



**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:
Red Lounge
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 Orders 20-32, 20-40, and 20-79, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (the “Safe Regulations”), determines that there are reasonable grounds to believe that Red Lounge (“Respondent”) is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATIONS

- I. Respondent is a dining establishment, which maintains a bar area, located at 355 Dyer Avenue in Cranston.
- 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 4, 2020, at approximately 12:10 a.m., a Task Force inspector conducted a spot check of the Respondent to determine compliance with bar requirements. Upon entering the establishment, the inspector observed numerous apparent violations of applicable Executive Orders and the Safe Regulations as described below.
- IV. Based on the foregoing, and in the absence of any other information to rebut the allegations, the Director of RIDOH has drawn the conclusion that the allegations within are true and that Respondent is not in compliance with applicable Executive Orders and/or the Safe Regulations.

ALLEGED VIOLATIONS

The following alleged violations stem from the October 4, 2020 spot check.

- 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. The inspector observed three (3) employees who were either not wearing or improperly wearing a cloth face covering. More specifically, a female security guard was wearing her mask under her nose and a male employee behind the bar was not wearing one at all. Neither claimed an exception to the requirement to wear a cloth face covering and neither was able to maintain physical distancing. The inspector also observed numerous patrons mingling within Respondent establishment without wearing any cloth face coverings. (See "Exhibit A")
- 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. The inspector observed that, as evidenced by the volume of patrons congregating, mingling, and

dancing within the establishment or areas under Respondent's control, 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 Executive Order 20-61, which requires that all establishments open past 11:00 p.m. must, from 11:00 p.m. until closing, close their bar areas, including, but not limited to the bar counter and seating at the bar counter, and ensure that the bar area is not accessible to patrons. At or before 11:00 p.m. every night, all such bars, restaurants, and other establishments must rope off the bar area and make seating at the bar counter unavailable to customers. The inspector conducted the inspection at 12:10 a.m. and observed that the bar area was not roped off. The inspector also observed patrons standing at the bar being served. The inspector concluded, therefore, that the bar remained accessible to customers after 11:00 p.m. (See "Exhibit A")
- IV. Respondent is in violation of Section 7.4.2(A)(3) of the Safe Regulations, which prohibits service to standing customers. The inspector observed patrons standing at the bar area being served. (See "Exhibit A")
- V. 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. The inspector observed numerous patrons impermissibly mingling and dancing within Respondent establishment or under Respondent's control.

ORDER

It is hereby ORDERED, that on or before the tenth (10th) 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 must develop and incorporate into its written control plan a strategy to prevent the violations listed above from reoccurring. Said written plan shall incorporate 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 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.
 - c. Respondent shall ensure that from 11:00 p.m. until closing, it closes its bar area, including, but not limited to the bar counter and seating at the bar counter, and ensure that the bar area is not accessible to patrons. The Respondent shall also ensure that, at or before 11:00 p.m. every night, the bar area is roped off and seating at the bar counter is unavailable to customers.
 - 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 and/or mingling takes place in any area within Respondent establishment or under Respondent's control.
- II. In addition to the conditions as set forth above, prior to reopening, Respondent must adhere to the following:
- a. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.

- b. All employees must be trained on, and comply with, Respondent's written/control plan.
- c. Any area within Respondent establishment or under Respondent's control where patrons can congregate and/or mingle, e.g. dance floors, shall be roped off or otherwise made inaccessible to patrons.
- d. 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.

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 9th day of October 2020.



Elizabeth M. Tanner, Esq.
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**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN
TEN DAYS AFTER THIS NOTICE**

EXHIBIT A

