



January 6, 2021

**CERTIFIED MAIL**

Mr. John Osborne  
The Training Center  
807 Churchmans Rd  
New Castle, DE 19720

**Notice of Administrative Penalty**

Dear Mr. Osborne:

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 multiple site visits to The Training Center over the months of August, September, and October regarding members not wearing face coverings appropriately while in the facility. A Notice of Warning was issued on November 18, 2020.

DPH has received additional complaints and has reviewed photos taken during December 2020. The review of photo evidence confirmed the following violations:

- Lack of face coverings among 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.

Effective November 23, 2020, individuals are required to wear masks at all times inside gyms and exercise facilities, including while actively exercising.

**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,

Mr. John Osborne  
January 6, 2021  
Page 2

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 \$500.00 (\$500.00 per violation detailed above). 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,

A handwritten signature in blue ink, appearing to read 'Karyl T. Rattay', is written over the printed name and title.

Karyl T. Rattay, MD, MS, FAAP  
Director

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