



**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:
The Joint Bar and Grill
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 Order 20-105 (Executive Order), and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (“Safe Regulations”), determines that there are reasonable grounds to believe that The Joint Bar and Grill (“Respondent”) is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a dining establishment located at 1150 Oaklawn Avenue in Cranston.
- 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 January 2, 2021, a Task Force inspector conducted a spot check of the Respondent to determine compliance with applicable Executive Orders and the Safe Regulations, particularly as they applied to bar requirements. The inspector observed numerous violations as detailed below and determined that the Respondent was not in compliance.

- IV. 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 January 2, 2021 spot check.

- I. Respondent is in violation of Executive Order 20-108, paragraph 44, which limits a dining establishment's indoor capacity to 50% of its regular seating capacity, which, per the Respondent, is 200. When asked, the Respondent stated that their "count" was at 109 patrons, which is over the 50% capacity of 100.
- II. Respondent is in violation of Executive Order 20-108, paragraph 44, which states that an establishment that serves alcoholic beverages must close 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. 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 observed that the bar area was not roped off, was accessible to patrons, and was, in fact, overcrowded with patrons standing at the bar area. (See "Exhibit A")
- 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. The inspector observed that there were no measures in place to ensure that physical distancing was maintained and based on the high volume of patrons present, physical distancing was not being maintained to the extent feasible.

- IV. Respondent is in violation of Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires that tables be separated by at least eight (8) feet from table edge to table edge or to allow six (6) feet spacing between seated customers at different tables unless separated by a physical, non-porous barrier of an appropriate height. The inspector observed that numerous tables were not separated by a barrier of any kind and were neither spaced at least eight (8) feet from table edge to table edge nor allowed six (6) feet of spacing between seated customers at different tables. (See "Exhibit B")
- V. Respondent is in violation of Section 7.4.2(A)(3) of the Safe Regulations, which prohibits service to standing customers. This inspector observed numerous standing patrons being served alcoholic beverages.
- VI. 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 who were standing, congregating, and or mingling in areas under the establishment's control. (See "Exhibits A and B")

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 limit its indoor capacity to 50% of its regular indoor seating capacity until such time as the requirement set forth in Executive Order 20-108, and any successor Executive Order thereto are either amended or lifted.
- II. Respondent shall close 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 until such time as the requirement set forth in Executive Order 20-108, and any successor Executive Order thereto are either amended or lifted.

- III. Respondent shall instruct all individuals/customers in its establishment to wear cloth face coverings unless an exception applies.
- IV. 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.
- V. Respondent shall ensure that tables are situated to allow separation of at least eight (8) feet from table edge to table edge or to allow six (6) feet spacing between seated customers at different tables unless separated by a physical, non-porous barrier of an appropriate height.
- VI. Respondent shall ensure that no service is made to standing customers.
- VII. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
- VIII. Respondent shall ensure that all parties are seated by the Respondent and that no self-seating occurs.

Entered this 6th day of January 2021.



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



EXHIBIT B

