



August 19, 2020

CERTIFIED MAIL

Paul Casarotto
Pea Pod Ventures, LLC
The Green Stinger
492 Walnut Shade Rd.
Dover, DE 19901

Non-Compliance at Green Stinger – Woodside, Notice of Administrative Penalty

Dear Mr. Casarotto,

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 23rd Modification of the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat.

Notice of Violation

The Division of Public Health (DPH) has conducted several site visits to the above referenced location in July and August to assess compliance with the current restrictions in place to reduce transmission of COVID-19. In addition, Delaware Alcohol and Tobacco Enforcement has visited the establishments and provided DPH with information gathered during those visits.

During visits to the Woodside location on July 13th, DPH inspectors observed numerous violations of the State of Emergency Declaration including:

- Lack of face coverings among guests and staff, as required by the Twentieth Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 1 Reopening Plan.
- Lack of social distancing, as required by the Twentieth Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 1 Reopening Plan.
- Reuse of condiments without disinfection between parties, prohibited by the Twentieth Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 1 Reopening Plan.

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- Lack of appropriate signage, as required by the Twentieth Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 1 Reopening Plan.

During the visit to the Woodside facility on July 30th an additional observation was made of staff without appropriate face coverings as required by the Twenty-Fourth Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.

DATE visited the facility on August 4, 2020 and observed a lack of face coverings for staff and patrons, as required by the Twenty-Fourth Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.

On August 14, 2020, DPH conducted a site visit and again observed:

- Lack of face coverings, as required by the Twenty-Fourth 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 in the bar area, as required by the Twenty-Fourth 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 requirements you are hereby assessed an Administrative Penalty. Due to repeated non-compliance the administrative penalty assessed is \$1,000.00 (\$500 per violation for August 14th) 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:

Health Systems Protection
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) 744-4951.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Karyl T. Rattay". The signature is fluid and cursive, with a large initial "K" and "R".

Karyl T, Rattay, MD, MS, FAAP
Director

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