



November 18, 2020

**CERTIFIED MAIL**

Tom's Bullpen  
1035 Walker Rd  
Dover, DE 19904

**Notice of Administrative Penalty**

Dear Tom's Bullpen:

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 26, 2020, October 8, 2020, November 10, 2020, and November 16, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. DPH inspectors observed violations of the Declaration of a State of Emergency for the State of Delaware and the Governor's Phase 2 Reopening Plan and provided education to Tom's Bullpen during these visits to assist with compliance.

Additionally, DPH reviewed photos from the above referenced location taken during October 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. The review of photo evidence confirmed lack of appropriate face coverings and lack of social distancing 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. DPH sent notice of an administrative warning on October 26, 2020.

During the November 10<sup>th</sup> visit, DPH inspectors observed the following violation:

- Lack of appropriate face coverings 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.

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DPH inspectors performed a reinspection of Tom's Bullpen on November 16<sup>th</sup> after receiving additional complaints and observed the following violation:

- Lack of appropriate face coverings 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.

### **Notice of Administrative Penalty**

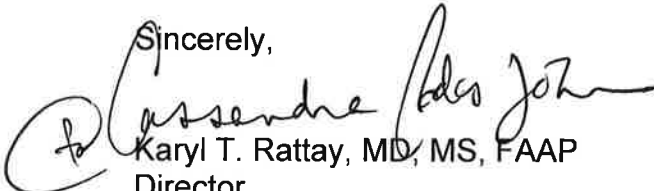
Under 16 *Del. C.* §107(a) the Department of Health and Social Services has the authority to impose an administrative penalty upon any individual who refuses, fails or neglects to perform the duties required of it. The penalty shall be \$100.00 to \$1,000.00 per violation per day. Based on the continued failure to comply with COVID-19 requirements, you are hereby assessed an Administrative Penalty. Due to repeated non-compliance, the administrative penalty assessed is \$200.00 (\$100.00 for each violation on November 10 and 16, 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,  
  
Karyl T. Rattay, MD, MS, FAAP  
Director

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