



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

**IN THE MATTER OF:
Restaurant Di Nos / Di Nos Lounge
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 §§ 23-1-20 and 23-1-21, Executive Orders 20-32 and 20-79 (“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 Restaurant Di Nos / Di Nos Lounge (“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.”

GROUND FOR DETERMINATION OF VIOLATION

- I. Respondent is a dining establishment, which maintains a bar/lounge area, located at 908 Main Street in Pawtucket.
- 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 October 17, 2020, at approximately 11:06 p.m., a Task Force inspector conducted a spot check of the Respondent to determine compliance with bar requirements. Upon entry, the inspector observed multiple violations of Executive Orders and the Safe Regulations as described below. As a result of that spot check, the Respondent was issued a Notice of Violation and Compliance Order to correct violations, which included the requirement that employees wear cloth face coverings and to prohibit the use of hookah inside. (See “Exhibit 1”)
- IV. On or about October 24, 2020, at approximately 11:42 p.m., a Task Force inspector conducted a spot check inspection of the Respondent to determine compliance with bar requirements. Despite the fact that the inspector was accompanied by a member of the Pawtucket Police Department, as the inspector approached the Respondent establishment, the establishment locked its doors and prevented the inspector from entry for a period of approximately three (3) minutes. The inspector eventually gained entry and once again observed multiple violations of applicable Executive Orders and/or the Safe Regulations. (See “Exhibit 2”)
- V. 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.

VIOLATIONS

The following alleged violations stem from the October 24, 2020 spot check.

- I. 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 there were no measures in place to ensure that physical distancing was maintained.
- II. Respondent is in violation of Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires that information be collected from all visitors and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing. Upon request, the Respondent admitted that they did not collect the required information for patrons who were on site of a period of 15 minutes or more.
- III. Respondent is in violation of Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires that indoor dining tables must be separated by at least eight (8) feet from table edge to table edge or separated by at least six (6) feet of spacing between seated customers at different tables, including bar seating. The inspector observed numerous patrons sitting at tables within six (6) feet of parties at the bar. (See "Exhibit 3")
- IV. 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 standing patrons who were impermissibly congregating and/or mingling within the establishment.

- V. Respondent is in violation of Executive Order 20-61, which, among other things, 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 11:42 p.m. and observed numerous patrons being served at the bar and concluded, therefore, that the bar was still open and accessible to patrons after 11:00 p.m.
- VI. Respondent is in violation of Section 7.4.1.(A)(11) of the Safe Regulations, which prohibits the use of hookah or waterpipes indoors. The inspector observed patrons using hookah indoors. (See “Exhibit 4”)

ORDER

It is hereby **ORDERED**, that Respondent is to immediately close for a period of no less than fourteen (14) days. Respondent may not reopen until such time that all violations have been 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 ensure that indoor dining tables are separated by at least eight (8) feet from table edge to table edge or separated by at least six (6) feet of spacing between seated customers at different tables, including bar seating.
 - d. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
 - e. 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.
 - f. Respondent shall ensure that no hookah or waterpipes are used indoors.
- 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 patrons are adhering to other applicable RIDOH regulations found here: <https://rules.sos.ri.gov/regulations/part/216-50-15-7>.
 - ii. Your establishment's employee worklog, dating back two weeks from the date the violations outlined in the ICO were witnessed by a Task Force inspector.
 - b. Ensure all persons on the worklog are tested for COVID-19.

- c. Once all employees have been tested AND their results are available, send confirmation of such to DBR.CovidTaskForce@dbr.ri.gov.
- d. Respondent shall attend and participate in a meeting with RIDOH and the Department of Business Regulation to discuss health concerns. You will be emailed the RIDOH contact information so you can schedule your meeting.
- e. After you have met with RIDOH, please contact: DBR.CovidTaskForce@dbr.ri.gov to schedule an inspection of your establishment.
- f. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.
- g. All employees must be trained on, and comply with, Respondent's updated written control plan.
- h. Any area within Respondent establishment or under the Respondent's control where patrons can congregate and/or mingle, e.g., dance floors, shall be roped off or otherwise made inaccessible to patrons.
- i. Respondent shall determine its regular indoor seating capacity and shall limit the number of patrons allowed to enter the establishment at any one time to sixty-six percent (66%) of that indoor seating capacity. Such capacity limitation will be identified in the modified control plan described above.
- j. 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.

This order, as well as any other supporting information shall be provided by RIDOH to the local board of licenses/municipality which holds the liquor license.

Entered this 28th Day of October 2020.

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott". The signature is fluid and cursive, with the first name "Nicole" written in a larger, more prominent script than the last name "Alexander-Scott".

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

EXHIBIT 1



**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:
Dino's 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 ("Safe Regulations"), determines that there are reasonable grounds to believe that Dino's Lounge ("Respondent") is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- VI. Respondent is a dining establishment, which maintains a bar/lounge area, located at 908 Main Street in Pawtucket.
- VII. 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.

- VIII. On or about October 17, 2020, at approximately 11:06 p.m., a Task Force inspector conducted a spot check of the Respondent to determine compliance with bar requirements. Upon entry, the inspector observed multiple violations of Executive Orders and the Safe Regulations as described below.
- IX. 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 October 17, 2020 spot check.

- VII. 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 six (6) employees in the restaurant, two (2) of which were not wearing a cloth face covering. Neither employee claimed an exception, nor was either employee able to continuously maintain physical distancing. The inspector also observed numerous patrons within Respondent establishment who were not wearing any cloth face coverings.
- VIII. Respondent is in violation of Section 7.4.1.(A)(11) of the Safe Regulations, which prohibits the use of hookah or waterpipes indoors. The inspector observed several patrons inside the establishment using hookah. (See "Exhibit A")

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 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 customers in its establishment to wear cloth face coverings unless physical distancing or an exemption applies.
- c. Respondent shall ensure that no hookah or waterpipes are used indoors.

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 22nd 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**

Exhibit A





EXHIBIT 2

- On October 24th at 2358hrs., I Lt. Pickett along with Department of Business Regulations employee Yulisa Tavares responded to DiNos for a Covid-19 compliance check. Upon arrival, the entire parking lot was full to capacity to the point a vehicle could not enter. Upon approaching the establishment on foot, an unknown individual standing in the lot noticed our police presence and quickly responded inside of the restaurant and began saying “the cops are here”. Upon reaching the door, I, along with Tavares attempted to enter but it was found that the door was locked and they could still hear “hurry the cops”. After approximately three minutes of knocking, the door was opened and we were met by the owners, Gustavo Rodrigues and Stephanie Rodrigues. At that time Tavares entered the establishment to conduct her check. After the check was completed, Tavares spoke to both Rodrigues' regarding multiple violations she observed. I also spoke with them regarding the safety concerns about locking the door to the restaurant with patron inside. We then cleared without any further incident.

EXHIBIT 3



EXHIBIT 4



