

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
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October 5, 2020

Peter DeTerra
279 Mill Rd.
Fairhaven, MA 02719

RE: August 29, 2020 Gathering

Dear Chairperson DeTerra:

This correspondence follows a complaint received by the Department of Public Health (Department or DPH) concerning alleged violations of Governor Baker's Third Revised Order Regulating Gatherings Throughout the Commonwealth: COVID-19 Order No. 46 (the Order).¹

According to the website <https://petrouskievafter.com/events> a wedding ceremony, cocktail hour, and reception were scheduled for 5:00 PM, August 29, 2020 at DeTerra Farm, 279 Mill Rd, Fairhaven, MA 02719. The March 27, 2013 South Coast Today Article, "Candidate profile: Peter DeTerra, Fairhaven Board of Health" lists this location as your home address.² Upon information and belief, this event did occur on August 29, 2020 at this location and was attended by approximately 150 people.

The Order was in effect on August 29, 2020. The Order states, in applicable part, as follows:

3. *Otherwise Applicable Indoor and Outdoor Gathering Limits:* The following limitations apply to indoor and outdoor gatherings not exempted by Sections 1 and 2:

- Indoor gatherings are limited to 8 persons per 1,000 square feet of accessible, indoor floor space, *and never more than 25 persons in a single enclosed, indoor space.*
- Outdoor gatherings are limited to 25% of the maximum permitted occupancy of the facility or space as documented on the occupancy permit on record with the municipal building department or other municipal record holder if there is a capacity limitation on record, or 8 persons per 1,000 square feet where no occupancy limitation is on record, *and never more than 50 persons in a single outdoor space.*
- All participants in indoor and outdoor gatherings must maintain at least 6 feet of physical distance from every other participant in the gathering aside from participants who are members of the same household. A gathering shall violate this provision where, no matter

¹ <https://www.mass.gov/doc/revised-gatherings-order-august-7-2020/download>

² <https://www.southcoasttoday.com/article/20130324/News/130329949>

the number of participants present, conditions or activities at the gathering are such that it is not reasonably possible for all participants to maintain this degree of separation.

Except as provided in Sections 1 and 2, these restrictions apply to gatherings in all public and private venues and locations in the Commonwealth, including private homes, backyards, parks, athletic fields, and parking lots.

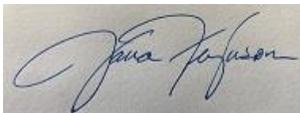
4. **Face Coverings:** For gatherings of more than 10 people, all persons over the age of two must wear a face covering when they attend indoor and outdoor gatherings where participants other than those in the same household will be in attendance, unless they are prevented from wearing a face covering by a medical or disabling condition. This restriction applies to gatherings in all venues and locations, including private homes, backyards, parks, athletic fields, and parking lots.

6. **Enforcement.** The Department of Public Health, local boards of health and their authorized agents pursuant to G.L. c. 111, §30, and State and municipal police are authorized to enforce this Order. Violations of the terms of this Order may result in a civil fine of up to \$500 per violation as provided in St. 1950, c. 639, §8, provided that the fine shall be administered in the manner provided for the non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G.L. c. 40, §21D. This Order may also be enforced by injunction. ...

[Some emphasis added]

It is the collective responsibility of all in the Commonwealth to conduct ourselves in a manner which protects the public health and prevents the spread of COVID-19. The Department writes to remind you of the Order and to ensure you are aware that its provisions, including the limits on gathering size and requirements for physical distance and the wearing of face coverings, apply equally to gatherings held on private premises that are not otherwise exempted by the terms of the Order.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Jana Ferguson', written in dark ink on a light-colored background.

Jana Ferguson
Assistant Commissioner

CC: Via email to: boh@fairhaven-ma.gov
Fairhaven Board of Health
40 Center Street
Fairhaven, MA 02719
United States