

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

April 2, 2020

Holy Smokes Tobacco Shop
180 First Street
Menominee, MI 49858

Hand Delivered

Re: Cease & Desist Notice (Executive Order of the Governor 2020-21)

To Whom It May Concern,

On March 10, 2020, Governor Gretchen Whitmer issued Executive Order 2020-4 declaring a state of emergency across the State of Michigan under sec. 1, art. 5 of the Michigan Constitution of 1963, the Emergency Management Act, MC 30.401, *et seq.*, and the Emergency Powers of the Governor Act of 1945, MCL 10.31, *et seq.*

Pursuant to those authorities, she subsequently issued Executive Order 2020-21 which prohibits any person or entity from operating a business or conducting operations that require workers to leave their homes or places of residence, except to the extent those workers are necessary to sustain or protect life or to conduct basic minimum operations. The Order is to be “construed broadly to prohibit in-person work that is not necessary to sustain or protect life.” See EO 2020-21, ¶1.

The Governor has posted “Guidance for Business” on the State’s website (www.michigan.gov/coronavirus) to help assist businesses in determining if their on-site operations are “necessary to sustain or protect life.” This page also has a Frequently Asked Questions (FAQ) section to address specific questions of interpretation related to the Executive Orders issued by the Governor. These FAQs can be viewed by clicking “Executive Orders, Directives & FAQs” on the black panel on the left side of the page. (https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-522631--,00.html)

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The Governor has posted the following guidance relevant to:

Q: Are tobacco shops, cigar bars, vape shops, and hookah lounges able to stay open under EO 2020-21?

A: No. These businesses are not considered critical infrastructure.

Despite this clear guidance, your store is still open and is maintaining on-site operations in violation of the Governor's Executive Order 2020-21.

Accordingly, in cooperation with the Menominee County Prosecutor we request that you take immediate action to ensure that your store is closed in compliance with the Governor's Order. The failure to voluntarily comply with this request will result in these complaints being forwarded to local law enforcement agencies for enforcement action.

We appreciate your prompt attention to this matter.

Sincerely,

/s/ Christina Grossi

Christina M. Grossi
Chief of Operations
Department of Attorney General

Jeffrey T. Rogg
Prosecuting Attorney
Menominee County