



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

**IN THE MATTER OF:  
Matt's On Mendon Barber Shop  
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 Matt's on Mendon Barber Shop ("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.

**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 VIOLATIONS**

- I. Respondent is a barber shop located at 3469 Mendon Road in Cumberland.
- 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 August 5, 2020, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection of eleven items based on the Safe Regulations. Inspectors determined that Respondent was substantially not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors provided information and resources to the Respondent to help it achieve compliance. This included a recommendation to the Respondent on how to access [www.ReopeningRI.com](http://www.ReopeningRI.com) and the relevant websites for the Executive Orders, rules, regulations, and guidance. The Respondent was also advised that a reinspection would take place in the near future.
- IV. On or about August 7, 2020, the same Task Force inspector met with owner Matthew Lussier and conducted a reinspection of the Respondent. The Inspector again performed a checklist inspection of eleven items based on the Safe Regulations. The Inspector determined that Respondent remained substantially not in compliance with applicable Executive Orders and/or the Safe Regulations. Pursuant to the inspection, it was apparent to the inspector that Respondent was ambivalent towards the Safe Regulations and other rules, regulations, and guidance relative to the re-opening of Rhode Island, and made minimal attempts to meet the Respondent's obligations thereunder.
- 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 August 7, 2020 reinspection:

- I. Respondent is in violation of Section 7.3(B) 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 applies, and Section 7.4.1(A)(3), which requires each covered entity to instruct any person entering an establishment to wear cloth face coverings except when physical distancing from others in the establishment is easily, continuously, and measurably maintained or an exception applies, and to deny access to any employee who refuses to wear a cloth face covering when required. The inspector observed five employees inside the establishment during the inspection. Upon entry, she observed that none of the five were wearing any face coverings. It was only once her presence was known did two of the five employees put masks on. The three others refused to wear masks. The owner claimed a medical exception and stated that he could not wear a mask due to migraines. However, the other two did not claim a medical exemption. One stated that “she was a grown up and was not going to wear one” and the other stated that she “doesn’t wear a mask anywhere.” The inspector also observed that of the approximately 19 customers in the shop, three did not have masks on. One of which was seated in a chair receiving a haircut. (See Exhibit A)
- II. Respondent is in violation of Section 7.4.1(A)(8), which requires every covered entity 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. Said work log shall be maintained for at least thirty (30) days. Upon request, the owner stated that he did not maintain an employee work log because he did not have the time or money to do so.

- III. Respondent is in violation of Sections 7.4.1(A)(6) and (7) of the Safe Regulations, which require each covered entity to ensure the performance of environmental cleaning of their establishments once per day, to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles, and railings in accordance with Centers for Disease Control (“CDC”) guidance, and to maintain records documenting such environmental cleaning. Upon request, the owner admitted that he did not keep environmental cleaning logs.
- IV. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(6) of the Safe Regulations, which requires each covered entity to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings in accordance with CDC guidance for specific industries. Upon observation, the inspector noted that employees were utilizing barber shop instruments, tools, capes, and seats for multiple customers without any cleaning in between uses.
- V. 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. The inspector observed multiple persons enter the establishment with no screening taking place by staff. It did appear that there may have been a poster at the entry that would pertain to self-screening requirements, however, the poster had been exposed to the elements and was unreadable. Thus, if the poster was in fact a self-screening poster, its current condition rendered it useless.
- VI. 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 physical distancing at all times, to the extent feasible, and Section 7.4.1(A)(1)(a), which, by extension, requires covered entities to address physical distancing in their establishments. The inspector observed that the hair cutting stations were located within 6 feet of each other without any dividers between them. She also observed that the waiting room was set up without any spacing between the chairs to prevent customers from

sitting next to each other. Finally, there were no markings or other indicia present to ensure that physical distancing could be maintained.

### **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 establishment shall be cleaned and sanitized in accordance with applicable CDC guidance.
- III. 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.
- IV. 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. Said work log shall be maintained for at least thirty (30) days.
- V. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and shall clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles, and railings, in accordance with CDC guidance. Respondent shall maintain records documenting such cleaning.
- VI. Respondent shall clean all high touch surfaces in accordance with CDC guidelines, in accordance with its specific industry. This includes, but is not limited to barber shop instruments, tools, chairs, and capes.

VII. Respondent shall ensure that all entrants to its establishment at any time for any reason are screened in accordance with Section 7.4.1(A)(2) of the Safe Regulations.

VIII. Respondent shall ensure that physical distancing measures are in place and is maintained at all times, to the extent feasible.

**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.**

Entered this 7th day of August 2020.

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott". The signature is written in a cursive, flowing style.

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

EXHIBIT A



