



99 Kings Highway, Dover, DE 19901
(302) 739 4271
business@state.de.us

June 30, 2020

Via email at Farmerslawyer@aol.com

Northbeach
c/o Alex Pires
125 McKinley Street
Dewey Beach, DE 19971

Mr. Pires:

In order to prevent, reduce the spread of, and suppress COVID-19 in Delaware, the Twenty-First Modification to the COVID-19 Delaware State of Emergency, signed by Governor John Carney on June 14, 2020, prohibits all “[s]ocial, community, recreational, and leisure events of more than two hundred and fifty (250) people . . . at all locations.” According to the Centers for Disease Control and Prevention (CDC), gatherings of more than two-hundred and fifty (250) people offer more opportunities for person-to-person contact and therefore pose greater risk of COVID-19 transmission. This prohibition applies to all large gatherings and events, whether indoors or outside. Individuals and businesses seeking to host a large gathering or event are required to submit a plan for consideration to the Division of Small Business at least seven (7) days prior to the event. A large gathering or event plan requires consideration of at least the following minimum requirements:

- The plan must consider information regarding the density of attendees within a confined area. Based on what is currently known about the virus, spread from person-to-person happens most frequently among close contacts, meaning individuals who are within six (6) feet of each other for ten (10) minutes or more.
- The plan must contain information regarding enforcement of social distancing.
- The plan must consider information regarding the level of transmission in the local community and the level of transmission in the areas from which attendees will travel.

In consultation with the Division of Public Health, the Division of Small Business will approve or deny a large gathering or event plan.



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The Division of Small Business has become aware that you intend to host a fireworks event of more than two-hundred and fifty (250) people on Saturday, July 4, 2020 in Dewey Beach, DE. Based on public postings and advertisements, you are actively encouraging people to crowd your establishments, including encouraging standing room at your restaurants which is currently prohibited, and the public beach in Dewey Beach. Because you are hosting an event of more than two-hundred and fifty (250) people, you were required to submit a large gathering and event plan seven (7) days in advance of the event. You did not submit any plan and have not addressed any of the minimum requirements found in the Twenty-First Modification.

On June 30, 2020, Governor Carney announced an intent to delay proceeding with Delaware's reopening plan due to an increase in COVID-19 positive cases in the State, specifically from the Delaware beach areas. Recent testing data supports this, showing a rate of positive tests for the zip code 19971 to be nine percent (9.0%), which is above the State average over the same period. In the last seven (7) days, the number of positive cases has also increased ten-fold in the same area. Given the current public health concerns, a large gathering in this area poses a significant risk and must be avoided. In addition, local authorities confirmed that the town lacks the expertise necessary to reduce the increased threat of infection this event presents.

You are hosting a large event with over two-hundred and fifty (250) attendees. The event poses significant health risks for attendees and the state. You did not submit a plan to host this event nor did you address any of the minimum requirements, thereby violating the Twenty-First Modification. Your anticipated large event is illegal, is in direct violation of the Governor's order, endangers the public health, and may not proceed. The Governor's order has the force and effect of law. Please note that further failure to comply with the Governor's order constitutes a criminal offense and may result in fines and imprisonment under 20 *Del. C.* § 3125.

Thank you,

Damian DeStefano
Director
Delaware Division of Small Business

cc:

Dr. Karyl Rattay, Delaware Division of Public Health
Lisa Morris, Delaware Department of Justice
Dale Cooke, Mayor of Dewey Beach