



November 23, 2020

**CERTIFIED MAIL**

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

**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 noncompliance, the Division of Public Health (DPH) conducted site visits to the above referenced location on July 2, 2020, August 3, 2020, August 18, 2020, September 19, 2020, and November 13, 2020 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.

DPH inspectors observed no violations during the July 2, 2020, August 3, 2020, and August 18, 2020 site visits.

During the September 19<sup>th</sup> visit, DPH inspectors observed the following violation:

- Lack of appropriate face coverings among staff and customers, 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.

After receiving additional complaints, DPH performed a reinspection on November 13<sup>th</sup> and observed the following violations:

- Lack of appropriate face coverings among 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 proper and frequent disinfection, 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 in bar area, 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.

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- Lack of floor markings or signage to guide customers in appropriately spacing, 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 repeated non-compliance, the administrative penalty assessed is \$400.00 (\$100.00 per violation observed on November 13, 2020). 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

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,



Kary T. Rattay, MD, MS, FAAP  
Director

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