

# California State Senate

SENATOR

ANDREAS BORGEAS

EIGHTH SENATE DISTRICT



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November 24, 2020

The Honorable Gavin Newsom  
Governor, State of California  
California State Capitol  
Sacramento, CA 95814

Dr. Mark Ghaly  
Secretary, Health and Human Services Agency  
1600 Ninth Street, Room 460  
Sacramento, CA 95814

*Re: Request for Disclosure of Data Used by State as Justification for Restaurant Closures*

Dear Governor Newsom and Secretary Ghaly,

California's businesses and employees have taken extraordinary health precautions to protect their communities during this pandemic. California restaurants, along with many other industries, have been severely impacted by restrictions and mandated closures, devastating local communities and economies. While many restaurants have diligently implemented California's *Blueprint for a Safer Economy*, many are barely surviving and cannot hope to sustain an additional closure to indoor dining, especially during this winter as outdoor dining is less viable.

Your administration has repeatedly emphasized the need for science and data driven decision making. Recent data from the Los Angeles County Department of Public Health indicates that COVID-19 cases traceable to the county's restaurants and bars only accounted for 3.1% of total confirmed cases. To my knowledge, LA County is one of the few counties able to provide data in this aggregated fashion. I understand many other counties struggle to obtain this type of data during the contact tracing process. Fresno County, among others for example, is unable to provide such information due to difficulty in obtaining reliable service industry sourcing information. *Since many counties do not have this data available, it is reasonable to request your administration justify these modifications with the data, methodology and findings driving these consequential decisions.*

As California heads into the ninth month of the pandemic, these businesses risk closing their doors during the winter season and even permanently. The California Restaurant Association has provided recommendations with reasonable modifications for restaurants to operate indoors.

Just as restaurants and businesses have worked hard to comply with your administration's guidelines, it is incumbent upon the state to reciprocate their collaborative efforts.

Therefore, I respectfully submit the following request to your administration:

- 1) Disclosure of the data, methodology and findings utilized in determining restaurants as a significant source of transmissions, and the respective sourcing rates per county;
- 2) Provide reasonable and understandable modifications to allow California restaurants, and other businesses, to operate indoors as well as enhanced outdoor options;
- 3) Consider holiday convening protocols that permit three households or less to be applied to indoor restaurant dining;
- 4) Exploration of a California led paycheck protection relief program for businesses and employees up to and until federal authorities pass a COVID stimulus bill; and
- 5) Clarification on the new CAL-OSHA emergency measures that the definition of "outbreak" be intended to apply to instances of exposure in contrast to all business operations.

No doubt these are trying times, but with California's unexpected projection of a twenty-six billion dollar surplus, we should be devising policies that simultaneously protect public health and our economic future as they are not mutually incompatible priorities.

Thank you in advance for your consideration and I look forward to your prompt written response.

Sincerely,

A handwritten signature in black ink, appearing to read "Andreas Borgeas". The signature is fluid and cursive, with a long horizontal stroke at the end.

ANDREAS BORGEAS  
8<sup>th</sup> Senate District