



**STATE OF RHODE ISLAND
RHODE ISLAND DEPARTMENT OF HEALTH**

**IN THE MATTER OF:
Georgia's Family Restaurant
915 Dexter Street
Central Falls, RI 02863
Violations of Executive Orders and
RI Department of Health Regulations**

**IMMEDIATE COMPLIANCE ORDER
HEALTHY ENVIRONMENT**

Now comes the Director of the Rhode Island Department of Health ("RIDOH"), and pursuant to R.I. Gen. Laws § 23-1-21, Executive Orders 20-32 and 20-50 ("Executive Orders"), and the RIDOH rules and regulations pertaining to Safe Activities By Covered Entities During the COVID-19 Emergency (216-RICR-50-15-7) ("Safe Regulations"), determines that Georgia's Family Restaurant ("Respondent") is in violation of applicable Executive Orders and/or the Safe Regulations, which violation requires immediate action to protect the health, welfare, and safety of the public.

NEED FOR IMMEDIATE ACTION

On March 9, 2020, Governor Gina M. Raimondo declared a state of emergency for the State of Rhode Island due to the dangers to health and life posed by COVID-19. The Safe Regulations were promulgated as an emergency rule, pursuant to R.I. Gen. Laws § 42-35-2.10, based on a finding that an imminent peril to the public health, safety, or welfare required immediate promulgation of the rule, specifically that "[i]n order to prevent further spread of COVID-19 as individuals begin to leave their homes

more frequently and establishments begin to reopen, protective measures must be followed and implemented for individuals and establishments to resume operations so that the public's health and welfare is protected."

GROUNDS FOR DETERMINING VIOLATIONS

- I. Respondent is a restaurant located at 915 Dexter Street, Central Falls.
- II. Respondent is a covered entity, as defined in the Safe Regulations. As such, Respondent is required to comply with applicable Executive Orders and the Safe Regulations.
- III. On July 15, 2020, a RIDOH inspector met with Respondent owner, Paul Tsangarouli ("Owner"), and conducted a Healthy Environment inspection of Respondent in response to a complaint alleging noncompliance with the Safe Regulations, specifically, that the waitress and cooks are not wearing masks and that the establishment is not requesting customer information or using disposable menus.
- IV. The inspector determined that Respondent was not in compliance with applicable Executive Orders and/or the Safe Regulations. Accordingly, the inspector endeavored to educate Owner and Respondent staff on how to remedy the violations. According to the inspector, Owner was dismissive of the inspector's assistance and, in general, the Executive Orders and Safe Regulations. During the inspection, Owner made no attempt to correct any identified issues or show that he would cooperate and comply with the Safe Regulations in the future. Owner told the inspector that he was too busy to listen to the inspector. And, though the dishwasher removed an infant in a stroller from the kitchen when asked to do so by the inspector, the inspector observed the dishwasher return the infant in the stroller to the kitchen as the inspector was leaving.
- V. Based on the foregoing, and in the absence of any other information to rebut the allegations, the Director of RIDOH has determined that Respondent is in present violation of multiple provisions of EO-50 and/or the Safe Regulations, and that, based on Owner's actions and those of the staff,

as well as their representations to the inspector, Owner and staff have no intention of remedying such violations. Accordingly, the Director of RIDOH has further determined that immediate action is necessary to protect the health, welfare, or safety of the public.

VIOLATIONS

The following violations stem from the July 15, 2020 inspection:

- I. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires that every covered entity develop and maintain a written plan for the safe operation of its establishment with regard to COVID-19 during the state of emergency (“Plan”) and make this plan available to RIDOH upon request. Owner was unable to provide the inspector with Respondent’s Plan and, based on his response to the inspector, appeared unaware of Respondent’s obligation. When asked to provide Respondent’s Plan, Owner handed the inspector a RIDOH poster.
- II. Respondent is in violation of Section 7.3(B) of the Safe Regulations, which requires all individuals in an establishment to wear a cloth face covering unless physical distancing can be maintained easily and continuously, or an exemption applies, and Section 7.4.1(A)(3), which requires each covered entity to instruct any person entering an establishment to wear cloth face coverings except when physical distancing from others in the establishment is easily, continuously, and measurably maintained or an exception applies, and to deny access to any employee who refuses to wear a cloth face covering when required. The inspector observed three Respondent employees inside the establishment during the inspection: a waitress, a dishwasher, and Owner, who is a cook. Upon the inspector’s arrival, none of the employees was wearing a cloth face covering, despite being unable to maintain physical distancing.¹ The waitress represented to the inspector that she has breathing issues and cannot breathe if she wears a cloth face covering. The inspector explained to the waitress that though she may be exempt from having to wear a cloth

¹ The inspector thereafter observed the dishwasher put on a cloth face covering.

face covering, she nevertheless cannot have direct customer contact without protective equipment. The waitress tried to wear a cloth face covering, but was unable to do so properly—covering nose and mouth—during the inspection. Owner refused to wear a cloth face covering, citing his belief that it is not mandatory. Despite being advised to that he must comply with the Executive Order and Safe Regulations, Owner refused. The inspector also observed a customer enter the establishment without a cloth face covering, which customer was not instructed to wear a cloth face covering as required in Section 7.4.1(A)(3) of the Safe Regulations.

- 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 at any time for any reason. The inspector observed several individuals enter Respondent establishment, none of whom were screened by Respondent staff. Owner, furthermore, acknowledged that screenings were not being performed on staff or customers.
- IV. Respondent is in violation of Section 7.4.1(A)(8) of the Safe Regulations, which requires all covered entities to maintain an employee work log that identifies the full name, phone number, and the date and time of all shifts worked by each employee. When asked by the inspector to produce the work log, Owner was unable to do so and it was apparent to the inspector that Owner was unfamiliar with Respondent's obligation.
- V. Respondent is in violation of Sections 7.4.1(A)(6) and (7) of the Safe Regulations, which require each covered entity to ensure the performance of environmental cleaning of its establishments once per day, to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles, and railings in accordance with Centers for Disease Control ("CDC") guidance, and to maintain records documenting such environmental cleaning. When asked by the inspector to produce the cleaning documentation, Owner was unable to do so and it was apparent to the inspector that Owner was unfamiliar with Respondent's obligation. The

inspector observed that condiments and reusable menus were left on tables and not sanitized between uses, contrary to the Phase III Guidelines for Restaurants. When the inspector asked the waitress whether these and other high touch surfaces were cleaned in accordance with CDC guidance, the waitress told the inspector that sometimes she does not have time.

- VI. Respondent is in violation of Section 7.3(A) of the Safe Regulations, which requires all individuals in public or in an establishment to maintain physical distancing at all times, to the extent feasible, and Section 7.4.2(A)(3), which permits service to standing customers for food pick up, so long as the pick-up is from a reservation station, counter, or other workstation from a bar, where standards for pick-up follow the physical distancing requirements. The inspector observed several patrons enter Respondent establishment to pick up orders. The patrons, one of whom was not wearing a cloth face covering, congregated around the food pick up area, separated by less than six feet.
- VII. Respondent is in violation of Section 7.4.2(A)(8) 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. The inspector observed no patrons of Respondent provide this information. When asked by the inspector to produce the information, Owner was unable to do so and it was apparent to the inspector that Owner was unfamiliar with Respondent's obligation.

ORDER

It is hereby **ORDERED**, that Respondent is immediately closed until such time as the following violations are remedied to the satisfaction of the Director of RIDOH:

- I. Respondent shall develop and implement a corrective plan that brings Respondent into compliance with applicable Executive Orders and the Safe Regulations.

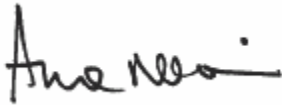
- II. Respondent shall develop and maintain a Plan and submit such Plan for approval to the RIDOH.
- III. Respondent shall maintain an employee work log, in accordance with Section 7.4.1(A)(8) of the Safe Regulations, that identifies the full name, phone number, and the date and time of all shifts worked by each employee
- IV. Respondent shall ensure that high touch surfaces are cleaned and sanitized in accordance with applicable CDC guidance and that all required cleanings are logged in accordance with Section 7.4.1(A)(6) and (7) of the Safe Regulations.
- V. Each employee shall be interviewed by RIDOH to ensure that none has symptoms of COVID-19. In accordance with Section 7.4.1(A)(2) of the Safe Regulations, any employee exhibiting multiple symptoms of COVID-19 or who is COVID-19 positive shall be denied access to the establishment.
- VI. Respondent shall ensure that all entrants to its establishment at any time for any reason are screened in accordance with Section 7.4.1(A)(2) of the Safe Regulations and that any individual identified as exhibiting multiple symptoms of COVID-19 or who is COVID-19 positive shall be denied access to the establishment.
- VII. Respondent shall require all employees in its establishment to wear cloth face coverings unless physical distancing can be continuously maintained or 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.
- VIII. Respondent shall ensure that any person entering its establishment is, in accordance with Section 7.4.1(A)(3) of the Safe Regulations, instructed to wear cloth face coverings except

when physical distancing from others in the establishment is easily, continuously, and measurably maintained or an exception applies.

- IX. Respondent shall ensure that physical distancing is maintained at all times, to the extent feasible and that service to standing customers is prohibited unless the standards for physical distancing can be and are followed.
- X. Respondent shall ensure that, in accordance with Section 7.4.2(A)(8) of the Safe Regulations, information is 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 penalties and/or any other action authorized by applicable law or regulation.

Entered this 16th day of July 2020.



for

Nicole Alexander-Scott, MD, MPH
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