



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

**IN THE MATTER OF:  
Levels Lounge  
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 20-79 (“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 Levels Lounge (“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.”

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

- I. Respondent is a dining establishment, which maintains a bar/lounge area, located at 1137 Broad Street 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 October 17, 2020, at approximately 12:40 a.m., a Task Force inspector conducted a spot check of the Respondent to determine compliance with bar requirements. Upon entry, the inspector observed multiple violations of Executive Orders and the Safe Regulations as described below. Said violations included, but were not limited to, employees not wearing cloth face coverings, failure to maintain physical distancing, and impermissible congregating/mingling. (See generally “Exhibit A”)
- IV. On or about October 18, 2020, at approximately 12:40 a.m., a different Task Force inspector conducted a spot check of the Respondent to determine compliance with bar requirements. Upon entry, the inspector observed multiple violations of Executive Orders and the Safe Regulations as described below. Said violations again included, but were not limited to, employees not wearing cloth face coverings, failure to maintain physical distancing, and impermissible congregating/mingling. (See generally “Exhibit B”)
- V. 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.

## **VIOLATIONS**

The following violations stem from the October 17 and 18, 2020 spot checks.

- 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 physical distancing or 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. On October 17, the inspector observed approximately twelve (12) employees in the establishment, of which eight (8) were either not wearing cloth face coverings or were wearing them incorrectly. On October 18, the inspector observed approximately eight (8) employees in the establishment, of which three (3) were either not wearing cloth face coverings or were wearing them incorrectly. None claimed an exception to the requirement to wear a cloth face covering, nor were they able to maintain physical distancing. On both nights, the inspectors also observed numerous patrons mingling within Respondent establishment without wearing any cloth face coverings.
- II. 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. On both nights the inspectors observed that, as evidenced by the high volume of patrons in the establishment, physical distancing was not being maintained to the extent feasible. In addition, there were no measures in place to ensure that physical distancing was maintained.
- III. Respondent is in violation of Section 7.4.2(A)(3) of the Safe Regulations, which prohibits service to standing customers. On both nights, the inspectors observed numerous patrons being served while standing.

- 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. On both nights, the inspector observed numerous patrons in the Respondent establishment who were not seated and were congregating, mingling, and/or dancing.

**ORDER  
IMMEDIATE COMPLIANCE**

It is hereby **ORDERED**, that Respondent is to immediately close for a period of no less than fourteen (14) days. 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 instruct all patrons in its establishment to wear cloth face coverings unless physical distancing or an exception 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 no congregating, mingling, and/or dancing occurs within the establishment or any area under the establishment's control and that all patrons are seated.
- 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. Email the following documents to: [DBR.CovidTaskForce@dbr.ri.gov](mailto: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. Ensure all persons on the worklog are tested for COVID-19.
  - c. Once all employees have been tested AND their results are available, send confirmation of such to: [DBR.CovidTaskForce@dbr.ri.gov](mailto:DBR.CovidTaskForce@dbr.ri.gov)
  - d. 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.
  - e. After you have met with RIDOH, please contact: [DBR.CovidTaskForce@dbr.ri.gov](mailto:DBR.CovidTaskForce@dbr.ri.gov) to schedule an inspection of your establishment.
  - f. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.

- g. All employees must be trained on, and comply with, Respondent's updated written control plan.
- h. 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.
- i. Respondent shall determine its regular indoor seating capacity and shall limit the number of patrons allowed to enter the establishment at any one time to sixty-six percent (66%) of that indoor seating capacity. Such capacity limitation will be identified in the modified control plan described above.
- j. 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.

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 22<sup>nd</sup> Day of October 2020.



Nicole Alexander-Scott, MD, MPH  
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# EXHIBIT A









# Exhibit B





# EXHIBIT C



