

From: Jandl, Lauren
Sent: Monday, May 11, 2020 4:14 PM
To: Donoghue, Michael <mdonoghue@smcvt.edu>
Cc: Clark, Charity <Charity.Clark@vermont.gov>
Subject: RE: stats

Hi Mike,

Attached are the records you requested. Please let me know if you need anything else.

Best,

Lauren

From: Jandl, Lauren
Sent: Friday, May 8, 2020 4:46 PM
To: 'Donoghue, Michael' <mdonoghue@smcvt.edu>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>
Subject: RE: stats

Hi Mike,

I'll get you something on Monday.

Have a great weekend!

Lauren

From: Donoghue, Michael <mdonoghue@smcvt.edu>
Sent: Friday, May 8, 2020 4:14 PM
To: Jandl, Lauren <Lauren.Jandl@vermont.gov>
Cc: Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>
Subject: RE: stats

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

This is good.

Can you also please send along the letters of cease and desist issued by the office?

Thanks

Mike

From: Jandl, Lauren [<mailto:Lauren.Jandl@vermont.gov>]
Sent: Friday, May 08, 2020 3:55 PM
To: Donoghue, Michael <mdonoghue@smcvt.edu>

Cc: Clark, Charity <Charity.Clark@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>
Subject: RE: stats

⚠ External Sender ⚠

Hi Mike,

Below is a general overview of the referrals, complaints, and compliance concerns the Attorney General's Office (AGO) has received, broken into three (3) categories. Please note that these stats were pulled at the close of business yesterday, 5/7.

Referrals from law enforcement alleging noncompliance with the Governor's executive order and addendums:

The AGO received referrals for allegations of noncompliance with the Governor's executive order and addendums involving fifteen (15) businesses/entities. Of the fifteen (15), nine (9) of the matters were resolved after outreach and education from the AGO. The majority of these matters concerned essential businesses and their ability to remain open under the Governor's executive order and addendums. They ranged in nature from pet grooming to faith services. Six (6) matters are currently open.

Additionally, in March, the AGO made telephone contact with forty-one (41) lodging operations identified by law enforcement as possibly violating the Governor's Executive Order, Addendum 7.

Consumer complaints regarding licensed professionals and possible price gouging:

The Consumer Protection Unit, in partnership with the Secretary of State's Office of Professional Regulation (OPR), reached out to at least seven (7) entities to alert them that their activities – if accurately reported – may be in violation and to request voluntary compliance. The entities, who were contacted in March and April, included:

- 3 cosmetologists;
- 1 real estate agent;
- 1 property inspector;
- 1 tattoo artist; and,
- 1 oxygen supply company.

Additionally, the Consumer Protection Unit, in collaboration with the Consumer Assistance Program, has received more than 90 complaints and questions about potential price gouging reported by consumers. Outreach typically includes contacting the business to learn more, providing education, and requesting voluntary compliance, when appropriate. The Consumer Protection Unit has brought one enforcement action for price gouging which resulted in the Court issuing a preliminary injunction to stop the alleged conduct.

Compliance questions regarding the Governor's executive order and addendums:

The AGO has assembled a team of assistant attorneys general from across the Office to respond to questions about the Governor's executive order and addendums from Vermonters and Vermont businesses that may have come in through the AGO's information line. Since early April, the team has responded to more than 170 questions. The majority of these questions required an assistant attorney general to direct the questioner to a specific portion of the executive order, the Agency of Commerce and Community Development's website, the Department of Public Safety's Executive Order Reporting Tool, or some other outside agency (e.g., the lawyer referral line or Vermont Legal Aid). These questions,

for the most part, have changed in nature as new directives and addendums have been issued or restrictions lifted. For instance, in early April many of the questions were related to lodging operations. Currently, questions are focused primarily on travel, rental properties, and quarantine requirements.

I hope this is helpful. Please let me know if you have any questions.

Lauren

Lauren Jandl
Assistant Director of Communications

Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
Cell: 802-595-8679
Desk: 802-828-3173
Email: lauren.jandl@vermont.gov

From: Donovan, Thomas <Thomas.Donovan@vermont.gov>
Sent: Friday, May 8, 2020 3:33 PM
To: Donoghue, Mike <mdonoghue@smcvt.edu>
Cc: Jandl, Lauren <Lauren.Jandl@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>
Subject: stats

Lauren,
Can you send Mike our stats regarding compliance/ questions re: EO.
Thanks
Tjd

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171
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<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 5, 2020

VIA EMAIL – sean@clubfitness.com

Sean Manovill, Owner
Club Fitness
275 N. Main St.
Rutland, VT 05701

Re: Violations of Executive Order 01-20

Dear Mr. Manovill:

The State of Vermont has declared a public health emergency and has issued orders to keep Vermonters safe and at home to prevent the spread of COVID-19 (also known as the “coronavirus”). You are receiving this letter because one or more members of the public have expressed concern to responsible State agencies that you may be carrying on activities in violation of those orders. It is our understanding that the Rutland Police Department met with you yesterday and advised you of the obligations to comply with the Governor’s Executive Order and not to open your facility for any form of in-person business or services.

On March 21, Governor Scott issued [Addendum 4 to Executive Order 01-20](#) (closure of close-contact businesses) ordering all “gymnasiums, fitness centers and similar exercise facilities” to “cease all in-person operations” as of 8 p.m. on March 23. On March 24, Governor Scott issued [Addendum 6 to Executive Order 01-20](#) ordering all Vermonters not engaged in essential activities to “stay safe” and “stay home.” Addendum 6 specifically requires that except in limited cases, “effective Wednesday, March 25, 2020 at 5 p.m. . . . all businesses and not-for-profit entities in the state shall suspend in-person business operations.” Addendum 6 excepted only “[b]usinesses and entities providing services or functions deemed critical to public health and safety, as well as economic and national security” Such businesses “shall remain in operation” subject to “strict adherence to CDC and VDH guidance to ensure recommended social distancing.” The list of “[s]ervices or functions in Vermont deemed critical to public health and safety, as well economic and national security” provided in Addendum 6 does not include health clubs or gyms. On April 10, Governor Scott extended the state of emergency and the effective date of Executive Order 01-20, and all Addenda issued thereunder, until midnight on May 15, 2020.

The Vermont Agency of Commerce and Community Development (ACCD) has developed “Sector Specific Guidance” to help Vermont businesses determine whether it meets the definition of “critical to public health and safety, as well as economic and national security.” See ACCD website “Stay Home Stay Safe Sector Specific Guidance” available at: <https://accd.vermont.gov/content/stay-home-stay-safe-sector-specific-guidance>.

The ACCD Sector Specific Guidance for “[Health and Beauty](#)” states:

*Gyms, fitness studios, salons, spas, and other similar businesses and the retail operations that support these businesses should cease, including employee-to-employee interactions within the business. **The [Phased Restart Work Safe Guidance](#) does not allow these businesses to resume operations.***

The Governor’s Order and ACCD guidance is clear: gyms and fitness centers may not operate at this time. The need to protect elderly or immunocompromised persons is still urgent. Within just over a month and a half—from March 15 to May 5—Vermont saw the number of COVID-19 cases increase from 12 to 907. We now have 52 Vermonters who have died from the disease. While the state is starting to take small steps—a “phased restart”—towards re-opening some businesses and services, we must do so slowly and carefully. We must avoid a second wave of cases that could overwhelm our health care system and undo all the sacrifices we have made so far.

The State recognizes the difficulties the emergency order is placing on Vermonters and Vermont businesses. However, the risks associated with the spread of COVID-19 are simply too great. All organizations must follow the same rules. **We wish to be very clear: you must immediately cease all in-person operations in your health club facilities.** Feel free to conduct alternative services, such as over live video streaming. Should you do so, however, you must eliminate in-person contact.

Please immediately advise me by email to Eleanor.Spottswood@vermont.gov or by calling (802) 828-3178 of your intention to comply with the above. If you do not intend to comply, or if I do not hear from you by **noon tomorrow, May 6, 2020**, the Attorney General will seek a court order to compel Club Fitness to immediately cease in-person business and services and may pursue penalties as provided in Vermont law.¹

Sincerely,



Eleanor L.P. Spottswood
Assistant Attorney General

¹ 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).

THOMAS J. DONOVAN, JR.
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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

April 9, 2020

VIA EMAIL – HarvestChristianMinistriesVT@gmail.com

Harvest Christian Ministries
Pastor Linda Lebert, Senior Pastor
Pastor Aaron Lebert
945 East Main Street
Bennington, VT 05201

Re: Violations of Executive Order 01-20

Dear Pastors:

The State of Vermont has declared a public health emergency and has issued orders to keep Vermonters safe and at home to the maximum extent possible to prevent the spread of COVID-19 (also known as the “coronavirus”). You are receiving this email because one or more members of the public have expressed concern to responsible State agencies that you may be carrying on activities in violation of those orders. It is our understanding that the Bennington Police Department met with you yesterday and advised you of the obligations to comply with the Governor’s Executive Order and not to conduct religious worship in a brick and mortar setting.

On March 24th, Governor Scott issued [Addendum 6 to Executive Order 01-20](#) (ordering all Vermonters not engaged in essential activities to “stay safe” and “stay home”). Addendum 6 specifically requires that except in limited cases, “effective Wednesday, March 25, 2020 at 5 p.m. . . . all businesses and not-for-profit entities in the state shall suspend in-person business operations.” Addendum 6 excepted only “[b]usinesses and entities providing services or functions deemed critical to public health and safety, as well as economic and national security” Such businesses “shall remain in operation” subject to “strict adherence to CDC and VDH guidance to ensure recommended social distancing.” The list of “[s]ervices or functions in Vermont deemed critical to public health and safety, as well economic and national security” provided in Addendum 6 does not include religious organizations.

The Vermont Agency of Commerce and Community Development (ACCD) has developed “Sector Specific Guidance” to help Vermont businesses determine whether it meets the definition of “critical to public health and safety, as well as economic and national security.”

See ACCD website “Stay Home Stay Safe Sector Specific Guidance” available at: <https://accd.vermont.gov/content/stay-home-stay-safe-sector-specific-guidance>.

The ACCD Sector Specific Guidance for “Religious Organizations” states:

*The Agency recognizes the constitutional significance of religious liberty and the personal significance to many of worship in a religious community. **Unfortunately, the significant health risks posed by this highly contagious virus, particularly to elderly and at-risk Vermonters, requires religious organizations to suspend worship in a brick and mortar setting.** When conducting alternative worship services, organizations are directed to eliminate in-person contact. We ask faith leaders to help members of their congregations understand the dangers of COVID-19, the importance of staying home for the immediate future and the need for this measure. Section 6 (m) of the Executive Order specifically authorizes your organization to continue in-person operations for building and property services for the safety, sanitation and operations of facilities.*

The substantive import of the Governor’s Order and ACCD guidance is clear: religious organizations have a duty to avoid contact that jeopardizes social distance. The need to protect elderly or immune-compromised persons is particularly urgent. In just over one month’s time – from March 7th to April 9th – Vermont saw the number of COVID-19 cases increase from 1 to 628, with more identified every day. We now have 23 Vermonters who have perished to the disease. Vermont’s hospitals are bracing for a surge in new cases in the immediate coming weeks and their intensive care resources are likely to be stretched beyond capacity. If they run out of ICU beds and ventilators as currently projected, the cost will be counted in lives.

The State recognizes the constitutional significance of religious liberty and the personal significance of worship to many, especially at a significant religious holiday like Easter Sunday. However, the risks associated with the spread of COVID-19 are simply too great. Religious organizations must follow the same rules as other entities in Vermont. **We wish to be very clear: you must immediately cease any religious worship in a brick and mortar setting, including the cancellation of any such services scheduled for Easter Sunday, April 8th.** Feel free to conduct alternative services, such as over live video streaming. Should you do so, however, you must eliminate in-person contact.

Please immediately advise me by email to Eleanor.Spottswood@vermont.gov or by calling (802) 828-3178 of your intention to comply with the above no later than 10 a.m. on Friday, April 10th. We appreciate your cooperation in this matter.

Sincerely,



Eleanor L.P. Spottswood
Assistant Attorney General