

# New Mexico restaurants defiant of Gov. Lujan Grisham's order to close amid COVID-19

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New Mexico Gov. Michelle Lujan Grisham ordered that all restaurants in the state close indoor dining on Monday to slow the spread of COVID-19 as positive case numbers rose across the state.

The move came just weeks after restaurants were told they could reopen when cases appeared to be declining, and owner of Carlsbad's historic Trinity Hotel and Restaurant Janie Balzano said the latest closure could be catastrophic to the business.

She said the restaurant will stay open on Monday in defiance of the governor's orders but in support, Balzano said, of her 41 employees and their families.

With the \$600 federal unemployment subsidy expiring at the end of July, Balzano said her workers both want and need to stay on the job.

"This would shut us down for good. We are going to be staying open," Balzano said. "We have 41 employees that don't want to go on unemployment and couldn't make it on unemployment."

If the Trinity was to close again, she said it would likely go out of business permanently after more than a decade in Carlsbad.

The restaurant, housed in an historic building that was once a bank in downtown, was built by the Balzano family and its owner said she's not giving it up without a fight.

She said the restaurant industry was being targeted by Lujan Grisham's public health orders, singled out while retail stores, gyms and other businesses could stay open.

The recent order did allow restaurants to continue to serve customers in outdoor patio settings at 50 percent capacity, and through takeout.

But Balzano said the Trinity lacked an outdoor seating area, positioned on South Canal Street which is known for heavy traffic as it also serves as U.S. Highway 285, and takeout was not enough.

(Lujan Grisham) is punishing us and our workers for not having what other restaurants have," she said. "This is an historic building that our family built, and our workers are our family. They've done what they can to keep us open and we need to support them."

And even if the Trinity or other restaurants in Carlsbad used outdoor seating, Balzano said summer temperatures rising above 100 degrees often into the evening would make such an experience undesirable to customers.

“No one wants to sit out in this heat and eat lobster,” she said. “No other businesses are suffering like we’re suffering. We’re scared. If I have to drive to Santa Fe and give her (Lujan Grisham) the keys to my historic building, I will.”

When restaurants were permitted to reopen indoor dining last month, Trinity imposed a requirement that customers don protective face masks, built plexiglass shields at cash registers and other areas and took the temperatures of staff daily.

“We’ve done everything she’s asked and then some,” Balzano said of Lujan Grisham. “My workers have done everything they can, and now I have to do everything I can for them.”

She said the restaurants across New Mexico are pushing back on the governor’s order, hoping to get the complete shutdown of indoor dining reverse ahead of Monday when it was planned to take effect.

“Closing a restaurant doesn’t cure COVID. It just puts a lot of good people out of work,” Balzano said. “I get it that other restaurants out there haven’t been doing what they need to do. (Lujan Grisham) has the power to fine them.

“If we weren’t following the guidelines, I would expect to be fined. But we’ve been turning ourselves inside out to follow these guidelines.”

Carlsbad Mayor Dale Janway said the closures could have dire impacts on the community, after its local restaurants already suffered during the first state-mandated shutdown.

“Over the past few weeks, our restaurants were shoved to the front lines and ordered to enforce a state mandate that they may have not even agreed with (at the risk of being fined). Now they’ve been ordered to shut down again for indoor dining,” Janway said.

"Running a restaurant is extremely difficult under normal circumstances. We're extremely sympathetic to our local restaurants, some of which are on the verge of permanent closure, and to the difficult decisions they are being forced to make."

Carol Wight, chief executive officer of the New Mexico Restaurant Association said the organization that represents restaurants across the state was considering a peaceful protest on Monday and even legal action against the State.

“There’s no evidence that restaurants are part of the problem or the problem,” Wight said. “We’re very upset. People don’t have the money to come back from this. This is bigger than just saying restaurants can’t stay open. That’s easy to say, but as an industry it’s devastating.”

Since they could reopen dining rooms, many restaurant owners purchased food and other overhead with the expectation they would remain open, Wight said.

That spending could bankrupt many restaurants as food inventory would go bad if unsold.

“The weekend is not going to be enough to sell out,” Wight said. “I think we’ll see a significant amount of permanent closures. The unemployment is going to rampant.”

But in a Thursday press release announcing the closures, Lujan Grisham said the heightened safety precautions were essential to protecting the state from the pandemic.

“I know this news is a tough pill to swallow for many New Mexicans,” she said. “This public health crisis has been an overwhelming challenge for all of us – not least business-owners and workers whose lives and livelihoods have been upended as this virus spreads.”