



Public Health
Prevent. Promote. Protect.

Peoria City/County
Health Department
Health Protection Division
Environmental Health

June 13, 2020

HAND DELIVERY

[REDACTED]
Peoria Illinois 61614

RE: Cease and Desist Notice for Indoor Consumption

Dear Ms. [REDACTED]

This Department has received several complaints regarding the operation of on-premise indoor dining at the establishment known as [REDACTED] Peoria, Illinois. Several media and social media posts have advised and made it apparent that said establishment is open for indoor dining. As per the Executive Orders issued by the Illinois State Governor in response to the COVID-19 pandemic, on-premise consumption at restaurants and bars has been prohibited since March 16, 2020, and as of May 29, 2020, allows for outdoor dining only for on-premise consumption. Indoor dining is still prohibited, and therefore you are in violation of the following:

Executive Order 2020-38, which states:

- e. **Requirements for restaurants and bars.** All businesses that offer food or beverages for on-premises consumption—including restaurants, bars, grocery stores, and food halls—must suspend service for and may not permit on-premises consumption, except as permitted by DCEO guidance. Such businesses are permitted and encouraged to serve food and beverages so that they may be consumed off-premises, as permitted by law, through means such as in-house delivery, third-party delivery, drive-through, and curbside pick-up. In addition, customers may enter the premises to purchase food or beverages for carry-out. However, establishments offering food or beverages for carry-out, including food trucks, must ensure that they have an environment where patrons maintain adequate social distancing.

Bars and restaurants located in airports, hospitals, and dining halls in colleges and universities are exempt from the requirements of this Executive Order. Hotel restaurants may continue to provide room service and carry-out. Catering services may continue. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Executive Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only.

All businesses covered in this section may permit outdoor on-premises food and beverage consumption in accordance with DCEO guidance and when permitted by local ordinances and regulations.

Additionally, gatherings of ten (10) people or more are prohibited, and social distancing guidelines must be followed in order to remain in good standing with the Peoria City/County Health Department, the County of Peoria, and all other local and state regulatory authorities.

Please be advised that a facility that does not voluntarily comply with Executive Order 2020-38 or the Control of Communicable Diseases Code may be ordered to close by a local health department. See 20 ILCS 2305/2(b). Local and statewide law enforcement may assist the local health department in bringing an enforcement action if the facility does not comply with the closure order. See 77 Ill. Adm. Code 690.1340(a). Failure to comply with the closure may result in criminal penalties. 20 ILCS 2305/8.1.

Please be further advised Chapter 10, Food Safety of the Peoria County Code States:

Section 10- 29 Additional Requirements

- A. If necessary to protect against public health hazards or nuisances, the Health Authority may impose specific requirements in addition to the requirements contained in this Chapter.
- B. The Health Authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the license applicant or license holder, and a copy shall be maintained in the Health Department file for the food establishment.

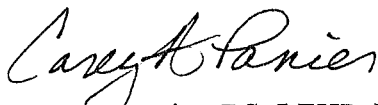
All involved parties must cease and desist all indoor onsite consumption of food and/or drink, from the aforementioned food establishment upon receipt of this letter. Additionally, indoor dining operations may not continue until approval is given to do so.

Illinois Department of Commerce and Economic Opportunity (“DCEO”) guidance for permitting onsite outdoor dining is available at restorehoi.com website. If you are unable to obtain this guidance we can provide upon request.

Failure to cease and desist said activities could result in suspension and/or revocation of your Food Safety License and will result in a referral to the State's Attorney's Office for legal action and license revocation.

Please contact Corine Peplinski, Environmental Health Training Specialist, at 309.679.6161 with any questions or concerns regarding these requirements.

Respectfully,



Carey A. Panier, BS, LEHP, REHS/RS
Director of Environmental Health

Cc: Peoria County State's Attorney's Office
Thomas Devore, tom@silverlakelaw.com, 118 North Second St., Greenville, IL 62246
PRPeoria, LLC, 301 Valley View Ct., East Peoria, IL 61611



Public Health
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Peoria City/County
Health Department
Health Protection Division
Environmental Health

June 13, 2020

HAND DELIVERED



Edwards, IL 61528

RE: Notice of License Revocation

Dear Mr. [REDACTED]

On June 3, 2020, personnel representing this Department performed a complaint inspection at your establishment known as [REDACTED] Edwards, Illinois. This inspection was conducted because this Department received several complaints regarding the operation of on-premise indoor dining at the previously referenced establishment. Several banners and yard signs were noted outside and on the building advertising indoor seating. A cease and desist notice was hand-delivered to you on this day as well, and the Peoria County Food Safety License number 20-208 issued to Jubilee Café was suspended. Both, the cease and desist letter and inspection report were left with you even though you refused to sign, and you further advised Ryan McConnell, Environmental Health Specialist II, that you would not close or comply with the Executive Orders issued by the Illinois State Governor in response to the COVID-19 pandemic. Customers were also noted dining inside at the time of this visit.

On June 4, 2020, this Department received a report from the Peoria County Sheriff's Department that [REDACTED] was still in operation even though the license to operate a food service establishment was suspended the previous day. Operating without a valid Peoria County Food Safety License is subject to a minimum penalty fee of \$200, due immediately, in addition to the license reinstatement fee of \$250 should the establishment return to compliance and the license be reinstated.

Please be advised you may also be subject to additional penalty fees as outlined in Chapter 10, Food Safety, of the Peoria County Code which states the following:

Section 10-45 Penalties Other Than Suspension and Revocation of Licenses

Pursuant to the Board's authority under Section 5-20003 of the Counties Code, 55 ILCS 5/520003, any person that violates any provisions of this Chapter shall be guilty of a class B misdemeanor, and upon conviction thereof, shall be punished by a term of imprisonment for not more than six (6) months, by a fine not to exceed one thousand five hundred dollars (\$1500.00), or by both such term and fine. Each day upon which a violation occurs shall constitute a separate violation (emphasis added).

In addition to suspension, revocation, criminal conviction, or other remedy, the Health Authority may seek an injunction against any license holder or person violating this Chapter, as provided in the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 625/1 et seq.

Be further advised, Chapter 10, Food Safety of the Peoria County Code states the following:

Section 10- 29 Additional Requirements

- A. If necessary to protect against public health hazards or nuisances, the Health Authority may impose specific requirements in addition to the requirements contained in this Chapter.
- B. The Health Authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the license applicant or license holder, and a copy shall be maintained in the Health Department file for the food establishment.

As a result of the establishment's operation without a valid Peoria County Food Safety License and continual failure to comply with the Executive Orders issued by the Illinois State Governor in response to the COVID-19 pandemic by allowing indoor dining, **this Department has no other choice but to move forward with revocation of [REDACTED] Food Safety License in accordance with Chapter 10, Food Safety of the Peoria County Code.** This letter shall serve as [REDACTED] notice of revocation. Important rights are further outlined below:

Section 10-41 Revocation

For serious or repeated violations of any provisions of this Chapter or for interference with the Health Authority in the performance of its duties, the Health Authority may hold a hearing to permanently revoke a license. The license holder shall be given notice of the revocation and shall be notified of the opportunity to request a hearing before the Health Authority. Prior to such action, the Health Authority shall notify the license holder that the License is subject to revocation and advise that the License shall be permanently revoked at the end of ten (10) business days following service of such notice unless a request for a hearing is filed with the Health Authority by the license holder within five (5) business days of when the notice was served.

- A. An establishment who has two (2) compliance conferences during a twelve-consecutive month period and fails to meet the agreed upon compliance plan shall constitute grounds for permanent revocation.
- B. Two (2) suspensions during a twelve-consecutive-month period shall constitute grounds for permanent revocation.

The Health Authority may refuse to issue a License for a period of two years to any applicant who had an interest in ownership or management of a food establishment whose Food Safety License has been revoked (emphasis added).

Section 10-42 Hearings

The hearings provided for in this section shall be conducted by Health Authority at a time and place designated by it. Based upon the record of such hearing, the Health Authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing.

Said hearings shall be conducted in accordance with rules adopted by the Health Authority.

All hearings shall be conducted so as to provide the parties with written notice of the hearings, adequate time to prepare, the right to present evidence in support of their position. The licensee may attend the hearing with or without benefit of assistance by legal counsel and/or witnesses, or may be represented by legal counsel. All hearings shall be conducted in an informal manner, with consideration to all parties.

The formal rules of evidence shall not apply; however, the hearing body may exclude irrelevant or immaterial evidence. The hearing body may ask questions of any witness to clarify a point or to assist the body in reaching a decision. Written notice of the hearing to a party may be waived by that party.

A written summary of the enforcement proceedings shall be made by the Health Authority and a copy provided to the licensee upon request.

The Health Authority shall make a decision based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written copy of such decision shall be furnished to the licensee.

Section 10-43 Appeals

A license holder or operator whose license has been suspended or revoked may make a written request to the Health Authority for a hearing to contest the conditions of the suspension or revocation within five (5) business days of the notice being served.

Any food establishment for which the license has been suspended or revoked shall remain closed during those periods when an appeal and/or a hearing is being sought or under consideration.

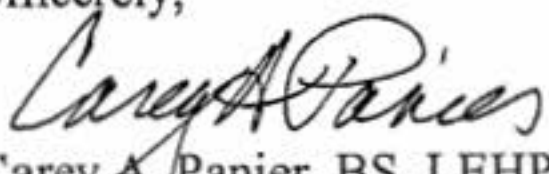
The license holder may appeal the final decision of the Health Authority to the Peoria County Board of Health.

The decision of each appeal body shall be final (emphasis added).

license has been revoked, and failure to cease operations as of June 23, 2020, will result in permanent revocation of Food Safety License, and a referral to the State's Attorney's Office for further legal actions, which could lead to fines and criminal charges. It is advisable to consult with your insurance carrier about coverage in the event your Food Safety License is suspended.

Please contact Ryan McConnell, Environmental Health Specialist II, at 309-679-6161 with any questions.

Sincerely,


Carey A. Panier, BS, LEHP, REHS/RS
Director of Environmental Health

Cc: State's Attorney's Office – Jennie Cordis Boswell
Thomas Devore, tom@silverlakelaw.com, 118 North Second St., Greenville, IL 62246
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