



**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:
McT's Tavern
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 21-22 and 21-24 ("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 McT's Tavern ("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 940 Mendon Road in Cumberland.
- 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 13, 2021, a Task Force inspector conducted a Healthy Environment inspection of the Respondent. The inspector performed a spot check inspection of the Respondent to

determine compliance with Executive Orders and the Safe Regulations. The inspector observed numerous violations as described 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 March 13, 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, who refuses to wear a cloth face covering when required. The inspector observed three (3) employees in the establishment, none of which was wearing a cloth face covering. None of the employees claimed an exception.
- II. Respondent is in violation of Executive Order 21-22, which in pertinent part states, that an establishment's indoor dining capacity is limited to 66% of its regular seating capacity. The inspector observed that there were approximately 60-70 patrons inside the establishment and that it was so crowded he could barely make his way to the bar. The inspector also observed a sign at the front of the establishment advising that the restaurant was operating at a capacity of 50% - 20 customers. Based on the Respondent's notice, its full capacity would therefore be 40 patrons. Under Executive Order 21-22, 66% of full capacity—the maximum allowed—would equate to a capacity of 26. Therefore, the inspector concluded that the Respondent was operating above its 66% capacity.

- III. 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 there were no measures in place to ensure that physical distancing was maintained and that physical distancing was not being maintained to the extent feasible.
- 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 congregating and/or mingling within the establishment.
- V. 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-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. Upon request, the Respondent could not produce the required records.

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 limit its indoor seating capacity to 66% of its regular indoor seating capacity.

- III. 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. Respondent shall ensure that no congregating and/or mingling occurs within the establishment or any area under the establishment's control.
- V. 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 16th day of March, 2021.



Elizabeth M. Tanner, Esq.
Chair
Rhode Island COVID-19 Enforcement Task Force
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**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN
TEN DAYS AFTER THIS NOTICE**