

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL



JANE E. YOUNG
DEPUTY ATTORNEY GENERAL

November 25, 2020

VIA FIRST CLASS MAIL AND EMAIL

Dan and Dawn Plourde
Loudon Village Country Store
40 South Village Road
Loudon, New Hampshire 03307

**Re: Violations of New Hampshire's Emergency Order #52, as extended, the
Universal Guidelines, the Food Service Industry Guidance and the Retail Guidance**

Dear Mr. Plourde and Ms. Plourde:

The Loudon Village Country Store is operating in violation of the Governor's Emergency Order #52, as extended by Emergency Order #72. This Emergency Order was issued pursuant to section 18 of Executive Order 2020-04, as extended by Executive Order 2020-23. 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 a Food Service Industry Guidance and a Retail Guidance. 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 ("All 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 Orders #52 and #74 and its Applicable Guidelines and Guidance

As has been explained to you directly and repeatedly, your business must comply with the Universal Guidelines, the Food Services Industry Guidance, and the Retail Guidance. Under the Universal Guidelines, "[e]mployees and volunteers who are directly providing service to consumers or individuals must wear masks while providing such service."

The Food Services Industry Guidance similarly requires that "[d]irect customer contact employees shall wear face coverings over their nose and mouth when at work and around others

in settings where social distancing may be difficult (e.g. serving clients, greeting, etc.).” The Retail Guidance also requires that “[a]ll staff must wear cloth face coverings at all times when in the retail facility and in public locations or shared staff areas (e.g. break rooms), even if other individuals are not immediately present.”

You must also comply with Emergency Order #74 which requires that face coverings must be worn by any person over the age of 5 when they “are in public spaces, indoors or outdoors, where they are unable to or do not consistently maintain a physical distance of at least six feet...” from others. “Public spaces” is defined to include “any part of private or public property that is generally open or accessible to members of the general public. Public spaces include, but are not limited to, ... retail businesses...”

The Loudon Fire Chief, Tom Blanchette, has spoken with you on more than 10 occasions regarding the need for your employees to wear face coverings. Chief Blanchette contacted our office on September 21 to inform us that you posted a sign on the Store’s door refusing to have your employees wear masks. A copy of that sign is attached. He further reported that you refused to have your staff wear face coverings in numerous in-person discussions with him, and that many people congregated in your establishment with no face coverings. Following his report to our office, Chief Blanchette sent you an official letter documenting your violations of Emergency Order #52, the Universal Guidelines, the Food Service Industry Guidance, and the Retail Guidance. He also informed you that violations subject you and your business to potential civil and criminal penalties. On October 13, you attended a Loudon Selectmen’s Meeting at which you informed the selectmen that you felt Chief Blanchette was intimidating and bullying you for trying to achieve compliance with the Emergency Order. The Chief has not been in your establishment since that time.

Chief Blanchette received another complaint on November 24. The complaint stated that your employees still are not wear face coverings. Chief Blanchette confirmed that there is still a sign in the window of your store stating that you will not require your employees to wear masks or request that customers wear masks. This violates the Governor’s Emergency Order #52 as well as Emergency Order #74.

Violations

As was explained to you in Chief Blanchett’s letter, violations of the Governor’s Emergency Orders #52 and #74 and their applicable Guidelines and Guidance are taken very seriously. COVID-19 has already infected over 18,300 people in New Hampshire to date, and caused over 510 deaths. The Governor’s Emergency Orders were instituted so New Hampshire businesses can operate as safely as possible during the COVID-19 pandemic. By not complying with Emergency Orders, businesses risk endangering the health of all individuals involved, as well as everyone else who those individuals later come into contact with.

In addition to jeopardizing the health and safety of both the public and your employees, your failure to follow Emergency Orders #52 and #74 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. Further, under Emergency Order #65, violations of

any Emergency Order are subject to civil penalties of up to \$1,000 per violation or up to \$2,000 per day, depending on the nature of the violation.

In accordance with Emergency Order 65, Paragraph 4, and based on all of the relevant facts and circumstances, specifically including that the Loudon Village Country Store was made aware in writing that employees must wear face coverings, **a civil penalty of \$2,000 is being assessed for violating Emergency Orders #52 and #74. Please submit payment in the form of a check made out to the State of New Hampshire. Send the check to me at the Office of the Attorney General, 33 Capitol Street, Concord, NH 03301.**

This civil penalty must be paid by December 9, 2020. If the Loudon Village Country Store wants to challenge this civil penalty, it can raise that issue with the Attorney General's Office under Paragraph 4 of Emergency Order 65, and negotiate a settlement or request a hearing.

Ensure that the Loudon Village Country Store complies with all applicable Emergency Orders, the Universal Guidelines, and the Food Service Industry Guidance in the future and do not otherwise put the public or your employees at risk.

Sincerely,

A handwritten signature in black ink, appearing to read "Anne M. Edwards". The signature is fluid and cursive, with the first name "Anne" being the most prominent.

Anne M. Edwards
Associate Attorney General

Enclosure

cc: Chief Tom Blanchette