



State of Vermont, Office of the Attorney General

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February 17, 2021

The UPS Store
Att: Mr. Andre “Mike” Desautels
137 Main Street
Newport, VT 05855

BY HAND DELIVERY AND USPS FIRST CLASS MAIL

Dear Mr. Desautels,

This letter requires your immediate attention. You and/or the UPS Store must immediately comply with the Governor’s COVID-19 Executive Order(s). This is the second notice we have issued to you requesting compliance with the State of Vermont’s health and safety orders.

These orders are in place to ensure commercial activity may continue, but safely, and without risk of transmitting the virus. The health and safety of you, your employees, your friends and neighbors all depends on each of us doing our part. Yet, we continue to receive reports that you refuse to comply with basic health and safety requirements – even as the state is poised to turn the corner with public health measures that work, and with increased access to vaccinations. Warmer weather and more opportunities to be outside should also lead to declining caseloads. You can help make a difference – and operate your business safely for your employees and your customers.

Commercial activity may pose an immediate risk to the public health by increasing exposure risk to COVID-19 if health and safety protocols – including and especially the use of protective equipment (gloves, masks, etc.) and social distancing – are not observed. That is why the Office of the Vermont Attorney General advises you to immediately follow all safety and health protocols in the delivery of any services you or The UPS Store provides.

Governor Scott has issued Addendum 2 to Executive Order 01-20 mandating the use of masks indoors and outdoors (with limited exceptions), and especially in congregant settings or where social distancing is not possible.¹ Specifically, the Order declares: “Vermonters shall wear masks or cloth facial coverings over their nose and mouth any time they are in public spaces, indoors or outdoors, where they come in contact with others from outside their households, especially in congregate settings, and where it is not possible to maintain a physical distance of at least six feet.”

In addition to this general mask mandate, businesses must observe health and safety protocols – every time for every employee and consumer. Since at least April 17, 2020, all employees of Vermont businesses have been required to wear cloth face coverings when in the presence of others.² While there are exemptions from the mask mandate for individuals in public spaces, the mandatory health

¹<https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%202%20TO%20AMENDED%20AND%20RESTATED%20EXECUTIVE%20ORDER%20NO.%2001-20.pdf>

² https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%2010%20TO%20EXECUTIVE%20ORDER%2001-20_0.pdf

and safety requirements for businesses established by the Agency of Commerce and Community Development require that employees wear a mask or utilize an alternative approved safety measure such as a translucent shield under certain circumstances.³ Please do not hesitate to contact our office at the number above if you have questions. If you have questions about what qualifies as a covered activity, please contact the [Vermont Agency of Commerce and Community Development](#). If you have questions about what qualifies as health and safety protocols, please contact the [Vermont Department of Health](#).

We recognize the importance of being able to engage in commercial activity. At the same time, we all share a duty as citizens to help keep our friends, neighbors, employees, and customers safe. Wearing masks, wiping down surfaces and maintaining social distancing allows us to meet both of those needs. With vaccines now in distribution we may be close to putting this pandemic behind us. But we need your (and every Vermonter's help) to keep infection rates low. If we work together, we can end this pandemic and avoid health and safety problems or further disruption to the business community.

Thank you for taking immediate action to do your part and comply with these important health and safety measures. You should know that law enforcement will be following up periodically to ensure compliance, and that any failure to comply with the Executive Order and the general mask mandate may lead to enforcement action in court.⁴

Sincerely,



Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General

³ <https://accd.vermont.gov/news/update-new-work-safe-additions-be-smart-stay-safe-order>: "Employees must wear face coverings over their nose and mouth when in the presence of others. In the case of retail cashiers, a translucent shield or 'sneeze guard' is acceptable in lieu of a mask if the employee works alone and does not interact with customers outside the work station."

⁴ A violation of an emergency executive order is a criminal misdemeanor and punishable by imprisonment of up to six months and a criminal fine of up to \$500. 20 V.S.A. § 24. A violation of an emergency executive order may also be punished by civil penalties of up to \$1000 per violation per day. 20 V.S.A. § 40(b). And the Attorney General may pursue a restraining order against your business to ensure it stays closed. 20 V.S.A. § 40(c).