

Preliminary REPORT

FROM THE OFFICE OF THE
KENTUCKY STATE
TREASURER

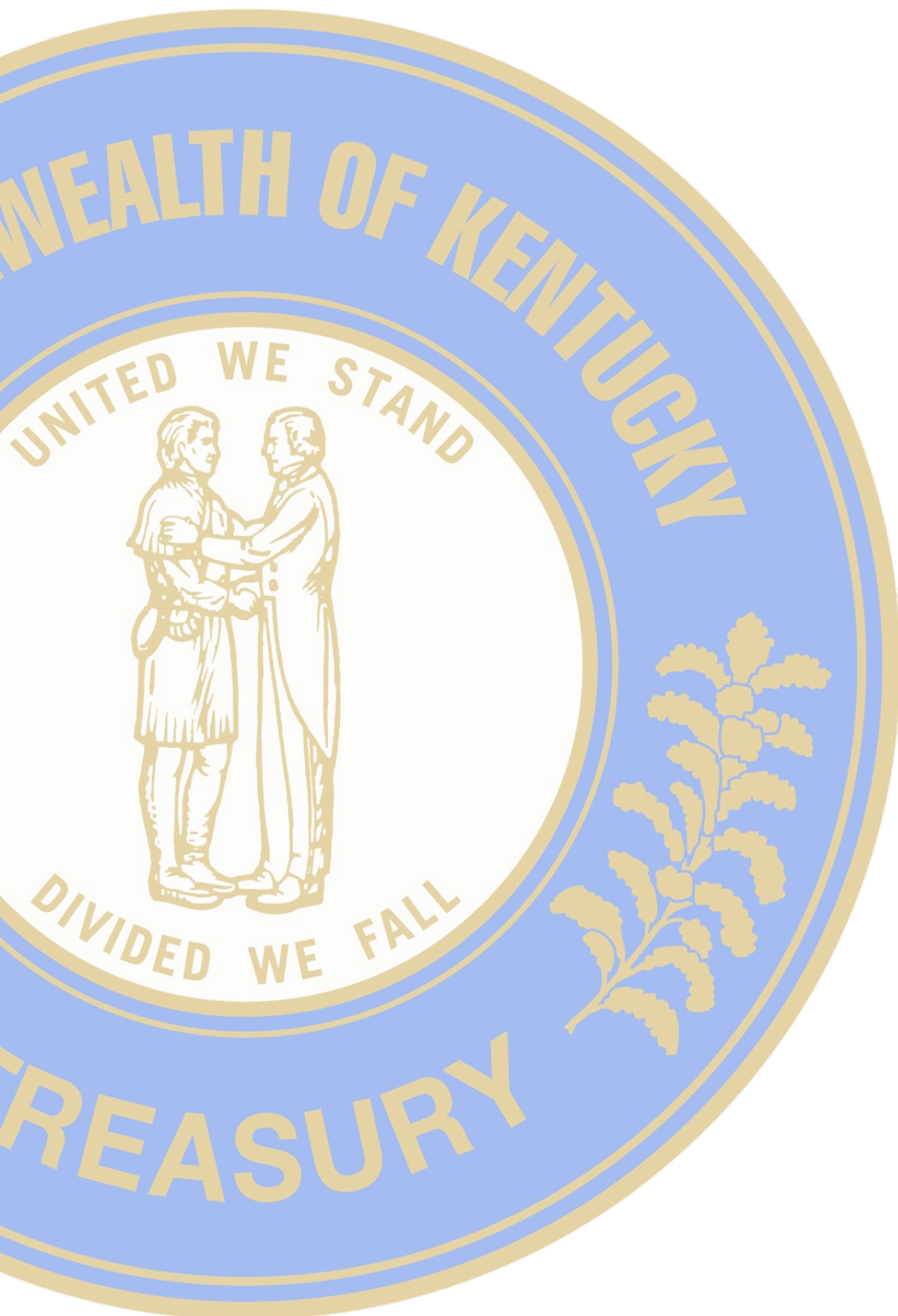


*Accountability for
State Expenditures
During the Pandemic*

**Interim Joint Committee
on Judiciary**

Allison Ball
Kentucky State Treasurer

Noah Friend
General Counsel



EXECUTIVE SUMMARY

A general consensus exists regarding the unique challenge posed by the COVID-19 pandemic. The lives of all citizens of the Commonwealth have been touched in some way, whether by the health effects of the virus itself or the economic hardships resulting from lockdowns and business closures. For the citizens who have lost loved ones as a result of COVID-19, their sadness and grief will extend beyond any declaration of emergency. Acknowledging these very real and serious challenges, this report nevertheless seeks to shine a light on various decision points undertaken by the Beshear Administration in its handling of the on-going pandemic. In my role as Treasurer, I am responsible for ensuring that expenditures of the Commonwealth conform to the Constitutions of the United States and the Commonwealth of Kentucky. Accordingly, my Office has undertaken a review of documents received from multiple health departments, as well as the Kentucky State Police, regarding actions that were taken in relation to the First Amendment exercise of Kentucky citizens during the COVID-19 pandemic. This report shows:

- The targeted monitoring of churches by local health departments at the direction of state officials;
- The coordinated surveillance of churches by the Kentucky State Police, which included officers remaining posted outside church services where church-

goers were instructed that they faced the threat of repercussions, including criminal penalties and quarantine orders for their attendance;

- The disdain shown by the Administration for the sincerely held religious beliefs of the Commonwealth's citizens; and
- The enforcement distinctions drawn by the Administration between protests based on the subject matter of those protests.

The federal courts have been clear in their holdings that the Administration's orders have violated the Constitution. Even more concerning is the fact the Commonwealth is still under a state of emergency as declared by the Governor pursuant to KRS 39A, and he has made clear in federal court filings that he still seeks the authority to engage in the same sort of activities found to be unconstitutional by federal courts should, in his determination, the need arise. Thus, the threat to the Constitution posed by this Administration's decisions as they relate to the pandemic has not yet passed. This information is intended to assist the General Assembly as it weighs its legislative response to the pandemic and to ensure that the constitutional rights of Kentucky's citizens are respected and upheld. As U.S. District Judge Gregory Van Tatenhove explained in *Tabernacle Baptist Church v. Beshear*, "It would be easy to put [the Constitution] on the shelf in times like this, to be pulled down and dusted off when more convenient. But that is not our tradition. Its enduring quality requires that it be respected even when it is hard."

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I. INTRODUCTION

A. ROLE OF STATE TREASURER

The State Treasurer is one of six independently-elected executive officers set forth in Kentucky's Constitution. Kentucky law tasks the Treasurer with the duty to execute payments on behalf of the Commonwealth. As part of this responsibility, the Treasurer has an obligation to ensure that all governmental expenditures are permitted under the Constitutions and laws of the United States and the Commonwealth of Kentucky.

B. NATURE OF INVESTIGATION

Significant concerns have been publicly raised regarding the legal permissibility of many actions taken by the Beshear Administration in response to the COVID-19 pandemic. Several of these actions resulted in court decisions overturning actions of the Administration. The Treasury, in response to the concerns of the public, issued several requests for documents to multiple health departments, as well as the Kentucky State Police, regarding actions that were being taken in relation to the First Amendment exercise of Kentucky citizens during the COVID-19 pandemic.

The Treasury reviewed documents from several of Kentucky's local health departments, as well as a limited set of non-sensitive documents from the Kentucky

State Police. The Treasury reviewed over 10,000 pages of responsive records in preparing this report.

The Treasury has not yet pursued any Open Records Appeals for a handful of local health departments who did not fully respond to the records requests, nor has the Treasury pursued any further review of redactions that were included in additional records.

C. LIMITED SCOPE OF REPORT

The Treasury's request for documents to local health departments and the Kentucky State Police were expressly limited to issues involving First Amendment activities. The Treasury, therefore, has not included in this report any information related to other potential constitutional or statutory violations committed by the Administration, including issues related to: the separation of powers; the non-delegation doctrine; violations of Chapter 13A; arbitrary action or other violations under Sections 1 and 2 of the Kentucky Constitution; generalized due process concerns; or, the creation and enforcement of the interstate travel ban.

This report is also limited in the amount of time covered. The requests covered terms such as "church," "congregation," or "protest" during the period from March 1, 2020, to approximately June 15, 2020. As some record responses were not received until September, a few responsive records occur after June 15, 2020.

D. GENERAL SUMMARY

The Treasury's review of the documentation reflected a few pivotal pieces of information. First, local health officials have been facing a massive task in their receipt of guidance from the state level and translating it into action; this guidance, particularly in the early stages of the pandemic, was voluminous, quickly changing, and often lacking in clarity and consistency. Despite all the challenges posed by the COVID crisis, local health officials have consistently stepped up to the behemoth task placed in front of them, and have performed admirably in communicating information to the public and enforcing the policies set forth by the Administration.

At the same time, however, the Administration's failures in creating a cooperative and constitutionally-permissible approach to First Amendment activities has caused or contributed to unnecessary conflict and unconstitutional enforcement in many instances. While many local health departments have been able to maintain productive, cordial and, it appears, legally compliant procedures regarding First Amendment exercise, others have taken a heavy-handed approach, encouraged by high-level officials within the Beshear Administration.

Based upon the Treasury's review, it is recommended that changes be made to Kentucky law to clarify limitations on the Governor's emergency authority under Chapter 39A. Local health officials expressed, on multiple occasions, that they felt

constrained to act in an unconstitutional manner, based on the directions received from high-level Administration officials. KRS Chapter 39A should be modified to provide protection and clarification not only for the people of the Commonwealth, but for local health and law enforcement officials who are tasked with enforcement efforts.

Finally, the Treasury will establish an additional means through which concerned state or local employees, or the general public, can provide confidential information regarding potential constitutional or legal violations, without fear of retaliation.

II. GENERAL BACKGROUND

The general background is familiar to most and can be easily found through a review of news stories and federal court decisions. A very brief summation is warranted related to the narrow scope of this report.

Throughout the COVID-19 pandemic, the Beshear Administration has acted through a lengthy series of all-encompassing executive orders, which seek to control an almost limitless scope of activities for individuals within the Commonwealth. The Attorney General, for example, estimates that, as of late August, there were approximately 150 “orders, guidance documents, and emergency regulations” issued in the wake of the initial March 6, 2020, emergency declaration.¹ Several of these orders were directly aimed at First Amendment activities.

On March 19, 2020, an Executive Order was entered banning “all mass gatherings” which specifically included “community, civic, public, leisure, [and] faith-based” gatherings. *See* Appendix 2, *March 19, 2020 Executive Order*. This executive order, however, excluded a large number of gatherings from its scope:

For the avoidance of doubt, a mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where persons may be in transit. It also does not include typical office environments, factories or retail or grocery stores where large numbers of people are present, but maintain appropriate social distancing.

¹ *See*, Brief for the Commonwealth of Kentucky, *Beshear v. Florence Speedway*, 2020-CA-000834, p. 4.

Id. at ¶ 3. On March 25, 2020, the Governor issued Executive Order 2020-257, which closed all businesses that “are not life-sustaining.” Executive Order 2020-257 listed approximately six (6) pages of “life sustaining” businesses. *See* Appendix 2, *Executive Order 2020-257*.

Several federal lawsuits were initiated regarding the Governor’s actions as they related to religious exercise. Two of the lawsuits arose from the Governor’s use of Kentucky State Police to shut down services at Maryville Baptist Church in Bullitt County. On May 2, 2020, a panel of the United States Sixth Circuit Court of Appeals entered a preliminary injunction, which enjoined “[t]he Governor and all other Commonwealth officials...from enforcing orders prohibiting drive-in services at the Maryville Baptist Church if the Church, its ministers, and its congregants adhere to the public health requirements mandated for ‘life-sustaining’ entities.” *Maryville Baptist Church v. Beshear*, 957 F.3d 610 (6th Cir. 2020).

On May 8, 2020, United States District Judge Gregory F. Van Tatenhove issued a preliminary injunction, allowing churches statewide to begin holding services, so long as they adhered “to applicable social distancing and hygiene guidelines.” *Tabernacle Baptist Church, Inc. v. Beshear*, 3:20-cv-00033-GFVT, Docket Entry 24 (E.D. Ky. May 8, 2020). The following day, the Administration issued a new executive order excepting churches from the mass gathering prohibitions. *See* Appendix 2, *May 9, 2020 Executive Order*.

On the same day this updated Executive Order was issued, the Sixth Circuit Court of Appeals issued an injunction prohibiting the Governor and other state officials “from enforcing orders prohibiting in-person services at the Maryville Baptist Church if the Church, its ministers, and its congregants adhere to the public health requirements mandated for ‘life-sustaining’ entities.” *Roberts v. Neace*, 958 F.3d 409 (6th Cir. 2020). In finding that the Governor’s orders had violated the United States Constitution, the Court noted as follows:

Keep in mind that the Church and its congregants just want to be treated equally. They don’t seek to insulate themselves from the Commonwealth’s general public health guidelines. They simply wish to incorporate them into their worship services. They are willing to practice social distancing. They are willing to follow any hygiene requirements. They do not ask to share a chalice. The Governor has offered no good reason for refusing to trust the congregants who promise to use care in worship in just the same way it trusts accountants, lawyers, and laundromat workers to do the same.

Id. These decisions did not, however, end the litigation related to the Governor’s actions.

On June 29, 2020, the Administration filed requests to dissolve the injunctions in both the *Maryville* and *Roberts* cases. The administration argued that the United States Supreme Court “has issued intervening law clarifying that enjoining the mass gatherings order was improper.” *Maryville Baptist Church v. Beshear*, 3:20-cv-278 *Memorandum in Support of [Governor’s] Motion to Dissolve the Preliminary Injunction & Injunction Pending Appeal* (Docket Entry 46) (June 29, 2020). The

Administration takes the position that the injunctions were wrongly issued, that they are “no longer good law” and that “it is entirely permissible for state officials to treat laundromats and offices differently from places of mass gathering.” *Id.* at 4-5. The Administration believes that “like the California Governor, Governor Beshear should be afforded broad latitude” in his decisions, and that the court needs to “restore the leeway” the Governor needs “in the event the disease returns in force, or some other emergency arises.” *Id.* at 5-6 (emphasis added).

On October 19, 2020, the Sixth Circuit issued an update to the *Maryville* and *Roberts* decisions, sending the *Roberts* case back to the District Court for further briefing. The Sixth Circuit’s stated rationale is that, per the Court, “the Governor has raised the possibility of dissolving the injunction in the *Maryville Baptist Church* case on the ground that intervening legal developments make it wrong.” *Roberts v. Neace*, 20-5465 Opinion at p.6 (6th Cir. Oct. 19, 2020). The Court noted that the Governor’s position suggests that the Administration may seek to dissolve the injunction, and “that he wishes to have the authority to ban indoor church services again.”

III. FINDINGS

THE GOVERNOR’S OFFICE, KENTUCKY STATE POLICE & THE CABINET FOR HEALTH & FAMILY SERVICES ENCOURAGED & PARTICIPATED IN THE UNCONSTITUTIONAL SUPPRESSION OF FIRST AMENDMENT EXERCISE

The free exercise of religious rights and the right of assembly lie at the heart of the First Amendment to the United States Constitution, as well as Sections 1 and 5 of the Kentucky Constitution. For sake of simplicity, this report will break the violations down into two sections: first, violations related to “religious assembly,” and second, violations related to non-religious protests or “assembly.”

As noted above in Section II(C), the investigation by the Treasury did not request information related to other potential violations of Kentucky’s Constitution or statutes. Thus, this report will be limited to only First Amendment concerns.²

A. Violations Related to Religious Assembly

After the entry of the Governor’s March 19, 2020, Executive Order, several of the responsive local health departments began a series of actions to monitor local churches,³ with frequent requests for law enforcement assistance. In addition, the Administration took action directly related to religious assemblies, including directing law enforcement to monitor and shut down religious services. These

² There is ongoing litigation in the Kentucky Supreme Court related to, among other things, the constitutionality of the Administration’s executive orders and the delegation of authority to the Governor pursuant to Chapter 39A.

³ This report will utilize the term “churches” as the responsive records were overwhelmingly related to Christian houses of worship.

actions were not empty words but were consistently backed up with threats of criminal prosecution for failure to comply.

(1) Governor's Office & Law Enforcement

The Governor's daily press conferences and press releases⁴ had numerous mentions of religious services and related admonitions regarding religious restrictions. On Saturday, March 28, 2020, for example, one local official properly characterized these statements during his press conferences as a "call out" of a local church, and emailed the local health department on the issue. The health department responded, saying "If you have an available police officer, can they swing by and just do a visual...". See Appendix 1, *Emails with NKY Health Department* (March 28, 2020). Emails reflect that the Governor directly contacted at least two judges-executive on or about April 7 and April 9, 2020, regarding concerns about churches holding services in their respective counties. See Appendix 1, *Emails with Bullitt and Jessamine County Health Departments* (April 7 & April 9, 2020).

During this time, law enforcement was directed by the Governor's Office to take action against local churches who were refusing to follow the March 19, 2020, shut-down Executive Order. In an email sent to numerous KSP officials throughout the state, Kentucky State Police Commissioner Rodney Brewer, indicated: "I am

⁴ The daily press releases for at least ten dates between March 21, 2020 and April 12, 2020, specifically mentioned issues related to houses of worship. The press releases are available for review at: <https://governor.ky.gov/news> (last visited October 20, 2020).

attaching a flyer directed to me from the Governor’s office via the local health department concerning churches in your post area that are expected to be non-compliant...Please see that the following actions are taken regarding this situation:

- A visible presence at or near the parking lot entrance by at least two uniformed troopers utilizing at least one marked SP as attendees are entering the parking lot for any in-person services that may occur on April 10th and 12th (Friday & Sunday);
- PPE masks and gloves may be utilized but are not mandatory;
- Units are not expected to enter the actual church building;
- Copies of the attached flyer concerning COVID guidelines and a self-imposed quarantine by those in attendance should be placed on the windshield of each car in the parking lot after the service begins.
- License plate numbers should be recorded for those vehicles present at each gathering.
- A list containing the name and address of each vehicle owner should be forwarded to your respective Troop Major by the close of business April 13th in order that the local health department can formally send out notices of violation.

Image 1. See Appendix 1, *Email from Commissioner Brewer to KSP Officials* (April 10, 2020). The following image were to be placed on any vehicles that were observed at the churches:

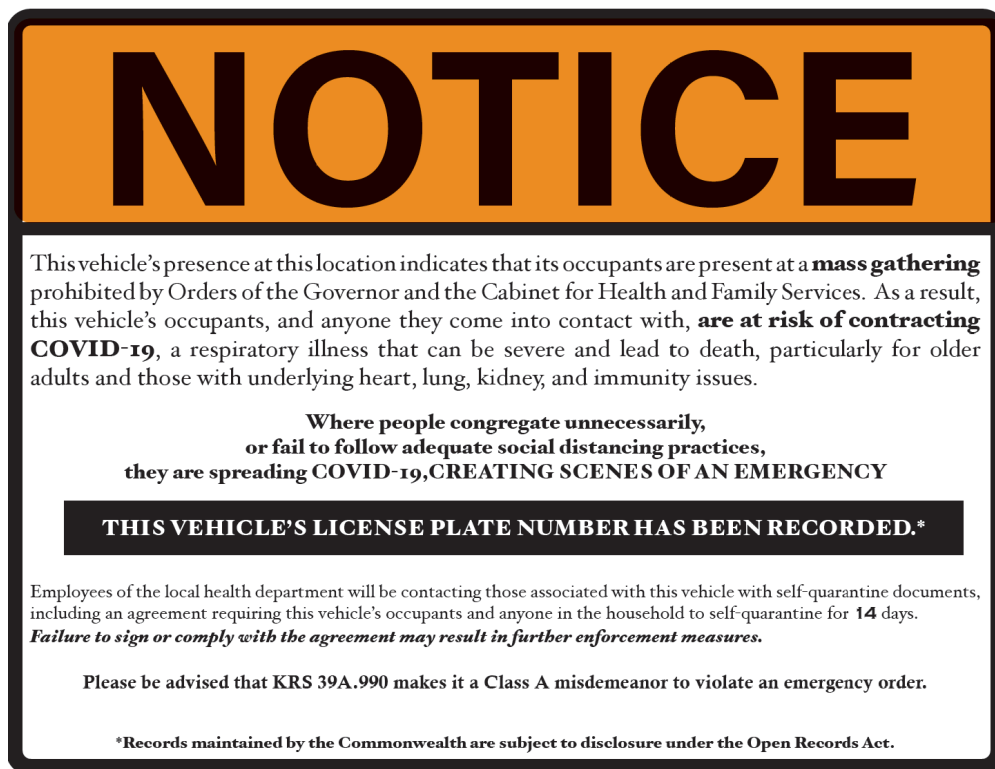


Image 2. See Appendix 1, *Email from Commissioner Brewer to KSP Officials* (April 10, 2020). The email included an attachment listing not only Maryville Baptist Church, but also: two other churches in Louisville; one in Falmouth; and, one in Morgantown. These churches were to be monitored by Kentucky State Police, with a “visible presence” “by at least two uniformed officers.” In addition, on April 11, the COVID Shutdown flyer was forwarded to KSP officials to be used for an unnamed “Hopkinsville Church.” Appendix 1, *“Fwd: Church detail” KSP Emails* (April 11, 2020). No other responsive information was provided regarding the outcome of this monitoring.

The “NOTICE” to be placed on the vehicles of any individuals attending a church included the notation: “Please be advised that KRS 39A.990 makes it a Class A misdemeanor to violate an emergency order.” The “NOTICE” also told people that their license plate numbers were “[r]ecords maintained by the Commonwealth are subject to disclosure under the Open Records Act.” Thus, the notice raised the specter of both criminal prosecution, and that an individual’s license plate number and attendance would be publicly released.

At the same time, the KSP received a “Church Protocol” document that was being circulated “TO ALL Sheriffs,” and many local health officials, which listed possible offenses that could be used to charge non-compliant church officials:

[L]aw enforcement officials can cite for violations of KRS 39A.180 (using UOR Code 02689 for any misdemeanor charge not covered by

other code). Disorderly conduct under KRS 525.060 may also fit, as a subsection describes the element of “failing to disperse” when ordered.

The same guidance also noted that “[T]his is clearly a first amendment issue and any action taken certainly has significant potential to result in litigation” and that “[t]here is a potential for the need for force, although it is a very low potential.” Appendix 1, “*Fw: Church Protocol*” Email to Rodney Brewer (April 10, 2020). All of this information was circulated, and the potential actions were being planned at a time when the Governor was noting in his press conferences that “99.8%” of houses of worship were shut down. See Governor Press Release April 11, 2020 (available online at <https://governor.ky.gov/news> (last visited October 20, 2020)).⁵

On Sunday, April 12, as has been well-documented publicly, Kentucky State Police troopers placed the “NOTICES” on vehicles at Maryville Baptist Church, and recorded the license plate numbers of those in attendance. Emails obtained from the Kentucky State Police reflect, however, that several other churches were monitored by Kentucky State Police troopers on April 12, 2020. KSP Commissioner Brewer received email reports from Post 3 regarding the monitoring of churches located in Barren County, Butler County, and Logan County.⁶ The following information was conveyed by the troopers to Commissioner Brewer:

⁵ As can be seen in Image 5, reflecting totals from June, church congregations have proved to be a very limited source of Kentucky COVID-19 cases. This appears to remain the case, even as churches have reopened.

⁶ None of these counties were included in our records requests to local health departments, and no further information is currently available beyond what is included in the KSP email.

At the location listed at the Brooklyn Missionary Baptist Church in Butler County, Sgt. [REDACTED] traveled to the location on Friday, April 10, 2020 and found no services (CAD#2020-004468906). On Sunday, April 12, 2020 he went back to the church and while placing the issued papers on the windshields was encountered by the parishioners. Sgt. [REDACTED] advised only 9 people were present and they were practicing social distancing. He provided them the papers and left without incident. He wrote down their registration information and placed it in the CAD if further action is requested. (CAD# 2020-0470337)

The second complaint was at the St Abram Orthodox Church located at 106 Wilson Road in Auburn, KY. It was reported that several cars were in the parking lot. Sgt. [REDACTED] went to the church and found only 6 or 8 cars present. He observed the location and no others arrived. He did not enter the church or take any further action. (CAD#2020-00470282)

The last complaint was at Westwood Church of Christ located at 106 Westwood St in Glasgow, KY. Information was received that parishioners were parking down the street and the church buses were taking them to the facility. Upon receiving the information I sent Trooper [REDACTED] to observe. Upon arrival he observed no cars at the church, but several parked down the road. He remained for approximately two hours and only observed three people leaving the facility. He did not attempt to enter the church or take any further action. (CAD#2020-00470371)

Image 3. This information indicates that troopers observed these locations, in one instance for approximately two hours, and in at least one instance, provided the “NOTICE” document to those in attendance. The “NOTICE” document was provided despite the fact that there were “only 9 people present and they were practicing social distancing.”

The information related to the church surveillance by the Kentucky State Police was sent directly by Commissioner Brewer to LaTasha Buckner, the Chief of Staff for Governor Beshear. Chief of Staff Buckner received the surveillance reports on April 13, 2020, and acknowledged receipt of the surveillance report within eleven minutes of receipt. Appendix 1, Emails Between Buckner and Brewer (April 13, 2020). That same date, the General Counsel for the Cabinet for Health and Family Services obtained a list of the license plate information, and advised the health department that if the individuals did not “sign a voluntary quarantine form” that

“further steps” can be discussed. Appendix 1 “License plate info for church goers” (April 13, 2020).

(2) State Health Officials

Several high-level state officials were directly involved in providing documentation and advising the Bullitt County Health Department on the Maryville Baptist Church incident. Emails were exchanged with Dr. Steven Stack, the Commissioner of the Department for Public Health (DPH), Kelly Alexander, the Chief of Staff for the DPH, and Wesley Duke, General Counsel for the Cabinet for Health and Family Services. *See, e.g.,* Appendix 1 “*Enforcement Notice Served*” *Email to Stack & Alexander* (April 7, 2020). These officials were not, however, only involved in Bullitt County, as they were tasked with statewide-level implementation and enforcement efforts.

On Sunday, March 22, 2020, a mere three days after entry of the Executive Order banning faith-based gatherings, a church in Northern Kentucky indicated to its congregation that it intended to try to go forward with services. Church correspondence obtained by the health department indicated that that services were going to be limited to a certain number of people “[T]his is to keep the proper distance between people to prevent contagion.” People were also requested to sign-up online and were warned “[i]f you fail to sign up you may not be able to attend.”

This information was conveyed by the health department to Dr. Stack, who tellingly responded:

Thank you, [REDACTED],

Sigh. No cure for ignorance or obstinacy.

Thanks for letting me know. I wish I had an answer to offer. One thing, certainly don't send in any armed officers. That would undermine our efforts to inspire people to be good citizens and do the right thing.

Steve

Steven J. Stack, MD, MBA, FACEP
Commissioner
Kentucky Department for Public Health



Image 4. Appendix 1, *Email from Stack to NKY Health Department* (March 22, 2020). Following Dr. Stack's comment that there was "no cure for ignorance or obstinacy" the local health official indicated that "I need to talk to you in more detail about this." *Id.* No further communication on the subject is available, and the other responding departments did not have additional direct correspondence with Dr. Stack regarding similar issues. No Open Record request has, as of this time, been sent to CHFS, DPH or Dr. Stack personally.

The responsive records included one document from the Kentucky Department of Public Health, dated June 26, 2020. The following image appears in the document:

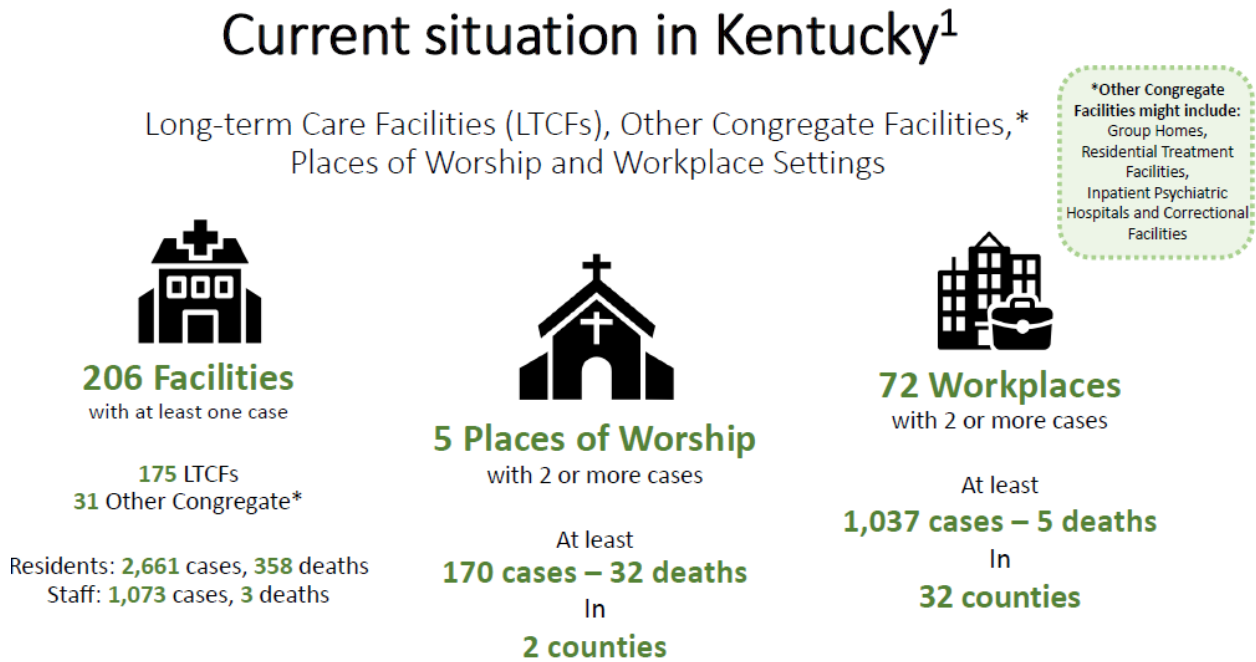


Image 5. See Appendix 1 (June 26, 2020). This image reflects that, taking the numbers at face value, as of June 26, 2020, there were 170 cases that were tied to houses of worship, out of 14,859 cases total. Thus, by the Administration’s own statistics, 1.1% of all COVID-19 cases in Kentucky were tied to churches. On the other hand, 3,734 cases, or just slightly over 25% of cases, were tied to “long-term case facilities” or “other congregated facilities.”

(3) Health Departments

As an initial matter, it deserves restating that many of the records from local health departments reflect dedicated individuals trying to assist their local communities with respect and fairness in their approach. The last email attached to this report is a March 11, 2020, email that circulated among many health departments. The document is from a local health official, who gave a list of “suggestions” to local congregations, as well as his phone number and email. The official went through a great number of practical solutions, framed as responsible and reasonable ways that congregations could lessen the spread of COVID. *See Appendix 1, Church Suggestions Email (March 11, 2020).* There were many emails like this, where health officials appeared to do everything possible to be accommodating and kind to pastors and congregations. As the restrictions from the Governor’s Executive Orders were being put in place, many local health officials indicated that they had to follow orders, even if some of them questioned whether they had the authority to proceed.

While the most pressing concerns regarding First Amendment activity appear to have direct involvement of state officials and state law enforcement, the records obtained from local health departments did reveal that some local departments, in response to the Governor’s Executive Orders, engaged in surveillance of churches,

and utilized local law enforcement resources to either assist in surveillance or in closing down services.

For example, on March 21, 2020, a local health department requested that a local official “have an officer stop by the church to ensure they do not have service.” The local official responded: “Police stopped by a couple of times to ensure the church was closed. By their 2nd visit it was mostly closed and empty.” Appendix 1, “*Re: Church violating the social distancing and public gathering orders*” (March 21, 2020). It should be noted that, three days earlier, this same department had received a report of 300+ people working in a large business “many have flu like symptoms;” the only responsive document that is available states that the health department official was “not sure if we should reach out to them to provide guidance specifically or let it ride.” Appendix 1, “Voicemail Notification” (March 18, 2020).

On the same weekend, March 22, 2020, another county health department specifically assigned several employees to go out and monitor churches on Sunday.

Keene Churches - [REDACTED]

**Mount Pleasant Baptist Church – 1108 Keene South Elkhorn
Macedonia Baptist Church – 103 Cushingberry Lane**

Shun Pike Churches [REDACTED]

**Grace Community Church of Nazarene 705 Shun Pike 10:30
Lighthouse Baptist 105 Shun Pike 10:30**

Image 6. Appendix 1 “FW: Churches” (March 22, 2020).

Our records request did not receive all reports from the employees who engaged in the surveillance. However, the single report that was returned, noted that the locations had been visited, how many cars were in the lot, and whether there were signs on the doors. The employee noted that one church was having a service in the parking lot, and it was “a stinking mess.” Appendix 1, “*List of observation patrol churches 3.22 10A-12P*” (March 22, 2020).

The same county also indicated that it “would probably need” law enforcement assistance in closing a church that had been having a service. Appendix 1, March 23, 2020 Email re: Church (March 23, 2020). An email from approximately a week later regarding another church indicated that the department had “received a multitude of complaints from citizens as well as law enforcement with pictures that suggest the social distancing was not followed.” Appendix 1, *Concerns* (March 30, 2020).

Included in the documents received from the responding health departments were, occasionally, communications from other health departments who were not subject to the records request. The following items were of interest, based upon the nature of the Treasury’s inquiry.

A non-responding health department indicated that at some point prior to March 23, 2020, most likely either the 21st or the 22nd, the local Sheriff reached out to directly contact a minister who had planned to have a service on the 22nd. Per the

email, “[T]he sheriff called the minister, and about an hour later, the minister posted that the church would be closed.” Appendix 1, *Enforcing Closures* (March 23, 2020). Earlier in the same email chain, a director from another local non-responding health department indicated that “[o]ur issue is with churches – and no one feels comfortable crossing that ‘religion’ line...”. *Id.*

During early April, when the Governor’s daily briefings and releases were replete with references to church services, it is also instructive to note an email that was circulated amongst all local health departments, from a District Director in a non-responding health department. The email stated that the District Director was “HIGHLY OFFENDED” by the fact that there were religious leaders who were standing against the Governor’s orders. This Director indicated that “there is not a religious leader in this country that I would hesitate to go toe-to-toe with to debate saving lives by social distancing.” The Director further noted that “I’m taking the reactions of our community members very personally.” This email was circulated to at least one County Judge Executive, an official with CHFS, and numerous officials in the local school systems, as well as all Local Health Department Directors throughout the state. Appendix 1, *FW: Situation Report* (April 10, 2020).

B. Violations Related to “Non-Religious” First Amendment Exercise

On April 15, 2020, a crowd of approximately 100 individuals organized a protest at the State Capitol during the Governor’s press conference. After this protest, the Kentucky State Police restricted public access to areas around the southeast side of the Capitol building, and placed barriers around certain areas. These barriers had signage to the effect that the areas were “restricted zones” and failure to adhere to them could result in criminal penalties. This event, along with a later event on May 2, when KSP allegedly blocked off additional areas for “drive through” protesting, resulted in a federal lawsuit. On June 24, 2020, United States District Judge Gregory F. Van Tatenhove entered a Preliminary Injunction, finding that the Governor’s actions related to First Amendment gatherings, had gone too far. *See Ramsek v. Beshear*, 3:20-cv-00036-GFVT, Docket Entry 47 (E.D. Ky. June 24, 2020).

Unlike the religious exercise and assembly issues previously discussed, there do not appear to be widespread violations of general, non-religious gatherings, where people are attempting to exercise their First Amendment rights. Other than the issues set forth in the *Ramsek* case, the only instance uncovered during a review

of documents was a single incident where a health department advised that a local official “may” use police to break up a protest by parents who were protesting a graduation cancellation, as it “technically goes against the Governor’s order related to mass gatherings.” *See Appendix 1, Emails May 7, 2020.*

Indeed, by mid-June, high-level officials at CHFS emailed all local health departments, and informed them that health departments were not to attempt enforcement against the ongoing protests that were taking place in many areas throughout the state. *Appendix 1, Email from Wes Duke to LHDs (June 12, 2020).*

APPENDIX 1

**Emails & Records: Governor's Office, CHFS,
Law Enforcement & Health Departments**



From: [REDACTED] behalf of [REDACTED] <[REDACTED]@nkyhealth.org>
To: [Communicable Disease Response Team](#)
Subject: Fwd: FreePBX Voicemail Notification
Date: Wednesday, March 18, 2020 12:28:52 PM
Attachments: [REDACTED]

Allegedly a large business [REDACTED] where multiple people (300+) and many have flu like symptoms....not sure if we should reach out to them to provide guidance specifically or let it ride...

[REDACTED]

Northern Kentucky Health Department

New address: 8001 Veterans Memorial Drive, Florence, KY 41042

Office: [REDACTED] | Fax: [REDACTED]
[REDACTED] <[\[REDACTED\]@nkyhealth.org](mailto:[REDACTED]@nkyhealth.org)>



EEO/MF/Vets/Disabled/H
NOTICE OF CONFIDENTIALITY: This e-mail, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any review, use, disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.

----- Forwarded message -----

From: FreePBX Phone System <asterisk@freepbx.sangoma.local>
Date: Wed, Mar 18, 2020 at 11:39 AM
Subject: FreePBX Voicemail Notification
To: [REDACTED] <[\[REDACTED\]@nkyhealth.org](mailto:[REDACTED]@nkyhealth.org)>

[REDACTED],

There is a new voicemail in mailbox 2009:

From: "FLS CHURCH,VA" <[REDACTED]>
Length: 0:44 seconds
Date: Wednesday, March 18, 2020 at 03:39:33 PM

Dial *98 to access your voicemail by phone.

Visit <http://AMPWEBADDRESS/ucp> to check your voicemail with a web browser.

--

You received this message because you are subscribed to the Google Groups "Communicable Disease Response Team" group.

To unsubscribe from this group and stop receiving emails from it, send an email to CDRT+unsubscribe@nkyhealth.org.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF LEGAL SERVICES**

**Andy Beshear
Governor**

275 East Main Street, 5W-B
Frankfort, KY 40621
502-564-7905
502-564-7573
www.chfs.ky.gov

**Eric C. Friedlander
Acting Secretary**

**Wesley W. Duke
General Counsel**

ORDER

March 19, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, KRS Chapter 39A, and Executive Orders 2020-215 and 2020-243, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. All mass gatherings are hereby prohibited.
2. Mass gatherings include any event or convening that brings together groups of individuals, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.
3. For the avoidance of doubt, a mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present, but maintain appropriate social distancing.
4. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the extent practicable implement Centers for Disease Control guidance, including:
 - maintaining a distance of 6 feet between persons;

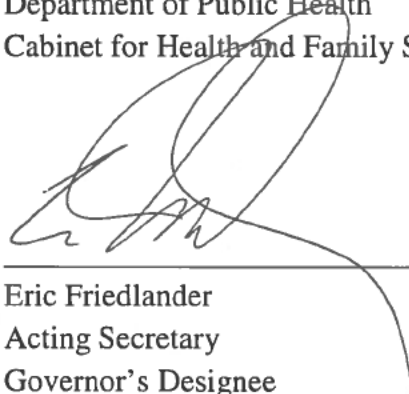
- encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
- encouraging people who are sick to remain home or leave the premises; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously and may extend the directives beyond their current expiration date. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.



Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Eric Friedlander
Acting Secretary
Governor's Designee

From: [REDACTED] on behalf of [REDACTED] <[REDACTED]@covingtonky.gov>
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: Church violating the social distancing and public gathering orders
Date: Saturday, March 21, 2020 11:07:15 PM

Police stopped by a couple of times to ensure the church was closed. By their 2nd visit it was mostly closed and empty.

On Mar 21, 2020 5:23 PM, [REDACTED] <[REDACTED]@nkyhealth.org> wrote:
Mayor [REDACTED],

I spoke to the pastor of the church by phone a bit ago. I identified myself and who I was with. I told him that the Ky Governor has directed that all in-person services be cancelled until further notice due to Coronavirus. I described the issue with him in plain language several times and why it is important to close the church to keep parishioners from spreading the illness. He said he would not hold service and would send people away when they showed up. I reinforced this was a state wide order for all churches.

However I have the feeling that may not happen. Could you have an officer stop by the church to ensure they do not have service? [REDACTED] will also be calling you to request this to address the concern expressed by you and community members as well as the health department.

Sincerely,

[REDACTED]

Northern Kentucky Health Department
8001 Veterans Memorial Drive, Florence, KY 41042
Office: [REDACTED] | Fax: [REDACTED]
[REDACTED]@nkyhealth.org



EEO/M/F/Vets/Disabled/H
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On Mar 21, 2020, at 4:59 PM, [REDACTED] <[REDACTED]@nkyhealth.org> wrote:

More detailed information.

[REDACTED]

[REDACTED]

Northern Kentucky Health Department

8001 Veterans Memorial Drive, Florence, KY 41042

Office: [REDACTED]

nkyhealth.org



EEO/MF/Vets/Disabled/H

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----- Forwarded message -----

From: [REDACTED] [@covingtonky.gov](mailto:[REDACTED]@covingtonky.gov)>

Date: Sat, Mar 21, 2020 at 3:41 PM

Subject: Church violating the social distancing and public gathering orders

To: [REDACTED] [@nkyhealth.org](mailto:[REDACTED]@nkyhealth.org)>

[REDACTED],

I received a plea from a concerned citizen. Ministerio Jesus Liberta church in Covington is staying open and does masses with over 60 people in attendance. The Pastor refuses to close it despite Governor's order. It is an hispanic church and many parishioners are listening to their pastor and doing sleepovers overnight at church. Can you please send someone to talk to them and get them to close their church just for now. Our police department is available for backup if the church declines to obey the health department.

Address: Ministerio Jesus Liberta, 16 E 9th st, covington, KY 41011. Pastor Jose Luis Lopez.

[REDACTED]



City of Covington, Office of the Mayor
20 West Pike St., Covington, KY 41011
direct | 859-292-2127 main
fax 859-292-2137

[Facebook](#) | [Twitter](#)

www.covingtonky.gov

Sign up to receive our [Eblasts](#)

Disclaimer: Please note all content in this email may be subject to open records request.

[REDACTED]

From: [REDACTED] (LHD-Jessamine Co)
Sent: Thursday, June 25, 2020 10:29 AM
To: [REDACTED] (LHD- Jessamine Co)
Subject: FW: Churches

From: [REDACTED] (LHD- Jessamine Co) [REDACTED]@ky.gov>
Sent: Sunday, March 22, 2020 9:28 AM
To: [REDACTED] (LHD - Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>
Cc: [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>
Subject: FW: Churches

[REDACTED] – House of God 108 Stephens has been added to your churches. Thanks

From: [REDACTED] (LHD- Jessamine Co)
Sent: Sunday, March 22, 2020 9:15 AM
To: [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD - Jessamine Co) <[REDACTED]@ky.gov>
Cc: [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>; [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>
Subject: Churches

Keene Churches - [REDACTED]

Mount Pleasant Baptist Church – 1108 Keene South Elkhorn
Macedonia Baptist Church – 103 Cushingberry Lane

Shun Pike Churches [REDACTED]

Grace Community Church of Nazarene 705 Shun Pike 10:30
Lighthouse Baptist 105 Shun Pike 10:30

[REDACTED]

Jessamine County Health Department
210 East Walnut Street
Nicholasville, KY 40356
Office: [REDACTED] ; Fax: [REDACTED]

Email: [REDACTED]@ky.gov



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From: [REDACTED]
To: [REDACTED] <(LHD- Jessamine Co): [REDACTED] <LHD-Jessamine Co>
Cc: [REDACTED] <(LHD - Jessamine Co): [REDACTED] <(LHD - Jessamine Co): [REDACTED] <(LHD- Jessamine Co)>
Subject: [REDACTED]'s list of observation patrol churches 3.22 10A-12P
Date: Sunday, March 22, 2020 12:19:26 PM

St Athnasius- 7 cars in lot- sign on door
Ignite - service in parking lot but tons of ppl not doing social distancing - a stinking mess- called [REDACTED]
East Maple- closed- no sign
Faith Baptist- 3 cars and sign on door
Nicholasville Christian- no cars and sign on door
St Luke- closed and sign
Nicholasville Church of Christ- no sign but no cars either
Jehova's witness- closed- no sign but no cars
Generations- closed w sign on door
Harmony- 3 cars and practicing social distancing when dude in truck was talking to them outside
New beginnings- closed no sign or cars

Sent from my iPhone

[REDACTED]

From: [REDACTED] (LHD [REDACTED] Co)
Sent: Monday, March 23, 2020 11:23 AM
To: [REDACTED]
Cc: [REDACTED] (LHD [REDACTED] Co)
Subject: RE: [REDACTED] Church

Thanks [REDACTED]...we will be having a conversation with them and let them know if they can't control the crowd, we will have to disallow and would probably need your assistance.

Thanks,

[REDACTED]
[REDACTED] Health Department
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Email: [REDACTED]@ky.gov
[REDACTED]

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From: [REDACTED]>
Sent: Monday, March 23, 2020 10:48 AM
To: [REDACTED] (LHD [REDACTED] Co) [REDACTED]@ky.gov>
Subject: [REDACTED] Church

Not sure who to report this to but [REDACTED] Church on [REDACTED] had service yesterday. They said it was a outdoor service but lots of them were out of their cars hugging and shaking hands and not staying away from each other. I also noticed that they are inside their building today. I was told maybe doing something with food for the needy and I get that but if they continue what they are doing we will see a rise I am afraid.

[REDACTED]

--
Sgt. [REDACTED]
Public Information Officer
[REDACTED]
[REDACTED] Police Department
[REDACTED]

From: [REDACTED]@nkyhealth.org>
To: [Stack, Steven J \(CHFS DPH\)](#)
Cc: [Kelly N Alexander JD, MA](#)
Subject: Re: FW: from_the_pastor_coronavirus_letter_2.pdf [IMAN-DMS.FID583416]
Date: Monday, March 23, 2020 11:35:00 AM

Are you saying that we should just leave it alone? I need to talk to you in more detail about this.

[REDACTED]

Northern Kentucky Health Department
8001 Veterans Memorial Drive, Florence, KY 41042

[REDACTED] [nkyhealth.org](#)



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On Sun, Mar 22, 2020 at 6:07 PM Stack, Steven J (CHFS DPH) <steven.stack@ky.gov> wrote:

Thank you, [REDACTED],

Sigh. No cure for ignorance or obstinacy.

Thanks for letting me know. I wish I had an answer to offer. One thing, certainly don't send in any armed officers. That would undermine our efforts to inspire people to be good citizens and do the right thing.

Steve

Steven J. Stack, MD, MBA, FACEP

Commissioner



Kentucky Public Health
Prevent. Promote. Protect.

From: [REDACTED]@nkyhealth.org
Sent: Sunday, March 22, 2020 5:15 PM
To: Stack, Steven J (CHFS DPH) <steven.stack@ky.gov>
Subject: Fwd: FW: from_the_pastor_coronavirus_letter_2.pdf [IMAN-DMS.FID583416]

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

[REDACTED], advised me to forward this email to you as a heads up. We have history with this Church (Assumption) in Walton and are still in litigation. A little over a week ago, we had checked to see if they were closed and it appeared they had. We reviewed the steps they were taking that were consistent with the Governor's recommendation. Evidently when the Governor ordered no faith-based gatherings, they decided to go in a different direction (see attached). We learned about this from [REDACTED] last night. As you can see, our attorney has reached out to the AG's office and will work with [REDACTED] and the county attorney to determine the best next steps to address.

Am happy to explain more as you see fit.

[REDACTED]

Northern Kentucky Health Department
8001 Veterans Memorial Drive, Florence, KY 41042

[REDACTED]

From: [Stack, Steven J \(CHFS DPH\)](#) on behalf of [Stack, Steven J \(CHFS DPH\) <steven.stack@ky.gov>](#)
To: [REDACTED]@nkyhealth.org
Cc: [Alexander, Kelly N \(CHFS DPH\)](#)
Subject: RE: FW: from_the_pastor_coronavirus_letter_2.pdf [IMAN-DMS.FID583416]
Date: Sunday, March 22, 2020 6:07:49 PM

Thank you, [REDACTED],

Sigh. No cure for ignorance or obstinacy.

Thanks for letting me know. I wish I had an answer to offer. One thing, certainly don't send in any armed officers. That would undermine our efforts to inspire people to be good citizens and do the right thing.

Steve

Steven J. Stack, MD, MBA, FACEP
Commissioner
Kentucky Department for Public Health



From: [REDACTED]@nkyhealth.org>
Sent: Sunday, March 22, 2020 5:15 PM
To: Stack, Steven J (CHFS DPH) <steven.stack@ky.gov>
Subject: Fwd: FW: from_the_pastor_coronavirus_letter_2.pdf [IMAN-DMS.FID583416]

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Am happy to explain more as you see fit.

From: [REDACTED] (LHD [REDACTED]) on behalf of [REDACTED] (LHD [REDACTED]) [REDACTED]@ky.gov>
To: [REDACTED]; LHD Directors;
[REDACTED] (CHFS [REDACTED]); [REDACTED] (CHFS [REDACTED])
Subject: RE: Enforcing Closures
Date: Monday, March 23, 2020 12:36:25 PM

We had an issue with a church posting on facebook that it would be open for worship service Sunday. This was brought to the attention of public officials. The sheriff called the minister, and about an hour later, the minister posted that the church would be closed. Our sheriff handled it very professionally. We have had more issues with enforcing social distancing in businesses that have call centers, with employees sitting less than 6 feet away from each other. Our environmentalists have been meeting with management of those businesses and making recommendations on how to comply.

From: [REDACTED]@ky.gov>
Sent: Monday, March 23, 2020 10:45 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Enforcing Closures

Our issue is with churches—and no one feels comfortable crossing that “religion” line...

From: [REDACTED] Dist)
Sent: Monday, March 23, 2020 10:44 AM
To: [REDACTED]
[REDACTED]
[REDACTED]@ky.gov>
Subject: RE: Enforcing Closures

We have had a few businesses that were refusing but the community does a wonderful job of “publicly shaming” to assist with these efforts☺. We have only had a few where we had to use law enforcement but our local law enforcement in every community stands behind us. I hope you all are finding the same in your communities.

From: [REDACTED]@lcdhd.org]
Sent: Monday, March 23, 2020 11:41 AM
To: LHD Directors <LHDDirectors@ky.gov>; [REDACTED] (CHFS DPH DWH)
[REDACTED]@ky.gov>; [REDACTED] (CHFS [REDACTED]) [REDACTED]
Subject: Enforcing Closures

I'm trying to get a sense of how difficult it is for LHDs to enforce all the mandatory closing. Most facilities comply. The ones that don't, are fiercely oppositional.

[REDACTED]...any guidance on how to enforce this, other than taking people to court (which no one has the time to do)?

Director

Health Department

[org](#)

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From: [REDACTED]@nkyhealth.org>
To: [REDACTED]
Subject: Re: Florence Walmart
Date: Saturday, March 28, 2020 10:39:29 AM

I've also checked in with [REDACTED]. If you have an available police officer, can they swing by and just do a visual and let you or [REDACTED] or I know what they see?

Sent from my iPhone

[REDACTED]
Northern Kentucky Independent District Health Department
Accredited Health Department, Public Health Accreditation Board
[610 Medical Village Drive, Edgewood, KY 41017](#)
[REDACTED]@nkyhealth.org

Promoting and protecting the health of Northern Kentucky by providing public health services essential for a safe and healthy community.

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On Mar 28, 2020, at 9:45 AM, [REDACTED]@florencce-ky.gov> wrote:

Do you have any update on the church of Scientology? Do you believe that is the church in Florence that the governor called out yesterday in his press conference? Or are there others?

On Mar 27, 2020, at 6:29 PM, [REDACTED]
[REDACTED]@nkyhealth.org> wrote:

Forwarding on to our Env. Health Manager. I can vouch for her description of Costco - my husband went there yesterday and reported to me the same thing.

[REDACTED]

Northern Kentucky Health Department

8001 Veterans Memorial Drive, Florence, KY 41042

Office: [REDACTED]
[REDACTED] nkyhealth.org



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On Fri, Mar 27, 2020 at 6:23 PM [REDACTED] [@florence-ky.gov](mailto:[REDACTED]@florence-ky.gov)> wrote:

Begin forwarded message:

From: [REDACTED] >
Date: March 27, 2020 at 6:18:45 PM EDT
To: [REDACTED] [@Florence-KY.gov](mailto:[REDACTED]@Florence-KY.gov)>
Subject: Florence Walmart

Hi [REDACTED],

Thanks for providing your email address to the public.

My husband and I visited the Florence Walmart this afternoon. We went shopping for staples last week and at that time Walmart was not busy.

However, this afternoon, we went to Walmart to get a pick-up order and purchase a couple other necessities. Walmart was crazy!!! People were not practicing social distancing, handling clothes and jewelery, and milling around in aisles.

We left Walmart to swing by Costco for a couple of staple items. Costco had an employee posted out front to limit the number of customers coming in the store. When we were able to go in, we picked up our items and exited the store in just a few minutes without coming close to anyone.

My suggestion: please confirm that Walmart limit the number of people in the store at one time.

Thanks for your time.

[REDACTED]

[REDACTED] (LHD-Jessamine Co)

From: [REDACTED] (LHD-Jessamine Co)
Sent: Monday, March 30, 2020 12:00 PM
To: [REDACTED]
Cc: [REDACTED] (LHD- Jessamine Co)
Subject: Concerns

Good morning Mr. [REDACTED]

I appreciate the work you've tried to do to ensure everyone worships in a socially distanced manner during your "drive-in" service the past two weeks. Unfortunately, people just don't always adhere to the message given them as we are seeing so often during these difficult times. I received a multitude of complaints from citizens as well as law enforcement with pictures that suggest the social distancing was not followed and although you did provide them the guidance and messaging they needed. We've both made a concerted effort to try and make this unique idea work. Unfortunately, it doesn't seem to be working in the way we need and is initiating a social gathering in which social distancing is not being met. I respectfully request you make the decision to go to an on-line service like most all other churches have done to protect the health and well being of our community with greatest regard given to the most vulnerable among us. Please accept much thanks for continuing to feed those who may have need and doing it in a very effective way. Please let me know if you have questions.

Regards,

[REDACTED]
Jessamine County Health Department
210 East Walnut Street
Nicholasville, KY 40356

Cell: [REDACTED]; Office: [REDACTED]

Email: [REDACTED]@ky.gov



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Enforcement Notice served

[REDACTED] (LHD-Bullitt Co) [REDACTED]@ky.gov>

Tue 4/7/2020 2:47 PM

To: Stack, Steven J (CHFS DPH) <steven.stack@ky.gov>

Cc: Alexander, Kelly N (CHFS DPH) <kelly.alexander@ky.gov>

Good afternoon Dr. Stack,

I wanted to give you a heads up. Unfortunately, today, we did have to serve the Pastor of Maryville Baptist Church with an enforcement notice to cease operations for mass gatherings. Our County Attorney worked with us on the wording of the notice and he, along with our Judge Executive, have been in contact with the Governor's Office. When served the notice, the Pastor informed our Environmental Supervisor that a lawsuit was in the works and that he intends to hold service tomorrow evening. I want to assure you that we tried reasoning and educating before we took this step. If you have any questions, please do not hesitate to call me. My cell is [REDACTED].

I cannot thank you and your team enough for the support and guidance given to local health departments. So proud to be a part of #TeamKentucky.

Happy Public Health Week,

[REDACTED]

[REDACTED]

Bullitt County Health Department

Office: [REDACTED]

Fax [REDACTED]



Tell us: How are we doing? Please take our survey to let us know!

<https://www.surveymonkey.com/r/33JXVVT>

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[REDACTED] (LHD-Jessamine Co)

From: [REDACTED] (LHD-Jessamine Co)
Sent: Thursday, April 9, 2020 3:34 PM
To: [REDACTED]
Cc: [REDACTED] (LHD- Jessamine Co)
Subject: RE: Concerns

Hello John...I wanted to follow up with communication regarding your planning of Ignite's Drive-In service this weekend. First, I wanted to see if there was any information or collaboration you need from us to ensure the service is done in compliance with the Governor's orders. Secondly, the Governor had communication directly with our Judge Executive to reiterate the protocols for church's. Following is the specific criteria he gave:

- 1) Vehicles must be at least 6' apart
- 2) People must stay in their vehicle
- 3) Only one family per vehicle
- 4) Nothing can be passed from one vehicle to another
- 5) Social Distancing must be utilized by the band, speakers, etc.

Please confirm you can meet these requirements for your service. I pray you have a successful Easter service while meeting the compliance guidelines as set forth.

Please let me know if you have any questions.

Blessings,

[REDACTED]
Jessamine County Health Department
210 East Walnut Street
Nicholasville, KY 40356

Cell: [REDACTED]; Office: [REDACTED]
Email: [REDACTED]@ky.gov



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From: [REDACTED]
Sent: Wednesday, April 1, 2020 9:54 AM
To: [REDACTED] (LHD-Jessamine Co) <[REDACTED]@ky.gov>
Subject: Re: Concerns

Hello,

I did not respond to the last email as I was in prayer concerning you "request." As of yesterday the governor said that drive in church's as allowed and have guidelines as to the conduct of the service. As we took every measure to walk in accordance with you we will take ever measure to ensure we walk in accordance to those standards.

[REDACTED]

From: Brewer, Rodney W (KSP)
Sent: Friday, April 10, 2020 2:49 PM
To: [REDACTED] (KSP); [REDACTED] (KSP); [REDACTED] (KSP)
Cc: [REDACTED] (KSP); [REDACTED] (KSP); [REDACTED] (KSP)
Subject: Church detail
Attachments: Active Churches (4-10-20)-final.pdf; COVID NOTICE2.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Captains----

I am attaching a flyer directed to me from the Governor's office via the local health department concerning churches in your post area that are expected to be non-compliant to the current Executive Order regarding public gatherings during the COVID pandemic this weekend. Please see that the following actions are taken regarding this situation:

- A visible presence at or near the parking lot entrance by at least two uniformed troopers utilizing at least one marked SP as attendees are entering the parking lot for any in-person services that may occur on April 10th and 12th (Friday & Sunday);
- PPE masks and gloves may be utilized but are not mandatory;
- Units are not expected to enter the actual church building;
- Copies of the attached flyer concerning COVID guidelines and a self-imposed quarantine by those in attendance should be placed on the windshield of each car in the parking lot after the service begins.
- License plate numbers should be recorded for those vehicles present at each gathering.
- A list containing the name and address of each vehicle owner should be forwarded to your respective Troop Major by the close of business April 13th in order that the local health department can formally send out notices of violation.

I appreciate your continued efforts as we try to minimize the spread of the COVID-19. Please feel free to contact me should you have any questions or concerns at [REDACTED].

Commissioner Rodney Brewer
Kentucky State Police
919 Versailles Road
Frankfort, Kentucky 40601

[REDACTED]

"Good is the enemy of great"
---Jim Collins

Active Churches 4/10/2020 11:21 AM

Church	Address	City	Health Department	Status
Brooklyn Missionary Baptist Church	3130 Brooklyn Rd	Morgantown	Barren River/Butler	LHD confirms church is open and refuses to close; pastor is also doing door to door visitation of members.
Maryville Baptist Church	130 Smith Lane	Louisville	Bullitt	LHD confirms church is open and refuses to close.
Kingdom Center	12610 Taylorsville Road	Louisville	Jefferson	No word from LHD
Centennial Olivet Baptist Church	1541 W. Oak Street	Louisville	Jefferson	No word from LHD
Falmouth Baptist Church	303 West Shelby Street	Falmouth	Three Rivers/Pendleton	No word from LHD

NOTICE

This vehicle's presence at this location indicates that its occupants are present at a **mass gathering** prohibited by Orders of the Governor and the Cabinet for Health and Family Services. As a result, this vehicle's occupants, and anyone they come into contact with, **are at risk of contracting COVID-19**, a respiratory illness that can be severe and lead to death, particularly for older adults and those with underlying heart, lung, kidney, and immunity issues.

**Where people congregate unnecessarily,
or fail to follow adequate social distancing practices,
they are spreading COVID-19, CREATING SCENES OF AN EMERGENCY**

THIS VEHICLE'S LICENSE PLATE NUMBER HAS BEEN RECORDED.*

Employees of the local health department will be contacting those associated with this vehicle with self-quarantine documents, including an agreement requiring this vehicle's occupants and anyone in the household to self-quarantine for **14** days.

Failure to sign or comply with the agreement may result in further enforcement measures.

Please be advised that KRS 39A.990 makes it a Class A misdemeanor to violate an emergency order.

***Records maintained by the Commonwealth are subject to disclosure under the Open Records Act.**

From: [REDACTED]
To: [Brewer, Rodney W \(KSP\)](mailto:Rodney.W.Brewer@ky.gov)
Subject: Fwd: (EXTERNAL)Fw: Church Protocol
Date: Friday, April 10, 2020 11:43:12 AM
Attachments: [Church Protocol.docx](#)
[ATT00001.htm](#)
[20200319_Order_Mass-Gatherings \(1\).pdf](#)
[ATT00002.htm](#)

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

(INTERNAL)
FYI

Sent from my iPhone

Begin forwarded message:

From: [REDACTED] (LHD-Franklin Co)" [REDACTED]@ky.gov>
Date: April 10, 2020 at 8:01:09 AM EDT
To: [REDACTED] (LHD-Franklin Co)" [REDACTED]@ky.gov>,
[REDACTED] (LHD-Franklin Co)" [REDACTED]@ky.gov>,
[REDACTED] (CHFS LHD - Franklin Co)" [REDACTED]@ky.gov>,
[REDACTED] (CHFS DIS CSE CO Franklin)" [REDACTED]@franklincountyky.com>,
[REDACTED]@frankfort.ky.gov>
Subject: (EXTERNAL)Fw: Church Protocol

FYI

From: [REDACTED]@franklincountyky.com>
Sent: Thursday, April 9, 2020 8:53 PM
To: [REDACTED]@frankfort.ky.gov>; [REDACTED] (LHD-Franklin Co)
<WesleyJ.Clark@ky.gov>
Subject: Fwd: Church Protocol

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Hello
This was from our association
Just FYI what's being pushed out to sheriffs.

Have a good night.

Begin forwarded message:

From: [REDACTED]@KENTONCOUNTY.ORG>
Date: April 9, 2020 at 4:47:18 PM EDT
Subject: FW: Church Protocol

Sheriffs

Please see the attachment above and context from emails from legal counsel that we have consulted. Please use this as a guide as everyone situation is unique within their jurisdictions.

I agree with the advice given, and largely agree that the health department should take the lead on the civil side, with any cease and desist warnings or injunctive relief. However law enforcement can cite for violation of KRS 39A.180 (using UOR Code 02689 for any misdemeanor charge not covered by other code.) Disorderly conduct under KRS 525.060 may also fit, as a subsection describes the element of “failing to disperse” when ordered. I mention this because in addition to the civil remedies all law enforcement is charged with enforcing these law, and when in consult with the County Attorney and authorized by their employing Sheriff, citing to Court or even arresting may be appropriate or necessary.

1. This is clearly a first amendment issue and any action taken certainly has significant potential to result in litigation. To that end, a court order is highly advised and self-initiated activity is not advised.
2. Diplomacy and persuasion are the preferred methods for compliance.
3. Even if a court order is issued, the Sheriff has the ability to disregard it. However, that too may have consequences.
3. There is a potential for the need for force, although it is a very low potential. The issuance of emergency and court orders do not relieve a Sheriff or his deputies from the requirement that any force used be objectively reasonable.



April 9, 2020

TO ALL Sheriffs:

We have received information from Sheriffs from across the Commonwealth about churches that are having services or going to have services during the Holy Week. We have spoken to legal counsel in reference what we should do. We have not seen any order specifically banning church services, although this may change.

- Does your county have a protocol in place with the local Health Department to investigate a gathering if a complaint is lodged?
- The local Health Department has been directed to take the lead and go to the Pastor or Minister to speak to them about holding services.
- If the Pastor or Minister refuses and is going to continue, then the health department should go to consult the appropriate state agency and the County Attorney to see what actions will be taken. Will a criminal summons or warrant be issued for the Pastor or Minister if they hold services? Will a court order be sought, directing the services be shut down?
- If a court order is issued directing the Sheriff or his deputy to shut down a church service, it is highly suggested that the health department take the lead and request the services be shut down voluntarily. If a court order is issued the sheriff should speak to the Judge issuing the order before carrying out the court order, specifically addressing what action the Judge would like the Sheriff or his deputies to take. Those actions should be spelled out clearly in the order, to include citing or arresting the Minister or Pastor, including the appropriate charge, or allow services to continue and issuing a summons for the Minister or Pastor after the services.
- **IT IS HIGHLY SUGGESTED THAT ANY ACTION TAKEN BY THE SHERIFF VIA A COURT ORDER CLOSING DOWN A CHURCH SERVICE SHOULD BE VIDEO AND AUDIO RECORDED FROM THE TIME YOU WALK ONTO THE CHURCHES PROPERTY UNTIL THE TIME YOU LEAVE THE CHURCH PROPERTY.**
- **Sheriffs should meet with his or her legal counsel, the County Attorney, the health department and the Judge to formulate a plan of action to prevent a future potential litigation on the Sheriffs' office and the County.**

From: [REDACTED] <[REDACTED]@ky.gov>
To: [LHD Directors](#)
Subject: FW: [REDACTED] Situation Report
Date: Friday, April 10, 2020 7:15:26 PM
Attachments: [Churches.pdf](#)
[ChildCareLDCguidance.pdf](#)
[State of Emergency Executive-Order 2020-215.pdf](#)
[Mass-Gatherings Order.pdf](#)
[SitRep 4-10-20.pdf](#)
[image001.png](#)
[image005.png](#)

From: [REDACTED] <[REDACTED]@ky.gov>
Sent: Friday, April 10, 2020 7:11 PM
To: LHD [REDACTED] District [REDACTED] District@ky.gov>; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] .kyschools.us>; [REDACTED]
[REDACTED] countyky.us>; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] EMA Deputy
<emadeputy@[REDACTED]>
[REDACTED]
[REDACTED] .kyschools.us>; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Judge [REDACTED]
[REDACTED] judgeexec@gmail.com>; [REDACTED]
[REDACTED]
[REDACTED] emadirector@[REDACTED]
[REDACTED]
[REDACTED] .kyschools.us>; [REDACTED]
[REDACTED] countyky.us>; [REDACTED]
[REDACTED]
[REDACTED] .kyschools.us>; [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] firerescue@gmail.com>; [REDACTED] County Superintendent
[REDACTED] kyschools.us>; [REDACTED] County EMS ADM [REDACTED] countyky.us>;
[REDACTED] County Vol Fire Dept [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] fiscalcourt.com>; [REDACTED]
[REDACTED]
[REDACTED] countygov.us>; [REDACTED]
[REDACTED] .kyschools.us>; [REDACTED]
[REDACTED] @VA.gov> [REDACTED]
[REDACTED]
[REDACTED] .kyschools.us>; [REDACTED] (CHFS DPH DPHPS) [REDACTED] @ky.gov>
Subject: [REDACTED] Situation Report

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Please see the attached documents for our churches. Related to religion, I feel the need to share a little bit about myself. I was raised by an Appalachian Southern Baptist Granny who lived through the Great Depression. I am HIGHLY OFFENDED by the religious leaders who are trying to make an epidemiological attempt to control a disease into an attack on religion or a political rant. In addition to my granny's teachings, I have a doctorate in public health from [REDACTED], so I feel qualified to speak on the subject. There is not a religious leader in this country that I would hesitate to go toe-to-toe with to debate saving lives by social distancing. This is not about religion or politics – it's about not spreading this virus and saving lives!

A few months ago, I was battling for the very existence of [REDACTED] due to retirement contributions and taxes, now we are on the very front line of everything. [REDACTED] folks are working tirelessly in our counties to control this virus. I could not be more proud of them. My own family at home is also on the front line of this battle. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] As you can see, I'm taking the reactions of our community members very personally.

[REDACTED]
District Director
[REDACTED] Health Department | [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]



NOTICE OF CONFIDENTIALITY: This e-mail, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any review, use, disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.

From: [REDACTED] (KSP)
To: [REDACTED] (KSP)
Subject: Fwd: Church detail
Date: Saturday, April 11, 2020 9:56:07 AM
Attachments: [Active Churches \(4-10-20\)-final.pdf](#)
[COVID NOTICE2.pdf](#)

For Hopkinsville church.

[REDACTED]
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
[REDACTED]ky.gov

This communication may contain information which is confidential. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any form of distribution, copying, forwarding or use of this communication or the information therein is prohibited and may be unlawful. If you have received this communication in error please return it to the sender and delete the communication.

From: Brewer, Rodney W (KSP) [REDACTED]
Sent: Friday, April 10, 2020 2:48:31 PM
[REDACTED]

Subject: Church detail

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Captains---

I am attaching a flyer directed to me from the Governor's office via the local health department concerning churches in your post area that are expected to be non-compliant to the current Executive Order regarding public gatherings during the COVID pandemic this weekend. Please see that the following actions are taken regarding this situation:

- A visible presence at or near the parking lot entrance by at least two uniformed troopers utilizing at least one marked SP as attendees are entering the parking lot for any in-person services that may occur on April 10th and 12th (Friday & Sunday);
- PPE masks and gloves may be utilized but are not mandatory;
- Units are not expected to enter the actual church building;
- Copies of the attached flyer concerning COVID guidelines and a self-imposed quarantine by those in attendance should be placed on the windshield of each car in the parking lot after

the service begins.

- License plate numbers should be recorded for those vehicles present at each gathering.
- A list containing the name and address of each vehicle owner should be forwarded to your respective Troop Major by the close of business April 13th in order that the local health department can formally send out notices of violation.

I appreciate your continued efforts as we try to minimize the spread of the COVID-19. Please feel free to contact me should you have any questions or concerns at [REDACTED].

Commissioner Rodney Brewer
Kentucky State Police
919 Versailles Road
Frankfort, Kentucky 40601

[REDACTED]
[REDACTED]

"Good is the enemy of great"

--Jim Collins

[REDACTED]

From: Buckner, La Tasha A (Gov Office)
Sent: Monday, April 13, 2020 9:01 AM
To: Brewer, Rodney W (KSP)
Subject: RE: Church detail

Thank you.

From: Brewer, Rodney W (KSP) [REDACTED]@ky.gov>
Sent: Monday, April 13, 2020 8:50 AM
To: Buckner, La Tasha A (Gov Office) [REDACTED]@ky.gov>
Subject: FW: Church detail

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

From: [REDACTED] (KSP) [REDACTED]@ky.gov>
Sent: Sunday, April 12, 2020 3:56 PM
To: [REDACTED] (KSP) [REDACTED]@ky.gov>; [REDACTED] (KSP) [REDACTED]@ky.gov>
Subject: Fwd: Church detail

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Information on Churches in Post 3 area and action taken.

[REDACTED]
[REDACTED]
West Troop Commander

Kentucky State Police
919 Versailles Road, Frankfort, KY 40601
[REDACTED]

This communication may contain information which is confidential. It is for the exclusive use of the intended recipient(s). If you are not the intended recipient(s) please note that any form of distribution, copying, forwarding or use of this communication or the information therein is prohibited and may be unlawful. If you have received this communication in error please return it to the sender and delete the communication.

From: [REDACTED] (KSP) [REDACTED]@ky.gov>
Sent: Sunday, April 12, 2020 3:30:25 PM
To: [REDACTED] (KSP) [REDACTED]@ky.gov>
Subject: FW: Church detail

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

In regards to non-compliance regarding public gathering at church services in the Post 3 area the following action has been taken.

At the location listed at the Brooklyn Missionary Baptist Church in Butler County, Sgt. [REDACTED] traveled to the location on Friday, April 10, 2020 and found no services (CAD#2020-004468906). On Sunday, April 12, 2020 he went back to the church and while placing the issued papers on the windshields was encountered by the parishioners. Sgt. [REDACTED] advised only 9 people were present and they were practicing social distancing. He provided them the papers and left without incident. He wrote down their registration information and placed it in the CAD if further action is requested. (CAD# 2020-0470337)

The second complaint was at the St Abram Orthodox Church located at 106 Wilson Road in Auburn, KY. It was reported that several cars were in the parking lot. Sgt. [REDACTED] went to the church and found only 6 or 8 cars present. He observed the location and no others arrived. He did not enter the church or take any further action. (CAD#2020-00470282)

The last complaint was at Westwood Church of Christ located at 106 Westwood St in Glasgow, KY. Information was received that parishioners were parking down the street and the church buses were taking them to the facility. Upon receiving the information I sent Trooper [REDACTED] to observe. Upon arrival he observed no cars at the church, but several parked down the road. He remained for approximately two hours and only observed three people leaving the facility. He did not attempt to enter the church or take any further action. (CAD#2020-00470371)

[REDACTED]
Commander- Post 3/Bowling Green
3119 Nashville Road
Bowling Green, KY 42101
[REDACTED]

From: Brewer, Rodney W (KSP)
Sent: Friday, April 10, 2020 1:49 PM
To: [REDACTED] (KSP) [REDACTED]@ky.gov>; [REDACTED] (KSP) [REDACTED]@ky.gov>; [REDACTED] (KSP) [REDACTED]@ky.gov>
Cc: [REDACTED] (KSP) [REDACTED]@ky.gov>; [REDACTED] (KSP) [REDACTED]@ky.gov>; [REDACTED] (KSP) [REDACTED]@ky.gov>
Subject: Church detail

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

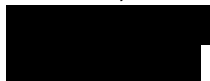
Captains----

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- PPE masks and gloves may be utilized but are not mandatory;
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- License plate numbers should be recorded for those vehicles present at each gathering.
- A list containing the name and address of each vehicle owner should be forwarded to your respective Troop Major by the close of business April 13th in order that the local health department can formally send out notices of violation.

I appreciate your continued efforts as we try to minimize the spread of the COVID-19. Please feel free to contact me should you have any questions or concerns at [REDACTED].

Commissioner Rodney Brewer
Kentucky State Police
919 Versailles Road
Frankfort, Kentucky 40601



"Good is the enemy of great"
---Jim Collins

RE: license plate info for church goers

Duke, Wesley W (CHFS OLS) <WesleyW.Duke@ky.gov>

Mon 4/13/2020 4:35 PM

To: [REDACTED] (LHD-Bullitt Co) [REDACTED]@ky.gov>

Sounds good. Do you have the addresses for the non-Bullitt County people on the list?

From: [REDACTED] (LHD-Bullitt Co) [REDACTED]@ky.gov>

Sent: Monday, April 13, 2020 4:26 PM

To: Duke, Wesley W (CHFS OLS) [REDACTED]@ky.gov>

Subject: RE: license plate info for church goers

Dr. Stack agreed that certified letter was sufficient as to avoid the "honeybee" effect and to decrease exposure to our staff.

From: Duke, Wesley W (CHFS OLS) [REDACTED]@ky.gov>

Sent: Monday, April 13, 2020 4:20 PM

To: [REDACTED] (LHD-Bullitt Co) [REDACTED]@ky.gov>

Cc: Alexander, Kelly N (CHFS DPH) [REDACTED]@ky.gov>

Subject: RE: license plate info for church goers

[REDACTED]

It is my understanding that for the Bullitt County individuals the LHD needs to attempt to go to the residence and get them to sign a voluntary quarantine form. If they will not just let me know and we can discuss further steps.

From: [REDACTED] (LHD-Bullitt Co) [REDACTED]@ky.gov>

Sent: Monday, April 13, 2020 3:54 PM

To: Duke, Wesley W (CHFS OLS) [REDACTED]@ky.gov>

Cc: Alexander, Kelly N (CHFS DPH) [REDACTED]@ky.gov>

Subject: license plate info for church goers

Good afternoon Mr. Duke,

Could you please contact me regarding the handling of license plate information? My cell phone is [REDACTED]. I've attached a letter that was changed to address the situation and the self-monitor restricted movement agreement.

Here's the breakdown of the license plates that were recorded at Maryville Baptist Church:

33 recorded (including duplicated license plates)

13 Bullitt County

7 Jefferson

2 Nelson

1 Grayson

1 Boone

1 Christian

1 Scott

1 Rowan

1 Whitley

3 out of state (Maine, Massachusetts, and Colorado)



Bullitt County Health Department
181 Lees Valley Road
Shepherdsville, KY 40165
Office ([redacted])
Fax [redacted]

From: [REDACTED] <[\[REDACTED\]@nkyhealth.org](mailto:[REDACTED]@nkyhealth.org)>
To: [REDACTED]
Cc: [REDACTED]
Subject: Re:
Date: Thursday, May 7, 2020 3:53:41 PM

Thanks for the heads up, Mayor [REDACTED]. We will check out the Lucky Duck situation. Hopefully, the protest planned at the school board building will follow social distancing/face mask guidelines at least. I'll leave it up to you and the Chief whether the police will pay a visit while they are protesting at the site. If it's more than 10 people it technically goes against the Governor's order related to mass gatherings.

Steve

[REDACTED]

Northern Kentucky Health Department
8001 Veterans Memorial Drive, Florence, KY 41042
Office: [REDACTED] | Fax: [REDACTED]
[REDACTED] <[\[REDACTED\]@nkyhealth.org](mailto:[REDACTED]@nkyhealth.org)>



EEO/M/F/Vets/Disabled/H
NOTICE OF CONFIDENTIALITY: This e-mail, including any attachments, is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any review, use, disclosure, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message.

On Thu, May 7, 2020 at 2:55 PM [REDACTED] <[\[REDACTED\]@florence-ky.gov](mailto:[REDACTED]@florence-ky.gov)> wrote:

So there is a large gathering of parents planned at the school board office this afternoon at 4:00

Also saw on Facebook that the Lucky Duck Restaurant at Oakbrook was doing a "cookout" and inviting the public.

Don't know if either of those rise up to your level of concern, but just a couple of things I am aware of.

People are getting antsy and it's a little concerning.



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

275 East Main Street, 5W-A
Frankfort, KY 40621
502-564-7042
502-564-7091
www.chfs.ky.gov

Eric C. Friedlander
Secretary

ORDER

May 9, 2020

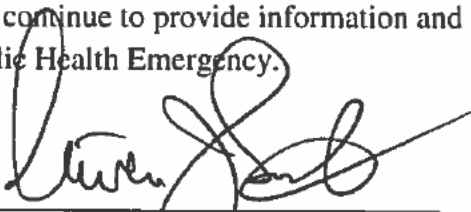
On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215, 2020-243, 2020-257 and 2020-323, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The March 19, 2020 Order of the Cabinet for Health and Family Services concerning mass gatherings (the "Mass Gatherings Order") is hereby amended as follows.
2. Effective immediately, the Mass Gatherings Order shall not apply to in-person services of faith-based organizations. Faith-based organizations that have in-person services must implement and follow the Guidelines for Places of Worship, which are attached hereto and incorporated by reference herein. The Guidelines for Places of Worship are available online at healthyatwork.ky.gov.
3. For the avoidance of doubt, nothing in this Order or the Mass Gatherings Order prohibits drive-in or virtual, televised, or radio services of faith-based organizations, so long as appropriate social distancing and hygiene measures as recommended by the Centers for Disease Control and Prevention are implemented and followed.
4. The Mass Gatherings Order remains in full force and effect except as amended herein.
5. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the fullest extent practicable implement Centers for Disease Control and Prevention guidance, including:

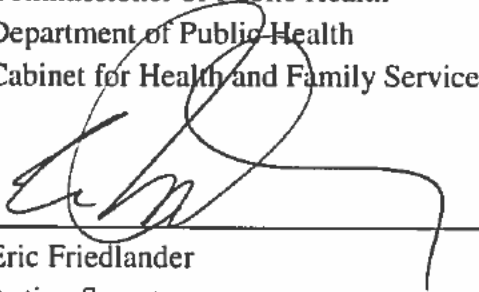
- maintaining a distance of 6 feet between persons;
- encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
- encouraging people who are sick to remain home or leave the premises; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.



Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Eric Friedlander
~~Acting~~ Secretary
Governor's Designee

Additional information from LHD/DPH Covid Webinar from Wes Duke

[Redacted] (CHFS DPH DPHPS) [Redacted]@ky.gov>

Fri 6/12/2020 7:47 AM

To: LHD Directors [Redacted]@ky.gov>; CHFS DPH PHP Coordinators (Listserv)

[Redacted] DPH LHD Environmental Directors [Redacted];
DPH LHD Environmentalists [Redacted]>;

[Redacted]

Good morning,

Please see the email below that Wes Duke asked me to share with you. It contains additional information on the protests specifically that there would be no LHD enforcement against those events.

[Redacted]

From: Duke, Wesley W (CHFS OLS) [Redacted]@ky.gov>
Sent: Thursday, June 11, 2020 6:08 PM
To: [Redacted] (CHFS DPH DPHPS) [Redacted]@ky.gov>
Subject:

Can you send a clarification email to all LHD's in regard to the protests. Just to clarify that there would be no health department enforcement against those events.

Get [Outlook for iOS](#)

** Internal Work Document **



Kentucky Public Health

Prevent. Promote. Protect.

2019 Novel Coronavirus Key Points

6-26-2020



KENTUCKY¹

State of Emergency declared March 6, 2020

14,859

Cases (↑242)

553

Deaths (↑7)

3.7%

Mortality Rate

119 counties

with at least one case



UNITED STATES²

Risk to Americans is widespread

2,414,870

Cases (↑40,588)

124,325

Deaths (↑2,516)

5.1%

Mortality Rate

56 states + territories

with at least one case



WORLD³

WHO declared pandemic on March 11, 2020

9,473,214

Cases (↑177,012)

484,249

Deaths (↑5,116)

5.1%

Mortality Rate

215 countries

with at least one case

¹Kentucky Department for Public Health

²The Centers for Disease Control and Prevention <https://www.cdc.gov/coronavirus/2019-ncov/cases-in-us.html>

³The World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports/>

Current situation in Kentucky¹

Long-term Care Facilities (LTCFs), Other Congregate Facilities,*
Places of Worship and Workplace Settings

*Other Congregate
Facilities might include:
Group Homes,
Residential Treatment
Facilities,
Inpatient Psychiatric
Hospitals and Correctional
Facilities



206 Facilities

with at least one case

175 LTCFs

31 Other Congregate*

Residents: **2,661** cases, **358** deaths

Staff: **1,073** cases, **3** deaths



5 Places of Worship

with 2 or more cases

At least

170 cases – 32 deaths

In

2 counties



72 Workplaces

with 2 or more cases

At least

1,037 cases – 5 deaths

In

32 counties

Hello All, This is [REDACTED] with the [REDACTED] Health Dept. I would like to give you basic information about the Corona Virus(COVID-19) and offer you the opportunity to ask questions anytime. You can call me back on my phone listed below or email. You can also go to the [REDACTED] Health Dept facebook or website and find general information.

To my knowledge there are currently no cases of the COVID-19 virus in [REDACTED] or Kentucky. However, we should think about the precautions we use for the Flu as a general ongoing precaution. Most people recover from this virus or have a mild case however at this time there is no vaccination for the virus so more severe cases could happen. Given there is no vaccination at this time, see the following suggestions as things you can consider.

Here are suggestions for you to consider in your services:

Social distancing- how can you rearrange your sitting arrangements so people can still attend the service but not sit next directly next to each other?

Hand Shake/hugging- encouraging your congregation to refrain from this particularly during outbreak times is very beneficial. One of the ways that viruses spread the easiest is by people putting their hands on their faces/mouth after having a virus on their hands. I realize eliminating hand shakes/hugging would possibly anger some people, but this is a great way to help your congregation stay healthy.

On line Services- some churches already have this option and this is a great way in an outbreak to have people still participate in the service without being present in the building. I realize if people aren't in the building that other things might be affected, i.e.-offering, communion, etc. but this is a option.

Communion- many churches pass the bread plate and everyone grabs a piece of bread out of it. While quick, this also allows everyone to touch multiple pieces of bread while grabbing their own. This is a great way to spread germs. I may be wrong but I think the bread/juice can be bought in separate packages that each individual gets that eliminates this issue. If you are a church that everyone drinks out of the same cup for the juice, obviously this can spread germs quickly as the mouth is a gateway to the immune system for germs.

Extra cleaning- I'm sure that churches regularly clean on a weekly basis. Adding extra cleaning of surfaces particularly in childcare rooms, pews and classrooms can help stop the spread of viruses.

Hand Washing- Encourage your congregation to wash hands frequently or use hand sanitizer if hand washing is not possible. This is vital if you have meals at the church, work in the childcare area, cooking food for members, etc.

Coughing/Sick-encourage all members who are sick or show signs of sickness to stay home from the service.

Personal Health- please have a conversation with your congregation about everyone being responsible for their own health. Obviously anyone can get sick at anytime including disease. One of the best prevention methods each of us has is being as healthy as we can to build our immune system. This discussion would include healthy eating, exercise, rest, physical exams, etc.

While any of us can get a disease at anytime, I truly believe that helping our congregations be as healthy as possible is part of the kingdom work!

Please call/email/text me anytime and I will be glad to discuss options with you at anytime.



Health Dept

APPENDIX 2

Executive Orders





**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF LEGAL SERVICES**

**Andy Beshear
Governor**

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www.chfs.ky.gov

**Eric C. Friedlander
Acting Secretary**

**Wesley W. Duke
General Counsel**

ORDER

March 19, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, KRS Chapter 39A, and Executive Orders 2020-215 and 2020-243, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. All mass gatherings are hereby prohibited.
2. Mass gatherings include any event or convening that brings together groups of individuals, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities.
3. For the avoidance of doubt, a mass gathering does not include normal operations at airports, bus and train stations, medical facilities, libraries, shopping malls and centers, or other spaces where persons may be in transit. It also does not include typical office environments, factories, or retail or grocery stores where large numbers of people are present, but maintain appropriate social distancing.
4. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the extent practicable implement Centers for Disease Control guidance, including:
 - maintaining a distance of 6 feet between persons;

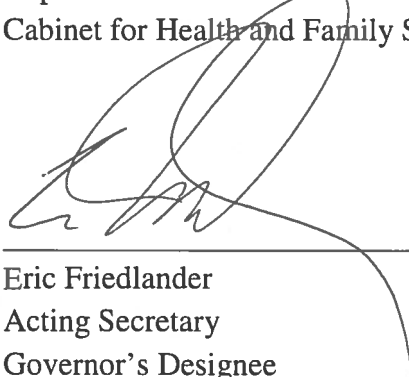
- encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
- encouraging people who are sick to remain home or leave the premises; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously and may extend the directives beyond their current expiration date. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.



Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Eric Friedlander
Acting Secretary
Governor's Designee



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2020-257
March 25, 2020

STATE OF EMERGENCY

Background

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

To help protect our community from the spread of COVID-19, Kentuckians are encouraged to remain Healthy at Home. By staying home and limiting your in-person contact, you can stop the spread of COVID-19, which endangers public health and safety. If we do not work together to contain the disease, COVID-19 threatens to overwhelm the Commonwealth's healthcare resources.

The Centers for Disease Control and Prevention (CDC) and the Kentucky Department of Public Health have recommended that everyone practice social distancing, meaning staying home when possible and otherwise maintaining six feet of distance from other individuals, to minimize the spread of the disease. Where people congregate unnecessarily, or fail to follow adequate social distancing practices, they are spreading the disease, creating scenes of an emergency.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population, including the power to suspend state statutes and regulations, and to command individuals to disperse from the scene of an emergency. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth.

I am now issuing this Order to take additional steps to encourage Kentuckians to remain Healthy at Home, and to do everything in their power to stop the spread of the



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GOVERNOR

EXECUTIVE ORDER

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Frankfort
Kentucky

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disease. This Order should be construed broadly to prohibit in-person work that is not necessary to protect or sustain life.

Order

I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of authority vested in me pursuant to the Constitution of Kentucky and by KRS Chapter 39A, do hereby Order and Direct as follows:

1. **Only Life-Sustaining Businesses May Remain Open.** All businesses that are not life-sustaining shall cease operations effective Thursday, March 26, 2020, at 8:00 p.m., except as needed to conduct Minimum Basic Operations, as defined in this Order. For the purposes of this Order, Life-Sustaining Businesses are all businesses that allow Kentuckians to remain Healthy at Home, including:
 - a. **CISA List.** All businesses operating in the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>.
 - b. **Life-sustaining Retail.** In-person retail businesses that provide life-sustaining goods, consistent with Executive Order 2020-246, as well as businesses that supply life-sustaining retail and their administrative support operations. In addition, the following additional categories of retail are designated as life-sustaining under this Order:
 - i. hardware stores and businesses that sell electrical, plumbing, and heating material;
 - ii. agricultural supply and equipment stores;
 - iii. medical product supply and equipment stores; and
 - iv. stores that supply first responders and other critical government and healthcare workers.

The life-sustaining retail stores listed above shall, to the fullest extent possible, permit customers to use delivery or curbside service.

- c. **Food, beverage, and agriculture.** Food and beverage manufacturing, production, processing, and cultivation, including farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; and businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, shelters, kennels, and adoption facilities.



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- d. **Organizations that provide charitable and social services.** Businesses and religious and secular nonprofit organizations, including food banks, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or special populations, individuals who need assistance as a result of this emergency, and people with disabilities. These organizations have a special responsibility to implement social distancing to the fullest extent possible, and to take all necessary actions to stop the spread of disease, including by stopping in-person retail operations.
- e. **Media.** Newspapers, television, radio, and other media services.
- f. **Gas stations and businesses needed for transportation.** Gas stations and auto-supply, auto-repair, farm equipment, construction equipment, boat repair, and related facilities; bicycle repair shops and related facilities; and motorcycle repair shops.
- g. **Financial Services.** Depository institutions, including but not limited to banks and credit unions; Non-depository institutions, including but not limited to consumer, industrial and mortgage loan companies, mortgage loan brokers, originators and processors, deferred deposit, check cashers, and payday lending companies, title pledge lenders, and money transmitters; securities institutions, including but not limited to brokers, agents, advisers and issuers; appraisers, financial markets, bond issuers, or institutions selling financial products to the extent they are providing financial services; and pawnbrokers, to the extent they are providing check-cashing or similar financial services, or to the extent they are selling firearms and ammunition pursuant to Paragraph 9 of this Order.
- h. **Housing, Buildings and Construction.** To ensure Kentuckians can remain Healthy at Home, businesses providing construction or maintenance of residential, commercial, or governmental structures, including but not limited to plumbers, electricians, exterminators, cleaning and janitorial staff, security staff, operating engineers, HVAC, painting, landscaping, moving and relocation services, necessary for sustaining the safety, sanitation and operation of structures.
- i. **Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or deliver groceries, food, beverages, goods or services to end users or through commercial channels.
- j. **Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.



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- k. **Restaurants for consumption off-premises.** Carry-out, delivery, and drive-through food and beverage sales may continue, consistent with the March 16, 2020 Order of the Cabinet for Health and Family Services and the Department of Public Health and the March 19, 2020 Order of the Public Protection Cabinet.
- l. **Supplies for Life-Sustaining Businesses.** Businesses that sell, manufacture, or supply other Life-Sustaining Businesses with the support or materials necessary to operate, including computers, audio and video electronics, household appliances; IT and telecommunication equipment; hardware, paint, flat glass; electrical, plumbing and heating material; sanitary equipment; personal hygiene products; food, food additives, ingredients and components; medical and orthopedic equipment; optics and photography equipment; diagnostics, food and beverages, chemicals, soaps and detergent; and firearm and ammunition suppliers and retailers for purposes of safety and security.
- m. **Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Kentuckians to safely remain Healthy at Home, and to access Life-Sustaining Businesses.
- n. **Home-based care and services.** Home-based care for adults, seniors, children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, and other in-home services including meal delivery.
- o. **Professional services.** Professional services, such as legal services, accounting services, insurance services, real estate services (including appraisal and title services). Professional services firms must implement telecommuting and remote work to the fullest extent possible, and should only use in-person interaction to support Minimum Basic Operations or where telecommuting is impossible.
- p. **Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying critical products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitization, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, mineral extraction, construction, national defense, communications, as well as products used by other Life-Sustaining Businesses, or products that can be used to treat or prevent COVID-19.



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2020-257
March 25, 2020

- q. **Critical labor union functions.** Labor Union critical activities including the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Life-Sustaining Businesses, provided that these checks should be done by telephone or remotely where possible.
 - r. **Hotels and motels.** Hotels and motels, to the extent used for lodging and delivery or carry-out food services.
 - s. **Funeral services.** Funeral, mortuary, cremation, burial, cemetery, and related services, subject to restrictions on mass gathering and appropriate social distancing.
2. **Telework Permitted.** The prohibition does not apply to virtual or telework operations.
3. **Social Distancing and Hygiene Required.** All businesses permitted to operate, including Life-Sustaining Businesses and businesses conducting Minimum Basic Operations, must follow, to the fullest extent practicable, social distancing and hygiene guidance from the CDC and the Kentucky Department of Public Health. Failure to do so is a violation of this Order, and could subject said business to closure or additional penalties as authorized by law. Social distancing and hygiene guidance includes:
 - a. ensuring physical separation of employees and customers by at least six feet when possible;
 - b. ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing or access to hand sanitizer;
 - c. regularly cleaning and disinfecting frequently touched objects and surfaces;
 - d. permitting employees to work from home when feasible; and
 - e. identifying any sick employees and asking them to leave the premises. Employers are strongly encouraged to offer these employees paid leave.
4. **Minimum Basic Operations.** Minimum Basic Operations are the minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, facilitate telecommuting, and other related functions.
5. **Evictions Suspended.** Pursuant to the authority vested in me by KRS Chapter 39A, evictions within the Commonwealth are suspended, and all state, county, and local law enforcement officers in the Commonwealth are directed to cease



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GOVERNOR

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Secretary of State
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Kentucky

2020-257
March 25, 2020

enforcement of orders of eviction for residential premises for the duration of the State of Emergency under Executive Order 2020-215. No provision contained within this Order shall be construed as relieving any individual of the obligation to pay rent, to make mortgage payments, or to comply with any other obligation that an individual may have under tenancy or mortgage.

6. **Additional Orders.** The following designees may provide guidance, clarification or modification of this Order to industries or businesses, and may otherwise issue orders necessary to the operation of government during the State of Emergency: the Governor's Executive Cabinet, as set forth in KRS 11.065; the Commissioner of Public Health; the Director of the Division of Emergency Management; and the Director of the Kentucky Office of Homeland Security. Local health departments may take all necessary measures to implement this Order.
7. **In-Person Government Services.** All in-person government activities at the state, county, and local level that are not necessary to sustain or protect life, or to supporting Life-Sustaining Businesses, are suspended.
 - a. For purposes of this Order, necessary government activities include activities performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders. Such activities also include, but are not limited to, public transit, trash pick-up and disposal, activities necessary to manage and oversee elections, operations necessary to enable transactions that support the work of a business's or operation's critical infrastructure workers, and the maintenance of safe and sanitary public parks so as to allow for outdoor recreation.
 - b. Any in-person government services that continue must operate consistent with social distancing, as set forth in Paragraph 3 of this Order.
 - c. Any statutory deadlines that conflict with the suspension of in-person government activities are hereby suspended during the pendency of this Order.
 - d. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.
8. **Prior Orders Remain In Effect.** All prior Executive Orders, and Orders issued by Cabinets pursuant to Executive Order 2020-215, remain in full force and effect, except to the extent they conflict with this Order. For the avoidance of doubt, mass gatherings remain prohibited pursuant to the March 19, 2020 Order of the Cabinet for Health and Family Services and the Department of Public Health. Non-life sustaining retail operations may continue to provide local delivery and curbside service of online or telephone



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2020-257
March 25, 2020

orders, consistent with Executive Order 2020-246. Violations of these and other Orders issued pursuant to Executive Order 2020-215 are punishable as provided in KRS Chapter 39A.

9. **Firearms.** Consistent with KRS 39A.100(1)(h) and (3), nothing in this Order should be construed to interfere with the lawful sale of firearms and ammunition. Any businesses engaged in the lawful sale of firearms and ammunition must follow social distancing and hygiene guidance from the CDC and the Kentucky Department of Public Health, including: ensuring physical separation of employees and customers by at least six feet when possible; ensuring employees practice appropriate hygiene measures, including regular, thorough handwashing; regularly cleaning and disinfecting frequently touched objects and surfaces; and ordering sick individuals to leave the premises. Failure to do so is a violation of this Order, and could subject said business to closure.

This Order shall be in effect for the duration of the State of Emergency herein referenced, or until this Executive Order is rescinded by further order or by operation of law.



ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State



**CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF THE SECRETARY**

Andy Beshear
Governor

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Eric C. Friedlander
Secretary

ORDER

May 9, 2020

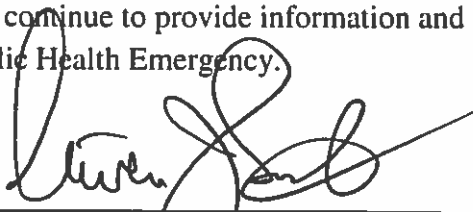
On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to the authority in KRS 194A.025, KRS 214.020, and Executive Orders 2020-215, 2020-243, 2020-257 and 2020-323, the Cabinet for Health and Family Services, Department of Public Health, hereby orders the following directives to reduce and slow the spread of COVID-19:

1. The March 19, 2020 Order of the Cabinet for Health and Family Services concerning mass gatherings (the "Mass Gatherings Order") is hereby amended as follows.
2. Effective immediately, the Mass Gatherings Order shall not apply to in-person services of faith-based organizations. Faith-based organizations that have in-person services must implement and follow the Guidelines for Places of Worship, which are attached hereto and incorporated by reference herein. The Guidelines for Places of Worship are available online at healthyatwork.ky.gov.
3. For the avoidance of doubt, nothing in this Order or the Mass Gatherings Order prohibits drive-in or virtual, televised, or radio services of faith-based organizations, so long as appropriate social distancing and hygiene measures as recommended by the Centers for Disease Control and Prevention are implemented and followed.
4. The Mass Gatherings Order remains in full force and effect except as amended herein.
5. Any gathering, regardless of whether it is a mass gathering prohibited under this Order, shall to the fullest extent practicable implement Centers for Disease Control and Prevention guidance, including:

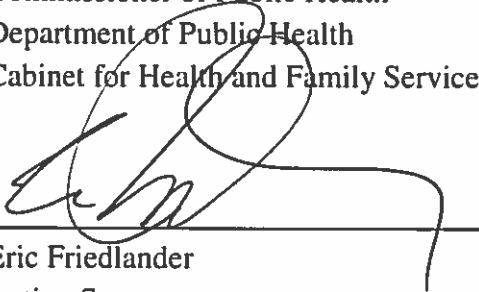
- maintaining a distance of 6 feet between persons;
- encouraging good hygiene measures, including regular, thorough handwashing, and providing adequate hygiene materials, including hand sanitizing options;
- encouraging people who are sick to remain home or leave the premises; and
- regularly cleaning and disinfecting frequently touched objects and surfaces.

5. The Department of Public Health hereby delegates to local health departments the authority to take all necessary measures to implement this Order.

The Cabinet for Health and Family Services will monitor these directives continuously. The Cabinet will continue to provide information and updates to healthcare providers during the duration of this Public Health Emergency.



Steven J. Stack, M.D.
Commissioner of Public Health
Department of Public Health
Cabinet for Health and Family Services



Eric Friedlander
~~Acting~~ Secretary
Governor's Designee