



February 11, 2020

**CERTIFIED MAIL**

Steven Li  
Crab du Jour  
889 N Dupont Hwy  
Dover, DE 19901

**Notice of Administrative Penalty**

Dear Mr. Li:

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 September 25, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. DPH inspectors provided education to Crab du Jour during this visit to assist with compliance. During the September 25<sup>th</sup> visit, DPH inspectors observed the following violations:

- Lack of floor markings or signage to guide customers in appropriately spacing, 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.
- Napkins pre-set on tables, 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 bar area, 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.

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- To-go containers unprotected from possible contamination, 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 guidance or signage to control flow of 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.

After receiving an additional complaint about Crab du Jour, DPH conducted an additional site visit on December 10, 2020. While many of the previous violations had been addressed, DPH inspectors observed the following violations:

- Lack of appropriate face coverings among staff, 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 floor markings or signage to guide customers in appropriately spacing, 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.
- Available common areas for guests to congregate in, 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. Based on the continued failure to comply with COVID-19 requirements, Crab du Jour is hereby assessed an Administrative Penalty. The administrative penalty assessed is \$200.00. This 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

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

Crab du Jour is subject to unannounced DPH COVID-19 compliance checks. Failure to grant reasonable access to DPH staff will result in immediate closure of the facility.

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

Sincerely,



Karyl T. Rattay, MD, MS, FAAP  
Director

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