



**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:
Copperfield's Burger and Beer House
Violations of Executive Orders and
RI Department of Health Regulations**

NOTICE OF VIOLATION AND COMPLIANCE ORDER

Now comes the Chair ("Chair") of the Rhode Island COVID-19 Enforcement Task Force ("Task Force") and pursuant to R.I. Gen. Laws § 23-1-20, Executive Orders 21-11 and 21-13 ("Executive Orders"), and Rhode Island Department of Health ("RIDOH") regulation 216-RICR-50-15-7 ("Safe Regulations"), determines that there are reasonable grounds to believe that Copperfield's Burger and Beer House ("Respondent") is in violation of Executive Orders and/or the Safe Regulations, and provides notice thereof.

REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION

- I. Respondent is a dining establishment located at 9 Cedar Swamp Road in Smithfield.
- 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 February 20, 2021, a Task Force inspector conducted a spot check inspection of the Respondent to determine compliance with applicable Executive Orders and the Safe Regulations. The inspector observed numerous violations as detailed below.
- IV. 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.

ALLEGED VIOLATIONS

The following alleged violations stem from the February 20, 2021 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 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 one (1) employee behind the bar who was improperly wearing a cloth face covering under his chin. The employee did not claim an exception.
- II. Respondent is in violation of Section 7.4.2(A)(3) of the Safe Regulations, which prohibits service to standing customers. The inspector observed numerous patrons being served and standing in areas under the establishment's control
- III. Respondent is in violation of Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires that information be collected from all visitors and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing. Upon request, the Respondent could not produce the required records.
- IV. Respondent is in violation of Section 7.4.1.(A)(12) of the Safe Regulations, which prohibits congregating and/or mingling in an establishment or areas under the establishment's control. The

inspector observed numerous patrons who were either standing, congregating, mingling, and/or dancing within areas under the establishment's control.

- V. Respondent is in violation of Executive Order 21-13, which, among other things, requires that from 11:00 p.m. until closing, a licensee must close 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 inspector conducted the inspection at 11:05 p.m. and observed numerous patrons still sitting at the bar consuming beverages. The inspector concluded, therefore, that the bar was still open and accessible to patrons after 11:00 p.m.
- VI. Respondent is in violation of Section 7.4.2(A)(9), which states that live performances shall be permitted, provided there is at least fourteen (14) feet of physical distance between performers, between performers and tables, and between performers and high traffic areas. This distance may be reduced to six (6) feet if all performers wear cloth face coverings throughout the performance and there is no vocal performance, or there is a physical barrier separating performers from other performers, tables, and high traffic areas. The inspector observed that there was a live band was performing, of which, none of the performers were wearing masks and were within six (6) feet of each other. Additionally, although the band was approximately fourteen (14) feet from customers seated at tables, the space between the band and the bar was less than fourteen (14) feet. As a result, patrons and staff who entered or exited the establishment's high traffic area could not maintain the required fourteen (14) feet of separation. There was no physical barrier separating performers from other performers, tables, and high traffic areas.

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 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.
- II. Respondent shall instruct all individuals/customers in its establishment to wear cloth face coverings unless an exception applies.
- III. Respondent shall ensure that service is made only to seated customers and that no service to standing customers occurs.
- IV. Respondent shall ensure that information be collected from all visitors and other entrants who have interacted with others present on site for a period of 15-minutes or more solely for the purposes of contact tracing.
- V. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
- VI. 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.
- VII. Respondent shall ensure that when a live performance is taking place, unless an appropriate physical barrier is present, the distance between the performers and the tables and the performers and high traffic areas is at least six (6) feet if the performers are wearing cloth face coverings. If the performers are not wearing cloth face coverings, then the Respondent shall ensure that whenever a live performance is taking place, the distance between the performers and the tables and the performers and high traffic areas is at least fourteen (14) feet.

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 22nd day of February 2021.

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
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Three Capitol Hill
Providence, RI 02908

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