



**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:  
Maxx Fitness Clubzz, 622 Washington Highway, Lincoln  
Violations of Executive Orders and  
RI Department of Health Regulations**

**NOTICE OF VIOLATION AND COMPLIANCE ORDER**

Now comes the Chair (“Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”) and pursuant to R.I. Gen. Laws § 23-1-20, Executive Order 20-108 (Executive Order), and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (“Safe Regulations”), determines that there are reasonable grounds to believe that Maxx Fitness Clubzz (“Respondent”) is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

**REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION**

- I. Respondent is a fitness establishment located at 622 Washington Highway, Lincoln.
- 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 Regulations.
- III. On or about January 23, 2021, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations

and determined that Respondent scored an 8/11 for overall requirements and a 2/5 for fitness requirement. After the inspection, the inspector provided information and resources to the Respondent to help it achieve full 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 an inspector would conduct a reinspection in the near future.

- IV. Therefore, as a result of the Respondent's 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 January 23, 2021 inspection.

- 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 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. The inspector observed that the employee at the front desk was improperly wearing a cloth face covering under her nose. The inspector also observed that of the fifty (50) patrons in the establishment, thirty-one (31) were not wearing/improperly wearing a cloth face covering. None of the individuals claimed an exception. (See "Exhibit A")
- 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 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 although some of the required information was posted at the entry to the establishment, information pertaining to employees was not, and the inspector concluded, therefore, that the Respondent failed to ensure the placement of required posters.

- III. 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, to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings in accordance with CDC guidance for specific industries, and to maintain records documenting such environmental cleaning. The inspector observed that fitness equipment was being used by multiple patrons without cleaning between use. Further, upon request, the Respondent could not produce the required records.
- IV. Respondent is in violation of Section 7.4.5(A)(1) of the Safe Regulations, which requires all individuals in a fitness center or gymnasium to wear a cloth face covering at all times, unless an exception applies. The inspector observed thirty-one (31) patrons in the establishment not wearing/improperly wearing a cloth face covering. None claimed an exception. (See "Exhibit A")
- V. Respondent is in violation of Section 7.4.5(A)(2) of the Safe Regulations, which requires that all exercise equipment, including cardio equipment, must be separated by at least six (6) feet. The inspector observed that although some of the equipment was either separated by at least six (6) feet or separated by a physical barrier, many pieces of equipment were spaced less than six (6) feet apart without a physical barrier separating them. (See "Exhibit B")
- VI. Respondent is in violation of Section 7.4.5(A)(3) of the Safe Regulations, which requires that all equipment must be thoroughly sanitized between uses. The inspector observed numerous pieces of equipment being used by multiple patrons without cleaning between uses.

## **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 require all employees in its establishment to wear cloth face coverings unless 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.
- II. Respondent shall instruct that and actively remind all individuals/customers in its establishment wear cloth face coverings unless an exception applies.
- III. Respondent shall 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 RIDOH.
- IV. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- V. Respondent shall clean all high touch surfaces in accordance with CDC guidelines, in accordance with its specific industry, and maintain records documenting such cleaning.
- VI. Respondent shall ensure that all exercise equipment, including cardio equipment, is separated by at least six (6) feet.
- VII. Respondent shall ensure that all equipment is thoroughly sanitized between uses.

**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 25th day of January 2021.

A handwritten signature in cursive script, reading "Elizabeth M. Tanner", enclosed within a thin black rectangular border.

Elizabeth M. Tanner, Esq.  
Chair  
Rhode Island COVID-19 Enforcement Task Force  
RI Department of Health  
Cannon Building, Rm. 401  
Three Capitol Hill  
Providence, RI 02908

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

# EXHIBIT A





# EXHIBIT B



