



September 17, 2020

Malin's Deli  
812 S. College Ave.  
Newark, DE 19713

### Notice of Administrative Penalty

Dear Malin's Deli:

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 site visits to the above referenced location on July 10, 2020, August 6, 2020, and September 11, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19.

During the July 10<sup>th</sup> visit, DPH inspectors observed the following violations:

- Lack of appropriate face coverings among staff and customers, in violation of the Twenty-First 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 waiting in line, in violation of the Twenty-First Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.
- Lack of socially distanced seating for customers, in violation of the Twenty-First Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.

- Lack of posted signage or guidance to control flow of customers, in violation of the Twenty-First Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.
- Permitting customers to gather in common areas, in violation of the Twenty-First Modification of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan.

DPH inspectors provided education to Malin's Deli during this visit to assist with compliance.

DPH inspectors also observed lack of appropriate face coverings among staff on the August 6<sup>th</sup> visit, in violation of 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.

DPH inspectors performed a reinspection of Malin's Deli on September 11<sup>th</sup> after receiving additional complaints and observed lack of appropriate face coverings among two staff 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.

### **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 \$100.00 to \$1,000.00 per violation per day. Based on the continued failure to comply with COVID-19 requirements, you are hereby assessed an Administrative Penalty. Due to non-compliance observed on September 11, 2020, the administrative penalty assessed is \$200.00 (\$100.00 per violation per staff member). 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.

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

Sincerely,



Karyl T, Rattay, MD, MS, FAAP  
Director

cc: Jamie Mack, Section Chief, Health Systems Protection