



February 11, 2021

CERTIFIED MAIL

Dover Gym
700 Otis Dr
Dover, DE 19901

Notice of Administrative Penalty

Dear Dover Gym:

The following Notice of Warning 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) received complaints of non-compliance at the Dover Gym and reviewed photos taken during December 2020. The review of photo evidence confirmed the following violations:

- Lack of face coverings among members, 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.

Effective November 23, 2020, individuals are required to wear masks at all times inside gyms and exercise facilities, including while actively exercising.

DPH conducted a site visit to the above referenced location on December 30, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. DPH inspectors provided education to Dover Gym during this visit to assist with compliance. During the December 30th visit, DPH inspectors observed the following violation:

- 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.

Dover Gym
February 11, 2021
Page 2

Notice of Administrative Violation

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, Dover Gym is hereby assessed an Administrative Penalty. The administrative penalty assessed is \$100.00. 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

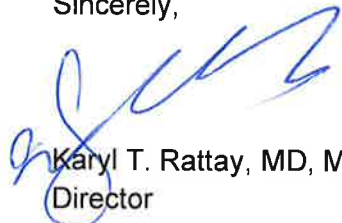
If you wish to contest this administrative penalty, you may request an administrative hearing before an Administrative Hearing Officer. Your written request must be sent to the address listed above within 30 calendar days of receipt of this notice.

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

Dover Gym 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