

## NOTICE OF INTENT TO REVOKE LICENSE

TO: Helbachs Café LLC  
c/o Casey Helbach, Registered Agent  
6993 Applewood Dr.  
Madison, WI 53719-4948

YOU ARE HEREBY NOTIFIED that pursuant to Dane County Code of Ordinances (DCO) §46.33(5), that I, Janel Heinrich, the Public Health Officer for Madison and Dane County, intends to seek revocation of Food and Drink License No. LICFDD-2019-00019, issued by Public Health Madison Dane County on February 20, 2019, for operation of Helbachs Coffee Roasters & Kitchen, located at 1824 Parmenter St, Middleton, Wisconsin (hereinafter referred to as the “regulated facility”).

DCO §46.33(5) authorizes the public health officer to seek revocation of an operator’s permit for failure to comply with any provision of the Dane County Ordinances. The basis for the requested revocation is violation of Dane County Code of Ordinances §46.40(2) that states “It shall be a violation of this chapter to refuse to obey an Order of the Director of Public Health Madison and Dane County entered to prevent, suppress or control communicable disease pursuant to Wis. Stat. §252.03.” Commencing on July 13, 2020 the operator of the regulated facility has engaged in repeated violations of Emergency Order #8 issued by the Public Health Officer for Madison and Dane County on July 7, 2020 and effective July 13, 2020, pursuant to Wisconsin Statutes §252.03(1), (2) and (4), to wit:

1. On July 13, 2020 a sign was posted on the door of the regulated facility stating it was a “mask free zone” and directing that masks should be removed upon entry. Employees and customers were witnessed inside the premises without masks. All in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8.

2. On July 14, 2020, employees and patrons were witnessed inside the regulated facility without masks in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8.

3. On July 15, 2020, employees and customers were witnessed inside the regulated facility without face coverings in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8. A PHMDC employee attempted to educate the manager/owner present at the regulated facility regarding face covering requirements. Said person stated that he had no intention of complying with the PHMDC Order regarding face coverings, and refused to post signs provided by PHMDC regarding “Workplace Requirements for Employers and Workers” in violation of Para. 4(k) of Emergency Order #8, he further refused to post a sign informing customers that face coverings are required in enclosed buildings in violation of Para. 4(i) of Emergency Order #8.

4. On July 20, 2020, a customer entered the regulated facility wearing a face covering and was asked to remove said face covering by an employee in violation of Para 1(e)(i)1 of Emergency Order #8. Said customer witnessed employees and customers inside the regulated facility without masks in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8.

5. On July 21, 2020, employees and customers were witnessed inside the regulated facility without face coverings in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8. A

PHMDC employee asked the manager/owner present at the premises the required signage be posted. Said person stated they needed to bring it to the board. No signage informing customers that face coverings are required in enclosed building was observed.

6. On July 23, 2020, employees and customers were witnessed inside the regulated facility without face coverings in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8. A PHMDC employee attempted to educate the manager/owner present at the premises regarding face covering requirements. Said person refused to post signs provided by PHMDC regarding “Workplace Requirements for Employers and Workers” in violation of Para. 4(k) of Emergency Order #8, he further refused to post a sign informing customers that face coverings are required in enclosed buildings in violation of Para. 4(i) of Emergency Order #8.

7. On July 24, 2020, employees and customers were witnessed inside the establishment without masks in violation of Paras. 1(e)(i)1 and 4(d)(ii) of Emergency Order #8. The manager/owner refused to post signs provided by PHMDC regarding “Workplace Requirements for Employers and Workers” in violation of Para. 4(k) of Emergency Order #8, he further refused to post a sign informing customers that face coverings are required in enclosed buildings in violation of Para. 4(i) of Emergency Order #8.

To avoid revocation the Licensee must comply with PHMDC Emergency Order #8 and subsequent orders entered pursuant to Wis. Stat. §252.03 and Governor Evers’ Emergency Order #1 requiring face coverings and subsequent, including:

1. Requiring all employees to wear a face covering at all times indoors.
2. Refraining from posting or communicating that the premises is a “mask free zone”.

3. Posting a sign on the door of the premises advising customers of the face covering requirement under PHMDC Orders.

4. Encouraging customers to comply with the face covering requirement.

5. Posting PHMDC's "Workplace Requirements for Employers and Workers" guidance document in a prominent location where all employees may access and view.

You have a right to a hearing before the Board of Health for Madison and Dane County. At the hearing, you can represent yourself or hire an attorney. You or your attorney will have the right and opportunity to cross-examine witnesses called by Public Health Madison and Dane County and to call witnesses to testify on your own behalf. Within ten days of the hearing, the Board of Health for Madison and Dane County is required to issue a written decision regarding any action it takes with regard to your food and drink license(s).

YOU ARE FURTHER NOTIFIED that a hearing on revocation of Food and Drink License No. LICFDD-2019-00019 will be held before the Board of Health for Madison and Dane County on August 25, 2020, at 10: 00 a.m. Parties will appear via video or telephone conferencing. Instructions to join the hearing are provided with this notice.

Any documents or exhibits you intend to submit to the Board for consideration should be filed by August 21, 2020 by submitting to the following e-mail: [PHBOHSupport@cityofmadison.com](mailto:PHBOHSupport@cityofmadison.com)

Dated this 31<sup>st</sup> day of July, 2020.



Janel Heinrich  
Health Officer, Public Health Madison & Dane County