

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

April 14, 2020

Land Landscape Supplies, LLC
3770 Airline Road
Muskegon, MI 49442

Hand Delivered

Re: Cease & Desist Notice (Executive Order of the Governor 2020-42)

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 2020-42, which temporarily suspends activities that are not necessary to sustain or protect life. The Order is to be “construed broadly to prohibit in-person work that is not necessary to sustain or protect life.” See EO 2020-42, ¶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 Order 2020-42 FAQs at the top of the Governor’s Covid-19 Webpage. (https://www.michigan.gov/coronavirus/0,9753,7-406-98178_98455-525278--,00.html).

The Governor has posted the following guidance relevant to:

Q: May landscaping, lawncare, tree service, irrigation, and related outdoor maintenance companies operate under this order?

A: In nearly all cases, no. A business cannot designate workers to perform these services unless the service is necessary to maintain the safety, sanitation, and essential operations of a residence. This is a narrow exception that only permits in-person work that is strictly necessary to address a circumstance that immediately

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and genuinely impairs the habitability of a home during the emergency; the exception will be satisfied, at most, rarely. Routine concerns, such as about longer grass increasing insects, pests, or allergies, do not qualify. Nor can workers leave the home to perform these services at business facilities: the exception applies only to residences. Any necessary in-person work that is permitted under the order must be done in accordance with the mitigation measures required under section 10 of the order. The order does not prohibit homeowners from tending to their own yards as they see fit.

Despite this clear guidance, Land Scape Supplies, LLC is still open and is maintaining on-site operations in violation of the Governor's Executive Order 2020-42. Accordingly, in cooperation with the Muskegon County Prosecutor we request that you take immediate action to ensure that your business 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

DJ Hilson
Prosecuting Attorney
Muskegon County