exemption applies.

- c. 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.
- d. Respondent shall ensure that service is made only to seated customers and that no service to standing customers occurs.
- e. 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.
- f. 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.
- g. 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 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.
- h. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.

- i. Respondent shall ensure that no hookah or waterpipes are used indoors.
- II. In addition to the conditions as set forth above, Respondent may not reopen until such time that the following conditions are met, to the satisfaction of the Director of RIDOH:
- a. Respondent shall ensure that all required licensing is current and good standing.
 - b. Email the following documents to: DBR.CovidTaskForce@dbr.ri.gov
 - i. An updated control plan which, in addition to addressing the matter set forth above in this ICO, must detail a strategy to ensure your employees and patrons are adhering to other applicable RIDOH regulations found here: <https://rules.sos.ri.gov/regulations/part/216-50-15-7>
 - c. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.
 - d. All employees must be trained on, and comply with, Respondent's updated written control plan.
 - e. Any area within Respondent establishment or under the Respondent's control where patrons can congregate and/or mingle, e.g., dance floors, shall be roped off or otherwise made inaccessible to patrons.
 - f. Respondent shall ensure that information be collected from all visitors and other entrants who have interacted with others present on site solely for the purposes of contact tracing. Said information must be maintained for a period of thirty (30) days and made available to the Department of Health upon request.
 - g. Respondent shall attend and participate in a meeting with the Rhode Island Department of Health to discuss health concerns. You will be emailed the contact information of the RI Department of Health (RIDOH) so you can schedule your meeting with RIDOH.

- h. After you have met with RIDOH, please contact: DBR.CovidTaskForce@dbr.ri.gov to schedule an inspection of your establishment.

This order, as well as any other supporting information may be provided by RIDOH to the local board of licenses/municipality which holds the liquor license.

Entered this 13th day of April 2020.

A handwritten signature in black ink, appearing to read 'Nicole Alexander-Scott', written in a cursive style.

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

EXHIBIT A

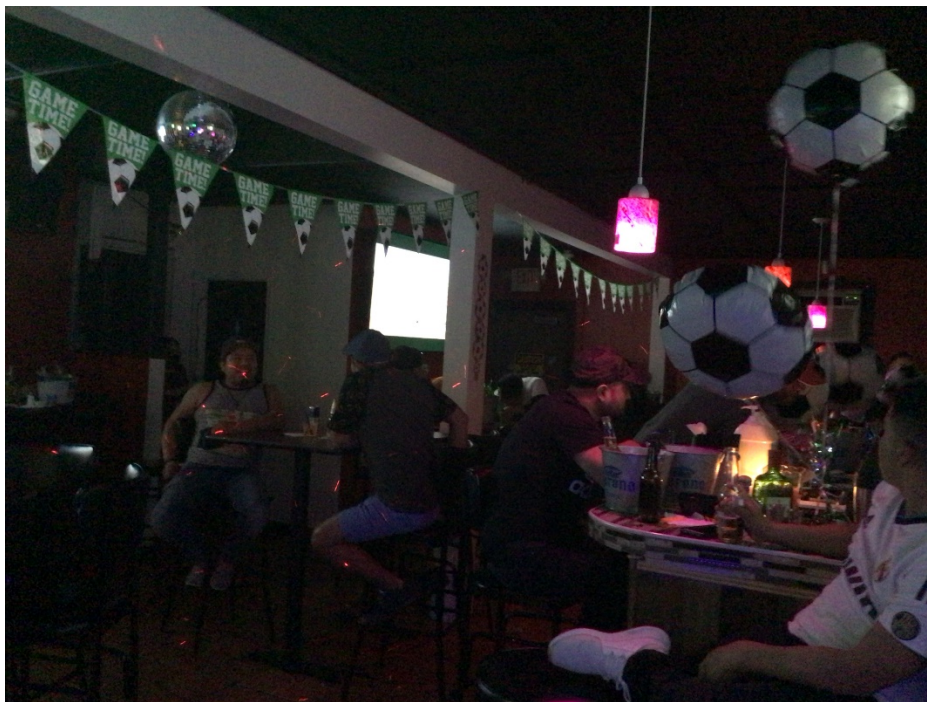


EXHIBIT B



EXHIBIT C



