



**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:  
Mahogany Shoals  
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 Mahogany Shoals (“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 restaurant located at 111 Ocean Avenue in New Shoreham.
- 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 Regulation.
- III. On or about July 10, 2020, July 17, 2020, July 19, 2020, July 24, 2020, July 25, 2020 and August 1, 2020, various Task Force inspectors conducted Healthy Environment inspections of the

Respondent. The inspectors performed checklist inspections based on the Safe Regulations. Although the Respondent was mostly compliant at each of the inspections, inspectors generally observed that there were too many customers for seating options available which led to impermissible overcrowding and mingling. As a result, numerous conversations have been had with owner Sands Payne of the need to address overcrowding and mingling.

- IV. On or about August 8, 2020, a Task Force inspector conducted a reinspection of the Respondent. The inspector again performed a checklist inspection based on the Safe Regulations. The inspector determined that the Respondent scored a 10/11 for overall requirements, a 4/5 for dining requirements, and a 4/6 for bar requirements. Once again, the inspector observed the ongoing pattern of violations pertaining to overcrowding and mingling.
- 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 8, 2020 reinspection.

- I. Respondent is in violation of Section 7.4.1(A)(12) of the Safe Regulations, which prohibits congregating and/or mingling in an area in an establishment or areas under the establishment's control. The inspector observed that there were many more customers than there were seats available in the establishment. This led to impermissible overcrowding and mingling amongst standing customers.
- II. 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. The

inspector observed that the Respondent does attempt to collect information from all customers, however, due the volume of customers entering the establishment from multiple locations, the Respondent was unable to do so. In particular, the inspector observed that customers entering from the boat dock area did not have their information collected.

### **ORDER**

It is hereby ORDERED, that on or before the tenth (10<sup>th</sup>) 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 ensure that no overcrowding and/or mingling takes place in any area within the establishment or the establishment's control.
- II. Respondent shall ensure that information is 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.

**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**

Entered this 14<sup>th</sup> day of August 2020.



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**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN  
TEN DAYS AFTER THIS NOTICE**