



October 8, 2020

Steve Cavalier  
BPG Sports  
401 Garasches Lane  
Wilmington, DE 19801

### **Non-Compliance at 76er's Fieldhouse, Notice of Administrative Penalty**

Dear Mr. Cavalier:

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**

The Division of Public Health (DPH) provided approval for the 76ers Fieldhouse Plan on July 2, 2020. On September 15, 2020, DPH provided the 76ers Fieldhouse with notification that the previously approved plan would need to be amended to address the 27<sup>th</sup> Modification to the State of Emergency Declaration. On September 29, 2020, DPH provided a reminder that an updated plan was still required, specifically addressing face coverings for athletes.

DPH has reviewed evidence provided by concerned citizens and confirmed that activities taking place on September 25<sup>th</sup>, September 27<sup>th</sup>, October 2<sup>nd</sup>, and October 5<sup>th</sup> were not in compliance with the 27<sup>th</sup> Modification of the State of Emergency Declaration. Video and photos of the event show:

- Lack of face coverings by student athletes in 30 separate volleyball games, in violation of the Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Emergency 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,

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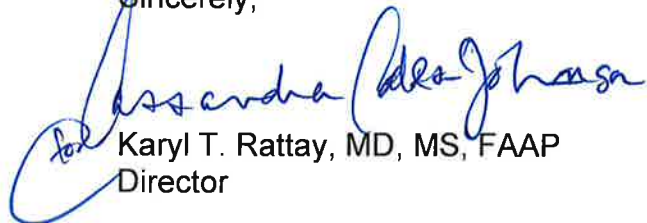
fails or neglects to perform the duties required of it. The penalty shall be up to \$1,000.00 per violation per day. Based on the failure to comply with COVID-19 requirements you are hereby assessed an Administrative Penalty. Due to the significant number of games observed the penalty assessed is \$15,000.00 (\$500 per violation for thirty games) and 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