



**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:
Toribio Appliances
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 Toribio Appliances (“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 critical retail establishment located at 523 Prairie Avenue, in Providence.
- 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 Regulation.
- III. On or about June 10, 2020, Task Force inspectors met with Owner Raphael Toribio and conducted a Phase 2 Healthy Environment inspection of the Respondent. Inspectors conducted

a checklist inspection which consisted of eleven criteria required by Executive Orders and the Safe Regulations. Inspectors determined that Respondent scored a 3 out of 11 and was not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors educated the Respondent and the inspectors advised that they would be returning in approximately one week to conduct a follow up inspection on Respondent.

IV. On or about June 17, 2020, Task Force inspectors again met with Owner Raphael Toribio and conducted a Phase 2 reinspection of Respondent. Inspectors once again conducted a checklist inspection which consisted of eleven criteria required by Executive Orders and the Safe Regulations. Inspectors determined that Respondent scored a 4 out of 11 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors once again educated the Respondent and the inspectors advised that they would be returning in approximately one week to conduct a follow up inspection of Respondent.

V. On or about June 24, 2020, Task Force inspectors met with manager Raylin Toribio and conducted another reinspection of the establishment. Inspectors once again conducted a checklist inspection which consisted of eleven criteria required by Executive Orders and the Safe Regulations. Inspectors determined that Respondent scored a 5 out of 11 and was still not in compliance with applicable Executive Orders and/or the Safe Regulations.

VI. 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 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 24, 2020 reinspection.

- I. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(3) of the Safe Regulations, which requires all individuals/employees in an establishment to wear cloth face coverings unless social distancing or an exemption applies. Inspectors observed two (2) employees in the store, neither of which were wearing cloth face coverings.
- II. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(1)(f) of the Safe Regulations, which requires the designation of a point of contact who will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up. Upon request, Respondent did not identify a point of contact who is familiar with the guidance and regulations.
- III. 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 establishment. Upon request, Respondent admitted that they did not have a written plan.
- IV. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(6) & (7) of the Safe Regulations, which requires each covered entity to ensure the performance of environmental cleaning of their establishments once per day and to maintain records documenting such environmental cleaning. Respondent admitted that they did not conduct daily cleaning and had no required records.
- V. 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. The Respondent admitted that they did not conduct screening activities.
- VI. Respondent is in violation of 216-RICR-50-15-7.4(A)(1)(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, and to include additional measures to be taken in high traffic, communal, or

other areas where social distancing is not feasible. Inspectors observed that, though feasible, social distancing measures were not in place.

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 require all individuals/employees in its establishment to wear cloth face coverings unless social distancing or an exemption applies.
- II. Respondent shall designate a point of contact who will work with the Department on testing, contact tracing, case investigation, isolation and quarantine follow up. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- III. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- IV. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- V. Respondent shall implement and ensure compliance with screening of all individuals entering its establishment(s) at any time for any reason.
- VI. Respondent shall ensure that social distancing is maintained at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where social distancing is not feasible.

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 25th day of June, 2020.

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

Elizabeth M. Tanner, Esq.
Chair
Rhode Island COVID-19 Enforcement Task Force
RI Department of Health
Cannon Building, Rm. 401
Three Capitol Hill
Providence, RI 02908

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