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NEVADA COUNTY and KATHARINE  
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9 **UNITED STATES DISTRICT COURT**  
10 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

11  
12 TUCK’S RESTAURANT AND BAR, a  
California corporation, KENNETH R. PAIGE;  
13 CHAD PAIGE; BUCKMAN ENTERPRISES,  
LLC, a California limited liability company;  
14 ROBIN BUCKMAN; and THE NEVADA  
COUNTY RESTAURANT COALITION, an  
15 unincorporated membership association,

16 Plaintiffs,

17 v.

18 NEVADA COUNTY, CALIFORNIA;  
KATHARINE ELLIOTT; and DOES 1-10  
19 inclusive,

20 Defendants.

Case No. 2:20-cv-02256-KJM-CKD

**DECLARATION OF NEVADA COUNTY  
DIRECTOR OF ENVIRONMENTAL  
HEALTH AMY IRANI IN SUPPORT OF  
NEVADA COUNTY DEFENDANTS’  
MOTION FOR SUMMARY JUDGMENT  
OR, IN THE ALTERNATIVE, SUMMARY  
ADJUDICATION [EXHIBITS 21-34]**

Judge: Hon. Kimberly J. Mueller

Date: January 26, 2024

Time: 10:00 a.m.

Crtrm: 3

Trial Date: None Set

1 I, Amy Irani, declare as follows:

2 1. I am the Director of Environmental Health for Nevada County (the “County”). I  
3 have served in this position since January of 2015. In my capacity as Director of Environmental  
4 Health, I oversee Nevada County’s Environmental Health Department (the “Department”), which  
5 is responsible for, among other things, ensuring that food service establishments located in the  
6 County comply with applicable regulations.

7 2. I make this declaration in support of the Nevada County Defendants’ Motion for  
8 Summary Judgment, or, in the Alternative, Summary Adjudication in this action. I have personal  
9 knowledge of the facts set forth herein, except as to those stated on information and belief, and, as  
10 to those, I am informed and believe them to be true. If called as a witness, I could and would  
11 competently testify to the matters stated herein.

12 3. Between March 2020 and June 2021, the State of California and Nevada County  
13 issued and enforced various public health orders and restrictions to combat the spread of COVID-  
14 19 (the “Public Health Orders”). Certain of these Public Health Orders required that food service  
15 establishments – including those in the County – temporarily alter their operations. For example,  
16 at various times, restaurants were required to cease or limit onsite and/or indoor dining, large  
17 events, and live music, and were required to comply with masking and social distancing measures,  
18 as well as capacity restrictions.

19 4. The County endeavored to ensure that food service establishments located within  
20 its boundaries complied with the Public Health Orders during this time period. The Department  
21 spearheaded this compliance effort through a combination of education and outreach, as well as  
22 enforcement measures where necessary. The goals of the County and Department were three-fold:  
23 to assist in stopping the spread of COVID-19 throughout the County and State as a whole, to  
24 ensure the safety of the County’s citizens from this deadly virus, and to assist food service  
25 establishments in developing and maintaining safe practices so that they could continue their  
26 business activities.

27 5. In furtherance of these goals, the Department provided food service establishments  
28 with regular updates regarding the applicable requirements of the Public Health Orders as well as

1 guidance as to how to comply with same. The Department provided these updates and guidance  
2 via periodic emails to food service establishment owners as well as by dropping off informational  
3 packets at the food service establishments.

4 6. Throughout the time period when the Public Health Orders were in place, the  
5 Department received complaints from the public that various food service establishments in the  
6 County were not complying with the Public Health Orders. These complaints were received  
7 through comments left by citizens on a public-facing web portal the County maintained that  
8 allowed the public to register complaints, through telephone calls and voicemail messages left  
9 with the Department, through emails or letters sent to the Department, or when citizens personally  
10 came to the Department to voice their concerns.

11 7. When such complaints were received, the Department attempted to gain voluntary  
12 compliance from the restaurants at issue through such measures as contacting the restaurants to  
13 inform them of the complaints, providing the restaurant owners with additional information about  
14 the applicable requirements of the Public Health Orders, visiting the restaurants to ensure they  
15 were meeting the requirements, and meeting with restaurant owners to provide education or  
16 assistance to help the restaurants come into compliance. Because of the large number of food  
17 service establishments in the County, the Department did not conduct inspections for compliance  
18 with the Public Health Orders in the absence of citizen complaints.

19 8. Most restaurants found to be in violation of the Public Health Orders were willing  
20 to work with the County to come into compliance with the requirements. For the few restaurants  
21 that continued to violate the Public Health Orders after discussions with Department employees,  
22 the Department issued Notices of Violation, and, in some cases, fines were imposed, closure  
23 orders were issued, and permits were temporarily suspended, to prevent the restaurants from  
24 continuing to endanger the health of County citizens. Plaintiffs Tuck's Restaurant and Bar  
25 ("Tuck's Restaurant") and Buckman Enterprises, LLC d/b/a Old Town Café ("Old Town Café")  
26 were some of the few food service establishments in the County that did not voluntarily comply  
27 with the Public Health Orders.

28

1           9.       During the time period when the Public Health Orders were in place, the  
2 Department received many complaints from citizens and other local businesses that Tuck’s  
3 Restaurant and Old Town Café were in violation of the Public Health Orders. After the State  
4 issued a Public Health Order on July 13, 2020 requiring restaurants to limit in-person dining  
5 services to outdoor seating, these complaints became particularly acute, and focused on the  
6 restaurants’ failure to close indoor dining as well as violations of masking requirements, social  
7 distancing and capacity requirements, and the prohibition on live music indoors. Attached hereto  
8 as **Exhibit 21** is a true and correct copy of a selection of complaints received by the Department  
9 concerning Tuck’s Restaurant’s non-compliance with the Public Health Orders in July 2020.  
10 Attached hereto as **Exhibit 22** is a true and correct copy of a selection of complaints received by  
11 the Department concerning Old Town Café’s non-compliance with the Public Health Orders in  
12 July 2020.

13           10.       The Department investigated these complaints, and attempted on numerous  
14 occasions to gain voluntary compliance. In particular, the Department contacted the restaurants by  
15 email and/or telephone in July 2020 regarding these complaints and the restaurants’ non-  
16 compliance with the Public Health Orders. Shortly after the July 13, 2020 order requiring  
17 restaurants to close for indoor dining, I also visited Tuck’s Restaurant and spoke with the owners  
18 about the requirements of the Public Health Orders and the importance of compliance.  
19 Additionally, the Department provided educational guidance packages to both Tuck’s Restaurant  
20 and Old Town Café containing information about the applicable requirements of the Public Health  
21 Orders. Despite these efforts, however, both Tuck’s Restaurant and Old Town Café continued to  
22 violate the Public Health Orders.

23           11.       When the violations persisted, the Department issued Tuck’s Restaurant and Old  
24 Town Café Notices of Violation and ordered their immediate closure to protect the County’s  
25 citizens. On July 21, 2020, I visited both restaurants to deliver these Notices of Violation and  
26 closure orders. At the time of my visit, Old Town Café was allowing dine-in seating and was  
27 serving customers. I informed the owners of both restaurants that the Notices of Violation and  
28 closure orders were being issued because of their non-compliance with the Public Health Orders in

1 place at the time. Attached hereto as **Exhibit 23** is a true and correct copy of the July 21, 2020  
2 Notice of Violation: Immediate Closure of Food Service Establishment Due to an Imminent  
3 Health Hazard issued to Friar Tuck’s, produced in this litigation as NEVADA-000889-000890.

4 Attached hereto as **Exhibit 24** is a true and correct copy of the July 21, 2020 Notice of Violation:  
5 Immediate Closure of Food Service Establishment Due to an Imminent Health Hazard issued to  
6 Old Town Café, produced in this litigation as NEVADA-000886-000887. Attached hereto as  
7 **Exhibit 25** is a true and correct copy of the July 21, 2020 Closure Order issued to Friar Tuck’s,  
8 produced in this litigation as NEVADA-000965. Attached hereto as **Exhibit 26** is a true and  
9 correct copy of the July 21, 2020 Closure Order issued to Old Town Café, produced in this  
10 litigation as NEVADA-000966.

11 12. After Tuck’s Restaurant and Old Town Café received the Notices of Violation and  
12 closure orders, the two restaurants continued to violate the Public Health Orders by providing  
13 indoor dining services and not complying with masking requirements. As a result, the Department  
14 imposed fines on the restaurants and suspended their permits.

15 13. The Department continued to work with both Friar Tuck’s and Old Town Café on  
16 their compliance issues after the fines were imposed and permits suspended. For example, the  
17 Department called Tuck’s Restaurant and Old Town Café and left messages for the owners to  
18 reach out to the Department so that we could assist them in the process to reinstate their permits.  
19 Additionally, the Department put together a document to assist the owners with updating their  
20 operational plans to come into compliance with the Public Health Orders. Attached hereto as  
21 **Exhibit 27** is a true and correct copy of a July 30, 2020 memorandum I prepared which describes  
22 these outreach efforts as well as the process to reinstate the restaurants’ permits, produced in this  
23 litigation as NEVADA-000440. This process included the owners updating their operational plans  
24 to include a description of how indoor dining would be discontinued and this discontinuation  
25 would be maintained until the Public Health Order prohibiting indoor dining was lifted, as well as  
26 a site inspection by the County to verify that the operational plan was in play and prohibited  
27 indoor dining.

28

1           14.     On July 29, 2020, I also sent an email to Tuck’s Restaurant owner Ken Paige,  
2 outlining the specific steps the restaurant would need to take to come into compliance with the  
3 Public Health Orders, and stating that once compliance was achieved, the restaurant’s permit  
4 could be reinstated and fines could be resolved. Attached hereto as **Exhibit 28** is a true and  
5 correct copy of an email chain containing this July 29, 2020 email to Ken Paige, produced in this  
6 litigation as NEVADA-001470-1472.

7           15.     Additionally, on August 3, 2020, I attended a meeting with the owners of Tuck’s  
8 Restaurant and Old Town Café. I understood that the restaurant owners had requested to meet  
9 with County officials to discuss their fines and permit suspensions. The attendees at the meeting  
10 were Tuck’s Restaurant owners Ken Paige and Chad Paige, along with Ken Paige’s wife Donna  
11 Paige; Old Town Café’s owner Robin Buckman and his wife Lisa Buckman; Steven Bailey, the  
12 attorney for the restaurant owners; myself; and County Counsel Katharine Elliott. At the meeting,  
13 County Counsel Elliott and I reiterated the importance of complying with the Public Health  
14 Orders, and explained that if the restaurants committed to complying with the Public Health  
15 Orders, their permits could be reinstated and their fines could be reduced. Tying such fine  
16 reductions and permit reinstatement to compliance with the Public Health Orders accorded with  
17 the County’s and Department’s goals of stopping the spread of COVID-19, ensuring the safety of  
18 County citizens, and assisting food service establishments in developing and maintaining safe  
19 business practices. Attached hereto as **Exhibit 29** is a true and correct copy of contemporaneous  
20 notes I took of the August 3, 2020 meeting, produced in this litigation as NEVADA-000893-  
21 000896.

22           16.     Based on the restaurants’ representations that they would comply with the Public  
23 Health Orders and their efforts to do so, the County reinstated their permits on August 4, 2020.  
24 Attached hereto as **Exhibit 30** is a true and correct copy of the August 4, 2020 Notice:  
25 Reinstatement of Operational Permit sent to Friar Tuck’s, produced in this litigation as NEVADA-  
26 000883. Attached hereto as **Exhibit 31** is a true and correct copy of the August 4, 2020 Notice:  
27 Reinstatement of Operational Permit sent to Old Town Café, produced in this litigation as  
28 NEVADA-000903.

1           17.     Prior to the reinstatement, on August 3, 2020, Tuck’s Restaurant owner Ken Paige  
2 sent me an email in which he represented that the restaurant had ceased all dine-in operations and  
3 provided a specific compliance plan as requested. Attached hereto as **Exhibit 28** is a true and  
4 correct copy an email chain containing this August 3, 2020 email from Ken Paige, along with my  
5 response on August 4, 2020, produced in this litigation as NEVADA-001470-1472. The County  
6 subsequently inspected both restaurants and reviewed their compliance plans to ensure that the  
7 restaurants were in compliance with the Public Health Orders. Attached hereto as **Exhibit 32** is a  
8 true and correct copy of an August 4, 2020 email from Nevada County Environmental Health  
9 Specialist II, Nicole Johnson, to Ken Paige, on which I am copied, referencing the inspection of  
10 Tuck’s Restaurant, produced in this litigation as NEVADA-001084.

11           18.     The fines imposed on both restaurants were also subsequently reduced, based on  
12 the restaurants’ compliance commitment and efforts. Attached hereto as **Exhibit 33** is a true and  
13 correct copy of an April 22, 2021 letter I sent to Tuck’s Restaurant discussing the reduction in that  
14 restaurant’s fines, produced in this litigation as NEVADA-000969-000970. Attached hereto as  
15 **Exhibit 34** is a true and correct copy of an April 22, 2021 letter I sent to Old Town Café  
16 discussing the reduction in that restaurant’s fines, produced in this litigation as NEVADA-000971-  
17 000972. However, I am informed and believe that neither restaurant ever paid these reduced fines.

18           19.     I am informed that, in this litigation, Plaintiffs claim that the County conditioned  
19 the reinstatement of Tuck’s Restaurant’s and Old Town Café’s permits and a reduction in the fines  
20 imposed on the two restaurants on Plaintiffs’ ceasing to oppose and/or encourage others to oppose  
21 the Public Health Orders, including by writing letters to County officials expressing such  
22 opposition. However, the Department’s enforcement of the Public Health Orders with regard to  
23 Tuck’s Restaurant and Old Town Café, including the County’s decision to reinstate the two  
24 restaurants’ permits and reduce their fines if they committed to coming into compliance with the  
25 Public Health Orders, was not in any way connected with Plaintiffs’ opposition to the Public  
26 Health Orders, and would have been the same regardless of whether or not Plaintiffs publicly  
27 opposed the Public Health Orders and/or encouraged others to do so.

28

1           20.     As discussed in Paragraphs 4-8 above, the Department enforced the Public Health  
2 Orders based on complaints it received from the public. The Department investigated such  
3 complaints, and, if violations were found, it endeavored to gain compliance from the restaurants at  
4 issue. Penalties were imposed only on a few restaurants that repeatedly refused to comply with  
5 the Public Health Orders. Enforcement activities were aimed at stopping the spread of COVID-  
6 19, and were unrelated to any opposition to the Public Health Orders. The Department's only goal  
7 for agreeing to reinstate permits or reduce fines was to ensure compliance with the Public Health  
8 Orders, and to assist restaurants in coming into compliance. If a restaurant committed to comply  
9 with the Public Health Orders or took steps to comply, the County would reinstate its permit or  
10 reduce its penalties.

11           21.     Indeed, restaurants whose owners did *not* publicly oppose the Public Health Orders  
12 but violated the Public Health Orders were still the subject of enforcement efforts, and restaurants  
13 whose owners *did* publicly oppose the Public Health Orders yet still complied with the Public  
14 Health Orders were not the subject of enforcement efforts.

15           22.     For example, one restaurant in the County, Calla Lily Crepes, repeatedly violated  
16 the Public Health Orders and refused to come into compliance. The County issued a Notice of  
17 Violation and closure order to Calla Lily Crepes due to its non-compliance with the Public Health  
18 Orders. Due to the restaurant's continued refusal to comply with the Public Health Orders, the  
19 County was eventually forced to get a court order to prevent the owner of that restaurant from  
20 continuing to operate in violation of the Public Health Orders. I am informed and believe that the  
21 owner of Calla Lily Crepes did not engage in any substantial public opposition to the Public  
22 Health Orders or encourage others to do so.

23           23.     Additionally, the owners of Maria's Mexican Restaurant in the County did engage  
24 in public opposition of the Public Health Orders, but no enforcement action was taken by the  
25 County with regard to that restaurant because it complied with the Public Health Orders.

26           24.     Although Tuck's Restaurant and Old Town Café engaged in public opposition to  
27 the Health Orders following the August 3, 2020 meeting, the Department never imposed fines on  
28 Tuck's Restaurant or Old Town Café or suspended their permits at any time after the August 3,

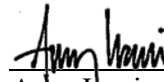


1 2020 meeting, while the Public Health Orders were in place. Indeed, as discussed, the Department  
2 reinstated their permits and reduced their fines because they committed to complying with the  
3 Public Health Orders and took steps to implement their compliance plans.

4 25. Prior to the August 3, 2020 meeting, I was not aware that Plaintiffs had publicly  
5 opposed the Public Health Orders or had encouraged others to do so. I was also not aware prior to  
6 the August 3, 2020 meeting of Plaintiffs communicating with County officials or encouraging  
7 others to communicate with County officials about their opposition to the Public Health Orders.

8  
9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct.

11 Executed on this 20th day of November, 2023, at Decatur, Illinois.

12  
13  
14   
15 Amy Irani

16 5520384

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28

# **EXHIBIT 21**



# COVID-19 Violations Requests - #8349493

COVID19 - Amy Irani



LOCATION - 111 N Pine St, Nevada City, CA 95959, USA  
BUSINESS NAME - Friar tucks

### Details

STATUS - Submitted  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 14, 2020, 11:52 am  
DUE DATE - August 3, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

YOUR FULL NAME - REDACTED  
EMAIL - REDACTED  
YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - They sent an email to everyone on their email list today stating that they will not be closing down, we will be dining in, and also will be keeping their bar open. View this email in your browser To All! Friar Tuck's will remain open! We are here to bless the community and we will not close. We have made this decision to remain open because we are operating LAWFULLY. We are not in violation of any license to do business. Edicts and orders issued by any governmental power are nothing more than suggestions. We are NOT required to follow them. We are not breaking ANY LAWS. We will continue with our Extensive Covid-19 procedures in Place - learn more We are making Friar Tuck's the safest place to be! i Friar Tuck's is investing in A GPS Needlepoint Bipolar Ionization product that used the SARS-CoV-2 virus samples. Based on the results it has been determined that using the GPS model DM-48 or FC-48-AC will result in a 99.4% reduction of viral particles on a stagnant surface in 30 minutes. This investigation demonstrated the presence of SARS-CoV-2 RNA at multiple locations within 172 mechanical AHUs, and more specifically, AHUs serving multiple floors of a hospital tower in which COVID-19 patients were housed. Based on these test results it was determined hydrolysis via positively charged hydrogen binding to peplomers of SARS-Cov-2 virus can render 99.4% or viral particles are inactivated on a stagnant surface at 30 minutes. These tests have demonstrated the ionizers ability to neutralize the pathogen namely SARS-Cov-19, on a static surface The bar is open with limited bar stools - "distancing" is required at the bar and the bar tables. No congregating allowed. Don't forget we have Great MENU available to go: Order takeout anytime ! Take out may vary on the weekend but we will let you know. friartucks.com - Ken & Chad  
CURRENTLY ASSIGNED TO - Amy Irani in COVID19  
DESCRIPTION -

### Workflow

COMPLETE - July 14, 2020, 11:58 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

STEP NAME - Assign Request  
ASSIGNEE - Amy Irani  
DEPARTMENT - COVID19

STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

Comments

There are no comments on this request yet.

Change Log

- Jul 14, 2020 11:52am
  - Request was submitted
  - Acknowledge Request was created
  - Assign Request was created
  - Request
  - Complete Request was created
- Jul 14, 2020 11:58am
  - Acknowledge Request completed at: 'Jul 14th, 2020 11:58am' set
  - Acknowledge Request completed by: 'Jessica Launier' set
  - Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
- Jul 14, 2020 11:58am
  - Assign Request assignee: 'Amy Irani' set



July 15, 2020, 8:52 am

### COVID-19 Violations Requests - #8352614

COVID19 - Antonia Powers



#### Details

STATUS - Submitted  
PRIORITY - High  
SUBMITTED BY - [Resident: REDACTED]  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

#### Dates

DATE SUBMITTED - July 14, 2020, 5:26 pm  
DUE DATE - August 3, 2020, 12:00 am

#### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 111 N Pine St, Nevada City, CA 95959, USA  
BUSINESS NAME - Friar Tucks  
CROSS STREET - Commercial Street

YOUR FULL NAME - REDACTED  
EMAIL - REDACTED  
YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - The owner of Friar Tucks is bragging on social media that his restaurant will not be following the governor's orders for closing to indoor dining. This is a huge public health concern as our county's number of infected individuals has increased and tourists have returned to our town. Please enforce the governor's order to protect our community.  
CURRENTLY ASSIGNED TO - Antonia Powers in COVID19  
DESCRIPTION -

#### Workflow

COMPLETE - July 15, 2020, 7:41 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

#### Comments

Jul 14, 2020 5:42pm : Attached is the notice that was sent out to Friar Tuck's customers regarding staying open.



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Change Log

- Jul 14, 2020 5:26pm

  - Request was submitted**
  - Acknowledge Request was created
  - Assign Request was created
  - Request
  - Complete Request was created
  
- Jul 15, 2020 7:41am

  - Acknowledge Request completed at: 'Jul 15th, 2020 07:41am' set
  - Acknowledge Request completed by: 'Jessica Launier' set
  - Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
  
- Jul 15, 2020 7:41am

  - Out of Office Reassignment assignee: 'Antonia Powers' set



July 16, 2020, 10:19 am

### COVID-19 Violations Requests - #8361752

COVID19 - Antonia Powers



#### Details

STATUS - Submitted  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

#### Dates

DATE SUBMITTED - July 15, 2020, 8:57 pm  
DUE DATE - August 4, 2020, 12:00 am

#### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 111 N Pine St, Nevada City, CA 95959, USA  
BUSINESS NAME - Friar Tuck's

YOUR FULL NAME - REDACTED  
EMAIL - REDACTED  
YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - I went into Friar Tuck's at 9:25 pm, Wednesday, 7/15, and observed approximately 25 diners seated at tables inside the restaurant, served by unmasked employees, patrons sitting at the bar, and live music. Not a single patron was masked, either. This, in spite of Gov. Newsom's order on Monday, to close indoor dining statewide. On the front glass, the proprietor has posted several notices, stating that they are not going to comply with Health Dept or State mandates regarding Covid-19. On the windows facing the outside, there are several posters stating that they are open for "dining in," and their Covid-19 operations plan which basically only consists of employees are told not to come to work if sick.

CURRENTLY ASSIGNED TO - Antonia Powers in COVID19  
DESCRIPTION -

#### Workflow

COMPLETE - July 16, 2020, 7:49 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

#### Comments

There are no comments on this request yet.

Change Log

- Jul 15, 2020 8:57pm

  - Request was submitted**
  - Acknowledge Request was created
  - Assign Request was created
  - Request
  - Complete Request was created
- Jul 16, 2020 7:49am

  - Acknowledge Request completed at:** 'Jul 16th, 2020 07:49am' set
  - Acknowledge Request completed by:** 'Jessica Launier' set
  - Workflow Step:** 'Acknowledge Request' updated to 'Assign Request'
- Jul 16, 2020 7:49am

  - Out of Office Reassignment assignee:** 'Antonia Powers' set





July 16, 2020, 10:13 am

### COVID-19 Violations Requests - #8361149

COVID19 - Antonia Powers



#### Details

STATUS - Submitted  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

#### Dates

DATE SUBMITTED - July 15, 2020, 5:19 pm  
DUE DATE - August 4, 2020, 12:00 am

#### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 111 N Pine St, Nevada City, CA 95959, USA  
BUSINESS NAME - Friar Tuck's Restaurant  
CROSS STREET - Commercial Street

YOUR FULL NAME - REDACTED  
EMAIL - REDACTED  
YOUR PHONE NUMBER - REDACTED  
COVID-19 VIOLATION DESCRIPTION - Non-mask compliance. Indoor dining against Gov. Newsom's orders. Been vehemently opposed since day-1. We need to STOP this virus! Patio and/or curbside, only. Masks, please.  
CURRENTLY ASSIGNED TO - Antonia Powers in COVID19  
DESCRIPTION -

#### Workflow

COMPLETE - July 16, 2020, 7:47 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

#### Comments

There are no comments on this request yet.

#### Change Log

Jul 15, 2020 5:19pm Request was submitted  
Acknowledge Request was created  
Assign Request was created

Request  
Complete Request was created

Jul 16, 2020  
7:47am

Acknowledge Request completed at: 'Jul 16th, 2020 07:47am' set  
Acknowledge Request completed by: 'Jessica Launier' set  
Workflow Step: 'Acknowledge Request' updated to 'Assign Request'

Jul 16, 2020  
7:47am

Out of Office Reassignment assignee: 'Antonia Powers' set



# COVID-19 Violations Requests - #8380128

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Resident] **REDACTED**  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 19, 2020, 7:43 am  
Completed: 2020-08-06T17:40:13.459Z  
DUE DATE - August 7, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - **REDACTED**  
PHONE - N/A

LOCATION - 111 N Pine St, Nevada City, CA 95959, USA

BUSINESS NAME - Friar Tucks  
CROSS STREET - Pine St  
COVID19 ADVISEMENT -  
YOUR FULL NAME - **REDACTED**  
EMAIL - **REDACTED**  
YOUR PHONE NUMBER - **REDACTED**  
COVID-19 VIOLATION DESCRIPTION - no masks on employees or customers

CURRENTLY ASSIGNED TO - None in COVID19  
DESCRIPTION - Friar Tucks

### Workflow

COMPLETE - July 20, 2020, 12:55 pm  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:40 am  
STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

COMPLETE - August 6, 2020, 10:40 am  
STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

### Comments

There are no comments on this request yet.

### Change Log

12/1/2020

Print

Jul 19, 2020  
7:43am

Request was submitted  
Acknowledge Request was created  
Assign Request was created  
Request  
Complete Request was created

Jul 20, 2020  
12:55pm

Acknowledge Request completed at: 'Jul 20th, 2020 12:55pm' set  
Acknowledge Request completed by: 'Jessica Launier' set  
Workflow Step: 'Acknowledge Request' updated to 'Assign Request'

Jul 20, 2020  
12:55pm

Out of Office Reassignment assignee: 'Antonia Powers' set

Jul 20, 2020  
1:11pm

Description: 'Friar Tucks' set  
Contact Info Email: **REDACTED**  
Contact Info Username: **REDACTED**

Jul 20, 2020  
4:49pm

Status: 'Submitted' updated to 'In progress'  
Responded At: 'Jul 20th, 2020 04:49pm' set

Aug 6, 2020  
10:40am

Assign Request completed at: 'Aug 6th, 2020 10:40am' set  
Assign Request completed by: 'Antonia Powers' set  
Complete Request completed at: 'Aug 6th, 2020 10:40am' set  
Complete Request completed by: 'Antonia Powers' set  
Completed At: 'Aug 6th, 2020 10:40am' set  
Status: 'In progress' updated to 'Completed'



# COVID-19 Violations Requests - #8387402

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Verified Official] Antonia Powers  
SUBMITTED THROUGH - gov.publicstuff.com  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 20, 2020, 11:28 am  
Completed: 2020-08-06T17:39:46.987Z  
DUE DATE - August 7, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - N/A  
PHONE - N/A

LOCATION - 111 North Pine Street, Nevada City, CA, USA

BUSINESS NAME - Friar Tuck's

CROSS STREET -

COVID19 ADVISEMENT -

YOUR FULL NAME - REDACTED

EMAIL - REDACTED

YOUR PHONE NUMBER - NA

COVID-19 VIOLATION DESCRIPTION - Dear Board of Supervisors, Can someone from your office please let me know if and/or when enforcement action will be taken to address the various restaurants who have publicly chosen to not comply with mask usage or cessation of indoor dining per the governor's health orders? I stepped inside Friar Tucks last night and it was quite full of people. No masks were worn by customers and only about half of the staff had masks on. Both the owner, Ken and his son Chad were not wearing masks. I understand they are looking out for their livelihood, but I am concerned that this is coming at the expense of our entire community. Social media has stated that the same scenario occurred at Sergio's as well on Friday evening. This really is a vagrant violation of public health orders. I was and will continue to patronize these businesses with take out orders and outdoor seating, but not if they don't change course with their disregard for our community. Please tell me what is the board's stance on this? I have contacted Environmental Health multiple times. Each time they tell me they are conducting "education". They have been either unable or unwilling to tell me what happens once this "educational" period ends. Will revocation of operating licenses be on the table? Do they need approval from the board before they can take more aggressive action? I am a constituent and would appreciate an honest answer. I do believe I deserve an honest answer as someone who lives, spends money, and votes in this county. Respectfully and concerned, REDACTED

CURRENTLY ASSIGNED TO - None in COVID19

DESCRIPTION - Friar Tuck's

### Workflow

COMPLETE - July 20, 2020, 2:46 pm

STEP NAME - Acknowledge Request

ASSIGNEE - Antonia Powers

DEPARTMENT - COVID19

DESCRIPTION - OOO Reassignment Notice: Daily Report check for COVID Complaints Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:39 am

STEP NAME - Assign Request

ASSIGNEE - Antonia Powers

DEPARTMENT - COVID-19  
DESCRIPTION - OOO Reassignment Notice: Daily Report check for COVID Complaints Assign request to staff

COMPLETE - August 6, 2020, 10:39 am  
STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

Comments

Jul 28, 2020 8:30am Antonia Powers:  
Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day. Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this investigation. Friar Tuck's have been issued a CLOSURE NOTICE on July 21, 2020. NCDEH continues to monitor the facility for COVID-19 Violations.

Change Log

- Jul 20, 2020 11:28am Request was submitted  
Assign Request was created  
Complete Request was created  
Request made sensitive
- Jul 20, 2020 11:28am Description: 'Friar Tuck's' set
- Jul 20, 2020 11:29am Status: 'Submitted' updated to 'In progress'  
Responded At: 'Jul 20th, 2020 11:29am' set
- Jul 20, 2020 2:46pm Acknowledge Request completed at: 'Jul 20th, 2020 02:46pm' set  
Acknowledge Request completed by: 'Jessica Launier' set  
Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
- Aug 6, 2020 10:39am Assign Request completed at: 'Aug 6th, 2020 10:39am' set  
Assign Request completed by: 'Antonia Powers' set  
Complete Request completed at: 'Aug 6th, 2020 10:39am' set  
Complete Request completed by: 'Antonia Powers' set  
Completed At: 'Aug 6th, 2020 10:39am' set  
Status: 'In progress' updated to 'Completed'



# COVID-19 Violations Requests - #8424034

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Resident] **REDACTED**  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 25, 2020, 7:01 am  
Completed: 2020-08-06T17:42:12.221Z  
DUE DATE - August 14, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - **REDACTED**  
PHONE - N/A

LOCATION - 111 N Pine St, Nevada City, CA 95959, USA

BUSINESS NAME - Friar Tuck's  
CROSS STREET - At Commercial  
COVID19 ADVISEMENT -  
YOUR FULL NAME - **REDACTED**  
EMAIL - **REDACTED**  
YOUR PHONE NUMBER - **REDACTED**

COVID-19 VIOLATION DESCRIPTION - Continued defiance of COVID mandate. Could be fined for violation of B&P code 17200. NOT OK! ... Fines are nothing if people are spreading the coronavirus at Tuck's. DO SOMETHING!!!!!!

CURRENTLY ASSIGNED TO - None in COVID19  
DESCRIPTION - Friar Tuck's

### Workflow

COMPLETE - July 27, 2020, 8:05 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:42 am  
STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

COMPLETE - August 6, 2020, 10:42 am  
STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

### Attachments



Added by -  
July 25, 2020 Sat 7:01AM

Comments

Jul 27, 2020 9:26am Antonia Powers:  
Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day.  
Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this investigation.  
Friar Tuck's have been issued a CLOSURE NOTICE on July 21, 2020. NCDEH continues to monitor the facility for COVID-19 Violations.

Change Log

- Jul 25, 2020 7:01am Request was submitted  
Acknowledge Request was created  
Assign Request was created  
Request  
Complete Request was created
- Jul 27, 2020 8:05am Acknowledge Request completed at: 'Jul 27th, 2020 08:05am' set  
Acknowledge Request completed by: 'Jessica Launier' set  
Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
- Jul 27, 2020 8:05am Out of Office Reassignment assignee: 'Antonia Powers' set
- Jul 27, 2020 9:26am Description: 'undefined' updated to 'Friar Tuck's'  
Contact Info Email: REDACTED  
Contact Info Username REDACTED
- Jul 27, 2020 9:26am Responded At: 'Jul 27th, 2020 09:26am' set
- Jul 27, 2020 9:41am Status: 'Submitted' updated to 'In progress'
- Aug 6, 2020 10:42am Assign Request completed at: 'Aug 6th, 2020 10:42am' set  
Assign Request completed by: 'Antonia Powers' set  
Complete Request completed at: 'Aug 6th, 2020 10:42am' set  
Complete Request completed by: 'Antonia Powers' set  
Completed At: 'Aug 6th, 2020 10:42am' set  
Status: 'In progress' updated to 'Completed'





# COVID-19 Violations Requests - #8429236

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 26, 2020, 10:13 pm  
Completed: 2020-08-06T17:42:58.276Z  
DUE DATE - August 14, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 311 Commercial St, Nevada City, CA 95959, USA

BUSINESS NAME - Friar Tucks

CROSS STREET -

COVID19 ADVISEMENT -

YOUR FULL NAME - REDACTED

EMAIL - REDACTED

YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - It's my understanding that indoor dining is not allowed in Nevada County. At 8:15 on Sunday July 26, I walked by Friar Tucks and observed a bunch of people eating dinner. And a hostess or waitress wasn't wearing a face covering. Truly outrageous behavior. I don't care how long Friar Tucks has been in Nevada City, the owner is a bad citizen.

CURRENTLY ASSIGNED TO - None in COVID19

DESCRIPTION - Friar Tuck's

### Workflow

COMPLETE - July 27, 2020, 8:10 am

STEP NAME - Acknowledge Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:42 am

STEP NAME - Assign Request

ASSIGNEE - Antonia Powers

DEPARTMENT - COVID19

DESCRIPTION - Assign request to staff

COMPLETE - August 6, 2020, 10:42 am

STEP NAME - Complete Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Close request once completed

### Comments

Jul 27, 2020 9:18am Antonia Powers: Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID

COVID-19 Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day. Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this investigation. Friar Tuck's have been issued a CLOSURE NOTICE on July 21, 2020. NCDEH continues to monitor the facility for COVID-19 Violations.

Change Log

- Jul 26, 2020 10:13pm

**Request was submitted**  
 Acknowledge Request was created  
 Assign Request was created  
 Request  
 Complete Request was created
- Jul 27, 2020 8:10am

**Acknowledge Request completed at:** 'Jul 27th, 2020 08:10am' set  
**Acknowledge Request completed by:** 'Jessica Launier' set  
**Workflow Step:** 'Acknowledge Request' updated to 'Assign Request'  
**Out of Office Reassignment assignee:** 'Antonia Powers' set
- Jul 27, 2020 9:18am

**Responded At:** 'Jul 27th, 2020 09:18am' set
- Jul 27, 2020 9:18am

**Status:** 'Submitted' updated to 'In progress'
- Jul 27, 2020 9:25am

**Description:** 'Friar Tuck's' set  
**Contact Info Email:** REDACTED  
**Contact Info Username:** REDACTED
- Jul 27, 2020 8:58pm

**Comment:** 'Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day. Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this investigation. Notice of Violation and Facility Closure has been issued July 21, 2020. Permit has been suspended.' deleted
- Aug 6, 2020 10:42am

**Assign Request completed at:** 'Aug 6th, 2020 10:42am' set  
**Assign Request completed by:** 'Antonia Powers' set  
**Complete Request completed at:** 'Aug 6th, 2020 10:42am' set  
**Complete Request completed by:** 'Antonia Powers' set  
**Completed At:** 'Aug 6th, 2020 10:42am' set  
**Status:** 'In progress' updated to 'Completed'

# **EXHIBIT 22**

**From:** [Sara Lyon](#)  
**To:** [All Environmental Health](#)  
**Subject:** Old Town Cafe - New complaint # CO0006594  
**Date:** Tuesday, July 14, 2020 4:18:00 PM

---

Just received a new voicemail that Old Town Café is packed with people all without masks. RP asked that they be shut down. RP did not leave phone number.

**Sara Lyon, REHS**

County of Nevada

Environmental Health Specialist II

Office (530) 265-1469 (out of the office every other Monday)

Main Line (530) 265-1222 Option 3

[sara.lyon@co.nevada.ca.us](mailto:sara.lyon@co.nevada.ca.us)

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REDACTED

REDACTED

▶ Nevada City Peeps ~\*~

The Old Town Cafe is open and serving customers right now, despite yesterday's closure order by County Environmental Health Dept. The closure notice is covered up by a poster. Here's the doors of Sergio's Caffe, and Friar Tuck's, where the EnviroHealth closure notice is also covered up. And finally, a picture of what's on the door of One 11 restaurant.

This is for your information only, so I have turned off comments.

[Reaction Icons] 28

6 Comments 10 Shares

Like

Comment

Share



Dear Official,  
I am aware that you are only here to "do your job" but I am WARNING you to not proceed any further. You are attempting to deprive me of my rights under the color of law and are also committing an act of domestic terrorism by attempting to "intimidate or coerce" me. I am advising you to take this letter back to your office, copy it and get a copy to your supervisor. Please also distribute it broadly throughout your office. As this official that has been dispatched to do whatever it is you are here to do, you are the one at risk, and that is very likely not fair to you, since you are "only doing what you have been told to do." The problem is that you are being told to do something that is CRIMINAL.

**You are the one that is in jeopardy professionally and personally. STOP.**  
**DEPRIVATION OF RIGHTS UNDER COLOR OF LAW**

**TITLE 18, U.S.C., SECTION 242 | <https://www.justice.gov/crt/deprivation-rights-under-color-law>**

Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by (federal, state, or local) officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority. If the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prison guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

Offenses are punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

**TITLE 18, U.S.C., SECTION 242**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States... shall be fined under this title, or imprisoned not more than one year, or both; and if bodily injury results from the act committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosive, or fire, shall be imprisoned not more than ten years, or both, and may also be fined under this title.



# COVID-19 Violations Requests - #8352438

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 14, 2020, 4:39 pm  
Completed: 2020-08-17T20:02:52.449Z  
DUE DATE - August 3, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 110 Mill St, Grass Valley, CA 95945, USA

BUSINESS NAME - Old Town Cafe

CROSS STREET - Main Street

COVID19 ADVISEMENT -

YOUR FULL NAME - REDACTED

EMAIL - REDACTED

YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - This establishment should have closed indoor dining as mandated yesterday. Today every table was full with no social distancing and not one person was wearing a mask. They continue to post on their Facebook page that they will not follow regulations.

CURRENTLY ASSIGNED TO - None in COVID19

DESCRIPTION -

### Workflow

COMPLETE - July 14, 2020, 4:40 pm

STEP NAME - Acknowledge Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Receive and Acknowledge Request

COMPLETE - August 17, 2020, 1:02 pm

STEP NAME - Assign Request

ASSIGNEE - Amy Irani

DEPARTMENT - COVID19

DESCRIPTION - Assign request to staff

COMPLETE - August 17, 2020, 1:02 pm

STEP NAME - Complete Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Close request once completed

### Comments

There are no comments on this request yet.

Change Log

- Jul 14, 2020 4:39pm

  - Request was submitted
  - Acknowledge Request was created
  - Assign Request was created
  - Request
  - Complete Request was created
  
- Jul 14, 2020 4:40pm

  - Acknowledge Request completed at: 'Jul 14th, 2020 04:40pm' set
  - Acknowledge Request completed by: 'Jessica Launier' set
  - Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
  
- Jul 14, 2020 4:40pm

  - Assign Request assignee: 'Amy Irani' set
  
- Aug 17, 2020 1:02pm

  - Assign Request completed at: 'Aug 17th, 2020 01:02pm' set
  - Assign Request completed by: 'Amy Irani' set
  - Workflow Step: 'Assign Request' updated to 'Complete Request'
  
- Aug 17, 2020 1:02pm

  - Complete Request completed at: 'Aug 17th, 2020 01:02pm' set
  - Complete Request completed by: 'Amy Irani' set
  - Completed At: 'Aug 17th, 2020 01:02pm' set
  - Status: 'Submitted' updated to 'Completed'
  - Responded At: 'Aug 17th, 2020 01:02pm' set
  
- Aug 17, 2020 1:03pm

  - Contact Info Email: **REDACTED**
  - Contact Info Username: **REDACTED**



July 15, 2020, 8:54 am

### COVID-19 Violations Requests - #8352585

COVID19 - Antonia Powers



#### Details

STATUS - Submitted  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

#### Dates

DATE SUBMITTED - July 14, 2020, 5:18 pm  
DUE DATE - August 3, 2020, 12:00 am

#### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 110 Mill St, Grass Valley, CA 95945, USA  
BUSINESS NAME - Old Town Cafe  
CROSS STREET - Main St

YOUR FULL NAME - REDACTED  
EMAIL - REDACTED  
YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - The owners of Old Town Cafe are openly flouting the governors order for masks and for the shutdown of inside seated dining. Today they hosted our Congressman, Doug LaMalfa as well as all of the protesters from the Board of Supervisors meeting. The restaurant was packed, no one had masks. It was shocking. Please enforce these orders so that our public health is not threatened by a vocal minority.  
CURRENTLY ASSIGNED TO - Antonia Powers in COVID19  
DESCRIPTION -

#### Workflow

COMPLETE - July 15, 2020, 7:38 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

#### Comments

There are no comments on this request yet.

#### Change Log

Request was submitted



- Jul 14, 2020 5:18pm
  - Acknowledge Request was created
  - Assign Request was created
  - Request
  - Complete Request was created
- Jul 15, 2020 7:38am
  - Acknowledge Request completed at: 'Jul 15th, 2020 07:38am' set
  - Acknowledge Request completed by: 'Jessica Launier' set
  - Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
- Jul 15, 2020 7:38am
  - Out of Office Reassignment assignee: 'Antonia Powers' set
- Jul 15, 2020 7:40am
  - Out of Office Reassignment assigned at: 'Jul 15th, 2020 07:38am' updated to 'Jul 15th, 2020 07:40am'

**From:** [Sara Lyon](#)  
**To:** [All Environmental Health](#)  
**Subject:** CO0006591 Old Town Cafe\_ Grass Valley  
**Date:** Tuesday, July 14, 2020 2:37:00 PM

---

For whomever is going to Old Town Café:

I just created a new complaint for Old Town Café (CO0006591)

7/14/2020 - 2:34 pm place is packed, no masks, no social distancing

I told the RP that we would be delivering information to restaurants in person tomorrow.

As an aside, Calla Lily Café is posting online that they do not have to close to in house dining.

**Sara Lyon, REHS**

County of Nevada

Environmental Health Specialist II

Office (530) 265-1469 (out of the office every other Monday)

Main Line (530) 265-1222 Option 3

[sara.lyon@co.nevada.ca.us](mailto:sara.lyon@co.nevada.ca.us)

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July 16, 2020, 9:36 am

### COVID-19 Violations Requests - #8356936

COVID19 - Antonia Powers



#### Details

STATUS - Submitted  
PRIORITY - High  
SUBMITTED BY - [Resident REDACTED]  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

#### Dates

DATE SUBMITTED - July 15, 2020, 10:05 am  
DUE DATE - August 4, 2020, 12:00 am

#### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 110 Mill St, Grass Valley, CA 95945, USA  
BUSINESS NAME - Old Town Cafe  
CROSS STREET - Mill St and West Main St

YOUR FULL NAME - REDACTED  
EMAIL - REDACTED  
YOUR PHONE NUMBER - REDACTED  
COVID-19 VIOLATION DESCRIPTION - Open for sit down dining, no masks, no social distancing  
CURRENTLY ASSIGNED TO - Antonia Powers in COVID19  
DESCRIPTION -

#### Workflow

COMPLETE - July 15, 2020, 10:09 am  
STEP NAME - Acknowledge Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Receive and Acknowledge Request

STEP NAME - Assign Request  
ASSIGNEE - Antonia Powers  
DEPARTMENT - COVID19  
DESCRIPTION - Assign request to staff

STEP NAME - Complete Request  
ASSIGNEE - N/A  
DEPARTMENT - COVID19  
DESCRIPTION - Close request once completed

#### Comments

There are no comments on this request yet.

#### Change Log

Jul 15, 2020 10:05am Request was submitted  
Acknowledge Request was created  
Assign Request was created  
Request  
Complete Request was created

Jul 15, 2020  
10:09am

• Acknowledge Request completed at: 'Jul 15th, 2020 10:09am' set  
Acknowledge Request completed by: 'Jessica Launier' set  
Workflow Step: 'Acknowledge Request' updated to 'Assign Request'

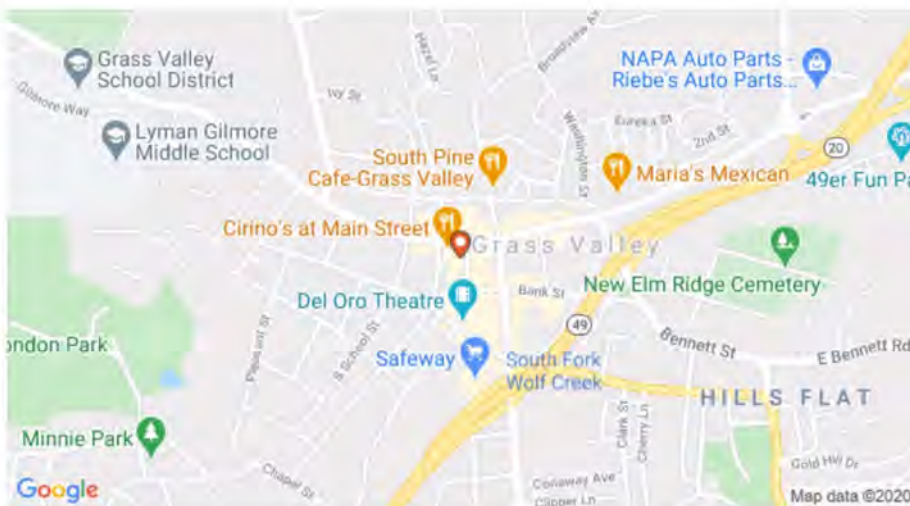
Jul 15, 2020  
10:09am

• Out of Office Reassignment assignee: 'Antonia Powers' set



# COVID-19 Violations Requests - #8381775

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Resident] REDACTED  
SUBMITTED THROUGH - Iframe  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 19, 2020, 5:34 pm  
Completed: 2020-08-06T17:39:59.038Z  
DUE DATE - August 7, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - REDACTED  
PHONE - N/A

LOCATION - 110 Mill St, Grass Valley, CA, USA

BUSINESS NAME - Old Town Cafe

CROSS STREET - W Main

COVID19 ADVISEMENT -

YOUR FULL NAME - REDACTED

EMAIL - REDACTED

YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - Cafe allowing people inside Dining and without masks. Tells people he doesn't want them wearing masks and has a sign posted saying no masks required. This information is also being spread Nextdoor social media.

CURRENTLY ASSIGNED TO - None in COVID19

DESCRIPTION - Old Town Cafe

### Workflow

COMPLETE - July 20, 2020, 2:36 pm

STEP NAME - Acknowledge Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:39 am

STEP NAME - Assign Request

ASSIGNEE - Antonia Powers

DEPARTMENT - COVID19

DESCRIPTION - Assign request to staff

COMPLETE - August 6, 2020, 10:39 am

STEP NAME - Complete Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Close request once completed

### Comments

Jul 21, 2020 3:35pm : They've posted this on their door



Jul 30, 2020  
6:35pm

Antonia Powers:

Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day. Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this investigation. Old Town Cafe has been issued a CLOSURE NOTICE on July 21, 2020. NCDEH continues to monitor the facility for COVID-19 Violations.

### Change Log

Jul 19, 2020  
5:34pm

**Request was submitted**  
Acknowledge Request was created  
Assign Request was created  
Request  
Complete Request was created

Jul 20, 2020  
2:36pm

**Acknowledge Request completed at:** 'Jul 20th, 2020 02:36pm' set  
**Acknowledge Request completed by:** 'Jessica Launier' set  
**Workflow Step:** 'Acknowledge Request' updated to 'Assign Request'

Jul 20, 2020  
2:37pm

**Out of Office Reassignment assignee:** 'Antonia Powers' set  
**Out of Office Reassignment assigned at:** 'Jul 20th, 2020 02:36pm' updated to 'Jul 20th, 2020 02:37pm'

Jul 20, 2020  
4:16pm

**Geo Location:** 'Mill St, Grass Valley, CA, USA' updated to '110 Mill St, Grass Valley, CA, USA'  
**Description:** 'Old Town Cafe' set  
**Contact Info Email:** **REDACTED**  
**Contact Info Username:** **REDACTED**

Jul 20, 2020  
4:51pm

**Status:** 'Submitted' updated to 'In progress'  
**Responded At:** 'Jul 20th, 2020 04:51pm' set

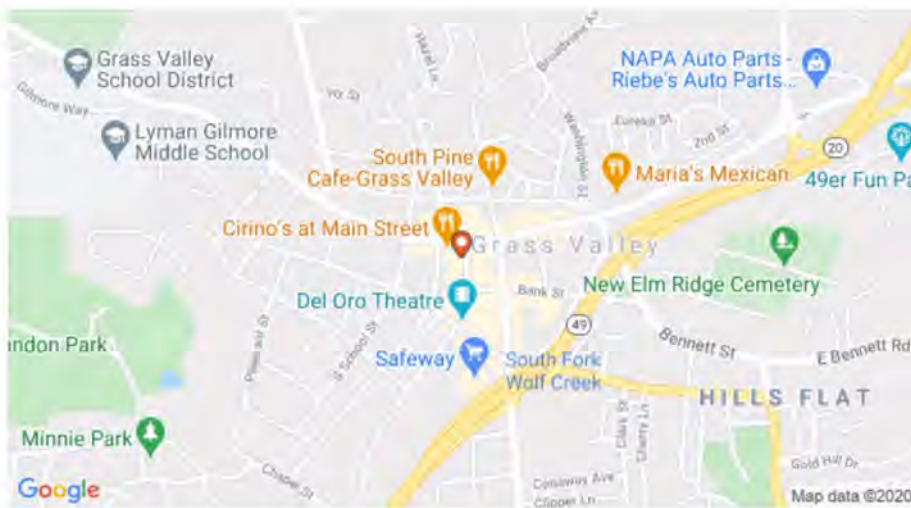
Aug 6, 2020  
10:39am

**Assign Request completed at:** 'Aug 6th, 2020 10:39am' set  
**Assign Request completed by:** 'Antonia Powers' set  
**Complete Request completed at:** 'Aug 6th, 2020 10:39am' set  
**Complete Request completed by:** 'Antonia Powers' set  
**Completed At:** 'Aug 6th, 2020 10:39am' set  
**Status:** 'In progress' updated to 'Completed'



# COVID-19 Violations Requests - #8389020

COVID19 -



### Details

STATUS - Completed  
 PRIORITY - High  
 SUBMITTED BY - [Resident] **REDACTED**  
 SUBMITTED THROUGH - Iframe  
 FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 20, 2020, 1:29 pm  
 Completed: 2020-08-06T17:40:39.178Z  
 DUE DATE - August 7, 2020, 12:00 am

### Contact

NAME - N/A  
 EMAIL **REDACTED**  
 PHONE - N/A

LOCATION - 110 Mill St, Grass Valley, CA 95945, USA

BUSINESS NAME - Old Town Cafe  
 CROSS STREET - Main St Grass Valley

YOUR FULL NAME - **REDACTED**  
 EMAIL - **REDACTED**  
 YOUR PHONE NUMBER - **REDACTED**

COVID-19 VIOLATION DESCRIPTION - indoor dining still happening

CURRENTLY ASSIGNED TO - None in COVID19  
 DESCRIPTION - Old Town Cafe

### Workflow

COMPLETE - July 20, 2020, 2:47 pm  
 STEP NAME - Acknowledge Request  
 ASSIGNEE - N/A  
 DEPARTMENT - COVID19  
 DESCRIPTION - Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:40 am  
 STEP NAME - Assign Request  
 ASSIGNEE - Antonia Powers  
 DEPARTMENT - COVID19  
 DESCRIPTION - Assign request to staff

COMPLETE - August 6, 2020, 10:40 am  
 STEP NAME - Complete Request  
 ASSIGNEE - N/A  
 DEPARTMENT - COVID19  
 DESCRIPTION - Close request once completed

### Comments

Jul 30, 2020 6:33pm \* Antonia Powers:  
 Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day. Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this

Change Log

- Jul 20, 2020 1:29pm

  - Request was submitted
  - Acknowledge Request was created
  - Assign Request was created
  - Request
  - Complete Request was created
  
- Jul 20, 2020 2:47pm

  - Acknowledge Request completed at: 'Jul 20th, 2020 02:47pm' set
  - Acknowledge Request completed by: 'Jessica Launier' set
  - Workflow Step: 'Acknowledge Request' updated to 'Assign Request'
  
- Jul 20, 2020 2:47pm

  - Out of Office Reassignment assignee: 'Antonia Powers' set
  
- Jul 20, 2020 4:12pm

  - Description: 'Old Town Cafe' set
  
- Jul 20, 2020 4:53pm

  - Status: 'Submitted' updated to 'In progress'
  - Responded At: 'Jul 20th, 2020 04:53pm' set
  
- Aug 6, 2020 10:40am

  - Assign Request completed at: 'Aug 6th, 2020 10:40am' set
  - Assign Request completed by: 'Antonia Powers' set
  - Complete Request completed at: 'Aug 6th, 2020 10:40am' set
  - Complete Request completed by: 'Antonia Powers' set
  - Completed At: 'Aug 6th, 2020 10:40am' set
  - Status: 'In progress' updated to 'Completed'





# COVID-19 Violations Requests - #8389258

COVID19 -



### Details

STATUS - Completed  
PRIORITY - High  
SUBMITTED BY - [Verified Official] Antonia Powers  
SUBMITTED THROUGH - gov.publicstuff.com  
FOLLOWERS - N/A

### Dates

DATE SUBMITTED - July 20, 2020, 1:51 pm  
Completed: 2020-08-06T17:40:45.057Z  
DUE DATE - August 7, 2020, 12:00 am

### Contact

NAME - N/A  
EMAIL - N/A  
PHONE - N/A

LOCATION - 110 Mill Street, Grass Valley, CA, USA

BUSINESS NAME - Old Town Cafe

CROSS STREET -

COVID19 ADVISEMENT -

YOUR FULL NAME - REDACTED

EMAIL - REDACTED

YOUR PHONE NUMBER - REDACTED

COVID-19 VIOLATION DESCRIPTION - Staff not wearing masks. Indoor dining continues.

CURRENTLY ASSIGNED TO - None in COVID19

DESCRIPTION - Old Town Cafe

### Workflow

COMPLETE - August 6, 2020, 10:40 am

STEP NAME - Acknowledge Request

ASSIGNEE - Antonia Powers

DEPARTMENT - COVID19

DESCRIPTION - OOO Reassignment Notice: Daily Report check for COVID Complaints Receive and Acknowledge Request

COMPLETE - August 6, 2020, 10:40 am

STEP NAME - Assign Request

ASSIGNEE - Antonia Powers

DEPARTMENT - Environmental Health Department

DESCRIPTION - Assign request to staff

COMPLETE - August 6, 2020, 10:40 am

STEP NAME - Complete Request

ASSIGNEE - N/A

DEPARTMENT - COVID19

DESCRIPTION - Close request once completed

### Comments

Jul 30, 2020 6:31pm

- Antonia Powers: Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result in the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day. Please be advised,

Old Town Cafe have been issued a CLOSURE NOTICE on July 21, 2020. NCDEH continues to monitor the facility for COVID-19 Violations.

Change Log

- Jul 20, 2020 1:51pm

  - Request was submitted**
  - Assign Request was created
  - Complete Request was created
  - Request made sensitive
  
- Jul 20, 2020 2:16pm

  - Description:** 'Old Town Cafe' set
  
- Jul 20, 2020 2:16pm

  - Status:** 'Submitted' updated to 'In progress'
  - Responded At:** 'Jul 20th, 2020 02:16pm' set
  
- Aug 6, 2020 10:40am

  - Acknowledge Request completed at:** 'Aug 6th, 2020 10:40am' set
  - Acknowledge Request completed by:** 'Antonia Powers' set
  - Assign Request completed at:** 'Aug 6th, 2020 10:40am' set
  - Assign Request completed by:** 'Antonia Powers' set
  - Complete Request completed at:** 'Aug 6th, 2020 10:40am' set
  - Complete Request completed by:** 'Antonia Powers' set
  - Completed At:** 'Aug 6th, 2020 10:40am' set
  - Status:** 'In progress' updated to 'Completed'

**From:** [Sara Lyon](#)  
**To:** [All Environmental Health](#)  
**Subject:** RE: COVID COMPLAINTS  
**Date:** Thursday, July 23, 2020 11:44:00 AM  
**Attachments:** [image002.png](#)

---

Someone is in the log, so I will update later.

10:35 Old Town Café – Observed multiple tables eating both inside and outside  
NOTE: Sergios was not open yet.

10:52 am - Valentina's-Observed chairs up on table. And customers in masks who appeared to be waiting for food.

---

**From:** Antonia Powers <Antonia.Powers@co.nevada.ca.us>  
**Sent:** Thursday, July 23, 2020 11:03 AM  
**To:** All Environmental Health <AllEnvironmentalHealth@co.nevada.ca.us>  
**Subject:** COVID COMPLAINTS

Good Morning All,

Please enter COVID-related complaints received via e-mail or voicemail or called-in in the COMPLAINTS SPREADSHEET in H drive:

[\\Fs11\commdev\CDA\EH\Consumer](#) Protection Division\FOOD\FOOD FACILITIES\Covid-19\COMPLAINTS

Each complaint will be assigned a CO # in Envision unless they come in through ACCELA, which is given an ACCELA ID #.

Per Amy, here's our general response to the complainant:

*"Thank you for your complaint submittal. Environmental Health staff will reach out to the facility owner with COVID Safety guidance materials to train their staff. Repeat COVID violations will result the issuance of a Notice of Violation (NOV), facility CLOSURE, and permit suspension with doubling penalty fees per day."*

*"Please be advised, your personal information will be kept confidential and internal, and will not be used in any manner as part of this investigation."*

Please note the individual tabs I added for logging in observations after the facility has been issued CLOSURE NOTICE. Thank you all for helping log these complaints in a central place. COVID complaints received via emails may be saved in individual folders within Covid-19

FOOD/COMPLAINTS/FOOD FACILITIES COMPLAINTS

Be safe always!

 **Antonia Powers, REHS**  
Environmental Health Specialist II  
County of Nevada Environmental Health  
(530) 265-7057

*Stay healthy. Wash hands frequently. Observe social distancing, 6' minimum. [mynevadacounty.com/coronavirus](http://mynevadacounty.com/coronavirus)*

**This message is for the designated recipient only and may contain privileged or confidential information. If you have received the message in error, please notify the sender immediately and delete the original. Any other use of this email is prohibited.**



# **EXHIBIT 23**



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
Sean Powers, Director  
**ENVIRONMENTAL HEALTH DEPARTMENT**  
Amy Irani, REHS, Director

950 MAIN AVENUE, SUITE #170  
NEVADA CITY, CA 95959

PH: (530) 265-1222  
FAX: (530) 265-9853

Env.Health@co.nevada.ca.us

**NOTICE OF VIOLATION**  
**IMMEDIATE CLOSURE OF FOOD SERVICE ESTABLISHMENT**  
**DUE TO AN IMMINENT HEALTH HAZARD**

July 21, 2020

Friar Tucks  
111 North Pine Street  
Nevada City, CA 95959

Attn: Ken R. Paige, Owner(s)

Friar Tucks / FA #1693: **IMMEDIATE CLOSURE OF THIS ESTABLISHMENT**

**FILE COPY**

NOTICE OF VIOLATION: 1) FAILURE TO CLOSE ALL DINE-IN ACTIVITIES

On March 4, 2020 the Governor ordered that all residents are to head any orders and guidance of state and local public health officials. On July 13, 2020 the State of California Department of Public Health Order on Closure of Sectors in Response to COVID-19. CDPH Guidance closed on a statewide basis, indoor operations for Dine-In Restaurants. Friar Tucks owner(s) have been given repeated guidance documentation, information and opportunity to comply with the current State of California Governor's Order. Failure of closure of all dine-in activities at this facility poses an increased risk of the spread of COVID-19 to the facility employees, patrons and the general public which constitutes an imminent and substantial health hazard.

failure to comply is also a violation of California Health and Safety Code section 114409:

- (a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.
- (b) Whenever a permit is suspended as the result of an imminent health hazard, the enforcement officer shall issue to the permitholder a notice setting forth the acts or omissions with which the permitholder is charged, specifying the pertinent code section, and informing the permitholder of the right to a hearing.
- (c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permitholder may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

Due to an imminent and substantial health hazard, this establishment is hereby ordered to close and shall be closed until correction is made and this department determines that the violation(s) have been eliminated or corrected.

In addition to the closure of your establishment, failure to comply with this Notice of Violation will result in the imposition of fines, pursuant to California Health and Safety Code section 114395.

Fines will be assessed in the amount of twenty-five dollars (\$25) for the first violation and each subsequent daily violation; said fine will be doubled to a maximum of one thousand dollars (\$1,000).

You may request a contested case hearing on this matter by submitting a written request within fifteen (15) calendar days of notice.

The request shall be signed and shall include:

- (1) The name, address and telephone number of the appellant;
- (2) A short statement of the matters in question; and
- (3) A short statement of the appellant's position.

A request for a contested case hearing does not nullify this notice. The establishment must remain closed pending the results of the hearing or elimination of the violations.

The request should be addressed to:

Amy Irani, EH Director  
Environmental Health Department  
950 Maidu Avenue  
Nevada City, CA 95959

Hand delivered by:

  
\_\_\_\_\_  
(Amy Irani, EH Director, County of Nevada)

Received by:

*Refused to sign, both*  
(PERMITEE OR DESIGNATED REPRESENTATIVE)  
*Chad Parize & Ken Parize present* *7/21/2020*

# **EXHIBIT 24**





**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
Sean Powers, Director  
**ENVIRONMENTAL HEALTH DEPARTMENT**  
Amy Irani, REHS, Director

950 MAIDU AVENUE, SUITE #170  
NEVADA CITY, CA 95959

PH: (530) 265-1222  
FAX: (530) 265-9853

Env.Health@co.nevada.ca.us

**NOTICE OF VIOLATION**  
**IMMEDIATE CLOSURE OF FOOD SERVICE ESTABLISHMENT**  
**DUE TO AN IMMINENT HEALTH HAZARD**

July 21, 2020

Old Town Café  
110 Mill Street  
Grass Valley, CA 95945

Attn: Robin Buckman and Buckman Enterprises, LLC, Owner(s)

Old Town Café / FA #1201: **IMMEDIATE CLOSURE OF THIS ESTABLISHMENT**

NOTICE OF VIOLATION: 1) FAILURE TO CLOSE ALL DINE-IN ACTIVITIES

On March 4, 2020 the Governor ordered that all residents are to head any orders and guidance of state and local public health officials. On July 13, 2020 the State of California Department of Public Health Order on Closure of Sectors in Response to COVID-19. CDPH Guidance closed on a statewide basis, indoor operations for Dine-In Restaurants. Old Town Café owner(s) have been given repeated guidance documentation, information and opportunity to comply with the current State of California Governor's Order. Failure of closure of all dine-in activities at this facility poses an increased risk of the spread of COVID-19 to the facility employees, patrons and the general public which constitutes an imminent and substantial health hazard.

failure to comply is also a violation of California Health and Safety Code section 114409:

- (a) If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.
- (b) Whenever a permit is suspended as the result of an imminent health hazard, the enforcement officer shall issue to the permit holder a notice setting forth the acts or omissions with which the permit holder is charged, specifying the pertinent code section, and informing the permit holder of the right to a hearing.
- (c) At any time within 15 calendar days after service of a notice pursuant to subdivision (b), the permit holder may request in writing a hearing before a hearing officer to show cause why the permit suspension is not warranted. The hearing shall be held within 15 calendar days of the receipt of a request for a hearing. A failure to request a hearing within 15 calendar days shall be deemed a waiver of the right to a hearing.

Due to an imminent and substantial health hazard, this establishment is hereby ordered to close and shall be closed until correction is made and this department determines that the violation(s) have been eliminated or corrected.

In addition to the closure of your establishment, failure to comply with this Notice of Violation will result in the imposition of fines, pursuant to California Health and Safety Code section 114395.

**FILE COPY**

Fines will be assessed in the amount of twenty-five dollars (\$25) for the first violation and each subsequent daily violation; said fine will be doubled to a maximum of one thousand dollars (\$1,000).

You may request a contested case hearing on this matter by submitting a written request within fifteen (15) calendar days of notice.

The request shall be signed and shall include:

- (1) The name, address and telephone number of the appellant;
- (2) A short statement of the matters in question; and
- (3) A short statement of the appellant's position.

A request for a contested case hearing does not nullify this notice. The establishment must remain closed pending the results of the hearing or elimination of the violations.

The request should be addressed to:

Amy Irani, EH Director  
Environmental Health Department  
950 Maidu Avenue  
Nevada City, CA 95959

Hand delivered by:



(Amy Irani, EH Director, County of Nevada)

Received by:

delivered to Robin Brockman -  
(PERMITTEE OR DESIGNATED REPRESENTATIVE)

Mr. Brockman refused to sign. (+) 7/21/2020

# **EXHIBIT 25**

COUNTY OF NEVADA

ENVIRONMENTAL HEALTH DEPARTMENT

950 MATDU AVENUE, SUITE #170 • NEVADA CITY, CA • PH: (530) 265-1222 • FAX: (530) 265-9853

# CLOSED

**IMMEDIATE CLOSURE OF FOOD SERVICE  
ESTABLISHMENT / IMMINENT HEALTH  
HAZARD**

Due to an imminent and substantial health hazard this establishment is closed. Failure to comply with the July 13, 2020 Effective Immediately State of California Department of Public Health Order on Closure of Sectors in Response to COVID-19. CDPH Guidance closed on a statewide basis, indoor operations for Dine-In Restaurants.

FRIAR TUCKS owner(s) have been given repeated guidance documentation, information and opportunity to comply with the current State of California Governor's Order. Failure of closure of all dine-in activities at this facility poses an increased risk of the spread of COVID-19 to the facility employees, patrons and the general public which constitutes an imminent and substantial health hazard in accordance with California Health and Safety Code section 114409.

Amy Irani  
DIRECTOR OF ENVIRONMENTAL HEALTH

JULY 21, 2020  
DATE

**DO NOT REMOVE**

THE REMOVAL OF THIS NOTICE MAY ONLY BE MADE BY THE NEVADA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

# **EXHIBIT 26**

COUNTY OF NEVADA

ENVIRONMENTAL HEALTH DEPARTMENT

950 MATDU AVENUE, SUITE #170 • NEVADA CITY, CA • PH: (530) 265-1222 • FAX: (530) 265-9853

# CLOSED

**IMMEDIATE CLOSURE OF FOOD SERVICE  
ESTABLISHMENT / IMMINENT HEALTH  
HAZARD**

Due to an imminent and substantial health hazard this establishment is closed. Failure to comply with the July 13, 2020 Effective Immediately State of California Department of Public Health Order on Closure of Sectors in Response to COVID-19. CDPH Guidance closed on a statewide basis, indoor operations for Dine-In Restaurants.

OLD TOWN CAFE owner(s) have been given repeated guidance documentation, information and opportunity to comply with the current State of California Governor's Order. Failure of closure of all dine-in activities at this facility poses an increased risk of the spread of COVID-19 to the facility employees, patrons and the general public which constitutes an imminent and substantial health hazard in accordance with California Health and Safety Code section 114409.

*Amy Irani*

DIRECTOR OF ENVIRONMENTAL HEALTH

JULY 21, 2020

DATE

**DO NOT REMOVE**

THE REMOVAL OF THIS NOTICE MAY ONLY BE MADE BY THE NEVADA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

# **EXHIBIT 27**



## July 30, 2020 EH Update on COVID -19 Related Activities

The EH Department's site visits today of Sergio's and Old Town Café found that both facilities have ceased dine-in operations. Each facility was utilizing outdoor operations and were still open. The Union article and interview of Ken Paige, owner of Friar Tucks, is being used as confirmation that Friar Tucks will also cease dine-in operations.

At this time, the operational permits for each establishment still remain in a temporary suspension, which requires the facility to remain closed. The EH Department has not received any outreach from the facility operator(s), but calls were placed to the owner(s) of Sergio's, Old Town Café and Friar Tucks. Messages were left for the owner(s) to reach out to the EH Department so that we can assist them in the process moving forward towards re-instating their permits.

The process to re-instate will include:

1. The operator updating their current operational plan to include how the dine-in operations will be discontinued, and how they will maintain this discontinuation until the State Order is lifted.
2. A Site Inspection will be conducted by the EH Department to verify that the operational plan as described is in play and prohibits dine-in operations. A site written inspection will be completed, and a copy given to the owner/operator for their records.
3. The penalty/fines paid in full.

The EH Department has put together a document to assist the owner with updating their operational plan and to make the process simple and uncomplicated. Once the items are completed, the permit will be reinstated immediately.



# **EXHIBIT 28**

Case 2:20-cv-02256-KJM-CKD Document 66-4 Filed 11/21/23 Page 58 of 81

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**From:** Amy Irani <O=EXCHANGE\ABSOU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2390B49449D942C08D8DBC433E04E7EE-AMY IRANI>  
**To:** Ken Paige  
**CC:** Nicole Johnson  
**Sent:** 8/4/2020 10:43:50 AM  
**Subject:** RE: Re:Re-Opening Friar Tuck's Wednesday 4PM

Good Morning Ken,  
Thank you to you, Donna and Chad for your willingness to come to the meeting yesterday. I am grateful to move forward and to help you in anyway.

Nicole Johnson is out in the field today and I've asked her to call you to schedule a time when she can meet with you to take some interior photos.

Once we have that completed, Nicole will let me know she has the updated photos, and I'll reinstate your permit. I'll also follow up with an official short letter that says your permit is reinstated, okay? I will add your email as the update to your workplace plan.

I do wish you and your family all the best and my hope is for your continued success with Friar Tucks.  
Kind Regards,  
Amy

*Amy Irani, REHS*  
Director of Environmental Health

County of Nevada  
Environmental Health Division  
950 Maidu Avenue  
Nevada City, CA 95959-8617  
(530) 265-1464  
[amy.Irani@co.nevada.ca.us](mailto:amy.Irani@co.nevada.ca.us)

To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better whether by a healthy child, a garden path or a redeemed social condition; to know even one life has breathed easier because you lived. This is to have succeeded. ~R.W. Emerson



**COUNTY BUILDING CLOSURE - EH DEPARTMENT IS CURRENTLY TELEWORKING**  
**WE ARE CONTINUING TO ANSWER PHONE CALLS AND ACCEPTING PLAN REVIEWS VIA DIGITAL SUBMITTAL OR DROP OFF AT THE ROOD CENTER. PLEASE CALL THE EH MAIN LINE (530) 265-1222 OPTION #3 OR EMAIL OUR DEPARTMENT AT [ENV.HEALTH@CO.NEVADA.CA.US](mailto:ENV.HEALTH@CO.NEVADA.CA.US) AND WE WILL GET BACK WITH YOU AS QUICKLY AS POSSIBLE.**  
**PLEASE STAY SAFE, HEALTHY AND TAKE CARE**  
**YOUR EH TEAM**

---

**From:** Ken Paige <kenpaige@gmail.com>  
**Sent:** Monday, August 3, 2020 9:24 PM  
**To:** Amy Irani <Amy.Irani@co.nevada.ca.us>  
**Subject:** Re:Re-Opening Friar Tuck's Wednesday 4PM

**CAUTION:** This email originated from outside of County of Nevada email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Amy  
Thank you for being there today. I know there were some internal issues going on the other day. Hope you are doing OK now.

**We plan to open on Wednesday at 4pm. We have told our employees to come in the morning to prep.**

Case 2:20-cv-02256-KJM-CKD Document 66-4 Filed 11/21/23 Page 59 of 81

**So, please move quickly on your end so we can do it. Thanks**

We have ceased all of the dine-in operations. Here is our plan to place tables out of service is the following: As you know Friar Tucks has 2 doors. One in **the dining entrance** to seat 35 tables and the other entrance is the bar. We will lock the dining entrance with no public access and plan to stage our outside musicians in front of this door therefore no possible entry at all.

**The bar entrance** will be open with no table at all. The bar area will be our Take-out entrance and it will be our bartenders & Servers door to deliver drinks and food to our outdoor customers on the street

We have **no need to put the chairs on the tables as our dining** area are booths and there is zero access to patrons.

We have **no need to put the chairs on the table in the bar** as there will be none in this area.

Our **plan for take out** is the same as the prior plan. Customers can call or do on-line orders. They have the opportunity to request curbside delivery or pick up inside.

We can accommodate either. Customers who prefer inside pick up will come into the bar area and stand and wait to get their order. Customers who want curbside delivery will park on Commercial street & Since the streets are closed off we will stage the outside pick up on commercial street. We will not offer Alcohol to go.

**Out outside dining** has already been approved by the city with 10 tables on the street where we will provide some light barrier distinction so the community is aware of the Friar Tucks area where we have reserved seating and alcohol. We will also have 4 table set up against the Building that can accommodate an additional 8 guests.

**We look forward to you giving us the thumbs up prior to our reopening on Wednesday at 4 pm and resolving the penalty/fines that are currently assessed as per our meeting today.**

On Wed, Jul 29, 2020 at 4:17 PM Amy Irani <[Amy.Irani@co.nevada.ca.us](mailto:Amy.Irani@co.nevada.ca.us)> wrote:

Good Evening Ken,

I am not sure what happened, but it appeared I lost the connection with you during our conversation. I've left you a message, and just wanted to continue our discussion, so am reaching out via email.

I am very grateful that you reached out, both you and Chad, and we are here to help you through all of the necessary steps to get you operational. We will just need a couple of items or actions to take places:

1. Cease all of the dine-in operations. Create a plan to place tables out of service by either placing the chairs on top of the tables or using some mechanism to make the tables inaccessible to patrons.
2. You can still have a waiting area for to-go orders, please ensure that the area is stationed so that seats are 6' apart for your patrons
3. Please write up a plan on what will be your operations moving forward, such as:
  - a. To – go, Delivery, Curbside or outdoor dining only
  - b. Tables will be placed out of service and dine-in operations will be prohibited
4. Once you have all of these mechanisms in place, we will need to resolve the penalty/fines that are currently assessed

Having completed everything, then we can move towards re-instating your operational permit.

If that works for you, please let me know when would be a good time to have an inspector come out to your facility so we can make this process quick and easy for you to get up an running.

Thank you very much Ken, I do appreciate you reaching out and engaging me and our Department in a solution.

Kind Regards,  
Amy

Amy Irani, REHS  
Director of Environmental Health

County of Nevada  
Environmental Health Division  
950 Maidu Avenue  
Nevada City, CA 95959-8617  
(530) 265-1464  
[amy.Irani@co.nevada.ca.us](mailto:amy.Irani@co.nevada.ca.us)

To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better whether by a healthy child, a garden path or a redeemed social condition; to know even one life has breathed easier because you lived. This is to have succeeded. ~R.W. Emerson



**COUNTY BUILDING CLOSURE - EH DEPARTMENT IS CURRENTLY TELEWORKING**  
WE ARE CONTINUING TO ANSWER PHONE CALLS AND ACCEPTING PLAN REVIEWS VIA DIGITAL SUBMITTAL OR DROP OFF AT THE ROOD CENTER. PLEASE CALL THE EH MAIN LINE (530) 265-1222 OPTION #3 OR EMAIL OUR DEPARTMENT AT [ENV.HEALTH@CO.NEVADA.CA.US](mailto:ENV.HEALTH@CO.NEVADA.CA.US) AND WE WILL GET BACK WITH YOU AS QUICKLY AS POSSIBLE.  
PLEASE STAY SAFE, HEALTHY AND TAKE CARE  
YOUR EH TEAM

--

**Ken R Paige**  
Eat your food with gladness & drink your wine with a joyful heart (Ecclesiastes 9:7)  
**Proprietor Friar Tuck's Restaurant & Bar**  
111 Pine Street  
Nevada City, California 95959  
408-209-6310

# **EXHIBIT 29**

**August 3, 2020 1:00pm Empire Room, ERAC**

**Meeting with:**

**Steven Bailey (attorney);**

**Friar Tucks owners: Ken, Donna and Chad Paige;**

**Old Town Café Owners: Lisa & Robin Buckman**

**Kit Elliott (CoCo)**

**Amy Irani, EHD**

Notes:

Meeting started at 1pm. Kit did introductions and informed everyone that the County is grateful for everyone coming in to meet with the County. Spoke briefly about the Care funding and \$3M going out to assist the community. In contact with Counties and discussions, and our Board's desire to understand the economic impact. Those businesses operating outside of the rules, when others are operating within the rules or guidelines, there should be accountability for the community.

Amy: Talked about the working with city entities to create outdoor dining; and looking for resolutions for facilities to continue operations w/the restrictions.

Steven Bailey talked about being thankful for the County to have this meeting. It is not suitable for outdoor seating with it being 102F on the asphalt and then when the weather changes, will not have outdoor capabilities with dining outside. Appreciate everything you have done, and my clients appreciate it as well. But need to come up with an alternative.

Need to address 2 items right now. The closure and the tolling of the closure orders. Want the removal of the closure orders, and our clients agree that they will maintain the closure of the dine-in operations. Friar Tucks have gone out and created some cutting-edge technology with the air quality and brought material to look at the system. Ionization of the air, and the technology that is affordable. The County could use the Cares act monies for to retrofit the establishments with this system. Wants to keep the discussion going so that we can continue to solve the problem and this problem needs to be solved statewide. Can tell us that not all of the restaurants are closed in the Counties across the State.

Kit stated that the Cities are closed.

Steven Bailey: Yes, agreed, Cities but Counties are not closed. Nevada County should be the leader as we are not on the watch list. In terms of the current situation of the closure orders, can we do something about them right now?

Kit – 2 things; when I spoke with you – we need the plan; from the operator.

Steven Bailey: we write them up right now, then the closure is over and there should be waiving of any fines. Friar Tucks to open right away.

Kit: explained that we could ‘stay’ the violations to hold the fines for 30 days; this would allow EH to inspect and open up as quickly as possible.

Steven Bailey: stated that he wants the facilities to open right now.

Amy: explained that there are fines for the operation w/out a permit that continued with Old Town. Friar Tucks closed per the closure requirement.

Kit: indicated that there could be a stay of the fines and have to make sure that the establishments are compliant. But there has to be a penalty with the act of not complying with the Governor’s Order.

Chad Paige: indicated that we were all trying to send a message, as we didn’t think the Governor’s message in a broad stroke was good for our County.

Kit: explained that we are stuck with the Governor’s order, and we are working with our State partners.

Steven Bailey: believes that there is a great amount of discretion now, that Counties can choose how to operate despite the Governor’s Order.

Kit: stated but not about indoor dining.

S. Bailey: at this moment right now want Old Town Café open and Friar Tucks open right now.

Kit: explained that she needs to talk to the Board, and to discuss the process of staying payment of the fines. If everyone complies, then would be willing to stay the fines for the next 30 days.

Robin Buckman: stated *“we were not being defiant and did not close to be a butthead, we barely survived the 60 days from the first shutdown. We have to put food on the table, and we have medical bills.”*

Kit: appreciated the sentiment from Old Town Café. Understand the issues with restaurants as have friends that own restaurants, and we do not want to just waive the fees, have to show a willingness to comply.

Ken Paige: *“I agreed with the first round, and as the information came out, it was a slap in the face to hear about the shut down again. It wasn't anger, it was something in our gut, that said its much more than complying. Anyone can comply. The reality is how much does Friar Tucks want to invest in something that bleeds out in two months? When we say comply, we say how much to I want to take out of my retirement plan? Yes, I'll do it for the community, but if I do not see a purpose, why bleed out? I have to count the cost. If the government or County announced today that they are cutting government both your paychecks by 75% - now what are you going to say? How much am I willing to invest my own for this community? Why take the equity out of my home? This is Nevada City, human beings, houses, has to do with our heart and our community. Human beings in the same room here, this has to be about having a heart that is bigger than money or our jobs, and we have to get on the humanity side. Not about us complying. Its about us saying is there a Heart in this community? We will not be overrun by outside influences, consider where we are, if we want to stay at Friar Tucks, to believe what you are telling us, that you are going to do the right thing for us. Talking about the Heart of our community. If I do not hear that from the government, then we need to decide if we close our doors”.*

Kit: The reason we have had only 1 death, is that there is an amazing team that is keeping the community safe and keep us in the current variance. If I do not help us to enforce this law, and we lose the variance, now we are going to have to shut down hair salons, etc. I hear every day about what this looks like, what the numbers are, where they are coming from. As CoCo I cannot have an opinion. We want our businesses to succeed; moved here for the arts, the music, the area. I hear the backstory, speaking to the physicians and getting medicine to the people that need it. It's important to understand the balance.



Steven Bailey: *“Ken talk briefly about the filtration system that he has put in. The idea is that what we are doing today cannot be sustained and is not uniform statewide. Nevada Co is more restrictive than San Diego County. We want to leave the meeting today with not just staying the fines and we are open we need to know that there is a way forward and work on a solution. If there is a solution that is available today that will address the concerns that EH has, then consider this system”.*

Steven requested meeting with Alison Lehman.

Kit: wants a stay of the fines and then EH would then need to rescind the current closure notice. Once the updated plan is in, EH Staff will inspect and photograph the seating area and the owner needs to designate the To-Go areas.

Meeting adjourned at 2:05pm.

**August 3, 2020 Meeting began at 2:05pm Empire Room/ERAC**

**Meeting with:**

**Gregg Lien, Attorney**  
**Yelena & Sergio Martignago of Sergio's Caffè**  
**Kit Elliott, CoCo**  
**Amy Irani, EHD**

Notes:

Kit introduces herself and thanks everyone for being present today, we are here to find a solution and here to come to an agreement.

Kit wanted me to speak about the Vegas Firefly incident.

Amy: talked about legal ramifications from illnesses that result in a food facility – MarlerClark.

Kit emphasized that even the County has to have a plan in place to ensure that we are keeping our staff safe.

Yelena said that this is not what was told to us; that we asked Nicole what would happen legally if we got sued, and Nicole told us that we would need to consult with an attorney.

Amy: that is correct, she guided you correctly to contact an attorney that is what I would have told you.

Gregg Lien: stated to Yelena that he could help with the legal aspects.

Sergio: spoke and stated that they stayed open and continued dine-in operations. And we did not close immediately, and we were told we had to close, and we only had one day's notice and we decided to close.

Kit – what we want to get you back to up and running. We need you to update your plan going forward and re-open without dine-in operations.

Sergio: *“Do we have local representation? I do not want to kill anyone, myself my staff my wife. Not doing this for the dollar, the dollar yes, it helps. I'm doing it because I feel oppressed and it hurts because this is America. And I should not feel oppressed because this is America. Because this is oppression and the Governor has oppression. And the Governor should say that we do not have an issue.”*

Kit – there are 2 pieces to that. 1 you have the public health officers that are independent from the politicians, in order to protect people. Protecting people can feel like oppression. I am speaking regularly to our PH officer in order to keep the variance that we have from the State. We have done training, have isolated, PH has hired staff, and bringing the people who are isolated food. It is very complex and intense. It is a ball that is rolling and even though our #s are good, we are on the verge of the variance over. Then we are shutting down the salons, and other things that are open. We do not want to see this happen. The other piece is that we are not keeping everyone from getting sick, it is keeping people from getting sick and dying because the County does not have the resources to help them. Our PH officer and our PH Director have gone to the ends of the earth to help patients recover. We can't keep everyone safe, and it would be devastating to not be able to treat our sick.

*Yelena “I’m an immigrant, got my naturalization, paid my fees and never asked for handouts. Sergio celebrated 45 years in America. I have almost 15 years as a citizen. I pay our bills we pay our taxes. Never had late fees. We didn’t ask the County to take care of us or the Governor to take care of us. I am a responsible citizen. I do not understand why someone comes and dictates how I should organize in my house how I do anything. Homeless areas and situation, Brunswick basin. How about that, what about the homeless. Another part, no one is bringing up cures. All phase air conditioning has as system, we are willing to install the ultraviolet air systems to help. My Mother has worked in the surgery department in the Ukraine, and when I was 5 years old, they implemented the UV lights. In surgery they would turn on the UV lights, turn it on and kills on the viruses; we can do something like this. There are a lot of cures. Why do we have to shut up the economy? When we first closed, everyone was crying, psychological effects”.*

Kit – as a county we have an amazing group of people helping. The BOS created a fund to get monies out to the businesses.

*Sergio – “we appreciate that we are here, and you all are under tremendous pressures, from the business side and the medical institutions. In the beginning, was Dr. Fauci said do not go to the hospital, but then we had to protect ourselves. Why not come up with a solution, and now I have*

*become a rebel and it is not where I want to be. I am risking my health, and my retirement and my wife's health. I do not see a national level of effort of officials to solve the problem right away so there are not so many unintended consequences. The destruction of lives, families and if we do not have financial resources, we will also be in trouble and my point is with what I am reading and doctors that have been in business for many years. Hydroxychloroquine and zinc, so I do not understand that there is not an interest here, these cures work."*

Kit: I hear what you are saying. I get it. We are both law enforcers we are not policy makers (speaking about me and her). I am here to discuss your business moving forward. Your community right now, is saying to us, why aren't you doing more to make people come into compliance.

Lena and Sergio stated this is not correct. They are scared.

Kit: the question I am trying to come back to. Right now, we have the Governor's order which is the law. We do not have choices. We understand that you have shut down your interior operations. We want to move forward, to understand a plan that will cover the current mandate. Right now, we have fines for operating w/out a permit. What we are prepared to do, to get through this, would agree with your attorney – to stay the fees for 30 days. Not removing the penalties/fines now.

At the end of 30 days, we will come back to have the discussion if you are doing everything okay, then would negotiate the fees being 3x the Annual permit fees. So that we can do this as quickly as possible, we will 'stay' the fines based upon operating w/out a permit. If you are prepared to go forward w/out the indoor dining and EH needs to confirm and will send Gregg an email with the fines.

Yelena – *"Amy it is your fault that we lost the contract with the plates program, you made us lose \$85,000, you punched me in the stomach, and it was wrong. It is your fault that we lost the money."*

Kit- it is not Amy's fault, it is not under her control it is a Public Health program and grant, Amy had nothing to do with it.

Yelena – *"Yes she did, it is her fault. It is all her fault."*

Gregg – back on the topic, so we can meet again maybe with our doctors to talk about cures.

Kit – adjourned the meeting at 3pm.

# **EXHIBIT 30**



COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
Sean Powers, Director  
ENVIRONMENTAL HEALTH DEPARTMENT  
Amy Irani, REHS, Director

950 MAIN AVENUE, SUITE #170  
NEVADA CITY, CA 95959  
PH: (530) 265-1222  
FAX: (530) 265-9853  
Env.Health@co.nevada.ca.us

**NOTICE  
REINSTATEMENT OF OPERATIONAL PERMIT**

August 4, 2020

Friar Tucks  
c/o Ken Paige and Chad Paige, Owners  
111 North Pine Street  
Nevada City, CA 95959

Attn: Ken R. Paige and Chad Paige, Owners

Friar Tucks / FA #1693: **Retail Food Facility Operating Permit Reinstated and Active**

Dear Mssrs. Paige,

The Nevada County Environmental Health Department would like to thank you for your cooperation with the July 13, 2020 State Order regarding dine-in operations at Friar Tucks located at 111 North Pine Street in Nevada City, CA.

On August 4, 2020, Environmental Health Inspector Nicole Johnson confirmed with you a scheduled inspection of your facility for August 5, 2020 at 1:00pm. The site inspection is to confirm the implementation of the necessary steps to cease dine-in operations. Per Ms. Johnson, you are utilizing this afternoon to work on the interior moving chairs, server stations and other furniture in preparation for the August 5, 2020 inspection.

Based upon the email you sent to me which updates the Friar Tucks current operational plan and the current efforts you are making to comply for the inspection of your facility, your permit to operate has been reinstated and is active as of August 4, 2020. The Nevada County Environmental Health Department, in the spirit of cooperation and good faith, pending your inspection tomorrow at 1:00pm, will activate your permit today, August 4, 2020.

Thank you, Mssrs. Paige, for your cooperation, and if my Department can provide any assistance to support you in the future, please reach out to me anytime via phone (530) 265-1222 or via email [amy.irani@co.nevada.ca.us](mailto:amy.irani@co.nevada.ca.us).

Sincerely,

*Amy Irani*

Amy Irani, REHS  
Environmental Health Director  
County of Nevada

ec: Kit Elliot, County Counsel, County of Nevada  
Steve Bailey, Attorney for Ken R. Paige and Chad Paige [steven@stevenbailey.org](mailto:steven@stevenbailey.org)  
Ken R. Paige [kenrpaige@gmail.com](mailto:kenrpaige@gmail.com)

# **EXHIBIT 31**





COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
Sean Powers, Director  
ENVIRONMENTAL HEALTH DEPARTMENT  
Amy Irani, REHS, Director

950 MAIN AVENUE, SUITE #170  
NEVADA CITY, CA 95959

PH: (530) 265-1222  
FAX: (530) 265-9853

[Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)

**NOTICE  
REINSTATEMENT OF OPERATIONAL PERMIT**

August 4, 2020

Old Town Cafe  
c/o Robin and Lisa Buckman, Owners  
110 Mill Street  
Grass Valley, CA 95945

Attn: Robin and Lisa Buckman, Owners

Old Town Cafe / FA #1201: **Retail Food Facility Operating Permit Reinstated and Active**

Dear Mr. and Mrs. Buckman,

The Nevada County Environmental Health Department would like to thank you for your cooperation with the July 13, 2020 State Order regarding dine-in operations at Old Town Café located at 110 Mill Street in Grass Valley, CA.

On August 4, 2020, Environmental Health Inspector Antonia Powers performed an onsite inspection of your facility and documented that you have implemented the necessary steps to cease dine-in operations.

Based upon the inspection findings, along with the update to your workplace specific plan, your permit to operate has been reinstated and is active as of August 4, 2020.

Thank you, Mr. and Mrs. Buckman, for your cooperation, and if my Department can provide any assistance to support you in the future, please reach out to me anytime via phone (530) 265-1222 or via email [amy.irani@co.nevada.ca.us](mailto:amy.irani@co.nevada.ca.us).

Sincerely,

*Amy Irani*

Amy Irani, REHS  
Environmental Health Director  
County of Nevada

ec: Kit Elliot, County Counsel, County of Nevada  
Steve Bailey, Attorney for Robin and Lisa Buckman [steven@stevenbailey.org](mailto:steven@stevenbailey.org)  
Robin Buckman [buckmanrb@icloud.com](mailto:buckmanrb@icloud.com)  
Lisa Buckman [lisa7ruby22@yahoo.com](mailto:lisa7ruby22@yahoo.com)

# **EXHIBIT 32**

**From:** Nicole Johnson /O EXCHANGE/ABS/O EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9F88946F22D24344B3DAAD378F643D81-NICOLE JOHN>  
**To:** Ken Paige  
**CC:** Amy Irani; Antonia Powers  
**Sent:** 8/4/2020 9:02:28 AM  
**Subject:** Friar Tucks Site Visit

Good Morning Mr. Paige,

I have been instructed by my supervisor Amy Irani, to schedule a time to meet with you on site at your food facility to assess the status of your food facility and discuss and review your written covid mitigation worksite specific plan. Please let me know if you would like to meet today, and if so, what time would work for you. Thank you Mr. Paige.

**Nicole Johnson, REHS**

Environmental Health Specialist II  
County of Nevada  
Environmental Health Division  
950 Maidu Ave. Suite 170  
Nevada City, Ca. 95959  
Phone: (530) 265-1531  
Fax: (530) 265-9853

*Wash your hands, keep 6 ft. social distance, wear a mask and be well. Visit <https://www.mynevadacounty.com/2924/Coronavirus>*

# **EXHIBIT 33**



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
Sean Powers, Director  
**ENVIRONMENTAL HEALTH DEPARTMENT**  
Amy Irani, REHS, Director

950 MAIDU AVENUE, SUITE #170  
NEVADA CITY, CA 95959

PH: (530) 265-1222  
FAX: (530) 265-9853

[Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)

April 22, 2021

Friar Tucks  
c/o Ken Paige and Chad Paige, Owners  
111 North Pine Street  
Nevada City, CA 95959

Attn: Ken R. Paige, Owner

Friar Tucks / FA #1693: **Retail Food Facility Operating Permit COVID Fines**

Dear Mr. Paige,

On July 21, 2020, the Nevada County Department of Environmental Health (NCDEH) issued a Notice of Violation with immediate closure to you at your establishment, Friar Tucks located at 111 North Pine Street in Nevada City, CA.

Subsequent to the issuance of the Notice of Violation, on August 3, 2020, Kit Elliott, Nevada County Counsel and I met with you and your attorney regarding the Notice of Violation and fines associated with the permit suspension (3x the annual permit fee or \$2,883.00). It was agreed that your restaurant would come into compliance and your permit was therefore restored. Based on your cooperation at that time the County agreed to reduce the fines to the amount of 1x the annual permit fee or \$961.00.

You have not yet submitted the fines based on the invoices sent to you dated October 22, 2020 and the same invoice is enclosed with this letter. The invoice represents the fines as agreed to by the County and payment for said fines is due in full upon receipt. Once your fine payment is made in full, the NCDEH will proceed with processing the current year permit payment submitted. At this time, the payment submitted for current year permit fees is on hold until the fines are paid in full.

Thank you, Mr. Paige, for your cooperation, and if NCDEH can provide any assistance to support you in the future, please reach out to me anytime via phone (530) 265-1222 or via email [amy.irani@co.nevada.ca.us](mailto:amy.irani@co.nevada.ca.us).

Sincerely,

Amy Irani, REHS  
Environmental Health Director  
County of Nevada

Enclosure

cc: Kit Elliot, County Counsel, County of Nevada  
Steve Bailey, Attorney for Ken R. Paige and Chad Paige [steven@stevenbailey.org](mailto:steven@stevenbailey.org)  
Ken R. Paige [kenrpaige@gmail.com](mailto:kenrpaige@gmail.com)

INVOICE#: IN0032934



Nevada County Community Development Agency  
 Department of Environmental Health  
 950 Maidu Avenue, Suite 170  
 Nevada City, CA 95959-861  
 (530) 265-1222

Ken R Paige  
 c/o Friar Tucks  
 111 North Pine Street  
  
 Nevada City, CA 95959

Owner: Ken Paige

Site: Friar Tucks  
 111 N Pine St  
 Nevada City, CA 95959

A/R #	Facility #	<b>*This Invoice is due upon receipt*</b>
AR0001694	FA0001693	

Date	Program Element	Record ID #	Description	Penalty Amount
10/22/2020	4996		4996 Public Health Referral/Complaint	\$ 961.00
<b>Total Penalties Due :</b>				<b>\$ 961.00</b>

This invoice is due upon receipt.  
 If not paid in full within 30 days of the statement date additional penalties may be applied  
 Make Check Payable To: County of Nevada EH  
 To pay this invoice online please go to: <https://payments.lexisnexis.com/ca/nevada/cda>  
 - click on "Environmental Health" -Type of Service = Invoice #

List of California Retail Food Code violations that resulted in the penalties listed above:

114381.

- (a) A food facility shall not be open for business without a valid permit.
- (b) A permit shall be issued by the enforcement agency when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements of this part.

114387.

Any person who operates a food facility shall obtain all necessary permits to conduct business, including, but not limited to, a permit issued by the enforcement agency. In addition to the penalties under Article 2 (commencing with Section 114390), violators who operate without the necessary permits shall be subject to closure of the food facility and a penalty not to exceed three times the cost of the permit.

# **EXHIBIT 34**



**COUNTY OF NEVADA**  
**COMMUNITY DEVELOPMENT AGENCY**  
Sean Powers, Director  
**ENVIRONMENTAL HEALTH DEPARTMENT**  
Amy Irani, REHS, Director

930 MAIN AVENUE, SUITE #170  
NEVADA CITY, CA 95959

PH: (530) 265-1222  
FAX: (530) 265-9853

[Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)

April 22, 2021

Old Town Cafe  
c/o Buckman Enterprises LLC  
110 Mill Street  
Grass Valley, CA 95945

Attn: Robin Buckman/Buckman Enterprises LLC, Owner

Old Town Cafe / FA #1201: **Retail Food Facility Operating Permit COVID Fines**

Dear Mr. Buckman,

On July 21, 2020, the Nevada County Department of Environmental Health (NCDEH) issued a Notice of Violation with immediate closure to you at your establishment, Old Town Café located at 110 Mill Street in Grass Valley, CA.

Subsequent to the issuance of the Notice of Violation, on August 3, 2020, Kit Elliott, Nevada County Counsel and I met with you and your attorney regarding the Notice of Violation and fines associated with the permit suspension (3x the annual permit fee or \$2,018.10). It was agreed that your restaurant would come into compliance and your permit was therefore restored. Based on your cooperation at that time the County agreed to reduce the fines to the amount of 1x the annual permit fee or \$672.70.

You have not yet submitted the fines based on the invoices sent to you dated October 22, 2020 and the same invoice is enclosed with this letter. The invoice represents the fines as agreed to by the County and payment for said fines is due in full upon receipt. Once your fine payment is made in full, the NCDEH will proceed with processing the current year permit payment submitted. At this time, the payment submitted for current year permit fees is on hold until the fines are paid in full.

Thank you, Mr. Buckman, for your cooperation, and if NCDEH can provide any assistance to support you in the future, please reach out to me anytime via phone (530) 265-1222 or via email [amy.irani@co.nevada.ca.us](mailto:amy.irani@co.nevada.ca.us).

Sincerely,

Amy Irani, REHS  
Environmental Health Director  
County of Nevada

Enclosure

cc: Kit Elliot, County Counsel, County of Nevada  
Steve Bailey, Attorney for Robin Buckman [steven@stevenbailey.org](mailto:steven@stevenbailey.org)  
Robin Buckman [buckmanrb@icloud.com](mailto:buckmanrb@icloud.com)



INVOICE#: IN0032933



Nevada County Community Development Agency  
 Department of Environmental Health  
 950 Maidu Avenue, Suite 170  
 Nevada City, CA 95959--861  
 (530) 265-1222

Owner: Buckman Enterprises LLC

Buckman Enterprises LLC  
 c/o Old Town Cafe  
 110 Mill St  
 Grass Valley, CA 95949

Site: Old Town Cafe  
 110 Mill St  
 Grass Valley, CA 95945

A/R #	Facility #	<b>*This Invoice is due upon receipt*</b>
AR0001202	FA0001201	

Date	Program Element	Record ID #	Description	Penalty Amount
10/22/2020	4996		4996 Public Health Referral/Complaint	\$ 672.70
<b>Total Penalties Due :</b>				<b>\$ 672.70</b>

**This invoice is due upon receipt.**  
 If not paid in full within 30 days of the statement date additional penalties may be applied  
 Make Check Payable To: County of Nevada EH  
 To pay this invoice online please go to: <https://payments.lexisnexis.com/ca/nevada/cda>  
 - click on "Environmental Health" -Type of Service = Invoice #

List of California Retail Food Code violations that resulted in the penalties listed above:

114381.

- (a) A food facility shall not be open for business without a valid permit.
- (b) A permit shall be issued by the enforcement agency when investigation has determined that the proposed facility and its method of operation meets the specifications of the approved plans or conforms to the requirements of this part.

114387.

Any person who operates a food facility shall obtain all necessary permits to conduct business, including, but not limited to, a permit issued by the enforcement agency. In addition to the penalties under Article 2 (commencing with Section 114390), violators who operate without the necessary permits shall be subject to closure of the food facility and a penalty not to exceed three times the cost of the permit.