



**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
COVID-19 ENFORCEMENT TASK FORCE
3 Capitol Hill
Providence, RI 02908**

SERVICE OF NOTICE OF COMPLIANCE ORDER
In Hand Service

Business Name: Davo's Calzones and Wraps
Address: 99 Fortin Road, South Kingstown
Phone #: (401) 284-3050

Delivery of Notice of Compliance Order, pursuant to RI Gen. Laws Chapters § 23-1-20,
for the Department of Health.

RI Department of Health – COVID-19 Enforcement Task Force
Date: 9/28/2020



**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
COVID-19 ENFORCEMENT TASK FORCE
3 Capitol Hill
Providence, RI 02908
401-222-5960**

**PROOF OF SERVICE OF COMPLIANCE ORDER
In Hand Service**

Name of Business: _____

Address of Service: _____

I hereby certify that on this _____ day of _____, _____, I personally delivered
DAY MONTH YEAR
 and served a copy of the within Compliance Order upon _____,
NAME
 _____,
DATE OF BIRTH ADDRESS

Having made due and diligent attempts to serve the within Compliance Order, I have been unable to serve
 _____ for the following reasons.
NAME OF BUSINESS

Signature

Printed

Fees _____
 Travel _____ \$ _____
 Service _____ \$ _____



**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
COVID-19 ENFORCEMENT TASK FORCE
3 Capitol Hill
Providence, RI 02908**

INFORMATION ABOUT THIS ORDER

- You have been issued this Order because a recent inspection has determined that you have failed to comply with governmental requirements for the safe operation of your establishment as it relates to COVID-19 precautions.
- If this Order is captioned Notice of Compliance only, you have 10 days to make the necessary corrections. You may request a re-inspection once you believe you have resolved the issues raised. If you do not request a re-inspection, you will be re-inspected 10 days after receipt of this Order. If you wish to request a hearing on the Notice of Compliance, you must submit a written request for a hearing within 10 days of service. Please send the request to the address above.
- If this Order is captioned Immediate Compliance Order only, you are required to immediately cease the specified establishment operations. Prior to resuming operations, you must be granted permission by the RI Department of Health. To do so, you must request a re-inspection once you believe you have resolved the issues raised. Be advised that no request for a hearing on an immediate compliance order may be made.
- If this Order is captioned Immediate Compliance Order and Notice of Compliance, you are required to immediately cease only the specified establishment operations. For all other violations identified within the Order, you have 10 days to institute corrective measures. Prior to resuming full operations, you must be granted permission by the RI Department of Health. To do so, you must request a reinspection once you believe you have resolved the issues raised, otherwise, you will be re-inspected 10 days after receipt of this Order. You may request a hearing for the portion of this Order that applies to the Notice of Compliance as described above. No request for a hearing may be made for the portion of the Order that applies to an Immediate Compliance Order.
- To obtain the information necessary to achieve compliance, all applicable Guidelines, Executive Orders, and Regulations can be accessed by visiting.
 - <https://reopeningri.com/>
 - <https://governor.ri.gov/newsroom/orders/>
 - <https://rules.sos.ri.gov/regulations/part/216-50-15-7>
- For questions, assistance, or to schedule a re-inspection, contact Chief of Inspectors Stephen Tamborelli at 401-529-9337 or via email at stephen.tamborelli@dbr.ri.gov



**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:
Davo's Calzones and Wraps
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 20-32, 20-40, and 20-79, and Rhode Island Department of Health ("RIDOH") regulation 216-RICR-50-15-7 (the "Safe Regulations"), determines that there are reasonable grounds to believe that Davo's Calzones and Wraps ("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 99 Fortin Road in South Kingstown.
- 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 September 9, 2020 a Task Force inspector met with owner David Armenakian ("Owner") 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 7/11 for overall requirements and a 3/5 for dining requirements. After the inspection, the inspector provided information and resources to the Respondent to help it achieve full 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 an inspector would conduct a reinspection in the near future.

- IV. On or about September 26, 2020, a different Task Force inspector conducted a reinspection of the Respondent. The inspector met with the Owner and performed a checklist inspection based on the Safe Regulations. The inspector determined that the Respondent scored a 7/11 for overall requirements and a 2/5 for dining requirements. No corrective measures had been put in place since the inspection of September 9, 2020.
- 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 September 26, 2020 reinspection.

- I. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment. Upon request, Respondent could not produce a written plan.
- II. Respondent is in violation of Sections 7.4.1(A)(6) & (7) of the Safe Regulations, which require each covered entity to ensure the performance of environmental cleaning of its establishments once

per day and to maintain records documenting such environmental cleaning. Upon request, the Respondent could not produce the required records.

- III. Respondent is in violation of Section 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. Upon inquiry, the Respondent admitted that it did not conduct entry screening. In addition, there were no posters visible at or near the entrance concerning entry screening.
- IV. Respondent is in violation of Section 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 physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH. The inspector observed that the required information pertaining to entry screening and physical distancing was 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 Section 7.4.2(A)(1)(a) of the Safe Regulations, which requires that tables be separated by at least eight (8) feet from table edge to table edge or to allow six (6) feet spacing between seated customers at different tables unless separated by a physical, non-porous barrier of an appropriate height. The inspector observed that the tables located in the outdoor dining area were not separated by at least eight (8) feet from table edge to table edge.
- VI. Respondent is in violation of Section 7.4.2(A)(2) of the Safe Regulations, which prohibits self-service seating. The inspector observed that patrons were allowed to seat themselves without assistance by the Respondent.
- VII. 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 inquiry, the Respondent admitted that it did not collect the required information for patrons who were on site of a period of 15 minutes or more.

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, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- 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 physical distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- V. Respondent shall ensure that tables are situated to allow separation of at least eight (8) feet from table edge to table edge or to allow six (6) feet spacing between seated customers at different tables unless separated by a physical, non-porous barrier of an appropriate height.
- VI. Respondent shall ensure that all seating is conducted by direction from the Respondent and that self-seating by patrons does not occur.
- VII. 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.

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 28th day of September 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

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