

# AGENDA MATERIAL

DATE 9/15/20 ITEM NO. RA.12

**Katrina Martinez**

**From:** Julie Castaneda  
**Sent:** Monday, September 14, 2020 11:59 AM  
**To:** COB\_mail  
**Subject:** FW: Complaint regarding County Health Department - Agenda Item 12 background

**From:** Kelly Walker [REDACTED]  
**Sent:** Thursday, September 10, 2020 11:26 AM  
**To:** District1 <[District1@pima.gov](mailto:District1@pima.gov)>; District4 <[District4@pima.gov](mailto:District4@pima.gov)>

**Subject:** Complaint regarding County Health Department

\*\*\*\*\*

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

\*\*\*\*\*

SEP 14 2020 PM 12:02 PCDKUF-BD



Dear Sirs,

I am one of the owners of Viva Coffee House here in Tucson, Arizona. We have been in operation for about two years, and have always been diligent to keep our health standards high and cooperate with the County Health Department, enjoying a good relationship.

Over the months of the Pandemic, we have done our best to understand and implement shifting, often confusing proclamations, delegations of enforcement, etc. We even put out tables and distributed food and supplies to people in our community.

I'm writing because the Health Department has been negligent in its enforcement and cause irreparable damage to our business. Because they set up a public "shaming site," our family and staff have been subjected to threats of violence, harassment and "cancel culture." The department had been praising us for months for our compliance. We have been diligent to communicate with them and publicly announce our responses to each new proclamation. Then they threw us to the dogs in the midst of a very dangerous and volatile time.

Recently, a woman came in and took photos of a handful of mothers and children enjoying food and drink, despite several of them denying their consent to take their photos. I immediately email our county inspector about it, with photo evidence, confirming no one was out of compliance. She falsely claimed there were 40 people in our shop wearing masks and that we have a "no mask policy." The inspector later claimed that she conveniently didn't receive these specific emails.

Based on an unsubstantiated complaint, she made an unscheduled visit. We went over some minor items that could use improvement, such as switching from a peroxide-based cleaner to a bleach-based one. Nothing was major. She had to call her supervisor several times to clarify things because even she didn't understand all the regs (so how are WE supposed to?). We implemented these changes within a few business days and sent photos, receiving an email that we are in compliance.

Unbeknownst to us, rather than acknowledging our good faith longstanding efforts, and in spite of my meeting with her personally and diligence to implement suggested improvements, we were put on a public non-compliance list without warning, notification or any period of time to address these minor issues. In a time when businesses and individuals are being targeted, threatened, windows smashed, etc., this was unacceptable and out of line, to say the least. Even after confirmed compliance, we were told it could take up to a week to remove us from the list. Despite my requests, the county did NOTHING to address the persecution and threats.

Because of this, we received an overwhelming barrage of hateful messages, false reviews, threats of physical harm and so on. Much of Tucson got the false impression that we were purposely defying the county and doing NOTHING to help protect people's health. Our families and baristas were afraid for their lives.

As a result of this detestable targeting of our business, I told an inspector who again showed up for a surprise inspection to leave the premises and not return. We will not tolerate the county supporting endangerment of our people and slandering of our business.

If you would like to sit down and discuss this with local small business and make necessary changes, as well as issue a public apology, we will resume our relationship with you. If you do not, you can expect a class-action lawsuit and the overwhelming peaceful protest of the thousands of people who support our business and know we are good people with a heart for the community. Per the governor's orders, penalizing a business without first providing education and a means to address issues is prohibited.

In the meantime, the Health Department is suspended from the premises of our business and we will self-manage until such a time as they begin doing their job ethically and in the best interests of the small businesses that serve our people. As it is, you WILL be hearing from concerned and supportive citizens, and I will be applying my talents in PR and marketing to discuss this with the media.

Feel free to contact me, as I am willing to discuss a path forward.

Attached are one of our emails to the county inspector, verification of compliance, and

Rocio Alvarez (pima.gov)

False information

Hi Rocio,

Apparently, some people are continuing to make false claims about Viva Coffee House.  
Can the County please address this, as we have done our due diligence?

Businesses are doing our best, and we want the County to actively support that.  
Please check and see that our status is updated on the County records.

Thank you!

Kelly J. Walker

Creative Strategist | Senior Copywriter | Advertising Genius

Portfolio: [REDACTED]

screenshots of just some of the backlash we received due to the Health Department's adversarial approach.

Rocio Alvarez

Tue, Jul 28, 4:09 PM (23 hours ago)

to me, Ashley, Andrea, redLinker

Good afternoon Kelly,

Congratulations, you have passed the Pima County Proclamation.

Thank you for making all the necessary changes to prevent the propagation of COVID-19.

Thank you.

Rocio Alvarez, RS

Environmental Health Specialist I

Pima County Health Department

Consumer Health and Food Safety



Melissa Cohn shared a link.

3h

Update on Viva Coffee House: They have made the county's list of businesses (link below) that will receive "enforceable actions" if they continue to ignore the mask mandate:

WEBCMS.PIMA.GOV

### Resolution 2020-49 Face Mask Requirement Violations - Pima ...

The establishments listed below were deemed to be out of compliance with Pima County Resolution No. 2020-49, requiring everyone in...



Jim Baptista

Assign Conversation





AUG 3, 2020, 12:43 PM

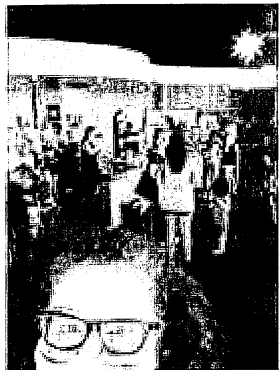



you and your inbred little mindset...hoping your business goes down the shitter.

More Activity

 **Gretchen Wirges** · Tucson Coronavirus Updates · 






I'm beyond sad and frustrated that I have to say this about a local place. But I'm LIVID at what's going on at Viva Coffee House. I was already irritated about their Republican rhetoric of "blue lives matter"... More



 Len Lundborg-Ewing and 11 others · 19 Comments · 27 Likes

 Like

 Share

  **Emery Nicoletti**  doesn't recommend Viva Coffee House. ·  10 min · 


Known to not care about CDC guidelines, their employees refuse to wear masks claiming that they ALL have medical issues that prevent them from wearing masks. It seems like 100% of their clientele have medical problems too or perhaps VIVA can care less about taking preventive measures for the spread of Covid. It's Idiots like these that make Arizona number one in the world for outbreaks.

Start a private conversation with Emery Nicoletti in Messenger. [Message](#)

 Like

 Comment

 Share

Write a comment...   



Lilliana Krystal Chacon Oh god, masks aren't that difficult to wear. But I'm sure I'm gonna get someone responding to me saying that if I don't like it I don't have to go. Which is fine, because the coffee sucks anyways lol, have fun getting coronavirus y'all

Like · Reply · Message · 4m



Angelique Tadeo Clearly not one of you is a health care professional. Enjoy your ventilators....I will make my own damn coffee ☺

Like · Reply · Message · 2h



Anni Williams Are the unmasked employees near customers food/ drinks? If not, social distance should be enough as you said

Like · Reply · Message · 1h



Lydia Benson Brewer doesn't recommend Viva Coffee House.

1m ·

Apparently a no masking policy. keep yourself safe and don't go there



Start a private conversation with Lydia Benson Brewer in Messenger.

Message

1 Comment



Mary Gimore [marygim@vivacoffeehouse.com](mailto:marygim@vivacoffeehouse.com) 5:15 PM (1m) ·



#### Be careful with this message

This email claims to come from [marygim@vivacoffeehouse.com](mailto:marygim@vivacoffeehouse.com), but replies will go to an email address at another domain. Avoid replying to this email unless you reach out to the sender by other means to ensure that this email address is legitimate.

Report phishing

Looks safe

Name: Mary Gimore

Email:

**Message:** Shame on you for NOT having your employees wear masks and for not having a policy to have customers wear masks. You do not care about your employees customers. I hope the Health Department shuts you down for not following the CDC guidelines. Hope everyone boycotts your business.

Time: July 21, 2020 at 12:15 am

IP Address: 70.150.181.201

Contact Form URL: <https://viva2020coffeehouse.com/contact/>

Sent by an unverified visitor to your site

Back Print



Go  yourselves.

 that

 off. Never coming back.



Emery Nicoletti  doesn't recommend Viva Coffee House.

56m · 



Beyond Filthy. In the middle of a worldwide pandemic they go above and beyond to REFUSE to wear masks or insist that patrons do also. Went in there today, no one with masks, not even employees. They don't give a sh#t about anyone's well-being just their profits. I encourage Starbucks and Dutch Brothers to put them out of business. Plus, their roasted coffee tastes brackish.

Slow service



Start a private conversation with Emery Nicoletti in Messenger.

Message

1 Comment

Today 8:09 AM

I just got a nasty phone call  
from someone named [REDACTED]  
[REDACTED] His number is.  
[REDACTED] he said you  
have until 12 to call him and  
he's filing a class action lawsuit  
against you



Our shop manager just sent this.

Sent by

he did threaten to find me and kill  
me

here is the thread

[https://www.facebook.com/aaron.p  
arkey.7/posts/10220035539513233](https://www.facebook.com/aaron.parkey.7/posts/10220035539513233)

where he basically threatens you

keep that for your records



Aaron Parkey Jim Nintzel Honestly Jim I am nearing the  
end of being able to manage MS. I have accomplished  
what I needed to with the boy. I can do whatever I want  
with my life again. No reason not to revive The Barron and  
roll out a little get even on some [REDACTED] soon. lol.

Like · Reply · 1d

2

judging by the kind of person he is,  
he's going to come unhinged

id keep a bat and a gat behind the  
counter brotha

this is the guy who had a whole  
thread on his facebook page about  
you and how he was going to go  
demon on you or some [REDACTED]

and some bitch posted your profile



Patricia Palomera doesn't recommend Viva Coffee  
House: "coffee tastes like [REDACTED]. the owner is a racist...

★ 10h



Jim Baptista

Assign Conversation ▼



AUG 3, 2020, 12:43 PM



[REDACTED] you and your inbred little mindset...hoping  
your business goes down the shitter.



Hi. Not sure how to explain this, but i saw this girl kayla post some racist stuff so i texted (what I thought) was her number. Some weirdo responded and wanted me to call and harass you. I have no intention of doing that, but you should know that there is some psycho out there who has it in for you. here is the conversation:



i saw in the tucson corona virus page that they were harassing your place.

Kelly J. Walker  
Creative Strategist | Senior Copywriter | Advertising Genius

Portfolio:

*"Having worked with Kelly, I can tell you he understands every aspect of sales, marketing and design (online and offline) more than many people I know in the industry. I've been a CEO of one of the largest agencies in Southern California, so I speak from experience."* Dean del Sesto, Breviti