



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

**IN THE MATTER OF:  
Tres Letras Hookah 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 Tres Letras Hookah 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."

#### **GROUNDS FOR DETERMINATION OF VIOLATIONS**

- I. Respondent is a hookah lounge, which maintains a bar area, located at 648 Potters Avenue in Providence.
- 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 or about September 12, 2020, a Task Force inspector met with owner Candido Duran and conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that Respondent scored a 4/11 for overall requirements and a 1/7 for bar requirements.
- IV. As a result of the inspection, particularly as it regarded the lack of compliance with bar requirements, Respondent was issued a Combination Compliance Order/Immediate Compliance Order ("Order") on or about September 15, 2020. (See "Exhibit A")
- V. On or about September 30, 2020, a reinspection to determine compliance with the Order occurred. The respondent scored a 10/12 for overall requirements and a 6/7 for bar requirements. Based on inspection results, the Order was lifted on or about October 1, 2020. (See "Exhibit B")
- VI. On or about October 4, 2020, at approximately 12:05 a.m., a Task Force inspector conducted a spot inspection of Respondent to determine compliance with bar requirements. Although there were patrons inside, the inspector observed the door to the establishment get locked as the inspector approached. While waiting to gain entry, the inspector overheard voices from the inside stating, "Put away the hookah." Once inside, the inspector observed numerous standing patrons moving to seated locations. Everyone sat down. The inspector also observed numerous violations of applicable Executive Orders and the Safe Regulations as described below.

- VII. 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 October 4, 2020 spot check.

- 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 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 that there were two (2) employees behind the bar area, one of which was not wearing a cloth face covering, the other of which was wearing a cloth face covering improperly, under the employee's chin without covering nose or mouth. Neither employee claimed an exception to the requirement to wear a cloth face covering, nor were they able to maintain physical distancing. The inspector also observed numerous patrons within the establishment mingling without wearing any cloth face coverings.
- II. 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, as evidenced by the high volume of patrons in the establishment, physical distancing was not being maintained to the extent feasible. In addition, there were no measures in place to ensure that physical distancing was maintained.

- III. 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 numerous patrons were sitting at the bar who were not separated by at least six (6) feet or a physical, non-porous barrier of an appropriate height.
- IV. Respondent is in violation of Executive Order 20-61, which 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 12:05 a.m. and observed that, as evidenced by the numerous patrons still sitting at the bar, that the bar was accessible to patrons and that the bar area was not roped off.

**ORDER  
IMMEDIATE COMPLIANCE**

It is hereby **ORDERED**, that Respondent is to immediately close. Prior to reopening, violations shall be 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 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 patrons in its establishment to wear cloth face coverings unless physical distancing or an exemption applies.
  - c. 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.
  - d. 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.
  - e. Respondent shall ensure 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.
- II. In addition to the conditions as set forth above, prior to reopening, Respondent must adhere to the following:
- a. Respondent shall attend and participate in a meeting with the Rhode Island Department of Health and Department of Business Regulations to discuss health concerns and compliance.
  - b. Respondent establishment shall be completely cleaned and sanitized in accordance with applicable CDC guidance.
  - c. All employees must be trained on, and comply with, Respondent's written control plan.
  - d. All employees must be tested for COVID-19. In the event that any employees test positive for COVID-19, all employees must adhere to applicable law relative to quarantine and

isolation. No employees may return to work until cleared to do so in accordance with applicable RIDOH guidance.

- e. 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.
- f. 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 9<sup>th</sup> Day of October 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  
Cannon Building, Rm. 401  
Three Capitol Hill  
Providence, RI 02908

# EXHIBIT A

# EXHIBIT B