



Vanderburgh County Health Department

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STATE OF INDIANA

ADMINISTRATIVE ORDER OF VANDERBURGH COUNTY

SS: HEALTH DEPARTMENT

COUNTY OF VANDERBURGH

INVESTIGATION # 2020111

NON-COMPLIANCE OF EXECUTIVE ORDER 20-50, extended 20-53

K.C.'S TIME OUT LOUNGE
1121 WASHINGTON SQ MALL
EVANSVILLE, IN 47715

EMERGENCY ORDER TO CLOSE

TO: K.C.'S TIME OUT LOUNGE

ATTN: KERRY CHESSER JR., OWNER; CHAD BRADY, OPERATIONS MANAGER

1121 WASHINGTON SQ MALL
EVANSVILLE, IN 47715

You are NOTIFIED that the Environmental Director of the Vanderburgh County Health Department upon the direction of the Vanderburgh County Health Officer, pursuant to Ind. Code § 16-20-1-19; 16-20-1-21 and 16-20-1-24; Executive Order 20-32 Executive Order 20-35, and Executive Order 20-48 hereby **ORDERS YOU TO IMMEDIATELY CLOSE AND TERMINATE OPERATIONS VIOLATIVE OF** Executive Order 20-50: Section 3 paragraphs d, e; Section 4 paragraph a (iv); Section 4 paragraph b, c; and Section 6 paragraph a; **FACE COVERING REQUIREMENTS AND SOCIAL DISTANCING REQUIREMENTS** which the Vanderburgh County Health Officer deems necessary to prevent and stop the coronavirus pandemic ("COVID 19") at the establishment known as K.C.'S TIME OUT LOUNGE, located at 1121 WASHINGTON SQ MALL VANDERBURGH, INDIANA. This Order is based on the following:

1. K.C.'S TIME OUT LOUNGE an Establishment Providing In-Person Food and Drink Service Establishment is not following the orders set forth in the Executive Order 20-50, and all prior Executive Orders incorporated by reference in Executive Order 20-50 regarding social distancing and face covering requirements.
2. K.C.'S TIME OUT LOUNGE was found on 12/18/20 for non-compliance by INDIANA STATE EXCISE POLICE to cease those behaviors. On 11/2/20, 12/5/20, AND 1/16/21 INDIANA STATE EXCISE POLICE still observed the premise to be non-complaint by engaging in unsafe practices, not adhering to state mandated mask orders and not practicing social distancing.

3. Prior to the Governor's issuance of Executive Order 20-50, verbal warnings were given to **K.C.'S TIME OUT LOUNGE** on **10/23/20** and **12/04/20**, for non-compliance with prior Executive Orders of the Governor by INDIANA STATE EXCISE POLICE to cease engaging in unsafe practices, not adhering to state mandated mask orders and not practicing social distancing.
4. An Order to Cease and Desist those behaviors was issued on **12/21/20** by Christian Borowiecki, Environmental Director, of the Vanderburgh County Health Department and said Order was personally served upon **LINDSEY HAYDEN** by the Vanderburgh County Health Department on **12/21/20**.
5. An investigation regarding compliance with the Order to Cease and Desist for concert was conducted on **1/16/21**, and **K.C.'S TIME OUT LOUNGE** was still in breach of EXECUTIVE ORDER 20-50 and the Order to Cease and Desist.
6. As of the date of this order, **K.C.'S TIME OUT LOUNGE** has not remedied its breach of EXECUTIVE ORDER 20-50 and continues its failure to abide by the Order to Cease and Desist.

YOU ARE HEREBY ORDERED IMMEDIATELY TO CLOSE AND TERMINATE OPERATIONS VIOLATIVE OF Executive Order 20-50: Section 3 paragraphs d, e; Section 4 paragraph a (iv); Section 4 paragraph b, c; and Section 6 paragraph a., and TITLE 410 IAC 7-24 SECTIONS 109, AND 116.

FAILURE TO DO SO WILL RESULT IN REFERRAL TO THE VANDERBURGH COUNTY ATTORNEY FOR COMMENCEMENT OF ENFORCEMENT ACTION TO I.C. 16-20-1-25 AND 26.

Operation shall be closed for a period of seven (7) days. Resumption of operations shall occur only upon compliance with applicable laws and orders and written authorization of the Vanderburgh County Health Department upon approval of a COVID-19 mitigation plan.

If **K.C.'S TIME OUT LOUNGE** wishes to seek administrative review and/or a stay of effectiveness of this Notice pursuant to Ind. Code §§ 4-21.5-3-5 or §4-21.5-3-6, it must petition the Vanderburgh County Health Department, in writing, within fifteen (15) days after this Notice is hand delivered to **K.C.'S TIME OUT LOUNGE**. The petition must include facts demonstrating that:

- a. the petitioner is the person to whom the Order is specifically directed;
- b. the petitioner is aggrieved or adversely affected by the Order; and
- c. the petitioner is entitled to review under any law.

Said Petition to Review shall be filed no more than fifteen (15) days after your receipt of this Order. If no petition for review or stay of effectiveness is timely filed, this Order becomes a FINAL ORDER at that time.

Any Petition for review or stay of effectiveness will NOT act to enable K.C.'S TIME OUT LOUNGE to continue to operate in any manner that contravenes Executive Order 20-50. Continuing to do so shall result in additional enforcement action.

Any petition for review and/or petition for stay of effectiveness must be submitted in writing to:

VNDERBURGH COUNTY HEALTH DEPARTMENT
420 MULBERRY ST
EVANSVILLE, IN. 47713

So ORDERED this 20 day of January, 2021.

VANDERBURGH COUNTY HEALTH DEPARTMENT

Christian Borowiecki
Christian Borowiecki, Environmental Director

1/20/21
Date

[Signature]
Dr. Kenneth Spear
Vanderburgh County Health Officer

1/20/2021
Date

Personal Service Required

Served to: Chad Brady Signature: Refused to sign

Served by: Christian Borowiecki 20 Day of January, 2021