



**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:  
Mt. Fuji Japanese Steakhouse  
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, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (“Safe Regulations”), determines that there are reasonable grounds to believe that Mt. Fuji Japanese Steakhouse (“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 dining establishment located at 80 Dean Street in Providence.
- 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 December 24, 2020, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector met with manager Ling Lin (“Manager”) and

performed a checklist inspection based on the Safe Regulations and determined that Respondent scored a 12/12 for overall requirements and a 5/5 for dining requirements.

- IV. However, the inspector observed numerous hibachi stations in use without the required physical barrier separating the customers from the chef. The requirement was explained to the Manager and the Manager was advised to not use and/or rope off the hibachi stations until such time as appropriate physical barriers were installed.
- V. On or about January 8, 2020, a different Task Force inspector conducted a spot check of the Respondent. The inspector observed that the hibachi stations were still in use, but Respondent still had not installed the required non-porous physical barriers to separate the chef from the customers.
- VI. 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 January 8, 2020 reinspection.

- I. 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.
- II. Respondent is in violation of Section 7.4.2(A)(5) of the Safe Regulations, which requires that all parties seated at a bar/hibachi counter be separated by at least 6 feet, unless separated by a

physical, non-porous barrier of an appropriate height. The inspector observed that, at the hibachi counters, there were no physical, non-porous barriers of appropriate height to separate the parties from each other and from the chef, and that the parties were not separated by at least six (6) feet. (See "Exhibit A")

- III. Respondent is in violation of Executive Order 20-108, paragraph 44, which limits a dining establishment's indoor capacity to 50% of its regular seating capacity. The inspector counted 110 patrons inside the establishment and could visually ascertain that the Respondent was well over the 50% capacity due to the number of tables which were occupied. (See "Exhibits A and B")

#### **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 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.
- II. Respondent shall ensure that
  - a. when parties are seated at the hibachi stations bar/countertop, no staff are permitted to work in any areas behind the bar and all work areas behind the bar/countertop unless a physical, non-porous barrier (i.e., plexiglass) of appropriate height is installed between the work areas and customers; and
  - b. even with physical barriers between work areas and customers, staff may only serve seated customers drinks and food through a gap or opening in the barrier that is no more than eight (8) inches in size; and,

c. working bar areas (e.g. drink making stations or glassware storage) are located at least six (6) feet from these gaps and that drinks and/or food is not passed to customers under, over, or around such barrier by staff behind the bar.

III. Respondent shall limit its indoor capacity to 50% of its regular indoor seating capacity until such time as the requirement set forth in Executive Order 20-108, or any successor Executive Order thereto, is either amended or lifted.

**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 12<sup>th</sup> day of January 2021.



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

# EXHIBIT A







# EXHIBIT B

