



**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:
Sam's Food Store - Providence
Violations of Executive Orders and
RI Department of Health Regulations**

NOTICE OF VIOLATION AND COMPLIANCE ORDER

Now comes the Chair (the "Chair") of the Rhode Island COVID-19 Enforcement Task Force ("Task Force") and pursuant to R.I. Gen. Laws § 23-1-20, Executive Order 20-32, Executive Order 20-40, Executive Order, 20-50, and Rhode Island Department of Health ("RIDOH") regulation 216-RICR-50-15-7 (the "Safe Regulations"), determines there are reasonable grounds to believe that Sam's Food Store ("Respondent") is in violation of Executive Order and or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a critical retail establishment located at 391 Douglas Avenue 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 Regulation.

- III. On or about July 30, 2020, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The Inspector met with the clerk, Shirly, and performed a checklist inspection of eleven items based on the Safe Regulations. The inspector determined that Respondent scored a 4/11 and was substantially not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, the inspector provided information and resources to the Respondent to help it achieve compliance. This included a recommendation to the Respondent on how to access www.ReopeningRI.com and the relevant websites for the Executive Orders, rules, regulations, and guidance. The Respondent was also advised that a reinspection would take place in the near future.
- IV. On or about August 9, 2020, a different Task Force inspector conducted a reinspection of the Respondent. The Inspector met with store manager Sohail Khokhar and conducted a checklist inspection of eleven items based on the Safe Regulations. The inspector determined that Respondent scored a 3/11 and was still substantially not in compliance with applicable Executive Orders and/or the Safe Regulations.
- V. 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 August 9, 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 exemption applies. The inspector observed two (2) employees in the store, neither of which were wearing cloth face coverings. The first was operating the cash register and waiting on

customers. The second was restocking shelves. Neither employee claimed a medical exception nor could either easily and 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 and maintain a written plan for the safe operation of the establishment. Upon request, Respondent admitted that they did not have a written plan and the owner stated that he was unaware of the requirement to maintain one.
- III. 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. Respondent did not clean high touch surfaces in accordance with CDC guidelines for its industry. The inspector observed, and the Respondent admitted, that high touch surfaces were not cleaned regularly.
- IV. 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 did present a log, however, it did not contain all required information and did not go back at least thirty (30) days.
- V. 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 observation, the Respondent did not conduct screening activities, nor did it have any posters properly displayed that would advise any individual entering the establishment of the requirement for self-screening.
- VI. 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 the Department. Inspectors observed that required posters were absent from the entry to the establishment and concluded, therefore, that the Respondent failed to ensure the placement of required posters.

- VII. 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. Upon observation, the Respondent did not have its restrooms open and did not have ready access to hand sanitizer available.

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 shall require all individuals/employees in its establishment to wear cloth face coverings unless physical distancing or an exemption applies.
- II. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- III. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.

- IV. 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.
- V. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
- VI. 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.
- VII. 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.

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 11th day of August 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**