



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

**IN THE MATTER OF:**

**The Atomic Salon – 1243 Mineral Springs Avenue, North Providence  
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 20-98 (“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 The Atomic Salon (“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.”

#### **GROUNDS FOR DETERMINATION VIOLATIONS**

- I. Respondent is a personal services establishment located at 1243 Mineral Springs Avenue in North Providence.
- 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 19, 2020, a Task Force inspector met with owner Dominick Veltri (“Owner”) and conducted a Healthy Environment inspection of the Respondent. The inspector performed a checklist inspection of eleven (11) items based on the Safe Regulations and determined that the Respondent scored a 10/11 for overall requirements. After the inspection, the inspector provided information and resources to the Respondent to help it achieve full compliance. This included recommendations 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.
- IV. On or about September 3, 2020, a different Task Force inspector met with employee Sal Magnone (“Employee”) 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 9/11 for overall requirements. Based on Employee’s statement that barbers have not been wearing N-95-style respirators and goggles while performing personal services that require customers to remove their cloth face coverings, the inspector specifically advised Employee of the pertinent requirements of the Safe Regulations.
- V. On or about September 12, 2020, a different Task Force inspector met with Owner 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 7/11 for overall requirements. Of note was the fact that none of the five (5) employees in the store was wearing a cloth face covering while performing personal services. As a result of this inspection, specifically the ongoing violations of the requirement to wear cloth face coverings, an Immediate Compliance Order (“ICO”) was served upon the Respondent on September 15, 2020. (See “Exhibit 1”)

- VI. On or about September 17, 2020, the Respondent agreed to comply with all applicable Executive Orders and the Safe Regulations, specifically the requirements to wear cloth face coverings. As a result, Respondent was deemed to be in compliance, a notice to that effect was issued that day, and the Respondent was allowed to reopen. (See “Exhibit 2”)
- VII. On or about November 19, 2020, a different Task Force inspector met with Employee and conducted a reinspection of the Respondent. The inspector performed a checklist inspection based on the Safe Regulations and determined that Respondent scored a 7/11 for overall requirements. Of note was the fact that Respondent was again found to be in violation of the requirement to wear cloth face coverings.
- VIII. 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 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 November 19, 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 an exception applies, and Section 7.4.1(A)(3) of the Safe Regulations, which requires each covered entity to instruct any

person entering an establishment to wear cloth face coverings except when an exception applies, and to deny access to any employee who refuses to wear a cloth face covering when required. The inspector observed that two (2) of the three (3) employees working were not wearing cloth face coverings and the third was not wearing his properly because it was worn below the nose. Additionally, two (2) of the three (3) customers were also not wearing cloth face coverings. None claimed an exception.

- II. Respondent is in violation of Section 7.4.6.(A)(3) of the Safe Regulations, which requires personal service professionals to wear a face covering with protection equivalent to an N-95 respirator and eye protection when performing services that require the individual receiving the service to remove his or her mask. The inspector observed that two (2) customers, who were not wearing cloth face coverings, were receiving personal services from employees who were not wearing protection equivalent to an N-95 respirator and 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 must develop and incorporate into its written control plan a strategy to prevent the violations listed above from reoccurring. Said written plan shall incorporate, but not be limited to, the following:
  - a. 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.

- b. Respondent shall ensure that the personal service professionals wear face coverings with protection equivalent to an N-95 respirator and eye protection when performing services that require the individual receiving the service to remove his or her mask.
  - c. Respondent shall ensure that all required RIODH licensing is current and in good standing.
- II. Once completed, said written plan must be emailed to [DBR.CovidTaskForce@dbr.ri.gov](mailto:DBR.CovidTaskForce@dbr.ri.gov) for approval. You will be notified whether your updated plan has been approved, and if so, the date for your reinspection.

Entered this 23<sup>rd</sup> day of November 2020.

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott". The signature is fluid and cursive, with a large initial "N" and "A".

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Nicole Alexander-Scott, MD, MPH  
Director  
Rhode Island Department of Health  
Cannon Building, Rm. 401  
Three Capitol Hill  
Providence, RI 02908

## EXHIBIT A

Will be added in final pdf

## EXHIBIT B

Will be added in final PDF