



August 14, 2020

CERTIFIED MAIL

Steve Cavalier
BPG Sports
401 Garasches Lane
Wilmington, DE 19801

Non-Compliance at 76er's Fieldhouse, Notice of Administrative Penalty

Dear Mr. Cavalier,

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 23rd 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) provided approval for the 76ers Fieldhouse Plan on July 2, 2020. DPH has followed up with the field house on July 9, 2020 and received confirmation of additional actions the facility was taking to address concerns. On July 23, 2020, DPH provided a photo documenting concerns, including lack of appropriate face coverings and social distancing at a basketball event. At that time the facility was provided a final warning that continued non-compliance could result in fines of up to \$1,000.00 per violation, closure or other actions.

On July 31, 2020, the Division of Public Health (DPH), received information about an event conducted at the 76'ers Fieldhouse, Wilmington, DE, that was not in compliance with the current restrictions on events and gatherings. Based on review of photos and videos from the First State Preps College Exposure Showcase II, conducted on July 30, 2020, the facility was deemed to be out of compliance. Video and photos of the event show:

- Lack of face coverings by student athletes not actively engaged in activity, as required by the Twenty-Fourth Modification of the Declaration of a State of Emergency for the State of Delaware, the Governor's Phase 2 Reopening Plan, the Division of Public Health Guidance on Youth Sports and the plan submitted by your facility on June 23, 2020.
- Lack of or improper wearing of face coverings by staff/coaches, as required by the Twenty-Fourth Modification of the Declaration of a State of Emergency for the State of Delaware, the Governor's Phase 2 Reopening Plan, the Division of Public Health Guidance on Youth Sports and the plan submitted by your facility on June 23, 2020.
- Lack of social distancing among athletes not actively engaged in activity, as required by the Twenty-First Modification of the Declaration of a State of Emergency for the State of Delaware, the Governor's Phase 2 Reopening Plan, the Division of Public Health Guidance on Youth Sports and the plan submitted by your facility on June 23, 2020.
- Lack of social distancing among spectators at the event, as required by the Twenty-First Modification of the Declaration of a State of Emergency for the State of Delaware, the Division of Public Health Guidance on Youth Sports and the plan submitted by your facility on June 23, 2020
- Lack of disinfection of equipment between groups or users, as required by the Twenty-Fourth Modification of the Declaration of a State of Emergency for the State of Delaware, the Governor's Phase 2 Reopening Plan, the Division of Public Health Guidance on Youth Sports and the plan submitted by your facility on June 23, 2020.

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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 up to \$1,000.00 per violation per day. Based on the failure to comply with COVID requirements you are hereby assessed an Administrative Penalty. Due to the significant number of people attending the event and serious non-compliance the. The administrative penalty assessed is \$5,000.00 (\$1,000 per violation for July 30th) and 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
Division of Public Health
417 Federal Street
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. 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.

Sincerely,



Karyl T, Rattay, MD, MS, FAAP
Director

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