County of San Diego

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WILMA J. WOOTEN, M.D.
PUBLIC HEALTH OFFICER

ORDER OF THE HEALTH OFFICER
(Immediate Closure of Hernandez Hideaway)

Pursuant to Executive Order N-33-20 issued by the Governor of the State of California, and by Order of the State Health Officer ("Stay-at-Home Order"), all individuals living in the State of California are to stay at home or in their place of residence except as needed to maintain the continuity of operations of the federal critical infrastructure sectors.

On May 7, 2020, the State Health Officer then set out California's path forward from this Stay-at-Home Order in California's Pandemic Roadmap. That Roadmap identifies four stages of the pandemic: safety and preparation (Stage 1), reopening of lower-risk workplaces and other spaces (Stage 2), reopening of higher-risk workplaces and other spaces (Stage 3), and finally an easing of final restrictions leading to the end of the stay at home order (Stage 4). San Diego County is currently in Stage 3 of the Roadmap under a variance issued by the California Department of Public Health on May 21, 2020—which allows in-person dining.

Under the Health Officer Order and Emergency Regulations in effect in the County of San Diego all reopened businesses shall implement the Safe Reopening Plan or COVID-19 Restaurant Operating Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Safe Reopening Plan or COVID-19 Restaurant Operating Protocol must ensure all required measures are implemented. Any business that fails to comply with its Safe Reopening Plan or COVID-19 Restaurant Operating Protocol may be required to close.

All restaurants in San Diego, including the Hernandez Hideaway, were authorized to reopen in-person dining on May 21, 2020. Upon reopening, the Hernandez Hideaway did not effectively implement a COVID-19 Restaurant Operating Protocol to ensure social distancing and sanitation, and is in violation of Health Officer Order and Emergency Regulations. The relevant facts are as follows:

1. On May 29, 2020, the County of San Diego Department of Environmental Health (DEH) conducted a status verification inspection and determined that social distancing and sanitation protocols were not in place, nor were employees wearing face coverings. DEH staff addressed this while on site with the employees and Owner of the facility, Rick Stevens.

2. On June 12 and 21, 2020, the County of San Diego Sheriff's Department went out to Hernandez Hideaway and have observed restaurant, have attempted to elicit voluntary compliance from the facility, and have observed staff not wearing face coverings.
3. On June 23, 2020, Sheriff's Department communicated with the restaurant in response to a complaint regarding staff not wearing face coverings to try to elicit compliance with Health Order requiring facial covering.
4. On June 23, 2020, DEH responded to a complaint for Hernandez Hideaway and contacted Mr. Rick Stevens to address the complaint and again provide education on the Health Order and state guidelines. Mr. Stevens admitted that he was not compliant and stated he will continue to operate without these COVID preventative measures and will not require staff to wear face coverings.

Despite County efforts to educate and enforce the health officer's order, the Hernandez Hideaway's failure to safely operate in-person dining at the Hernandez Hideaway is an imminent health and safety risk and an imminent health hazard.

Pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (Health Officer) **ORDERS AS FOLLOWS**:

1. **The Hernandez Hideaway restaurant located at 19320 Lake Drive, Escondido, California shall be immediately closed**.

2. In order to reopen to the public the owner/operator shall prepare a revised COVID-19 Restaurant Operating Plan and submit it to the Health Officer. Upon review of a revised Plan, the Health Officer may rescind this Order if it can be shown that social distancing and sanitation standards will be followed in Hernandez Hideaway.

3. This Order shall be posted at the entrance of the building.

4. Violation of this Order is subject to fine, imprisonment, or both. (California Health and Safety Code section 120295.)

5. This Order may be enforced by the Sheriff pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029.

IS SO ORDERED:

Date: June 25, 2020

Wilma J. Wooten, M.D., M.P.H.
Public Health Officer
County of San Diego