

1. County of complaint: *

Edgar

2. City of complaint: *

Paris

3. Street address of complaint: *

256 North Main

4. Name of business / entity suspected of violating the Executive Order: *

On the Tracks Cafe

5. Specific, detailed nature of complaint against this business / entity: *

This establishment refuses to cooperate with public health authorities. A positive COVID-19 case was connected to

6. Reporting party employer (your employer): *

Edgar County Public Health Department

7. Reporting party name (your name): *

Janet Mason

8. Reporting party email address: *

jmason@ecphd.org

9. Reporting party mobile phone number: *



10. Please list what local law enforcement agencies (and specific officers) have been contacted regarding this suspected violation. We will need this information to determine what actions their departments may have taken: *

We were informed many months ago by the Chief of Police that he was told it is not his job to help the health dep:

11. Please list, specifically, what mitigation steps you or employees of your public health agency have taken thus far regarding these suspected violations: *

Conducted an infection control review, issues 2 non-compliance letters.

12. Please add below any additional information you wish to pass along to the Illinois State Police investigators: *

Edgar County Public Health Department has developed a detailed summary, documentation of the layout for indoor dining and what patrons and employees were present at the visit, and copies of the non-compliance letters that were refused to sign by the manager.

Submit

This establishment refuses to cooperate with public health authorities. A positive COVID-19 case was connected to this facility on August 8, 2020. The positive case resulted in a staff exposure. Manager of the establishment was uncooperative and refused to assist the local health department in identifying close contacts. On September 2, 2020 an additional positive case was associated with the facility. Two patron exposures occurred as close contacts and one of those contacts became positive. September 4, 2020 an additional positive case was connected to the facility and four additional patron exposures. Establishment once again would not cooperate with local health authorities with gathering close contacts. Manager was rude and wanted to wait several days before giving contact information for those who were exposed. Our facility never received close contacts for these cases. September 21, 2020 two additional positive cases were associated with On the Tracks Cafe. On September 29, an additional positive case was connected to the facility. There have been several community complaints about this facility not enforcing or using masks/face coverings, social distancing, and capacity limits. On September 14, 2020 staff from Edgar County Public Health Department visited the facility for a routine food inspection and an infection control review. A first non-compliance letter was issued regarding the use of face covering/masks and capacity limits. Facility was given until September 15, 2020 to comply. On October 1, two more community complaints were called into our office regarding no masks wearing, socially distancing, and capacity limits. On October 7, 2020 staff from Edgar County Public Health Department visited the facility for a compliance check. Establishment had made absolutely no effort to comply with Section 690.50. Observation included no masks being worn by patrons or staff. No signage was displayed to promote social distancing or the use of masks. Tables were not spaced 6-feet apart. No visual cues were on the floor and booths were not marked to use every other booth. On October 8, 2020 ECPHD staff issued a second non-compliance order. Upon entering the facility, no masks were worn by employees or patrons. Manager refused to sign the second compliance letter and stated she would give it to her attorney. She stated she would not change anything until she was served with a court order. This establishment is blatantly defying the non-compliance orders and refuses to comply with public health to help stop the spread of this virus. The establishment is putting the public at risk day after day as no effort has been made to comply. This establishment is currently open for dine in against the Illinois Resurgence Mitigation requirements that state restaurants are not to be open for dine in at this time during the COVID-19 Pandemic.

August 8, 2020

Positive case connected to On the Tracks Café. Staff exposure as close contact also noted by case investigator. Manager, Carla Fancher was uncooperative when asked to assist Public Health Department in identifying close contacts.

September 2, 2020

An additional positive case was associated with On the Tracks Café. 2 patron exposures occurred as close contacts. One of the two contacts became positive.

September 4, 2020

An additional positive case and four patron exposures were noted by case investigators and connected to On the Tracks Café.

Establishment was absolutely not cooperative with the local health authorities concerning gathering close contacts and exposures at the facility. Carla Fancher was rude and wanted to wait until Sunday to provide information. Carla was to call back.

September 5, 2020

Monica Dunn called Carla to gather the information of close contacts from the exposure at the facility the day before. Carla refused to provide needed information.

September 10, 2020

Complaint from community member about the facility not reducing capacity and not wearing masks.

September 14, 2020 @ 12:08

Monica Dunn and Marissa Beck visited the facility for a routine food inspection and an infection control review in response to several community complaints and investigation findings of positive COVID-19 cases connected to the facility.

As noted on the first notice of non-compliance letter, the facility was not in compliance for Section 690.50(c)(2) regarding the wearing of coverings and Section 690.50(c)(4) regarding capacity limits. Facility was given until September 15, 2020 to comply.

September 21, 2020

Two positive cases associated with On the Tracks Café.

September 29, 2020

An additional positive case associated with On the Tracks Café.

October 1, 2020

Two community complaints were called into the office regarding On the Tracks Café regarding no mask wearing, over capacity limits, and no social distancing.

October 7, 2020 @ 11:35AM

Janet Mason and Marissa Beck visited the facility for a compliance check. 20 total people were in the establishment including employees and patrons. Establishment has made absolutely no effort to comply with 77 Ill. Admin. Code 690.50 concerned the use of masks and capacity limits. Observation included no masks were worn by employees or patrons. No signage was displayed to promote social distancing or the use of masks. Tables were not spaced 6-feet apart. No visual cues were on the floor and booths were not marked to be used every other.

October 8, 2020:

Monica Dunn and Marissa Beck served the second notice of non-compliance to On the Track's Café around 2pm this afternoon. Upon entering the facility, no masks were worn by employees or patrons. No signage was displayed to promote social distancing or the use of masks. Tables were not spaced 6-feet apart. No visual cues were on the floor and booths were not marked to be used every other.

Carla Fancher, the person in charge and manager of the establishment was present. We served the second notice of non-compliance and explained there had been absolutely no effort to comply with the requirements of masks, social distancing, or capacity limits.

Carla did not sign the second notice of non-compliance document and stated she would give to her attorney, Tom Devoure. She stated she would not change anything until we served her with a court order.

Monica and Marissa Beck thanked her for her time, left a copy of the notice, and left the facility.



Edgar County Public Health Department

502 Shaw Avenue, Paris, IL 61944

Phone: 217-465-2212 ~ FAX: 217-465-1121

<http://www.ecphd.org>

FACILITY NOTICE OF NON-COMPLIANCE

DATE: September 14, 2020

NAME OF FACILITY: On the Tracks Café

Re: NON-COMPLIANCE WITH COVID-19 REGULATIONS FROM THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (77 Ill. Admin. Code 690.50)

On January 27, 2020, the United States Secretary of Health and Human Services declared that COVID-19, a respiratory illness spread by close contact through respiratory droplets, presents a public health emergency, and the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020. Pursuant to the Department of Public Health Act, 20 ILCS 2305, the Department of Public Health Powers and Duties Law, 20 ILCS 2310, and the Communicable Disease Code, 77 Ill. Admin. Code 690, the Department of Public Health adopted emergency regulations, 77 Ill. Admin. Code 690.50, on August 7, 2020, to restrict and suppress COVID-19 as follows:

- Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses, services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering. Section 690.50(c)(2).

- Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or

Executive Order. Section 690.50(c)(4). Please be advised that your business, service, facility or organization is currently operating in a manner that is not in compliance with one or more of the above requirements as described below.

CHECK ALL THAT APPLY:

- Failure to comply with Section 690.50(c)(2) regarding the wearing of coverings
- Failure to comply with Section 690.50(c)(4) regarding gatherings of more than 50 people.

Description of non-compliance:

Employees are not wearing masks/face coverings. Patrons coming and going without face coverings. Exceeding 50% capacity limit.

For the safety of your patrons, your staff, and our community, it is imperative that you take the necessary steps to address non-compliance with State guidelines immediately, but no later than September 15, 2020.

Such measures include:

- Ensuring compliance with face covering requirements within your facility;
- Ensuring capacity limits within your facility;
- Notifying employees and customers/patrons of the need to comply with face covering and capacity limits;
- OTHER: _____

Should we receive additional reports of non-compliance, further action may be taken. Such action may include an order to disperse patrons and employees from the premises until compliance can be achieved. If compliance is not achieved through an order to disperse, further action may include charges of a Class A misdemeanor pursuant to 20 ILCS 2305/8 .1 against the violating business, facility, service or organization named as follows:

On the Track's Cafe. We are available to discuss public health safety measures and the essential steps you must take to reduce transmission of COVID-19.

For additional information, please call our office at (217) 465-2212. Thank you for your immediate attention to these issues.

Monice D. Infection Control
Signature of Enforcing Entity Officer

9/14/20 1:45 p.m.
Date and Time

Person in charge
Owner refused to sign
Signature of Owner/Operator/Person in Charge

Date and Time



Edgar County Public Health Department

502 Shaw Avenue, Paris, IL 61944

Phone: 217-465-2212 ~ FAX: 217-465-1121

<http://www.ecphd.org>

SECOND FACILITY NOTICE OF NON-COMPLIANCE

DATE: October 8, 2020

NAME OF FACILITY: On the Tracks Café

Re: NON-COMPLIANCE WITH COVID-19 REGULATIONS FROM THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH (77 Ill. Admin. Code 690.50)

On January 27, 2020, the United States Secretary of Health and Human Services declared that COVID-19, a respiratory illness spread by close contact through respiratory droplets, presents a public health emergency, and the World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020. Pursuant to the Department of Public Health Act, 20 ILCS 2305, the Department of Public Health Powers and Duties Law, 20 ILCS 2310, and the Communicable Disease Code, 77 Ill. Admin. Code 690, the Department of Public Health adopted emergency regulations, 77 Ill. Admin. Code 690.50, on August 7, 2020, to restrict and suppress COVID-19 as follows:

- Any business, service, facility or organization open to the public or employees shall require employees, customers, and other individuals on the premises who are over age two and able to medically tolerate a face covering to cover their nose and mouth with a face covering when on premises and unable to maintain at least a six-foot social distance. Businesses, services, facilities or organizations that offer food or beverages for in-person consumption may permit employees, customers, and other individuals to remove their face coverings while eating or drinking, but must require face coverings at all other times. Businesses, services, facilities or organizations that take reasonable efforts to require patrons and employees to wear a face covering shall be in compliance with this subsection. For retail businesses, reasonable efforts to comply with regard to customers shall be determined based on the totality of the circumstances and include, but are not limited to: posting signage requiring face coverings to be worn on the premises; providing face coverings to customers; giving verbal warnings to customers to wear a face covering when on the premises; and requesting that customers leave the premises if not wearing a face covering. Section 690.50(c)(2).

- Gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people) are prohibited unless exempted by law or Executive Order. Section 690.50(c)(4). Please be advised that your business, service, facility or organization is currently operating in a manner that is not in compliance with one or more of the above requirements as described below.

CHECK ALL THAT APPLY:

Failure to comply with Section 690.50(c)(2) regarding the wearing of coverings

Failure to comply with Section 690.50(c)(4) regarding gatherings of more than 50 people (or gatherings of 50% or more of a building's maximum occupancy as determined by the authority having jurisdiction, if 50% of a building maximum occupancy is less than 50 people).

Description of non-compliance:

Tables and booths set for max capacity. No attempt to provide or wear masks. No postings about mask requirement. Tables are not spaced 6 feet apart. Booths are not assigned for every other.

For the safety of your patrons, your staff, and our community, it is imperative that you take the necessary steps to address non-compliance with State guidelines immediately, but no later than

October 9, 2020.

Such measures include:

- Ensuring compliance with face covering requirements within your facility;
- Ensuring capacity limits within your facility;
- Notifying employees and customers/patrons of the need to comply with face covering and capacity limits:

Should we receive additional reports of non-compliance, further action may be taken. Such action may include an order to disperse patrons and employees from the premises until compliance can be achieved. Your establishment operates contingent upon a food permit issued by The Edgar County Public Health Department. If compliance is not achieved through an order to disperse and revocation of food permit, further action may include charges of a Class A misdemeanor pursuant to 20 ILCS 2305/8 .1 against the violating business, facility, service or organization named as follows:

On the Track's Cafe . There have been numerous community complaints to our department about your facility concerning the non-compliance of wearing masks, capacity limits, and lack of social distancing. There have been at least six positive COVID-19 cases present in your facility at the time the individuals were infected. We are available to discuss public health safety measures and the essential steps you must take to reduce transmission of COVID-19.

For additional information, please call our office at (217) 465-2212. Thank you for your immediate attention to these issues.

Janet Mason

Enforcing Entity Officer, Administrator

10-8-2020

Date and Time

Monica D

Enforcing Entity Officer, Infection Control Coordinator

10/8/2020

Date and Time

Maura Beck

Enforcing Entity Officer, Director of Environmental Health

10/8/2020

Date and Time

Refused to sign

Signature of Owner/Operator/Person in Charge

Date and Time