

City/Town of _____
Board of Health

CEASE AND DESIST ORDER AND PENALTIES
UNDER MASSACHUSETTS EMERGENCY COVID ORDERS and/or
M.G.L. c. 111, § 122
EFFECTIVE IMMEDIATELY

Date: _____

Name of Business/Landowner/Individual: _____

(Hereafter referred to as "Respondent")

Address of Business/Landowner/Individual: _____

(Multiple methods used, at least one to the Respondent's Address)

- Regular Mail
- Certified Mail
- Registered Mail
- Hand Delivered to Address
- Email
- Verbally/phone

RE: _____

The above-named Board of Health, working under the authority of the Governor's Emergency Orders, including, without limitation, COVID-19 Orders Numbered 33, 37, 38, 43, 44, 45, M.G.L. c. 277, § 70c and M.G.L. c. 111, § 122, hereby issues a **CEASE AND DESIST ORDER** to the Respondent identified above, for the reasons stated herein.

The specific violation(s) leading to the issuance of this Cease and Desist Order include one or more of the following:

- The Respondent is a business, organization, or enterprise that is **not an industry permitted to be open** under the currently achieved Phase of the scheduled "Phased Reopening" plans and has not closed their physical workplaces and facilities to workers, customers, and the public, pursuant to the applicable Massachusetts COVID-19 Orders.
- The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders mandating the **wearing of facial coverings, including masks,**

and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to **Isolation and Quarantine** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **maximum premises capacity** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **indoor and/or outdoor entertainment** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **proper “social distancing” of patrons or guests** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **food service** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **indoor and/or outdoor recreational activities** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **summer day camps** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **day care services** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **congregate living facilities** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **public gatherings** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders regulating **travel outside Massachusetts** and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

The Respondent has violated applicable laws and regulations pertaining to COVID-19 Orders as follows:

and is thereby endangering the general public by nuisance in violation of M.G.L. c. 111, §122.

PENALTIES:

Operation of Enterprise or Other Individual Action in Violation of COVID-19 Orders: Violation of terms of COVID-19 Order Nos. 33, 37 and 43 and 44 may result in a civil fine up to \$300 *per violation*, in the manner provided for in M.G.L. c. 277, § 70C, and M.G.L. c 40, §21D. The fine levied is _____

Prior to the issuance of this Cease and Desist Order, if the situation was **non-emergent**, the Respondent received a verbal consultation and redirection; a written redirection; and up to three escalating fines of not more than \$300.00 each, and the issues complained of herein have not been cured to the satisfaction of the Board of Health or its agent, which has resulted in the issuance of this Cease and Desist Order.

Failure to Abide by Travel Orders in Violation of COVID-19 Orders: Violation of terms of COVID-19 Order Nos. 33, 37, 43, 44 and 45 may result in a civil fine up to \$500 *per violation per person, per day*, in the manner provided for in M.G.L. c. 277, § 70C, and M.G.L. c 40, §21D. The fine levied is _____

Operation of Enterprise or Other Individual Action in Violation of Nuisance Statute: Violation of M.G.L. c. 111, § 122 & 123 may result in a civil fine up to \$1000 *per day per violation*.

You are hereby ordered to pay the amount of _____ by check or money order made payable to the **[city/town]** of **[name of city/town]** within twenty-one (21) days of receipt of this order to the address below.

ENFORCEMENT:

The Board of Health or its agent may be assisted by the Department of Public Health (travel orders) DPH.COVID.Complaints@mass.gov and/or the Massachusetts Department of Labor Standards ((508) 616-0461 x 9488, [online form](#), or email safepublicworkplacemailbox@mass.gov) for matters that fall within the statutory purview of those Departments, together with local Police or State Police in the enforcement of this Cease and Desist Order.

ABATEMENT:

Failure to submit proof of compliance with this Cease and Desist Order within one calendar day of receipt, to the above-named Board of Health via email at _____, may constitute a further violation punishable by additional fine(s) as set forth above. Approved COVID-19 PCR tests: <https://www.fda.gov/medical-devices/coronavirus-disease-2019-covid-19-emergency-use-authorizations-medical-devices/vitro-diagnostics-euas#individual-molecular>

APPEAL:

If you are aggrieved by this order, you have the right to request a Hearing before the above-named Board of Health. This request must be made by you, in writing and filed in the Board of Health office within seven (7) days after the date this Order was served or actually received. Any affected party has a right to appear at said hearing. At this hearing you will be given and opportunity to be heard and present witnesses and documentary evidence as to why this order should be modified or withdrawn. You may be represented by an attorney. You are also informed of your right to inspect and obtain copies of all relevant inspection and investigation reports, orders, notices and other documentary information in the possession of the Board of Health and that any adverse party has a right to be present at the hearing. If this is a housing issue and the premises are occupied as rental housing, the occupants are entitled to the statutory remedies provided. A copy of this notice has been provided to them.

Signed and Certified under pains and penalty of perjury by:

Name:

Date:

As agent of the **[city/town][health department/board of health]**

Address: _____

Phone Number/Email: _____

CC: