



**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:
Pure Lounge
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 Order 21-27 (“Executive Order”), and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (“Safe Regulations”), determines that there are reasonable grounds to believe that Pure Lounge (“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 387 Atwells Avenue in Providence.
- 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 20, 2021, at approximately 10:15 p.m., a Task Force inspector conducted a spot check inspection of the Respondent to determine compliance with the Executive Orders and the Safe Regulations. The inspector identified several violations as discussed 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 15, 2021 reinspection.

- 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 that there were approximately fourteen (14) employees in the establishment, of which, one (1) was not wearing a cloth face covering. The employee did not claim an exception.
- II. 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. (See "Exhibits A and B")
- III. Respondent is in violation of Executive Order 21-27, which states in pertinent part, that establishments may seat up to eight (8) people per table. The inspector observed a group of

approximately twenty-four (24) patrons sitting as one group. Because the tables were all pushed close together, the inspector concluded that there were more than eight (8) people per table. (See "Exhibit A")

- IV. Respondent is in violation of Section 7.4.2(A)(1)(a) 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 of a period of 15 minutes or more.
- V. Respondent is in violation of Section 7.4.1(A)(11) which prohibits the use of hookah or waterpipes indoors. The inspector observed numerous patrons in an outdoor tent using hookah. Because the tent was enclosed on all sides, and did not have at least two sides open, it does not qualify as an outdoor space.

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 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.
- III. Respondent shall seat no more than eight (8) people per table.

- IV. 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.
- V. Respondent shall ensure that no hookah or waterpipes are used indoors. If Respondent allows the use of hookah in its tent, the tent must have at least two sides open to the outside air.

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 23rd day of March 2021.



Elizabeth M. Tanner, Esq.
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**A WRITTEN REQUEST FOR A HEARING MAY BE FILED IN WRITING WITHIN
TEN DAYS AFTER THIS NOTICE**

EXHIBIT A



EXHIBIT B

