



October 15, 2020

CERTIFIED MAIL

James Beattie
American Legion Post 28
31768 Legion Rd.
Millsboro, DE 19966

Non-Compliance at American Legion Post 28, Notice of Administrative Penalty

Dear Commander Beattie,

The following Notice of Violation is issued under the authority of the Secretary, Delaware Health and Social Services pursuant to 16 Del. C. §122 (3) and the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat, including its modifications.

Notice of Violation

Prior to the weekend of September 19, 2020, the Division of Public Health (DPH), received information about an event that was reportedly limited to 250 people. On September 18th, 2020, DPH was contacted by Lt. James Diana of Delaware Alcohol and Tobacco Enforcement with concerns that the event would significantly exceed 250 people. Information gathered by DATE at the scene confirmed:

- Lack of face coverings by attendees, in violation of the Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.
- Lack of social distancing among attendees, in violation of the Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.

Notice of Administrative Penalty

Under 16 Del. C. §107(a) the Department of Health and Social Services has the authority to impose an administrative penalty upon any individual who refuses, fails or neglects to perform the duties required of it. The penalty shall be up to \$1,000.00 per violation per day. Based on the failure to comply with COVID-19

James Beattie
October 15, 2020
Page 2

requirements you are hereby assessed an Administrative Penalty. Due to the significant number of people attending the event and serious non-compliance the administrative penalty assessed is \$1,000.00, broken down as follows:

- \$500 for attendees observed without face coverings
- \$500 for attendees not socially distanced

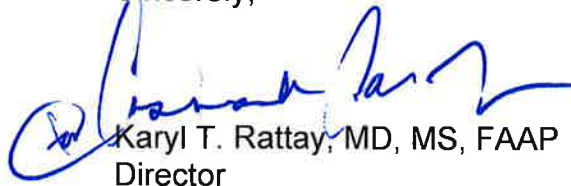
The administrative penalty is payable to the "State of Delaware" and must be received within 30 days of receipt of this notice. DPH does not accept the validity of any disclaimer of liability that may accompany your payment of this penalty. Payment must be sent to the following address:

CENTRAL BILLING
DIVISION OF PUBLIC HEALTH
417 Federal Street
Dover, DE 19901

If you wish to contest this administrative penalty, you may request an administrative hearing before an Administrative Hearing Officer. Your written request must be sent to the address listed above within 30 calendar days of receipt of this notice. Any questions should be addressed to Mr. Jamie Mack, (302) 744-4832.

Failure to remit payment or request an administrative hearing within 30 days of receipt of this letter may result in additional legal action.

Sincerely,



Karyl T. Rattay, MD, MS, FAAP
Director

cc: Jamie Mack, Section Chief, Health Systems Protection
Joanna Suder, DAG