

**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

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November 16, 2020

GAME CHANGER SPORTS BAR & GRILL LLC  
c/o Richard Carrier  
86 Searles Rd  
Windham, NH, 03087

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

Dear Mr. Carrier:

Game Changer Sports Bar & Grill in Londonderry is operating in violation 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 Restaurants/Food Service operators. Despite the use of the terms "guidelines" and "guidance" in the titles of these documents, your business is required to comply with the mandatory provisions of these documents if you want to continue to operate. *See* Emergency Order 52, Paragraph 1, "[a]ll businesses and other organizations operating within this State shall comply with the ... Universal Guidelines ..and any other industry-specific guidelines ...issued subsequent to this Order."

**Emergency Order 52 and its Applicable Guidance**

As has been explained to you directly and repeatedly, your business must comply with both the Universal Guidelines and the Restaurant/Food Service Industry Guidance. Based upon visits to your business, your staff are not wearing face coverings while providing direct customer services, such as serving food, greeting customers, and seating customers. This is a violation of the Restaurant/Food Service Industry Guidance, under Safeguarding Guidance, Paragraph 7, and under the Universal Guidelines, under Section B, Paragraph 4.f. Additionally, customers are not

allowed to stand or mingle in the bar areas or other areas of your restaurant; they must be seated. See Restaurant/Food Service Industry Guidance, under Consumer Protection, Paragraph 7.

Game Changer was given specific permission to continue its indoor corn hole competitions, with individuals remaining 6 feet apart, not eating or drinking while playing, sitting down after their games are completed, and wearing face coverings if they cannot remain 6 feet apart. No other permission was granted to allow other games, such as beer pong. Specifically, under the Restaurant/Food Services Industry Guidance, under Consumer Protection, Paragraph 7, "Games and other bar functions (e.g. pool/billiards, darts, arcade games, etc.) are not allowed." Despite this restriction, Game Changer advertised a beer pong tournament in October which our Office directed to be canceled.

### **Emergency Order 63**

Additionally, Emergency Order 63, requiring face coverings to be worn when at an event with more than 100 people present, also applies to restaurants if they are operating an event. See Paragraph 1. While individuals can remove their face coverings while seated at a distance of at least 6 feet from other household groups or individuals, face coverings must be worn when moving inside the facility or at the event. See Paragraph 2(a). As a result, whenever you have an event occur at your restaurant, you need to enforce compliance with Emergency Order 63.

Not requiring your direct customer service staff to wear face coverings while working, allowing people to stand and mingle instead of sit when inside the restaurant and not directly playing corn hole, not requiring customers to wear face coverings when playing corn hole and not maintain 6 feet of distance, and allowing for other game tournaments to occur are all violations of Emergency Order 52.

Violations of the Governor's Emergency Order 52, and its applicable Guidance, are taken very seriously. These Orders have been instituted so New Hampshire businesses and organizations can operate as safely as possible during the COVID-19 pandemic. By not complying with the Emergency Orders, businesses risk endangering the health of their employees, customers, and the public in general. Businesses also risk further legal enforcement actions to achieve compliance.

In addition to jeopardizing the health and safety of both the public and your employees, your failure to follow Emergency Order 52, as extended, is a violation of state law. Pursuant to RSA 21-P:47, the violation of an emergency order, rule, or regulation issued by the Governor can lead to misdemeanor criminal charges. Violations of any Emergency Order are subject to civil penalties of up to \$1,000 per violation or up to \$2,000 per day under Emergency Order 65, depending on the nature of the violation. Game Changer's continued violation of the Emergency Orders place both you and your business at risk of these civil and criminal penalties.

We strongly urge Game Changers 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.

Please ensure that Game Changer complies with the Emergency Orders and does not otherwise put the public or your employees at risk.

Sincerely,



Anne M. Edwards  
Associate Attorney General