

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



DANA NESSEL
ATTORNEY GENERAL

P.O. Box 30212
LANSING, MICHIGAN 48909

April 2, 2020

Grow Masters Indoor &
Outdoor Gardening Supplies
2900 10th 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)

The Governor has posted the following guidance relevant to Agriculture:

Food and Agriculture:

- Workers supporting groceries, pharmacies and other retail that sells food and beverage products.
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees.
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging.
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically.
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs.
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor managed inventory controllers and blockchain managers.
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail.
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids.
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products.

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. According 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.

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We appreciate your prompt attention to this matter.

Sincerely,

/s/ Christina Grossi

Christina M. Grossi
Chief of Operations

Jeffrey T. Rogg
Prosecuting Attorney
Menominee County