

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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ATTORNEY GENERAL



JANE E. YOUNG
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November 16, 2020

Sean Brown, COO
Common Man Restaurants
P.O. Box 581
Ashland, N.H. 03217

Re: Enforcement Notice regarding New Hampshire's Emergency Order 52, as extended, and the Restaurant/Food Service Industry Guidance

Dear Mr. Brown:

The New Hampshire Attorney General ("AGO") is writing to you, on behalf of the New Hampshire Department of Health and Human Services, Division of Public Health, because we received a complaint about a wedding held at the Barn on the Pemi in Plymouth on September 22, 2020. The complaint was based upon concerns about the Barn on the Pemi's operations in light of the Governor's Emergency Order 52, as extended by Emergency Order 70. This Emergency Order was issued pursuant to section 18 of Executive Order 2020-04, as extended by Executive Order 2020-21. Exhibit A to Emergency Order 52 establishes Universal Guidelines that apply to all businesses, organizations, and individual business operators in the state. Exhibit B to Emergency Order 52 establishes industry-specific guidance, including guidance for weddings, places of worship, and the food service industry. As you are aware, although these documents are titled "guidelines" and "guidance," your business is required to comply with the mandatory provisions of these documents. Attached are copies of these orders and guidance documents.

COVID-19 has already infected over 13,929 people in New Hampshire to date, and caused over 430 deaths. It is most commonly transmitted by respiratory droplets spread through the air by breathing, speaking, coughing, and sneezing. It can also be spread when a person touches another person or surface with the virus on it and then touches their mouth, nose, or eyes without first washing their hands. COVID-19 may be spread by an infected person who does not show any symptoms of the virus. The CDC has extended their "Slow the Spread Guidelines" for COVID-19 and the New Hampshire Division of Public Health advises wearing face coverings while out in any public area, especially while there continues to be community transmission of the virus.

Our investigation into the complaint of the September 22 event has not identified any violation of the Universal Guidelines and Industry-Specific Guidances that would subject you to criminal or civil penalties under RSA 21-P:47 or Emergency Order 65. However, a number of photographs of the September 22 event show a disturbing lack of caution on the part of wedding guests. These photographs show wedding guests without face coverings standing and mingling both indoors and outdoors and a lack of appropriate social distancing. As we are sure you are aware of the many “super-spreader” events that have occurred across the country when groups of people have gathered and failed to observe proper caution, we know that you share our strong interest in preventing any such super-spreader events from occurring in our State.

Additionally, when Joelle Donnelly from the Attorney General’s Office spoke with you about the September 22 event, you reported that the brides wed outside and that, since it was an event over 100 people, face coverings were required in accordance with Emergency Order 63. However, as the attached photographs show, the brides wed inside and guests were not wearing face coverings.

We strongly urge the Barn on the Pemi, when planning weddings and other events, to impress upon guests the importance of the Guidance and Emergency Order requirements and manage their expectations about the types of events that can be safely held under current conditions. For example, under the Restaurant/Food Service Industry/Wedding Guidance, guests at events of more than 100 people should always wear face coverings, except when seated or standing outside with more than 6 feet of physical distance between individuals or household groups.

We are available to continue working with you to ensure that future events at your properties comply with the applicable Guidance and Emergency Orders.

Sincerely,



Anne M. Edwards
Associate Attorney General

Enclosure

Attachments: Photographs (6)

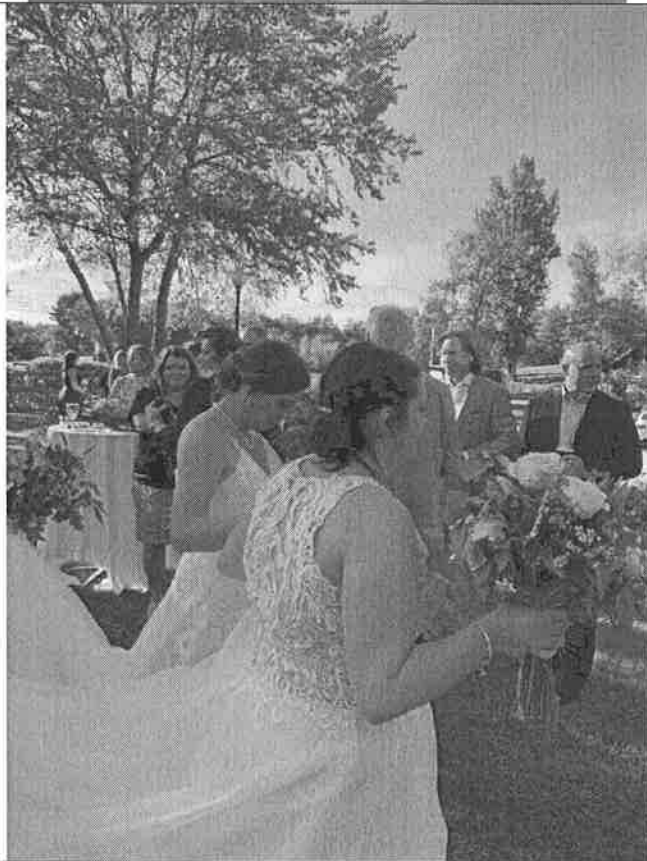
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