



September 11, 2020

CERTIFIED MAIL and HAND DELIVERY

Jose Campos
Rancho El 24
14079 Redden Rd.
Bridgeville, DE 19933-4175

Alex Garcia
Mexican Folkloric Dance Society of New York
111 Catskill Ave.
Yonkers, NY 10704-1972

Non-Compliance at Rancho El 24 –Notice of Administrative Penalty

Dear Mr. Campos and Mr. Garcia,

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 Twenty-Seventh 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 reviewed photo and video documentation of an event held at the above referenced location on September 6, 2020. The documentation reviewed confirmed that this event was not in compliance with the current restrictions in place to reduce transmission of COVID-19. In addition, DPH has confirmed with the Delaware Division of Small Business that a permit for a gathering with more than 250 people was not secured for the event as is required by the State of Emergency order. Photos and video from the event show:

- Lack of face coverings by attendees, as required by the Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Delaware.
- Lack of social distancing by attendees, as required by the Twenty-Seventh Modification of the Declaration of a State of Emergency for the State of Delaware.

Notice of Administrative Penalty

Under State of Emergency order and 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 the State of Emergency COVID-19 requirements you are hereby assessed an Administrative Penalty. Due to the severe non-compliance the administrative penalty assessed is \$21,000.00 (\$10,000 each for face covering and social distancing violations, \$1,000 for failure to secure proper approval) 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:

Karyl T. Rattay, MD, MS,FAAP - Director
Delaware Division of Public Health
417 Federal Street
Dover, DE 19901-3635

DPH is seeking your cooperation in contacting the attendees of this event to provide information and conduct contact tracing should a positive case of COVID-19 be associated with the event. The penalties listed above may be reduced if the following actions are taken within 7 days of receipt of this letter:

- Provide contact information for all performers, spectators, staff, and others that attended the event. This must include the name and phone number or email for attendees.
- Provide contact information for promoters, organizers, or others involved in the production of the event.

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.

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

Further events conducted without proper approvals at the referenced address, or organized by you at other properties, will result in further penalties including fines of up to \$1,000.00 per violation. This could result in significant fines if each individual attendee is calculated as a separate violation.

Sincerely,



Karyl T. Rattay, MD, MS, FAAP
Director

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