



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

**IN THE MATTER OF:  
La Crema Barber Shop  
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”), as informed by the Chair (“Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”), and pursuant to R.I. Gen. Laws § 23-1-21, Executive Orders 20-32, and 20-67 (“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 La Crema Barber Shop (“Respondent”) is in violation of applicable Executive Orders and/or the Safe Regulations, which violations 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 DETERMINATION VIOLATIONS**

- I. Respondent is a personal services establishment located at 1526 Broad Street in Cranston.
- 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 or about August 10, 2020, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection of eleven (11) items based on the Safe Regulations. The inspector determined that Respondent scored a 3/11 for overall requirements.
- IV. In response, the inspector 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](http://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.
- V. On or about September 6, 2020, a different Task Force inspector met with the barber Yovany Lozano and conducted a reinspection of the Respondent. The Inspector performed a checklist inspection of eleven (11) items based on the Safe Regulations. The Inspector determined that Respondent scored a 5/11 for overall requirements and remained substantially not in compliance with applicable Executive Orders and/or the Safe Regulations. The inspector noted in her report that she had been to the Respondent establishment three (3) separate times herself and had on each occasion provided information and resources to help it achieve compliance, but that the Respondent had made minimal efforts.

- VI. 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 applicable Executive Orders and/or the Safe Regulations and that immediate action is necessary to protect the health, welfare, or safety of the public.

### **VIOLATIONS**

The following violations stem from the September 2, 2020 reinspection:

- I. Respondent is in violation of Section 7.3(B) of the Safe Regulations, which requires all individuals in public or 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 two employees in the shop. One of which did not have a cloth face covering on until he saw the inspector. When he did, he donned a cloth face covering. The inspector also observed one customer in the store who was speaking with a different employee then sat in the waiting room who was also not wearing a cloth face covering. Neither individual claimed an exemption to the requirement to wear a cloth face covering.
- II. 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 produced a copy of the template from [www.ReOpeningRI.com](http://www.ReOpeningRI.com), but had not completed the plan.
- III. Respondent is in violation of Section 7.4.1(A)(8), which requires every covered entity 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. Upon request, Respondent could not produce an employee work log.

- IV. Respondent is in violation of Sections 7.4.1(A)(6) and (7) of the Safe Regulations, which requires each covered entity to ensure the performance of environmental cleaning of their 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. Upon request, Respondent could not produce the required cleaning logs.
- V. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(6) of the Safe Regulations, which requires each covered entity to clean commonly touched surfaces, such as shared workstations, elevator buttons, door handles and railings in accordance with CDC guidance for specific industries. Upon observation, the inspector noted that employees were utilizing barber shop instruments, tools, capes, and seats for customers without any cleaning in between uses.
- VI. Respondent is in violation of Section 7.4.6.(A)(3) of the Safe Regulations, which requires that for services where the individual receiving the service must remove his or her mask, the personal service professional must wear a face covering with protection equivalent to an N-95 respirator and eye protection. The inspector observed that one employee was performing a beard trim on an unmasked customer without wearing protection equivalent to an N-95 respirator and without eye protection.

#### **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 establishment shall be cleaned and sanitized in accordance with applicable CDC guidance.
- III. 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 unless an exception applies.
- IV. Respondent shall develop, maintain, and ensure compliance with a written plan for the safe operation of the establishment.
- V. 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. Said work log shall be maintained for at least thirty (30) days.
- VI. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and shall clean commonly touched surfaces, such as barber shop instruments, tools, chairs, and capes. in accordance with CDC guidance. Respondent shall maintain records documenting such cleaning.
- VII. Respondent shall ensure that for services where the individual receiving the service must remove his or her mask, the personal service professional must wear a face covering with protection equivalent to an N-95 respirator and eye protection.

Entered this 8th day of September 2020.

**[SIGNATURE PAGE FOLLOWS]**



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