



February 11, 2021

**CERTIFIED MAIL**

Olive Garden  
263 N Dupont Hwy  
Dover, DE 19901

**Notice of Administrative Penalty**

Dear Olive Garden:

The following Notice of Warning 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 a site visit to the above referenced location on December 22, 2020 to assess compliance with the current restrictions in place to reduce transmission of COVID-19. DPH inspectors provided education to Olive Garden during this visit to assist with compliance. During the December 22<sup>nd</sup> visit, DPH inspectors 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 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.
- Lack of social distancing among bar seating, 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 or signage to control flow of 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.
- Available common areas for gathering, 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 failure to comply with COVID-19 requirements, Olive Garden is hereby assessed an Administrative Penalty. The administrative penalty assessed is \$200.00. 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

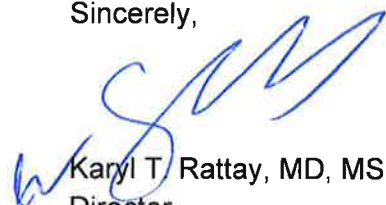
If you wish to contest this administrative penalty, you may request an administrative hearing before an Administrative Hearing Officer. Your written request must be sent to the address listed above within 30 calendar days of receipt of this notice.

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

Olive Garden is subject to unannounced DPH COVID-19 compliance checks. Failure to grant reasonable access to DPH staff will result in immediate closure of the facility.

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

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