



April 30, 2021

CERTIFIED MAIL

Anyman Alyelg
Brandywine Diner
303 Rocky Run Pkwy
Wilmington, DE 19803-1522

Notice of Administrative Penalty

Dear Ms. Anyman Alyelg.,

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

After receiving complaints of non-compliance, the Division of Public Health (DPH) conducted a site visit to the above referenced location on December 7, 2020, December 16, 2020, and December 21, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. DPH inspectors provided education to Brandywine Diner during this visit to assist with compliance. Brandywine Diner was issued an administrative penalty on February 11, 2021 for \$200.00 as a result of continued non-compliance.

DPH conducted a site visit of Brandywine Diner on April 12, 2021 after receiving additional complaint. During this site visit, DPH inspector observed the following violations:

- Lack of appropriated face covering among staff and customers, 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 customers 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 business that refuses, fails or neglects to perform the duties required of it. The penalty shall be \$100.00 to \$1,000.00 per Violation per day and may result in closure of the facility.

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Due to non-compliance, the administrative penalty assessed is \$200.00. This penalty is payable to the "State of Delaware" and must be received within 30 day 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 19901-3635

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

Any questions regarding this warning or how to gain compliance may be directed to Mr. Jamie Mack at 302-744-4832.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Rattay MD". The signature is fluid and cursive.

Karyl T. Rattay, MD, MS, FAAP
Director

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