



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

**IN THE MATTER OF:
Portside Tavern
Violations of Executive Orders and
RI Department of Health Regulations**

IMMEDIATE COMPLIANCE ORDER

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 §§ 23-1-20 and 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 there are reasonable grounds to believe that The Portside Tavern (“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.”

GROUND FOR DETERMINATION OF VIOLATIONS

- I. Respondent is a dining establishment, which includes a bar area, located at 444 Thames Street in Bristol.
- 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 August 29, 2020 at 6:40 p.m., a Task Force inspector conducted bar compliance spot check of the Respondent. The inspector observed that customers were being served while standing at the bar behind seated customers.
- IV. Later that evening, at approximately 9:20 p.m., the same inspector conducted another bar compliance spot check of the Respondent. The inspector observed that customers were still being served while standing at the bar behind seated customers. The inspector also observed approximately seven (7) employees, of which two (2) were not wearing cloth face coverings.
- V. Because of the inspector's observations during the first two spot checks, the inspector conducted a third spot check at approximately 11:20 p.m. At this time, the inspector observed that the bar area still had patrons mingling about it.
- VI. 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.

VIOLATIONS

The following violations stem from the August 29, 2020 spot checks.

- 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 physical distancing or an exception applies and requires establishments to deny entry to any employee, who is not otherwise exempt from the requirement or who refuses to wear a cloth face covering when required. The inspector observed three (3) employees in the restaurant. Of these, two (2) were not properly wearing cloth face coverings. The inspector observed on several occasions a female and a male employee lower their masks to under their chins so she could socialize and converse with patrons.
- II. Respondent is in violation of Section 7.4.2(A)(3) of the Safe Regulations, which prohibits service to standing customers. The inspector observed several patrons standing near a high-top table who were served alcoholic beverages while standing.
- III. Respondent is in violation of Executive Order 20-61, which require that, from 11:00 p.m. until closing, all establishments must close their bar area, including, but not limited to the bar counter and seating at the bar counter, and to ensure that the bar area is not accessible to patrons. At or before 11:00 p.m. every night, all such bars, restaurants, and other establishments must rope off the bar area and make seating at the bar counter unavailable to customers. The inspector observed that when she performed her spot check at 11:20 p.m., the bar area had not been roped off to customers and concluded, therefore, that the bar was still accessible to patrons.

**ORDER
IMMEDIATE COMPLIANCE**

It is hereby **ORDERED**, that Respondent is to immediately close its bar/bar area until such time as violations are remedied to the satisfaction of the Director of RIDOH by fulfilling the conditions as set forth below:

- I. 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.

- II. Respondent shall ensure that service is made only to seated customers and that no service to standing customers occurs.
- III. Respondent shall ensure that from 11:00 p.m. until closing, it closes its bar area, including, but not limited to the bar counter and seating at the bar counter, and to ensure that the bar area is not accessible to patrons. The Respondent shall also ensure that at or before 11:00 p.m. every night, the bar area is roped off and seating at the bar counter is unavailable to customers.

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 1st day of September 2020.



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