



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

**IN THE MATTER OF:
Red Star Mattress & Upholstery
Violations of Executive Orders and
RI Department of Health Regulations**

IMMEDIATE COMPLIANCE ORDER

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 20-90 (“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 Red Star Mattress & Upholstery (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violations require 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."

GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a retail establishment located at 4012 Mendon Road in Cumberland.
- 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 September 18, 2020, a Task Force inspector met with owner Maria Vracic ("Owner") and attempted to conduct a Healthy Environment inspection of the Respondent but was denied entry to the establishment. The inspector noted that the Owner stated that she "doesn't feel comfortable giving out her information or following the regulations that the state or Gina has put out for Businesses." The Owner also stated that "her favorite person Trump doesn't wear a mask, so she won't wear one either." Further, the Owner stated that she "doesn't believe in all the COVID 19 pandemic and believes it's over exaggerated." The Owner refused assistance to attain compliance. The Owner was also advised that a reinspection would take place in the near future.
- IV. On or about October 20, 2020, a different Task Force inspector also attempted to conduct an inspection of the Respondent. The inspector met with the Owner and was denied access to the establishment. The inspector attempted to discuss the requirement for an inspection but was advised that the Owner had two lawyers working with her and that she was not getting inspected. As a result of the second refusal, the Respondent was issued a Notice of Compliance on/or about October 21, 2020. (See "Exhibit A")
- V. On or about November 2, 2020, a different Task Force inspector conducted an inspection of the Respondent. This time, when the inspector met with the Respondent, the Owner was minimally cooperative. The inspector performed a checklist inspection based on the Safe Regulations and determined that Respondent scored a 3/12 for overall requirements

VI. Therefore, as a result of the Respondent's failure to comply with the October 21, 2020 Notice of Compliance, 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.

VIOLATIONS

The following alleged violations stem from the November 2, 2020 reinspection.

- 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 Owner refuses to wear a cloth face covering and has on numerous occasions stated to inspectors that she will not do so. The Owner did not claim an exception, nor was the Owner able to continuously maintain physical distancing.
- II. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment. Upon request, Respondent could not produce a written plan.
- III. 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. As stated, above, Respondent admitted to not having the required plan and the inspector observed that there were no measures in place to ensure that physical distancing was maintained.

- IV. 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 none of the required information was posted at the entry to the establishment and concluded, therefore, that the Respondent failed to ensure the placement of required posters.
- V. 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 Respondent admitted to not conducting the cleaning and could not produce the required records.
- VI. Respondent is in violation of Section 7.4.1(A)(5) of the Safe Regulations, which requires all covered entities to ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times. The inspector observed that the Respondent did not have its restroom open and it did not have ready access to hand sanitizer available.
- VII. 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. Upon inquiry, the Respondent admitted that it did not conduct entry screening because it was “none of her business if customers have symptoms or not.” In addition, there were no posters visible at or near the entrance concerning entry screening.

VIII. Respondent is in violation of Section 7.4.1(A)(8) of the Safe Regulations, which requires all covered entities 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. This work log must be maintained for at least thirty (30) days. Upon request, Respondent could not produce an employee work log.

ORDER

It is hereby **ORDERED**, that Respondent is to immediately close. Prior to reopening, violations shall be remedied to the satisfaction of the Director of RIDOH 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, but not be limited to, 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 instruct all individuals/customers in its establishment to wear cloth face coverings unless physical distancing or an exemption applies.
 - c. Respondent shall develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
 - d. 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.

- e. Respondent shall ensure the placement of posters or signs at 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.
 - f. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
 - g. Respondent shall clean all high touch surfaces in accordance with CDC guidelines, in accordance with its specific industry, and maintain records documenting such cleaning.
 - h. Respondent shall ensure that its establishment has its restroom open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.
 - i. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
 - j. 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. This work log must be maintained for at least thirty (30) days.
- II. In addition to the conditions as set forth above, Respondent may not reopen until such time that the following conditions are met, to the satisfaction of the Director of RIDOH:
- a. Email the following documents to: DBR.CovidTaskForce@dbr.ri.gov
 - i. An updated control plan which, in addition to addressing the matter set forth above in this ICO, must detail a strategy to ensure your employees and customers are adhering to other applicable RIDOH regulations found here: <https://rules.sos.ri.gov/regulations/part/216-50-15-7>

- b. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.
- c. After you have completed the above, please contact: DBR.CovidTaskForce@dbr.ri.gov to schedule an inspection of your establishment.

Entered this 9th Day of November 2020.

A handwritten signature in black ink, appearing to read 'Nicole Alexander-Scott', written in a cursive style.

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

EXHIBIT A



**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 Star Mattress and Upholstery
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 (“Safe Regulations”), determines that there are reasonable grounds to believe that Red Star Mattress and Upholstery (“Respondent”) is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- VII. Respondent is a noncritical retail establishment located at 4012 Mendon Road in Cumberland.
- VIII. 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.
- IX. On or about September 18, 2020, a Task Force inspector attempted to conduct a Healthy Environment inspection of the Respondent. When the inspector met with owner Maria Vracic

("Owner"), she denied access to the establishment. She stated that she doesn't feel comfortable giving out her information or following the regulations that the state or Gina has put out for Businesses. She went on to say that her favorite person Trump doesn't wear a mask, so she won't wear one either. Further, she doesn't believe in all the COVID 19 pandemic and believes it's over exaggerated. Because the Respondent refused the inspection, the Respondent was scored a 0/11. The inspector advised that a reinspection would take place in the near future.

- X. On or about October 20, 2020, a different Task Force inspector attempted to conduct an inspection of the Respondent. This inspector also met with the Owner and was also denied access to the establishment. The Owner stated "nope, I'm not getting inspected. I have two lawyers working with me." The Owner also stated that she does not wear a mask and she does not require her customers to either. Based on this refusal, the Respondent was scored a 0/12.
- XI. 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 October 20, 2020 reinspection.

- IX. Respondent is in violation of Section 7.6(A) of the Safe Regulations, which gives authority to the Task Force Inspectors to enter and inspect any establishment's premises in a reasonable manner. As stated above, Respondent denied access on two (2) separate occasions.
- X. 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 Owner stated that she refuses to wear a mask and does not require her customers to either.

- XI. Respondent is in violation of Section 7.4.1(A)(1)(f) of the Safe Regulations, which requires the designation of a point of contact who is familiar with the applicable Executive Orders and the Safe Regulations, and who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow up. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.
- XII. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.
- XIII. 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 was unable to determine compliance due to the lack of cooperation from the Respondent.
- XIV. 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 none of the required information was posted at the entry to the establishment and concluded, therefore, that the Respondent failed to ensure the placement of required posters.

- XV. 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 and to maintain records documenting such environmental cleaning. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.
- XVI. Respondent is in violation of Section 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. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.
- XVII. Respondent is in violation of Section 7.4.1(A)(5) of the Safe Regulations, which requires all covered entities to ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.
- XVIII. 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. Upon inquiry, the Respondent admitted that it did not conduct entry screening. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.
- XIX. Respondent is in violation of Section 7.4.1(A)(8) of the Safe Regulations, which requires all covered entities 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. The inspector was unable to determine compliance due to the lack of cooperation from the Respondent.

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:

- III. Respondent shall allow Task Force Inspectors to enter the establishment and conduct a Healthy Environment inspection.
- IV. 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.
- V. Respondent shall instruct all individuals/customers in its establishment to wear cloth face coverings unless physical distancing or an exception applies.
- VI. Respondent shall designate a point of contact who is familiar with applicable Executive Orders and the Safe Regulations, and who will work with RIDOH on testing, contact tracing, case investigation, isolation and quarantine follow up.
- VII. Respondent shall develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- VIII. 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.

- IX. Respondent shall ensure the placement of posters or signs at 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.
- X. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- XI. Respondent shall clean all high touch surfaces in accordance with CDC guidelines, in accordance with its specific industry, and maintain records documenting such cleaning.
- XII. Respondent shall ensure that its establishment has its restroom open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.
- XIII. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
- XIV. 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. This work log must be maintained for at least thirty (30) days.

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 21st day of October 2020.



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**