



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

**IN THE MATTER OF:
Harris Bar and Grill
Violations of Executive Orders and
RI Department of Health Regulations**

**IMMEDIATE COMPLIANCE ORDER
HEALTHY ENVIRONMENT**

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 § 23-1-21, 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 Harris Bar and Grill (“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.

GROUNDINGS FOR DETERMINATION OF VIOLATION AND NEED FOR IMMEDIATE ACTION

- I. Respondent is a restaurant located at 666 Main St in Coventry.
- 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 June 6, 2020, Task Force inspectors met with Respondent owner, Dennis Colicchio (“Owner”), and conducted a Healthy Environment inspection of Respondent based on the Safe Regulations. The inspectors determined that Respondent was not in compliance with applicable

Executive Orders and/or the Safe Regulations. In response, the Inspectors educated Respondent on how to remedy the violations and advised Respondent that inspectors would be returning in approximately one week to conduct a follow up inspection of Respondent.

- IV. On or about June 9, 2020, a Task Force inspector again met with Owner and conducted a reinspection of Respondent. The inspector conducted a checklist inspection of twelve criteria based on the Safe Regulations and determined that Respondent scored a 8 out of 12 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations. Inspectors once again educated the Respondent on how to remedy the violations and advised Respondent that inspectors would be returning in approximately one week to conduct a follow up inspection of Respondent. At the time, Owner represented to inspectors that the bar inside Respondent's establishment was not in use for seating and service and would continue not to be used until legally permitted to do so.
- V. On or about July 1, 2020, Task Force inspectors again met with Owner and conducted a reinspection of the Respondent. Inspectors again conducted a checklist inspection of eleven criteria based on the Safe Regulations and determined that the Respondent scored a 6 out of 11 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations.
- VI. On July 1, 2020, Owner stated to the inspectors that he knows the regulations and that he knows he is not compliant, but that he cannot earn a living and will have to close the establishment if he is forced to comply. Owner further stated that he cannot keep his doors open if he complies with the regulations, so he is choosing not to comply.
- VII. 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.” 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, that such violation is deliberate, and Owner has no intent of remedying such violations. Accordingly, the Director of RIDOH has further determined that immediate action is necessary to protect the health, welfare, or safety of the public.

VIOLATIONS

The following violations stem from the July 1, 2020 reinspection.

- I. Respondent is in violation of Section 7.4.1(A)(3) of the Safe Regulations, which requires all individuals in public or in an establishment to wear a cloth face covering unless physical distancing can be maintained easily and continuously, or an exemption exists. Inspectors observed that the owner and the bartender (while less than six (6) feet from customers) were not wearing cloth face coverings. Neither the owner nor bartender claimed to be exempt from the requirement..
- II. 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 the 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 the Department. Inspectors observed that although the required posters were present at the first inspection, the posters had been taken down since. At the time of the second and third visits, the required posters were absent from the entrance to the establishment.

- III. Respondent is in violation of Section 7.3(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. Inspectors observed that the bar area was overcrowded with approximately 13 patrons seated at the bar, with parties being seated approximately 3 feet apart.
- IV. Respondent is in violation of Section 7.4.2(A)(5) of the Safe Regulations, which prohibits bar seating unless (a) parties seated at the bar are seated at least 6 feet apart, or (b) parties seated at the bar have a physical barrier installed between parties. Inspectors observed that the parties seated at the bar were approximately 3 feet apart and there was no physical barrier installed between the parties. (See Exhibit A)
- V. Respondent is in violation of Section 7.4.2(A)(6) of the Safe Regulations, which requires a physical, non-porous barrier (i.e., plexiglass) of appropriate height installed between the work areas behind the bar and customers when customers are seated at the bar. Inspectors observed that there was no physical barrier installed between the work areas behind the bar and the customers and that the bartender was serving customers seated at the bar. (See Exhibit B)

ORDER

It is hereby **ORDERED**, that Respondent is immediately closed until such time as the following violations are remedied to the satisfaction of the Director of RIDOH:

- I. Respondent shall develop and implement a corrective plan that brings Respondent into compliance with applicable Executive Orders and the Safe Regulations.
- II. Respondent shall be cleaned and sanitized in accordance with applicable Centers for Disease Control (“CDC”) guidance.
- III. Each employee shall be interviewed by RIDOH to ensure that none has symptoms of COVID-19. In accordance with § 7.4.1(A)(2), any employee exhibiting multiple symptoms of COVID-19 or who is COVID-19 positive shall be denied access to the establishment.

- IV. Respondent shall ensure that all entrants to its establishment at any time for any reason are screened in accordance with § 7.4.1(A)(2) and that any individual identified as exhibiting multiple symptoms of COVID-19 or who is COVID-19 positive shall be denied access to the establishment.
- V. 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 § 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 such employee is exempt from the requirements.
- 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 social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- VII. Respondent shall ensure that social distancing is maintained at all times, to the extent feasible.
- VIII. Respondent shall ensure that parties seated at the bar are separated by at least 6 feet unless there is a physical, non- porous barrier installed between the parties.
- IX. Respondent shall ensure that no staff are permitted to work in any areas behind the bar unless a physical, non- porous barrier (i.e., plexiglass) of appropriate height is installed between the work areas and customers.

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.

[SIGNATURE PAGE FOLLOWS]

Entered this 3rd day of July 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".

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

CERTIFICATION OF SERVICE

____ A copy of this Notice was mailed to Respondent, XXXXXXX, Address, City RI Zip on this _____ day of _____, 2020

OR

____ I hereby certify that on the date below I served a copy of this Notice personally on:

Location: XXXXXX

Service Address: _____

Signature of Individual Accepting Service

Signature of Server

Date of Service _____

OR

INABILITY TO MAKE SERVICE

____ I hereby certify that I was unable to effect service of this Notice after the following reasonable attempts:

Signature

Date _____

EXHIBIT A



EXHIBIT B

