|  |  |  |  |
| --- | --- | --- | --- |
| C:\Users\smgunzel\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H22NI830\CountyLogo.tif | OFFICE OF COUNTY COUNSEL  COUNTY OF RIVERSIDE  3960 ORANGE STREET, SUITE 500  RIVERSIDE, CA 92501-3674  TELEPHONE: 951/955-6300  FAX: 951/955-6322 & 951/955-6363 |  |  |

July 15, 2020

SENT VIA PERSONAL SERVICE AND U.S. MAIL

FITNESS MANIA

ATTN: Mike Ends

19069 Van Buren Boulevard, Ste. 108

Riverside, CA 92508

Re: ***NOTICE RE VIOLATION OF PUBLIC HEALTH ORDERS***

Dear Mr. Ends:

The County of Riverside has been advised that Fitness Mania in Riverside is presently open to the public, providing services **in violation of State Law**.  Please allow this correspondence to serve as written notice that further action may be taken if Fitness Mania continues to operate in violation of the State Public Health Orders.

As you may be aware, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19. This Order encompasses the Order of the State Public Health Officer, also dated March 19, 2020, which states in relevant part: “To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay at home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors…” A copy of this Executive Order and the Order of the State Public Health Officer can be found online at <https://covid19.ca.gov/img/Executive-Order-N-33-20.pdf>.

The State then set out California's path forward from this "Stay-at-Home" Order in California's Pandemic Resilience Roadmap. That Road map identifies four stages of the pandemic: safety and preparation (Stage 1); reopening of lower-risk workplaces and other spaces (Stage 2); reopening of higher-risk workplaces and other spaces (Stage 3); and finally an easing of final restrictions leading to the end of the Stay-at-Home Order (Stage 4). <https://www.gov.ca.gov/wp-content/uploads/2020/04/Update-on-California-Pandemic-Roadmap.pdf>

On May 7, 2020, it was announced that statewide data supported the gradual movement of the entire state of California into Stage 2 of the Pandemic Resilience Road Map. On May 22, 2020, the County of Riverside was permitted to move forward into the State’s “accelerated Stage 2” of the Pandemic Resilience Roadmap. On June 12, 2020, gyms and fitness centers were permitted to open in Riverside County as part of the State’s reopening plan.

**However,** on July 13, 2020, due to an increase in COVID-19 cases, Governor Gavin Newsom and CDPH announced statewide closures of indoor operations “for businesses that encourage mixing of individuals beyond immediate households and make physical distancing and wearing face coverings difficult”. The Order also provides that for counties on the County Monitoring List, including Riverside County, “the risks and impacts of disease transmission are even greater. The science suggests that for indoor operations the odds of an infected person transmitting the virus are dramatically higher compared to an open-air environment.” Therefore, for those counties on the list, including Riverside County, the Order required the immediate closure of indoor operations for additional sectors, **including gyms and fitness centers**. A copy of this July 13, 2020 Order can be found here:

https://rivcoph.org/Portals/0/Documents/CoronaVirus/July/HealthProviders/State-Public-Health-Order-7.13.2020.pdf?ver=2020-07-14-080724-327&timestamp=1594739273570

**PLEASE BE ADVISED** that unless we receive written confirmation by **Monday, July 20, 2020 at 12:00 p.m.** that Fitness Mania will comply with the Orders of Governor Newsom and the State Public Health Officer, the County will be forced to pursue further action through avenues including but not limited to: civil penalties of up to $1,000 per violation per day; injunctive relief; attorneys’ fees and costs; imprisonment; and/or the reporting of the violation to State Departments such as Cal/OSHA.

Should you have any questions or should you wish to discuss this matter, I encourage you, or your counsel, to contact me immediately via email at [Kmoran@rivco.org](mailto:Kmoran@rivco.org) to schedule a telephonic conference.

The County looks forward to your immediate cooperation and compliance.

Sincerely,

GREGORY P. PRIAMOS

County Counsel

Kelly A. Moran

Kelly A. Moran

Supervising Deputy County Counsel