



**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:  
Subway Restaurant– Clinton Street, Woonsocket  
Violations of Executive Orders and  
RI Department of Health Regulations**

**NOTICE OF VIOLATION AND COMPLIANCE ORDER**

Now comes the Chair (the “Chair”) of the Rhode Island COVID-19 Enforcement Task Force (“Task Force”) and pursuant to R.I. Gen. Laws § 23-1-20, Executive Order 20-32, Executive Order 20-40, Executive Order, 20-50, and Rhode Island Department of Health (“RIDOH”) regulation 216-RICR-50-15-7 (the “Safe Regulations”), determines there are reasonable grounds that Subway Restaurant (“Respondent”) is in violation of Executive Order and or the Safe Regulations, and provides notice thereof.

**REASONABLE GROUNDS FOR DETERMINATION OF VIOLATION**

- I. Respondent is a dining establishment located at 483 Clinton Street in Woonsocket.
- 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 Regulation.

- III. On or about August 7, 2020, a Task Force inspector conducted an inspection of the Respondent. The Inspector conducted a checklist inspection of eleven items based on the Safe Regulations. The inspector determined that Respondent scored a 5/11 and was still substantially not in compliance with applicable Executive Orders and/or the Safe Regulations.
- 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 August 9, 2020 reinspection.

- I. Respondent is in violation of Executive Order 20-50, paragraph 14, which allows up to 1 customer per 100 square feet of store area open to customers generally. The inspector observed approximately 12 customers in an area of approximately 500 square feet. This would equate to approximately 7 customers over the limit. The inspector advised that the overflow customers must wait outside.
- II. Respondent is in violation of Section 7.4.1(A)(1) of the Safe Regulations, which requires each covered entity to develop and maintain a written plan for the safe operation of the establishment. Upon request, Respondent admitted that they did not have a written plan.
- III. Respondent is in violation of Section 7.4.1(A)(6) & (7) of the Safe Regulations, which requires each covered entity to ensure the performance of environmental cleaning of their establishments once per day and to maintain records documenting such environmental cleaning. Upon request, Respondent admitted that it did not maintain the required records.
- IV. Respondent is in violation of Section 7.4.1(A)(4) of the Safe Regulations, which requires each covered entity to ensure the placement of posters or signs at entry to its establishments

educating any individual at the establishment concerning entry screening, required social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by the Department. Although there were some posters visible at the entrance, not all required posters were displayed. Therefore, that the Respondent failed to ensure the placement of required posters.

- V. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(5) of the Safe Regulations, which requires all covered entities to ensure that their establishments have their restrooms open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times. Upon observation, the Respondent did not have its restrooms open and did not have ready access to hand sanitizer available.
- VI. Respondent is in violation of 216-RICR-50-15-7.4.1(A)(1)(a) of the Safe Regulations, which requires all individuals in public or in an establishment to maintain social distancing at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where social distancing is not feasible. Inspectors observed that due to the high volume of customers in the limited available space, physical distancing was not being maintained. The manager did state that they had had physical distancing markers in place at one time, but they had since come up off the floor and had not been replaced.

### **ORDER**

It is hereby ORDERED, that on or before the tenth (10<sup>th</sup>) 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 allow only 1 customer per 100 square feet of store area open to customers generally at any given time.
- II. Respondent shall develop and maintain a written plan for the safe operation of the establishment.
- III. Respondent shall ensure the performance of environmental cleaning of its establishment once per day and maintain records documenting such environmental cleaning.
- IV. Respondent shall ensure the placement of posters or signs at entry to its establishment educating any individual at the establishment concerning entry screening, required social distancing, use of cloth face coverings, and other subjects as provided in guidance issued by RIDOH.
- V. Respondent shall ensure that its establishment has its restroom open, and that they have running water and are stocked with hand soap. If access to restrooms or running water is limited, the establishment shall ensure ready access to hand sanitizer at all times.
- VI. Respondent shall ensure that social distancing is maintained at all times, to the extent feasible, and to include additional measures to be taken in high traffic, communal, or other areas where social distancing is not feasible.

**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 11th day of August 2020.



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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**