



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

**IN THE MATTER OF:
Sandy Shore Motel
Violations of Executive Orders and
RI Department of Health Regulations**

**IMMEDIATE COMPLIANCE ORDER
HEALTHY ENVIRONMENT**

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 20-67 (“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 the Sandy Shore Motel (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violations requires 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 VIOLATIONS

- I. Respondent is a dining establishment which maintains a bar area at 149 Atlantic Avenue in Westerly.
- 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 August 14, 2020, Respondent was served with a Compliance Order based on violation of applicable Executive Orders and the Safe Regulations. The Respondent achieved compliance on August 18, 2020 and the Order was lifted.
- IV. On or about September 6, 2020, at approximately 1:15 p.m., a Task Force inspector performed a spot inspection of the bar area and observed numerous violations of applicable Executive Orders and the Safe Regulations as described below. As a result of the severity of the overcrowding, the Westerly Police Department was contacted, responded, and based on the lack of an entertainment license, stopped the band from playing. (See “Exhibit A”)
- V. Based on the foregoing, and in the absence of any other information to rebut the allegations, the Director of RIDOH has determined that Respondent is in present violation of multiple provisions of applicable Executive Orders and/or the Safe Regulations and that immediate action is necessary to protect the health, welfare, or safety of the public.

VIOLATIONS

The following violations stem from the September 6, 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 estimated the crowd to be in excess of one hundred (100) patrons who were crowded into the outdoor bar area. The inspector also observed that there were no measures in place to ensure that physical distancing was maintained and as a result of the large number of patrons, physical distancing was not maintained to the extent feasible.

- 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 be separated by at least 6 feet, unless separated by a physical, non-porous barrier of an appropriate height. The inspector observed that there were numerous parties of patrons sitting at the bar without the requisite six (6) feet or separation or separation by a physical non-porous barrier.
- III. Respondent is in violation of Section 7.4.2(A)(6) of the Safe Regulations, which requires that:
 - a. when parties are seated at the bar, no staff are permitted to work in any areas behind the bar and all work areas behind the bar unless a physical, non-porous barrier of appropriate height and made of a material which complies with the interior finish requirements of the State Fire Code, is installed between the bar work areas and customers; and
 - b. even with physical barriers between bar 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) must be located at least six (6) feet from these gaps. Drinks and/or food may not be passed to customers under, over, or around such barrier by staff behind the bar.

Although the outdoor bar area has an appropriate physical barrier on three sides of the bar where customers are seated, the fourth side, where drinks are made and wait staff picks up orders, does

not. The inspector observed numerous standing patrons walking up to this exposed area and being served by employees from the work area behind the bar.

- IV. Respondent is in violation of Section 7.4.2(A)(2) of the Safe Regulations, which prohibits self-service seating. The inspector observed that patrons were seating themselves without direction from the Respondent.
- V. Respondent is in violation of Section 7.4.2(A)(3) of the Safe Regulations, which prohibits service to standing customers. As described above, the inspector observed multiple standing patrons being served beverages at the bar area by an employee.
- VI. 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. The inspector observed numerous patrons entering the establishment without any information being collected by the Respondent.
- VII. 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 that there were more than one hundred (100) patrons at the outdoor bar area, most of which were congregating and/or mingling. (See Exhibit "B").
- VIII. Respondent is in violation of Section 7.4.4(A)(2) which requires that when there is a live performance, there must be at least fourteen (14) feet of physical distance between performers and customers/audience members, and between performers and high traffic areas. The distance may be reduced to six (6) feet if all performers wear cloth face coverings throughout the performance and there is no vocal performance, or there is a physical barrier separating performers from other performers, customers/audience members, and high traffic areas. The inspector observed that there was a live band conducting a vocal performance. The band was

located in an area that did not provide for the minimum fourteen (14) feet of separation between the performers and the high traffic areas. In addition, there were no physical barriers separating the performers from other performers, customers/audience members, and high traffic areas. (See “Exhibit B”)

ORDER

It is hereby **ORDERED**, that Respondent is to immediately close its outdoor bar area until such time as the following violations are remedied to the satisfaction of the Director of RIDOH:

- I. Respondent shall develop and implement a written corrective plan that brings Respondent into compliance with applicable Executive Orders and the Safe Regulations. This written plan shall be incorporated into Respondent’s control plan and shall, at a minimum, address how it will comply with the following orders.
- II. 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 to include additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible.
- III. Respondent shall ensure that all parties are seated by the Respondent and that no self-seating occurs.
- IV. Respondent shall ensure that service is made only to seated customers and that no service to standing customers occurs.
- V. Respondent shall ensure that
 - a. when parties are seated at the bar, no staff are permitted to work in any areas behind the bar and all work areas behind the bar unless a physical, non-porous barrier (i.e., plexiglass) of appropriate height is installed between the bar work areas and customers; and

- b. even with physical barriers between bar 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.
- VI. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
- VII. Respondent shall ensure 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.
- VIII. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
- IX. Respondent shall ensure that that when there is a live performance, there must be at least fourteen (14) feet of physical distance between performers and customers/audience members, and between performers and high traffic areas. The distance may be reduced to six (6) feet if all performers wear cloth face coverings throughout the performance and there is no vocal performance, or there is a physical barrier separating performers from other performers, customers/audience members, and high traffic areas.

Entered this 9th day of September 2020.

[SIGNATURE PAGE FOLLOWS]



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

EXHIBIT A
Westerly Police Report
20-1317-OF



Westerly Police Department
Incident Report

Incident #: 20-1317-OF
Call #: 20-43649

Date/Time Reported: 09/06/2020 1417
Report Date/Time: 09/06/2020 1417
Occurred On: 09/06/2020 1417
Status: Incident Open

Reporting Officer: Patrol Christian Fiore

Signature: _____

SUSPECT (S) SEX RACE AGE SSN PHONE

1 ARGANESE, EUGENE L M W 52 NOT AVAIL [REDACTED]
149 ATLANTIC AVE
WESTERLY RI 02891

Military Active Duty: N
HEIGHT: 0 WEIGHT: 0 HAIR: NOT AVAIL. EYES: NOT AVAIL.
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.
LICENSE NUMBER: [REDACTED] ETHNICITY: NOT HISPANIC

[CONTACT INFORMATION]

Home Phone (Primary) [REDACTED]
Home Phone [REDACTED]
CallBack Number (Primary) [REDACTED]

ALIAS LAST NAME	FIRST NAME	MIDDLE NAME	SSN	DOB
ARGANESE	GENE		NOT AVAIL	[REDACTED]
ARGANESE	GINO		NOT AVAIL	[REDACTED]
GINO			NOT AVAIL	[REDACTED]

EMPLOYER/SCHOOL: OWNER / SANDY SHORE MOTEL · 401-596-5616

OFFENSE (S) ATTEMPTED TYPE

LOCATION TYPE: Hotel/Motel/Temp. Lodgings Zone: Beach Area
SANDY SHORE MOTEL & APTS
149 ATLANTIC AVE
WESTERLY RI 02891

1 TOWN LICENSE REQUIRED N Misdemeanor
5-22-4 5-22 4
OCCURRED: 09/06/2020 1417

Incident #: 20-1317-OF
Call #: 20-43649

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHONE
1	BECK, CHRISTOPHER W [REDACTED]	PARTICIPANT	M	W	59		[REDACTED]
	EMPLOYER: EZ WASTE CONTACT INFORMATION: Home Phone (Primary) Home Phone (Primary) Home Phone Cell Phone (Primary) CallBack Number (Primary)	[REDACTED]					
2	VITULLO, NEIL [REDACTED]	PARTICIPANT	M	W	58	NOT AVAIL	[REDACTED]
	EMPLOYER: NEIL & VIPERS CONTACT INFORMATION: CallBack Number (Primary)	[REDACTED]					

Ref: 20-1317-OF

On 09/05/20, at roll call, Sgt. Champlin told us that the Sandy Shore Motel didn't have any outdoor entertainment license for this weekend. On 09/06/20, at about 2:17 PM, Officer Burbank and I were detailed to the Sandy Shore Motel per the Dept. of Business Regulation for a large party with an outdoor band. Upon arrival, we found about 100 people, near the outdoor bar and beach area, with the band Neil & Vipers playing, under a large tent, on the beach. I notified Sgt. Gingerella who told me the owner Eugene Arganese didn't have an active outdoor entertainment license for this weekend and the band needed to stop playing.

A short time later we spoke to Arganese and we asked him if he had an outdoor entertainment license for the band and he said no. Arganese stated he was having a private party for the owner of EZ Waste Christopher Beck and friends and he didn't think he needed one. We then told Arganese he needed to tell the band to stop playing and they did. We spoke to the Manager of the band Neil & Vipers Neil Vitullo, we advised him of the situation and he said he understood and they immediately stopped playing. We reminded Arganese of the social distancing laws for Covid 19 and he stated he would separate some people and tables. I then notified dispatch and we cleared.

Ptlm. Christian T. Fiore #31

EXHIBIT B



