

RESTAURANT: Cork Cellars is part of resistance to ban on indoor dining

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during the pandemic.

The bistro will require patrons wear masks when not at the table eating, will separate diners, and will not offer wine tasting or music events.

The couple argues that restaurants with safety protocols including heavy sanitation efforts in place have not been shown to be a significant factor in COVID-19 spread.

“Restaurants have never been this clean *ever*,” Jeannie said. “I’ve worked in many, and they’ve never been this clean, ever.”

While comprehensive data is not available from OHA, Tom Buck cites numbers from New York and California that indicate that restaurants account for 1.4 percent of cases. In all areas, the vast majority of cases in the current surge can be traced to small social gatherings in homes.

“You’re pushing people out of restaurants where it’s monitored and controlled into a free-for-all in people’s living rooms,” Buck said.

The couple also notes that there are inconsistencies in the way restrictions are imposed on different business sectors.

“Airlines are still functioning and you can sit two inches away from somebody and eat on an airplane without a mask,” Jeannie said.

She noted that one of the observations that pushed her and Tom into their decision to open was “going to Costco and seeing a lunchroom full of people who were not social distancing or wearing masks while they were eating.”

Cork Cellars is part of a groundswell of resistance to mandates to fully close indoor dining.

Emily Cureton of Oregon Public Broadcasting (OPB) reported on December 30 on a restaurant in Redmond that has defied closure mandates, noting that, “...defiance is growing, with businesses, activists, and a budding coalition of mayors allying to promote a coordinated rebellion that begins New Year’s Day.”

“The only way for my family and my staff to survive is to not comply with the executive order,” Westside Local restaurant owner Amber Amos in Redmond

told OPB.

The story further noted that, “Meetings ... have been happening around Central Oregon in recent weeks, drawing business owners and public officials in Redmond, Madras, Bend and Prineville, while being promoted and guarded by local activists, some of whom are armed.”

The owners of Cork Cellars face potential sanctions from state authorities, including fines administered through Oregon Occupational Safety and Health Administration (OSHA) and the withdrawal of their liquor license by the Oregon Liquor Control Commission (OLCC).

In response to the movement to open restaurants in spite of restrictions, Governor Kate Brown issued a statement and a warning last week:

“I have directed Oregon OSHA and the OLCC to deploy all available resources to ensure businesses are in compliance. I expect enforcement agencies to continue to use an education first approach, but Oregonians need to understand that these rules are enforceable under law. For businesses that refuse to comply, OSHA and OLCC staff are empowered to take administrative action including issuing citations, fines, and Red Warning Notices if necessary.”

Brown asserted that, “Help is on the way for struggling businesses. I proposed new resources for rent relief for businesses in the third special session, and I expect a new round of federal aid to be delivered soon. We can’t waiver in our response to the virus now, when the end is finally in sight and resources are on the way.” (*See sidebar at right for full statement.*)

The owners of Cork Cellars say they feel that they’re out of options.

Jeannie noted that they have paid staff and bills out of their pockets throughout the closure, which can’t be sustained indefinitely. Operating on a takeout-only basis doesn’t cover costs.

“We can’t keep living like this,” Jeannie said.

While they appreciate the community support they received through a GoFundMe campaign in July, they don’t feel that they can continue to ask the community to subsidize them.

“We just want the opportunity to serve the community and make a living,” Tom said.

Brown warns businesses defying restrictions

In response to widespread movements for businesses to reopen in the face of state-mandated restrictions, Governor Kate Brown issued a statement on December 31:

“Oregon’s health and safety measures are in place to protect Oregonians, save lives, and keep our hospitals and healthcare workers from becoming overwhelmed by COVID-19. Oregonians have made incredible sacrifices throughout this pandemic, and now, many communities across Oregon are reducing the spread of COVID-19 and moving into risk levels that allow restaurants and businesses to reopen to at least some indoor service.

“If businesses reopen too early and instead create new spikes in COVID-19 cases, the actions of a few business owners could set entire communities back and keep them in the Extreme Risk category for even longer.

“It’s unfortunate and irresponsible that some local politicians are choosing to willfully mislead business owners into jeopardizing public health and risking fines, instead of working with their communities to help stop the spread of COVID-19 so that we can reopen businesses, schools, and more quickly return to normal life.

“Let me be clear: Local elected officials do not have the authority under Oregon law to disregard my emergency orders or to authorize anyone else to do so. Any businesses that

reopen in violation of state risk-level requirements for their county will be subject to fines and enforcement. Undoubtedly, those same local elected officials who are encouraging businesses to fully reopen and flagrantly disregard public health are unlikely to have the backs of businesses when faced with fines and penalties, nor are they likely to be willing to be held responsible for the public-health impacts their actions create.

“I am urging all Oregon businesses to put the health of their communities first by following the guidance we have in place for their counties. A large majority of businesses continue to do the right thing to protect their communities. However, when Oregonians don’t take COVID-19 seriously, and don’t take steps to reduce the spread of the disease, they put all of us at risk.

“I have directed Oregon OSHA and the OLCC to deploy all available resources to ensure

businesses are in compliance. I expect enforcement agencies to continue to use an education-first approach, but Oregonians need to understand that these rules are enforceable under law. For businesses that refuse to comply, OSHA and OLCC staff are empowered to take administrative action including issuing citations, fines, and Red Warning Notices if necessary.

“Oregon has led in our response to COVID-19, and help is on the way for struggling businesses. I proposed new resources for rent relief for businesses in the third special session, and I expect a new round of federal aid to be delivered soon. We can’t waiver in our response to the virus now, when the end is finally in sight and resources are on the way. We are better than this. As we head into the new year, I am asking all Oregonians, yet again, to commit to making smart choices and to take seriously their individual responsibilities during a public-health emergency.”



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