



**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:
La Masseria Restaurant
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, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (the “Safe Regulations”), determines there are reasonable grounds that La Masseria Restaurant (“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 restaurant located at 223 Main Street, East Greenwich.
- 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 June 12, 2020, Task Force inspectors conducted a Healthy Environment inspection of the Respondent. At that time, inspectors conducted a checklist inspection of eleven items

based on the Safe Regulations and determined that Respondent scored a 7 out of 11 and was not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors educated the Respondent and advised Respondent that the inspectors would be returning in approximately one week to conduct a follow up inspection of Respondent.

- IV. On or about June 18, 2020, Task Force inspectors conducted a reinspection of the Respondent. At that time, inspectors determined that the Respondent scored a 5 out of 11 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations.
- V. 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 that the Respondent is not in compliance with applicable Executive Orders and or the Safe Regulations.

ALLEGED VIOLATIONS

The following alleged violations stem from the June 18, 2020 reinspection.

- I. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop and maintain a written plan for the safe operation of the applicable establishment. Upon request, Respondent produced a plan, but such plan did not include procedures for responding to a positive case or outbreak (Section 7.4.1(A)(1)(e)).
- II. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(6) and (7) of the Safe Regulations, which requires each covered entity to ensure the performance of environmental cleaning of its establishments once per day and to maintain records documenting such environmental cleaning. Respondent did not maintain records documenting its environmental cleaning.
- III. Respondent is in violation of 216-RICR-50-15-7.4.1(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. Inspectors observed that the Respondent did not conduct screening activities.

- IV. Respondent is in violation of 216-RICR-50-15-7.4.1(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 social 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.
- V. Respondent is in violation of 216-RICR-50-15-7.3(A) of the Safe Regulations, which requires all individuals in public or in an establishment to maintain social distancing at all times, to the extent feasible. Inspectors observed that, though feasible, social distancing was not maintained at all times in the establishment.
- VI. Respondent is in violation of (1), 216-RICR-50-15-7.4.2(A)(1)(a), which requires tables to be separated by at least eight (8) feet from table edge to table edge or six (6) feet spacing between seated customers at different tables, unless separated by physical, non-porous barrier of an appropriate height; and (2) 216-RICR-50-15-7.4.2(A)(6), which requires a physical, non-porous barrier (i.e., plexiglass) of appropriate height installed between the work areas behind the bar and customers. Inspectors observed unaffiliated parties sitting at tables approximately three (3) feet apart and observed that the installed physical barrier at the bar area was in pieces with large gaps all around.

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 develop and maintain a written plan for the safe operation of the establishment that complies with the Safe Regulations.
- II. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- III. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
- IV. Respondent shall ensure the placement of posters or signs at entry to its establishment educating any individual at the establishment concerning entry screening, required social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- V. Respondent shall ensure that social distancing is maintained at all times, to the extent feasible.
- VI. Respondent shall (1) ensure that tables are separated by at least eight (8) feet from table edge to table edge or six (6) feet spacing between seated customers at different tables, unless separated by physical, non-porous barrier of an appropriate height; and (2) ensure that the physical, non-porous barrier installed between the work areas (bar) and customers complies with the Safe Regulations.

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 23rd day of June 2020.

A handwritten signature in cursive script, reading "Elizabeth M. Tanner", enclosed within a thin rectangular border.

Elizabeth M. Tanner, Esq.
Chair
Rhode Island COVID-19 Enforcement Task Force
RI Department of Health
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Providence, RI 02908

**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN
TEN DAYS AFTER THIS NOTICE**