



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

**IN THE MATTER OF:
The TOP Strength Project
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 Order 20-100 and 20-105 (“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 TOP Strength Project (“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 fitness establishment located at 402 Walcott 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 November 30, 2020, Executive Order 20-100 (extended by Executive Order 20-105) went into effect. This Order requires, in part, that gyms and fitness centers must cease indoor operations during the Pause.
- IV. On or about December 14, 2020, after Executive Order 20-100 went into effect, and was extended by Executive Order 20-105, the Task Force received information that Respondent was open and operating in violation of the Executive Order. A Task Force inspector visited the location and confirmed that the Respondent was, in fact, open and operating.
- 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 violation stems from the December 14, 2020 observations.

- I. Respondent is in violation of Executive Order 20-100 and 20-105, which state, in part, that gyms and fitness centers must cease indoor operations during the Pause. After receiving information that the Respondent was open and operating, a Task Force inspector visited the location at approximately 7:00 p.m. and confirmed that the Respondent was, in fact, open and operating. The inspector observed numerous patrons working out inside the establishment. (See “Exhibit A”)

ORDER

It is hereby **ORDERED**, that Respondent is to immediately close all indoor operations until such time as the requirement set forth in Executive Order 20-100 and 20-105, and any successor Executive Order thereto, that gyms and fitness centers cease indoor operations is lifted.

Entered this 15th day of December 2020.

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott". The signature is fluid and cursive, with a large initial "N" and "A".

Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
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EXHIBIT A



