



March 24, 2021

CERTIFIED MAIL

Sully's Irish Pub
12 W. Main St
Middletown, DE 19709-1000

Notice of Administrative Penalty

Dear Sully's Irish Pub:

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 August 18, 2020, September 19, 2020, November 19, 2020 and March 17, 2021 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. DPH inspectors provided education to Sully's Irish Pub during these visits to assist with compliance.

During the March 17, 2021 visit, DPH inspectors observed the following violations:

- Lack of appropriated face covering among staff and 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.
- Lack of social distancing among customers around the complete facility, 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.
- Lack of social distancing at the bar, dining tables, 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.
- Lack of floor markings and signage for counter service/pickup, 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.
- Lack of Reopening plan, 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.
- Refusal to maintain 50% Fire Code occupancy of the facility, 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.
- Lack of guidance and signage to control flow, 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
- Lack of Designated Monitor 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.

- Lack of proper food protection (cooks with no gloves): 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.
- Lack of proper protect to-go plates(plates and to-go plates need to be placed upside down): 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 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, the administrative penalty assessed is \$1,000.00. This penalty is payable to the "State of Delaware" and must be received within 30 day 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 St
Dover, DE 19901-3635

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

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

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