

PHIL WEISER
Attorney General

NATALIE HANLON LEH
Chief Deputy Attorney General

ERIC R. OLSON
Solicitor General

ERIC T. MEYER
Chief Operating Officer



RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 10th Floor
Denver, Colorado 80203
Phone (720) 508-6000

STATE OF COLORADO
DEPARTMENT OF LAW

Office of the Attorney General

July 28, 2020

Via Mail and Email

Live Entertainment Co
725 W. 39th Ave.
Eaton, CO 80615

**RE: Executive Order D 2020 091 and Eighth Updated Public Health Order 20-28
Safer at Home and in the Vast, Great Outdoors Requirements**

Dear Live Entertainment:

This office represents the Colorado Department of Public Health and Environment (CDPHE). It has come to CDPHE's attention that Live Entertainment is hosting events with large numbers of people. It is CDPHE's understanding, based on a review of available information and community complaints, that you have held at least two events in the past few weeks with attendees potentially reaching as many as 5,000 people. If correct, this action is in direct violation of Executive Order D 2020 091, issued by Governor Polis on June 1, 2020, and extended and amended by Executive Order D 2020 144, and the Eighth Amended Public Health Order 20-28, Safer at Home and in the Vast, Great Outdoors, issued by Jill Hunsaker Ryan, MPH, Executive Director of CDPHE on June 30, 2020.

Pursuant to C.R.S. § 24-33.5-704(2), Executive Order D 2020 091, and as extended and amended, has the full force and effect of law. Eighth Updated Public Health Order 20-28 is issued pursuant to the Governor's directive and CDPHE's power "to investigate and control the causes of epidemic and communicable diseases affecting the public health," C.R.S. § 25-1.5-102(1)(a)(I). Both the executive order and the public health order prohibit people from gathering in groups of ten or more unless specifically allowed by one of the orders.

Effective June 18, 2020, indoor and outdoor events are permitted as long as they operate within specific requirements. Eighth Amended Public Health Order 20-28 § I.H.4. An outdoor venue is permitted to host a maximum of 175 people within

their usable space calculated using the Social Distancing Space Calculator, excluding staff, per designated activity with a minimum of 6 feet of distance between individuals or non-household contacts. § I.H.4.a. Counties can seek a variance from the requirements of a public health order. § V. Weld county has not sought any variances.

If Live Entertainment Co is hosting events where more than 175 people are present per designated activity in an outdoor venue, or while not complying with the other terms of the order, that action would be a violation of Executive Order 2020 091 as extended and amended by Executive Order D 2020 144 and the Eighth Amended Public Health Order 20-28. **If that is the case, you are directed to immediately cease hosting events that violate the terms of the executive order and the public health order, or to otherwise bring those events into compliance with the orders.** This applies to any events you have in the future while these orders still apply.

If our understanding is incorrect, we ask you to share the details of your event management plan with us. CDPHE, and no doubt your local public health agency, would be willing to work with you to determine under what circumstances your events can move forward. However, immediate compliance with the orders is compulsory, and any future or continuing non-compliance will be subject to the full force and effect of injunctive relief to enforce Executive Order D 2020 091 and Public Health Order 20-28, including entry of a temporary restraining order.

Please contact us by August 3, 2020, at 9:00 a.m. to confirm that you are in compliance with the applicable executive and public health orders, or to discuss your plans to do so.

Sincerely,

FOR THE ATTORNEY GENERAL



W. Eric Kuhn
Senior Assistant Attorney General
Email: eric.kuhn@coag.gov