

**EMERGENCY EXECUTIVE ORDER NO. 5
DINE-IN SERVICE PROHIBITION
ENFORCEMENT**

MARCH 2020

EMERGENCY EXECUTIVE ORDER NO. 5

- From March 16, 2020, and through March 30, 2020, all businesses in Illinois that offer food or beverages for on-premises consumption are ordered to suspend services.
- The Executive Order mandates that IEMA, IDPH, the State Fire Marshall, and the Illinois Liquor Commission (ILCC) cooperate with one another and use their available resources to enforce the provisions of the Executive Order. (Exec. Order No. 5, Sec. 3).
- The IDPH Act requires: “[a]ll local boards of health, health authorities and officers, police officers, sheriffs and all other officers and employees of the state or any locality shall enforce the rules and regulations so adopted and orders issued by the Department pursuant to this Section.” 20 ILCS 2305/2(a).

INCREMENTAL ESCALATION APPROACH DESIGNED TO ENCOURAGE COMPLIANCE BEFORE MOVING TO ENFORCEMENT

- STEP ONE: STATEMENTS OF AUTHORITY/NOTICE ISSUED BY LOCAL MUNICIPALITIES, LOCAL AND STATE DEPARTMENTS OF PUBLIC HEALTH, LOCAL AND STATE LIQUOR LICENSING BODIES, AND OTHER LOCAL LICENSING BODIES
- STEP TWO: NOTICES TO CEASE AND DESIST ISSUED BY IDPH, ICCCL WHERE APPROPRIATE, AND ANY OF THE LOCAL LICENSING OR AUTHORATIVE BODIES ISSUED ABOVE
- STEP THREE: ENFORCEMENT
 - Rescission of necessary licenses for operation, particularly liquor licenses for most impact
 - IDPH Closure Order
 - Criminal Sanctions
 - Civil Remedies

NOTICE/STATEMENTS OF AUTHORITY

- NOTICES SHOULD NOT INDICATE THAT ESTABLISHMENTS MUST CLOSE—ONLY THAT DINE-INN SERVICE MUST CEASE
- NOTICES SHOULD DECLARE THAT CARRY OUT, CURB SIDE PICKUP, DRIVE THROUGH SERVICE AND CUSTOMER PICK UP OPTIONS ARE NOT PROHIBITED
- NOTICES SHOULD OUTLINE POTENTIAL FOR LICENSE RESCISSION, CLOSURE AND CRIMINAL AND CIVIL LIABILITY FOR NON-COMPLIANCE
- NOTICES INTENDED TO ENCOURAGE COMPLIANCE; GRACE PERIOD IF ANY UP TO LOCAL DISCRETION

NOTICE TO CEASE AND DESIST

- IDEALLY ISSUED BY IDPH AS PRIMARY AUTHORITY BUT MAY BE ISSUED BY OTHER LICENSING ENTITIES INCLUDING ILCC AND LOCAL EQUIVALENT
- SHOULD BE PERSONALLY SERVED AT NON-COMPLIANT ESTABLISHMENT BY LOCAL LAW ENFORCEMENT WITH ASSISTANCE FROM ISP OR OTHER ENTITIES IF NEEDED
- LOCAL LAW ENFORCEMENT MAY ADVISE ISP ZONE COMMANDER OF NON-COMPLIANCE; ZONE COMMANDER WILL COORDINATE WITH STATE AND LOCAL DPH; STATE AND LOCAL LIQUOR COMMISSION; AND LOCAL STATE'S ATTORNEY

ENFORCEMENT OPTIONS

- 1. LICENSE RESCISSION
 - WORK WITH LOCAL AUTHORITIES TO BEGIN RESCISSION PROCESSES
 - WORK WITH LOCAL AND STATE LIQUOR COMMISSIONS WHERE APPROPRIATE
- 2. WORK WITH LOCAL SAO TO OBTAIN CIRCUIT COURT ORDER MANDATING COMPLIANCE WITH GOVERNOR'S ORDER
- 3. IDPH CLOSURE ORDER (20 ILCS 2305/3(c)).
- 4. CRIMINAL CHARGES (PROVIDED FOR IN IDPH ACT OR CRIMINAL RECKLESS CONDUCT
- 5. OTHER CIVIL REMEDIES (TRO PURSUANT TO PUBLIC NUISANCE PRINCIPLES)

- Northern Command – Major M. Witt, 847-294-4525, Michael.Witt@illinois.gov
 - Zone 1 – Acting Captain Matt Gainer, 312-656-0857, Matthew.Gainer@illinois.gov
 - Zone 2 – Captain C. Endress, 309-752-4915 x 4930, Christopher.Endress@illinois.gov
 - Zone 3 – Captain R. Wilk, 815-726-6377 Richard.Wilk@illinois.gov,
 - StateWide Gaming – Lt. S. Brannon, 312-814-4655, Sean.Brannon@illinois.gov
- Central Command – Major T. Phillips, 217-524-5554, Troy.Phillips@illinois.gov
 - Zone 4 – Captain. D. Payton, (217) 782-4750, Donald.Payton@illinois.gov
 - Zone 5 – Captain J. Henderson, 217-278-5000, Jason.Henderson@illinois.gov
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 - Zone 6 – Lt. C. Brown, 618-346-3721, Calvin.Brown@illinois.gov
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- STICK – Center Chief Lt. D. Aders, 217-557-1940, Darrell.Aders@illinois.gov

ISP Districts Map - <https://www.isp.state.il.us/districts/districtfinder.cfm>