



**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:
Asian Bakery
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, Executive Order, 20-50, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (the “Safe Regulations”), determines there are reasonable grounds that Asian Bakery (“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 dining establishment located at 310 Broad Street 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 July 10, 2020, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector met with Manager Michael Phenglee and performed a

checklist inspection of eleven items based on the Safe Regulations. Inspectors determined that Respondent scored a 3/11 and was substantially not in compliance with applicable Executive Orders and/or the Safe Regulations. In response, inspectors provided information and resources to the Respondent to help it achieve compliance. This included a recommendation to the Respondent on how to access www.ReopeningRI.com and the relevant websites for the Executive Orders, rules, regulations, and guidance. The Respondent was also advised that a reinspection would take place in the near future.

- IV. On or about July 27, 2020, a different Task Force inspector met with Manager Thanadron Phenglee and conducted a reinspection of the Respondent. The Inspector performed a checklist inspection of eleven items based on the Safe Regulations. The Inspector determined that Respondent scored a 4/11 and remained substantially not in compliance with applicable Executive Orders and/or the Safe Regulations.
- V. Therefore, 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 July 27, 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 in an establishment to wear cloth face coverings unless social distancing or an exemption applies. The inspector observed that there were two (2) employees in the restaurant, neither of which were wearing cloth face coverings. It also did not appear to the inspector that any exception to the wearing of a cloth face covering was present or that the employees could easily and continuously maintain physical distancing.

- II. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(8) of the Safe Regulations, which requires that all covered entities shall maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. The work log shall be maintained for at least thirty (30) days. Upon request, Respondent admitted that it did not maintain an employee work log.
- 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 because they had not gotten around to it.
- 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 stated that they do perform environmental cleaning, but they did not maintain any documentation or 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 perform screening of all individuals entering its establishment.
- VI. 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. The Inspector 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.

- VII. Respondent is in violation of 216-RICR-50-15-7.4.1(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. The Inspector observed that, though feasible, social distancing was not maintained at all times in the establishment. Further, there were no markings, notices, or other measures in place to ensure that physical distancing was maintained.

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 employees in its establishment to wear cloth face coverings unless physical distancing can be easily and continuously maintained or an exemption applies.
- II. Respondent shall maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. The work log shall be maintained for at least thirty (30) days.
- 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 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.
- VII. 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 3rd day of August 2020.



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