

## **CARDENAS, RUPLE & KURT, LLC UPDATE REGARDING OHIO-COVID-19**

Client Alert: Ohio Orders Residents to Stay Home and Certain Businesses to remain Close Amid COVID-19 Pandemic

By order of Governor Michael DeWine in conjunction with Dr. Amy Acton, Director of the Ohio Department of Health, Ohio continues to be under a "Director's Stay at Home Order" for the purpose of reducing the spread of COVID-19 coronavirus in the state of Ohio. And as most of you might know Dr. Acton has held daily news conferences whereby the instructions to "shelter in place" remain. As for how long remains to be seen. But it is anticipated to extend to early May 2020.

There are many Frequently Asked Questions to assist businesses and individuals to interpret these Orders. And Cardenas, Ruple & Kurt has preparing guidance memos for businesses describing which business functions are essential under the Order along with instructions to share with employees. If you need such memos to be drafted for you or your business, we are happy to assist.

The current Order is not a surprise and is consistent with the message that has been shared by Ohio Governor Mike DeWine and Department of Health Officials throughout the past few weeks. It is also similar to orders issued by other at least 38 other states with the number growing daily. It is highly likely that every State which has the number of Covid-19 cases growing daily to join the existing States urging its citizens to shelter in place. At least until there is proof of the "flattening of the curve."

Originally, Ohio's Order took effect on Monday, March 23 at 11:59 p.m. EDT and was to continue until April 6, 2020 at 11:59 p.m. However, Governor DeWine has announced that the State is still "A Stay at Home" until early May. But, please keep in mind that events change daily, and we are here to help our clients to stay updated on these very fluid and difficult times.

Please also understand that the confusion as to whether Ohio's "Stay at Home" is governed by the Federal Government or the State of Ohio (and/or individual County Departments of Health) it is Governor DeWine and Dr. Amy Acton with such decision-making authority. The Federal Government can make recommendations. But ultimately Governor DeWine is essentially in charge when it comes to the "reopening" of Ohio.

Please also know that your local County Departments of Health have an important role as well. For example, we know restaurants that offer takeout only can be open at this time. But they may still get inspected by their County Department of Health. And this includes surprise inspections. And if the County Department of Health feels that they are not Covid-19 compliant the local County may keep them closed until they do those things necessary to re-open. That requires written approval by that Counties Department of Health. And these further strains the economic hardship being experienced.

Many of our clients have questions regarding when other businesses currently deemed non-essential will be allowed to reopen. And there is no known perfect answer to that question. Part of the confusion and infighting is because some Counties in Ohio that have far fewer cases of Covid-19 want to allow some of their businesses to re-open. And while there is considerable pressure in that regard it is still expected that a general Order by Governor DeWine would be done for the entire State before allowing certain

businesses in certain Counties be reopened while an adjoining County might not be. But there are certainly efforts by businesses-especially small business to reopen because of the devastating economic effect of being shut down.

Please remember that best practices dictate that (1) Individuals must stay at home (with exceptions for essential businesses and operations), (2) essential businesses and operations are encouraged to stay open, (3) non-essential businesses and operations must cease and (4) a business/employer must not violate the Order by doing business while the Order is in effect. You may be fined and cited by your local county or local county police department.

Also, this is the time to remember to use best practices when Ohioans use or share outdoor spaces when outside their residence. That starts with wearing masks when you enter any businesses outside of your home. Grocery stores, Pharmacies, Restaurant take-out and similar. While not Ohio Law it still is something to do for your protection and the employees protection for those that wait on you.

And please remember that Social Distancing Requirements remains in effect. And that surprise inspections by County Departments of Health will investigate if your best practices are not followed. This include the following: (a) maintaining at least six-foot social distancing from other individuals, (b) washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, (c) covering coughs or sneezes (into the sleeve or elbow, not hands), (d) regularly cleaning high-touch surfaces and (e) not shaking hands. Don't let any current essential business be shut because they their patrons don't comply with these instructions.

And in terms of new information please note that on April 14, 2020 the Consumer Financial Protection Bureau (which regulates the Credit-Financial Industries) issued a ruling that any Federal stimulus relief checks being paid to individuals who qualify are not the same as ordinary wages. First, they are exempt funds and they may not be attached by any Creditor seeking to attach those funds because of monies owed. And secondly, they are not income for Tax purposes.

There are changes almost daily in these unprecedented times. And the confusion, anger and difficulty understanding how these apply to you or your business are things that Cardenas, Ruple & Kurt can help you with. We are available to discuss with existing clients or new clients what their rights are. Further, we can assist in advising you what you may be able to obtain as emergency funding from the Federal Government's Disaster Relief loans, SBA Loans, or through your local Bank that may accept SBA loans. We are here to counsel and assist you as needed.

For more information and assistance please contact CRK Law Partner's:

*Russell D. Kornblut, Esq.*  
*(440)-519-9818 (PH)*  
*russelld.crk@gmail.com*

OR

*Pamela Kurt, Esq.*  
*440-516-1010 (PH)*  
*PKurt@kurtlaw.com*

