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November 25, 2020

Larvita McFarquhar  
Haven's Garden  
PO BOX 124  
Lynd, MN 5617

Dear Ms. McFarquhar:

It is my understanding that you are planning to host a live music and food event on Friday, November 27<sup>th</sup>, 2020 from 9pm-11pm at your restaurant. This event was advertised on Facebook. Chris Hansen, SWHHS Sanitarian, contacted you on Monday, November 23<sup>rd</sup>, 2020 to advise you about the recent Executive Order requirements related to the COVID pandemic. During this conversation, you stated that you intended to proceed with this event and provide indoor dining.

Minnesota is currently experiencing some of the highest rates of new COVID-19 cases, hospitalizations, intensive care unit admissions, and deaths since the start of the pandemic. Recently because of this pandemic, the Governor of Minnesota issued Executive Order 20-99 to minimize the effects of COVID in our communities. This Executive Order takes effect for four weeks from Friday, Nov. 20, 2020 at 11:59 p.m. through Friday, Dec. 18, 2020 at 11:59 p.m.

According to Executive Order 20-99, food establishments are required to stop all onsite food and beverage service including both indoor and outdoor. These establishments may offer food and beverages for offsite consumption using delivery services, window service, walk-up service, drive-through service, or drive-up service. Precautions must be taken to limit the potential transmission of COVID-19.

Customers may enter a food establishment to retrieve food or beverage orders that will be consumed offsite. Only five members of the public may be in an establishment at one time for the purpose of picking up their food or beverage orders. Queuing areas must be marked to provide for physical distancing of 6 feet between customers. This order also closed certain places of public accommodation, including venues holding indoor events, such as open mic nights, to members of the public at least through December 18, 2020.

Haven's Garden was issued a 2020 Food Service License by SWHHS. This license is contingent on meeting applicable state and local requirements, including Executive Order 20-99. **Indoor dining and the planned gathering scheduled for November 27<sup>th</sup> from 9pm-11pm would be considered a violation of EO 20-99, requiring SWHHS inspection staff to proceed with enforcement action.**

**According to the SWHHS Emergency Closure Policy, when conditions are found that can impact the health and safety of the public, a licensed facility must immediately be closed when so ordered by the sanitarian. This notification is a reminder that Southwest Health**

**and Human Services will charge a re-inspection fee for follow-up inspections related to the enforcement of Executive Order 20-99 requirements. In addition to this re-inspection fee, SWHHS will initiate administrative action against your Food Service License if corrective actions are not taken on observed violations.**

The following penalties may also apply:

- Any individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000 or by imprisonment for not more than 90 days.
- Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year.
- In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may investigate and seek any civil relief available pursuant to Minnesota Statutes 2020, section 8.31, for violations or threatened violations of this Executive Order, including but not limited to injunctive relief, civil penalties in an amount to be determined by the court, up to \$25,000 per occurrence, costs of investigation and reasonable attorney's fees and costs, and other equitable relief as determined by the court in accordance with section 8.31.

If you have any questions, do not hesitate to contact me by calling 507-532-1231 or by emailing [Jason.Kloss@swmhhs.com](mailto:Jason.Kloss@swmhhs.com).

Sincerely,



Jason Kloss  
Environmental Health Manager

CC: SWHHS Board of Health