



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

**IN THE MATTER OF:
International Club and Billar
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 § 23-1-21, 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 International Club and Billar (“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."

GROUNDINGS FOR DETERMINATION OF VIOLATIONS

- I. Respondent is an entertainment venue located at 327 Barton Street 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 November 27, 2020, at approximately 7:15 p.m., a Task Force inspector conducted a spot check of the Respondent to determine compliance with bar requirements. This spot check was conducted at the request of, and with assistance by, the Pawtucket Police Department ("Department"), after the Department had received information that a large concert was to take place at this location. Upon entry, the inspector observed that a concert was indeed scheduled to take place and that multiple violations of Executive Orders and the Safe Regulations existed. In addition, because the Respondent had failed to secure the proper permit from the City, the Department shut the event down. (See "Exhibit A")
- IV. 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 immediate action is necessary to protect the health, welfare, or safety of the public. Moreover, the Director of RIDOH has determined that Respondent is not presently safe to be open because of the severity of these violations and because the establishment has been operated in a manner that significantly increased the likelihood of employees, patrons, and visitors (including vendors) of being exposed to COVID-19.

VIOLATIONS

The following violations stem from the November 27, 2020 spot check.

- I. Respondent is in violation of Executive Order 20-98, which states, in part, that subject to strict adherence to physical distancing, masking, screening and sanitation protocols, indoor venues of assembly, including convention centers, concert halls, performance venues, and theaters may operate at up to 50% of capacity or 1 person per 100 square feet, subject to Phase III guidelines, to a cap of one hundred and twenty-five (125) people. The inspector counted one hundred and ninety-eight (198) patrons inside the establishment.
- 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 is familiar with the applicable Executive Orders and the Safe Regulations, and who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow up. Upon request, Respondent could not identify a point of contact who is familiar with the guidance and regulations.
- III. 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.
- IV. 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 could not produce the required plan and the inspector observed that there were no measures in place to ensure that physical distancing was maintained. (See "Exhibit B")
- V. 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.

- VI. 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.
- VII. 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.
- VIII. 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.
- IX. 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 numerous 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 allowed six (6) feet of spacing between seated customers at different tables.
(See "Exhibit B")
- X. 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 records.

**ORDER
IMMEDIATE COMPLIANCE**

It is hereby **ORDERED**, that Respondent is to immediately close for a period of no less than fourteen (14) days, which is the incubation period for COVID-19. Respondent may not reopen until such time that all violations have been 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 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 limit its customers to 50% of capacity or 1 person per 100 square feet, subject to Phase III guidelines, to a cap of one hundred and twenty-five (125) people.
 - c. Respondent shall designate a point of contact who is familiar with applicable Executive Orders and the Safe Regulations, and who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow up.
- II. Respondent shall develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- III. 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.

- IV. 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.
- V. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- VI. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
- VII. 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.
- VIII. 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.
- IX. 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.
- X. 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. 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>
 - ii. Your establishment's employee worklog, dating back two weeks from the date the violations outlined in the ICO were witnessed by a Task Force inspector.
- b. Respondent shall attend and participate in a meeting with representatives of RIDOH. You will be emailed the RIDOH contact information so you can schedule your meeting.
- c. After you have met with RIDOH, unless instructed otherwise, please contact DBR.CovidTaskForce@dbr.ri.gov to schedule an inspection of your establishment.
- d. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.
- e. All employees must be trained on, and comply with, Respondent's updated written control plan.
- f. 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.
- g. Respondent shall determine its regular indoor seating capacity and shall limit the number of patrons allowed to enter the establishment in accordance with the present capacity limit, as set forth in applicable executive order or regulation. Such capacity limitation must be identified in the modified control plan described above.

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

Entered this 1stth Day of December 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



Pawtucket Police Department
Incident Report

Incident #: 20-6092-OF
Call #: 20-77696

Date/Time Reported: 11/27/2020 1911
Report Date/Time: 11/27/2020 2019
Status: No Crime Involved

Reporting Officer: Patrol AUSTIN WEBB
Approving Officer: Sergeant ALEXANDER SMITH-A

Signature: _____

Signature: _____

INVOLVED SEX RACE AGE SSN PHONE

1 ESPINOZA, CESAR M W 32 NOT AVAIL [REDACTED]

Military Active Duty: N
HEIGHT: 506 WEIGHT: 160 HAIR: BLACK EYES: BROWN
BODY: SLIM COMPLEXION: OLIVE
DOB: [REDACTED] PLACE OF BIRTH: MEXICO
STATE ID: [REDACTED] FBI ID: [REDACTED]
LICENSE NUMBER: [REDACTED] ETHNICITY: HISPANIC
LOCAL ID: [REDACTED]

[APPEARANCE]

GLASSES WORN: NO

[FAMILY/EMPLOYMENT INFORMATION]

MARITAL STATUS: SINGLE

[REDACTED]

OCCUPATION: UNEMPLOYED

2 SAMAYOA, ALEX M M W 44 [REDACTED]

Military Active Duty: N
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: [REDACTED] ETHNICITY: HISPANIC
EMPLOYER/SCHOOL: INTERNATIONAL BILLIARDS C

EVENTS (S)

LOCATION TYPE: Bar/Night Club Zone: Tab 7-9
INTERNATIONAL CLUB AND BILLARDS
327 BARTON ST
PAWTUCKET RI 02860

1 OVER CAPACITY PER COVID RESTRICTIONS

Pawtucket Police Department
Incident Report

Incident #: 20-6092-OF
Call #: 20-77696

#	PERSON (S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
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1	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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EMPLOYER:

On November 27, 2020 at approximately 2000 hours, I, Officer Webb, along with several members of 2nd Platoon responded to International Billiards/Bar to assist RI Dept. of Business Regulations with a check of the business.

Upon arrival, I met with Yulisa Tavares. I observed approximately 200 people inside the business for a concert event. Tavares determined the capacity violated the current Covid restrictions in RI.

The owner of the building was identified as Alex Samayoa and the event planner was identified as Cesar Espinoza. Tavares explained to Espinoza that the event needed to be shut down and the building evacuated.

The crowd was informed of the circumstances and cleared the building without incident.

EXHIBIT B



