



**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:
Home 2 Suites by Hilton - Smithfield
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 21-27 and 21-29 (“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 Home 2 Suites by Hilton (“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 hotel establishment, which provides function space, located at 944 Douglas Pike 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 March 27, 2021, a Task Force inspector conducted an inspection of the Respondent. The inspector met with an employee and performed a checklist inspection based on the Safe Regulations. The inspector determined that the Respondent scored a 9/12 for overall requirements, a 2/5 for dining requirements, and a 2/6 for fitness requirements. Of significance was the fact that the inspector observed a wedding in progress and a number of violations related to the function.
- 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 March 27, 2021 reinspection.

- I. With regard to the function, 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 instruct individuals entering its establishment to wear cloth face coverings except when an exception applies. The establishment also has a continuing obligation to so instruct individuals within its establishment. The inspector observed approximately 40-50 attendees at the wedding, of which numerous were observed congregating and mingling within the establishment without wearing a cloth face covering and without an apparent applicable exception. The inspector did not observe the Respondent instructing those individuals who were not wearing a cloth face covering of the requirement that they wear one.
- II. With regard to the function, Respondent is in violation of the Executive Orders, which state in pertinent part that indoor catered events with licensed catering on site or in a restaurant may have up to 75% of regular seating capacity with a cap of 100 people, provided the responsible

parties, which include event hosts, organizers, venue operators and vendors ("Responsible Parties") confirm that pre-event testing is conducted when there are more than 15 attendees, follow restaurant rules and designate a point of contact for RIDOH's case investigation and contact tracing efforts. The inspector made efforts to identify the designated point of contact but neither the Respondent nor anyone from the event could identify such a person. As such, the inspector was unable to confirm that pre-event testing had been conducted.

- III. With regard to the function, Respondent is in violation of Section 7.4.1(A)(1)(a) of the Safe Regulations, which requires establishments to ensure compliance with a plan that includes procedures relative to, among other things, physical distancing at all times, to the extent feasible, and additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible. The inspector observed that in the event space there were no measures in place to ensure that physical distancing was maintained and that, due to the number of individuals in attendance, physical distancing was not being maintained.
- IV. With regard to the function, Respondent is in violation of Section 7.4.1(A)(11) of the Safe Regulations, which prohibits congregating and/or mingling in an establishment or areas under the establishment's control. The inspector observed numerous attendees of the wedding to be congregating and/or mingling in an area under the establishment's control.
- V. With regard to the function, 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 six (6) 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 numerous tables were not separated by a barrier of any kind and were neither spaced at least six (6) feet from table edge to table edge nor allowed six (6) feet of spacing between seated customers at different tables.

- VI. With regard to the function, Respondent is in violation of Section 7.4.2(A)(4) of the Safe Regulations, which prohibits self service food stations. The inspector observed that a table was set up “buffet style” and that attendees here serving themselves. In addition, there were no staff persons to serve the food or a physical barrier separating the attendee from the exposed food.
- VII. With regard to the function, Respondent is in violation of Section 7.4.2(A)(8) 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 information for patrons who were on site for a period of 15 minutes or more.
- VIII. With regard to Respondent’s fitness center, Respondent is in violation of Section 7.4.5(A)(2) of the Safe Regulations, which requires that all exercise equipment, including cardio equipment must be separated by at least six (6) feet. The inspector observed that numerous pieces of exercise equipment were not separated by at least six (6) feet.
- IX. With regard to Respondent’s fitness center, Respondent is in violation of Section 7.4.5(A)(6) of the Safe Regulations, which requires that information must be collected from all visitors and other entrants who have interacted with others present on the site for a period of 15 minutes of more for the purposes of contact tracing. The information collected must be maintained for thirty (30) days. Upon request, the Respondent could not produce the required information for patrons who were on site for 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 require all individuals in an establishment to wear cloth face coverings unless an exception applies and to instruct individuals entering its establishment, and on a continuing basis, to wear cloth face coverings except when an exception applies.
- II. When hosting a function, Respondent shall ensure that a point of contact has been designated by either the event host, organizer, venue operator, and/or vendor.
- III. At all times, Respondent shall ensure compliance with its plan for safe operation, required pursuant to Section 7.4.1(A)(1) of the Safe Regulations, including compliance with, among other things, procedures consistent with the Safe Regulations relative to physical distancing at all times, to the extent feasible, and additional measures to be taken in high traffic, communal, or other areas where physical distancing is not feasible.
- IV. At all times, Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
- V. When hosting a function and with respect to indoor and outdoor dining service, Respondent shall ensure that tables are situated to allow separation of at least six (6) 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. When hosting a function and with respect to indoor and outdoor dining service, Respondent shall ensure that no self-service of food takes place. If a buffet style service is to be used, the Respondent shall ensure that the food is served by a staff person and there is a barrier separating attendees from the exposed food and staff.
- VII. When hosting a function and with respect to indoor and outdoor dining service, 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.

VIII. With respect to its fitness center, Respondent shall ensure that all exercise equipment, including cardio equipment must be separated by at least six (6) feet.

IX. With respect to its fitness center, Respondent shall collect information from all visitors and other entrants who have interacted with others present on the site for a period of 15 minutes or more for the purposes of contact tracing. The information collected must be maintained for thirty (30) days.

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 29th day of March 2021.



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**