



September 2, 2020

Mad Macs  
801 S. College Ave  
Newark, DE 19713

**Notice of Administrative Penalty and Cease and Desist**

Dear Mad Macs:

The following Notice of Violation and Cease and Desist are issued under the authority of the Secretary, Delaware Health and Social Services pursuant to 16 Del. C. §122 (3) and the Twenty-Third 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) conducted a site visit to the above referenced location on August 28, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. During this visit, DPH inspectors observed numerous violations of the State of Emergency Declaration including:

- Lack of appropriate face coverings among guests and staff, 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 and disinfection between parties, 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 reservation system or other system for table service, 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 appropriate floor marking, signage for counter service/pickup, 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 handwashing or glove use, 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 protection for to-go food containers, 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 appropriate signage, 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.
- Gathering in common areas, prohibited 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.

Under 16 *Del. C.* §107(a) the Department of Health and Social Services has the authority to impose an administrative penalty of up to \$1,000.00 per violation per day upon any individual who refuses, fails or neglects to perform the duties required of it. Continued non-compliance with the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan will result in an administrative penalty. In future visits each of the violations listed above could result in a fine of \$1,000.00; if all violations were repeated it would result in a fine of \$8,000.00.

### **Closure of Food Establishment**

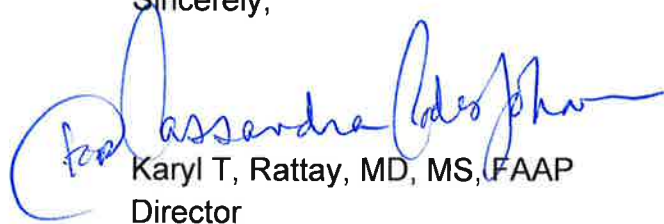
The Division of Public Health (DPH) formally mandates you to Cease and Desist all food establishment activities effective immediately from your location at 801 S. College Ave, Newark, DE 19713. Delaware law, 16 *Del. C.* §122 establishes the authority for the Department of Health and Social Services to regulate food establishments and Governor Carney's Twenty-Third Modification to the Declaration of a State of Emergency. Due to the numerous violations of the State of Emergency Declaration observed by DPH inspectors during the site visit on August 28, 2020, this establishment is hereby closed until such time as the above violations are remedied.

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DPH prohibits all food establishment activities until this establishment is in compliance with the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat, and any modifications thereto, and the Governor's Phase 2 Reopening Plan. Reopening without prior approval of DPH will result in fines up to \$1,000.00.

Any questions should be addressed to Mr. Jamie Mack, (302) 744-4832.

Sincerely,



Karyl T, Rattay, MD, MS, FAAP  
Director

## MacCormack, Nathan (DHSS)

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**From:** Mozeik, Alanna (DHSS)  
**Sent:** Wednesday, September 2, 2020 10:32 AM  
**To:** Webb, Crystal M. (DHSS)  
**Cc:** MacCormack, Nathan (DHSS)  
**Subject:** Need signature: Mad Macs cease and desist  
**Attachments:** Mad Macs COVID-19 cease and desist.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Crystal,

This cease and desist for Mad Macs has been approved by Joanna and Jamie. Can you please sign and return to me in whichever way is easiest? (cc'd Nate if you want it printed)

Thanks!  
Alanna

### **ALANNA MOZEIK**

*Policy Lead*

[Delaware Department of Health and Social Services](#)

[Division of Public Health](#)

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Mission Statement: Protect and Promote the Health of all People in Delaware.

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