

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION

In the matter of

Top Shelf Entertainment, LLC
T/A Club Onyx
5300 Old Pineville Road, Suite 126
Charlotte, NC 28217

ORDER OF SUMMARY SUSPENSION

The above captioned permittee's establishment, "Club Onyx," operates as a private bar and currently holds on-premise ABC permits for the retail sale of malt beverages, fortified wine, unfortified wine, and mixed beverages.

Based upon sworn allegations submitted to the North Carolina Alcoholic Beverage Control Commission by special agents of North Carolina Alcohol Law Enforcement ("ALE") and Charlotte-Mecklenburg Police Department ("CMPD") officers and a notarized statement from the Mecklenburg County Health Director, attached to this Order, the ABC Commission, by and through its lawful designee, A.D. "Zander" Guy, Jr., finds the following:

1. On or about October 31, 2020, at approximately 10:50 PM, CMPD ABC Detective Chad Denton ("Denton") conducted an inspection at Club Onyx. Denton observed the parking lot was almost completely full, and there was a long line of patrons waiting to enter the establishment. There were approximately 83 patrons inside Club Onyx. Denton met with the permittee's employee and general manager, Daniel Newell ("Newell") and issued him a citation for operating Club Onyx in violation of Gov. Cooper's Executive Orders. *(See Affidavit of Denton)*
2. On or about November 1, 2020, from about 12:30 AM until 2:25 AM, ALE Special Agent Kelly Kearns ("Kearns") conducted an inspection at Club Onyx. Kearns observed an extremely long, dense line of patrons waiting to enter the establishment wrapping around the exterior of the building. Patrons were not practicing social distancing and Kearns did not observe consistent use of face coverings. *(See Affidavit of Kearns)*
3. When Kearns entered Club Onyx, she observed over 200 patrons inside the establishment and the number remained consistent throughout the inspection. Kearns also observed the following Executive Order violations inside the business:
 - a. Large crowds of unseated patrons throughout the establishment,
 - b. Intimate person-to-person contact between employees and patrons, as well as between patrons,
 - c. No social distancing efforts,
 - d. Patrons and employees were not wearing face coverings,
 - e. Grossly exceeded capacity limitations,
 - f. Patrons smoking hookah and sharing other handled tobacco products inside,
 - g. No sanitization of high-touch surfaces or precautions by employees to prevent cross-contamination when serving multiple patrons, and
 - h. Patrons consuming alcoholic beverages inside establishment.*(See Affidavit of Kearns)*

4. Kearns met with Newell and discussed the ABC violations and Executive Order violations she detected during the inspection. Kearns issued Newell an Official Warning for the violations. *(See Affidavit of Kearns)*
5. On or about November 14, 2020, at approximately 1:00 AM, Kearns observed a large number of vehicles filling the parking lot of Club Onyx. Kearns parked her vehicle and conducted an inspection. Once inside Club Onyx, Kearns detected the following Executive Order violations:
 - a. Large crowds of unseated patrons throughout the establishment,
 - b. Intimate person-to-person contact between employees and patrons, as well as between patrons,
 - c. No social distancing efforts,
 - d. Patrons and employees were not wearing face coverings,
 - e. Grossly exceeded capacity limitations,
 - f. Patrons smoking hookah and sharing other handled tobacco products inside,
 - g. No sanitization of high-touch surfaces or precautions by employees to prevent cross-contamination when serving multiple patrons, and
 - h. Patrons consuming alcoholic beverages inside establishment.*(See Affidavit of Kearns)*
6. Kearns met with Newell again and explained the violations she observed at the establishment. Newell argued Club Onyx was operating as an eating establishment, but the majority of people were not eating inside. The majority of patrons inside Club Onyx were standing around the bar or sitting in lounge-style chairs, which did not have tables or food at them. Newell advised Agent Kearns that Club Onyx would continue to operate in that way until it receives something directly from the ABC Commission stating otherwise. *(See Affidavit of Kelly Kearns)*
7. On or about November 17, 2020, ABC Commission General Counsel Stacey Carter-Coley ("Carter-Coley") issued an Official Notice to Club Onyx. This document notified Club Onyx that it was operating in violation of Governor Cooper's Executive Orders and failed to comply with the COVID-19 protection guidelines of the NC Department of Health and Human Services. The Official Notice further warned that unless immediate steps were taken to comply with the law and protect the public's health, the ABC Commission may seek serious and substantial sanctions against Club Onyx's ABC permits.
8. At approximately 10:00 PM on November 17, 2020, Kearns and Denton arrived at Club Onyx to serve the Official Notice. Once they were inside the establishment, Kearns observed the following Executive Order violations:
 - a. Alcoholic beverages were being sold and consumed in indoor bar areas,
 - b. Intimate person-to-person contact, in the form of VIP lap dances, between employees and patrons,
 - c. Patrons were standing in clusters, not practicing social distancing, and face coverings were not consistently worn by employees and patrons, and
 - d. No sanitization of high-touch surfaces or precautions by employees to prevent cross-contamination when serving multiple patrons.*(See Affidavit of Kearns)*
9. Approximately 15 minutes after the inspection began, Newell arrived at Club Onyx and Kearns served him with the Official Notice. Newell stated the letter was too vague and he needed something more substantial from the ABC Commission that specified the alleged violations. Kearns advised Newell he could call the ABC Commission the following day and also explained the violations to him. Newell continued to argue Club Onyx was an eating establishment and was not

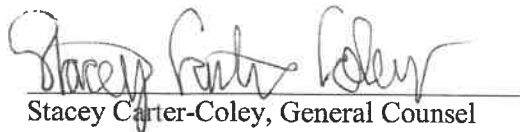
subject to private bar restrictions under the Executive Order. Newell also indicated he did not agree with the 25-person capacity limit for adult entertainment venues, night clubs, and lounges and did not intend to abide with the rule. *(See Affidavit of Kearns)*

10. On or about November 21, 2020, at approximately 12:52 AM, ALE Special Agent Brad Putnam ("Putnam") observed multiple vehicles in the parking lot of Club Onyx. At approximately 1:08 AM, Putnam conducted an inspection. Some of the patrons inside the establishment were not practicing social distancing and Putnam did not observe the consistent use of face coverings. Agent Putnam observed there were well over 100 patrons inside Club Onyx throughout the inspection. *(See Affidavit of Putnam)*
11. Putnam also observed the following Executive Order violations inside Club Onyx:
 - a. Large crowds of unseated patrons throughout the establishment,
 - b. Intimate person-to-person contact between employees and patrons, as well as between patrons,
 - c. No social distancing efforts,
 - d. Patrons and employees were not wearing face coverings,
 - e. Grossly exceeded capacity limitations, and
 - f. No sanitization of high-touch surfaces or precautions by employees to prevent cross-contamination when serving multiple patrons.*(See Affidavit of Putnam)*
12. On or about November 23, 2020, Mecklenburg County Public Health ("MCPH") Director Gibbie Harris ("Harris") issued a notarized statement documenting her professional opinion that Club Onyx's operation in violation of Gov. Cooper's Executive Orders has placed its patrons and employees in jeopardy of contracting and spreading COVID-19. According to Harris, there has already been one cluster of COVID-19 among employees at Club Onyx. Harris went on to state, "Large indoor gatherings that involve close personal contact (e.g. dancing) without face coverings has substantial risk of fueling clusters of COVID-19 cases. Given the large number of young residents observed participating at these events, this could contribute to a reversal of the positive trends we have been seeing and increase the number of cases and spread of COVID-19 in our community." *(See Statement of Harris)*

Based upon the above, the ABC Commission, by and through its undersigned designee, finds that the protection of the public health, and welfare requires emergency action.

THEREFORE, IT IS HEREBY ORDERED pursuant to N.C.G.S. §150B-3(c) that the ABC permits issued to the above-captioned permittee are summarily suspended effective immediately upon service of this Order.

This the 27th day of November, 2020.


Stacey Carter-Coley, General Counsel

On behalf of and at the request of:
A.D. "Zander" Guy, Jr., Chairman

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION

In the matter of

Top Shelf Entertainment LLC
Club Onyx
5300 Old Pineville Road Suite 126
Charlotte, North Carolina 28217

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AFFIDAVIT
Chad Denton

The undersigned, Chad Denton, being duly sworn, does hereby state:

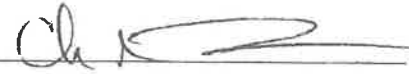
1. I currently am assigned with the ABC Unit, Charlotte Mecklenburg Police Department, Charlotte, NC as a detective.
2. I have been a Police Officer with the Charlotte Mecklenburg Police Department over nineteen years.
3. Part of my duties as an ABC Detective consist of conducting inspections and surveillance of ABC permitted establishments to determine compliance with North Carolina ABC laws and regulations.
4. Club Onyx is a Mixed Beverages Private Bar that also holds malt beverage, unfortified wine and fortified wine on premise ABC permits. Club Onyx is also licensed as sexually oriented business.
5. On October 31, 2020, at approximately 10:50 P.M., an ABC inspection was conducted at Club Onyx by CMPD ABC. When I arrived at the establishment, I observed the parking lot almost completely full, with a long line of patrons waiting to go inside.
6. Once inside I spoke with the General Manager, Daniel Newell. Mr. Newell was educated on the Executive Order in reference to private bars on October 7, 2020.
7. Mr. Newell advised he was operating as a restaurant with fifty percent capacity and allowing inside alcohol consumption. At the time of the inspection, Mr. Newell advised there were eighty-three patrons inside the establishment.
8. I advised Mr. Newell that he was in violation of the Executive Order pursuant to GS 166A-19.30(d) and GS 14-288.20A(2) as it pertains to private bar restrictions and was issued a citation and informed a violation would be submitted to the North Carolina ABC Commission.
9. On November 13, 2020, at approximately 10:30 P.M., an ABC inspection was conducted at Club Onyx by CMPD ABC.

10. Once inside the establishment I observed numerous patrons consuming alcohol.
11. I spoke with the Manager, Louis Kilgo, who stated that Mr. Newell advised him that patrons could consume alcohol inside prior to 11:00 P.M.
12. I advised Mr. Kilgo that based on Executive Order restrictions for private bars, he was not allowed to permit inside alcohol consumption. I advised Mr. Kilgo that Mr. Newell has been educated multiple times on private bar regulations by both CMPD and ALE.
13. I issued a citation to Mr. Kilgo for violating the Executive Order and advised a violation would be submitted to the North Carolina ABC Commission.
14. Mr. Newell advised Club Onyx will continue to operate as it currently has been until he receives something directly from the ABC Commission stating otherwise.
15. On November 17, 2020, at approximately 10:00 P.M., ALE Agent Kearns and I conducted an inspection at Club Onyx and served Mr. Newell with an official warning letter from the ABC Commission for violating the Executive Order and not complying with the COVID-19 protection guidelines of the North Carolina Department of Health and Human Services.
16. Mr. Newell stated the letter was too vague and advised he needed something more substantial that specified the alleged violations. Mr. Newell was instructed to contact the ABC Commission the following day for any further clarification or instruction.

Further the affiant sayeth not.

This the 21st day of November 2020

Chad Denton



Sworn to and subscribed before me

This the 21 day of November, 2020

Notary Public

County: Cleveland County
My Commission expires: 10/20/2024



**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

In the matter of

Top Shelf Entertainment LLC
Club Onyx
5300 Old Pineville Road Suite 126
Charlotte, NC 28217

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AFFIDAVIT
Kelly Kearns

The undersigned, Kelly Kearns, being duly sworn, does hereby state:

1. That I am employed as a Special Agent with the North Carolina Alcohol Law Enforcement Division ("ALE") and assigned to District IV located in Harrisburg, North Carolina.
2. That I have been employed with ALE for over five years.
3. That as part of my duties as an ALE Special Agent, I conduct inspections and surveillance of establishments that hold ABC permits to determine compliance with ABC laws and NC ABC Commission Rules and Regulations.
4. Club Onyx is a Mixed Beverage Private Bar, located at 5300 Old Pineville Road Suite 126, Charlotte, NC 28217. The establishment also holds malt beverage, unfortified wine, and fortified wine on-premise ABC permits. Club Onyx is also categorized as an Adult Establishment.
5. I am familiar with Club Onyx from information provided to me by District VI supervisors and agents who have worked enforcement at the business on multiple occasions.
6. That the operation of Club Onyx poses a serious risk to the health and safety of the public amidst the worldwide COVID-19 pandemic to the point that ALE Special Agents cannot respond without a significant risk of exposure.
7. On November 1, 2020, at approximately 12:30 a.m. I observed a long line of vehicles obstructing the flow of traffic as they waited to turn into the Club Onyx. The parking lot appeared to be full on two sides. (See video/photos.)
8. I conducted an inspection until 2:25 a.m., not factoring in the time change. I observed an extremely long, dense line of patrons that wrapped around the exterior of the establishment waiting to enter which remained persistent throughout the duration of the inspection, and patrons continued to be admitted. The patrons were not social distances and I did not observe the consistent use of face coverings. I approximated between 75 patrons in line at a given time. I observed no efforts to encourage social distancing or face coverings of patrons waiting in line outside. (See video/photos.)

9. While inside, I approximated well over 200 patrons inside throughout the duration of my inspection.
10. I observed numerous Executive Order violations inside with regards to the health risks presented by COVID-19 by allowing the following violations: (See video/photos.)
 - Large crowds of unseated patrons throughout the establishment.
 - Intimate person to person contact between employees and patrons, as well as amongst customers.
 - No social distancing efforts
 - Inconsistency of face coverings by employees and patrons alike.
 - Grossly exceeding the capacity limitations of the Executive Order
 - Patrons smoking hookah and sharing other handled tobacco products inside.
 - No sanitation of high touch surfaces and no precautions by employees to prevent cross-contamination when serving multiple patrons
 - Alcoholic beverage sales before 11:00 p.m. for inside consumption
11. I spoke with General Manager Daniel Mewell regarding both ABC violations and Executive Order violations in the course of my inspection. I explained the current Executive Order restrictions applicable to Club Onyx. I observed no efforts to actively address any violations discussed during my inspection.
12. The establishment's surveillance camera footage is displayed on television monitors in the office which would allow management to observe the conditions from inside the office.
13. I issued Mewell an Official Warning for the violations detected and discussed during the inspection.
14. On Saturday, November 14, 2020, at approximately 1:00 a.m., I observed a large number of vehicles filling the parking lot of Club Onyx. I obtained video footage.
15. I parked and conducted an inspection. Once inside, I observed numerous Executive Order violations occurring with regards to the health risks presented by COVID-19 by allowing the following violations: (See video/photos.)
 - Large crowds of unseated patrons throughout the establishment
 - Intimate person to person contact between employees and customers, as well as amongst customers,
 - Unseated patrons standing in clusters
 - Grossly exceeding the capacity limits of the Executive Order
 - No social distancing efforts
 - Inconsistency of face coverings
 - No sanitation of high touch surfaces and no precautions by employees to prevent cross-contamination when serving multiple patrons
 - Alcoholic beverage sales before 11:00 p.m. for inside consumption

16. I spoke with General Manager Daniel Mewell regarding both the ABC violations and Executive Order violations detected during the inspection. I did not observe Mewell make any efforts to actively address any violations discussed. As I explained the violations detected and how Club Onyx could come into compliance, Mewell stated, we've been over this and indicated he was fully aware of the information I was attempting to present for the second time.
17. Mewell initially argued the establishment was operating as a restaurant and then presumed the stance of an eating establishment. I explained Club Onyx holds an ABC permit as a Mixed Beverage Private Bar. I further advised the majority of people were not eating inside. He questioned my statement. I explained the majority of people were standing around the bar or sitting in lounge-style chairs which did not have tables or food at them. This was still the case when I had Mewell walk throughout the establishment with me shortly after our conversation in the office.
18. I emphasized to Mewell that the conditions inside would be unacceptable under the restrictions of the current Executive Order even if Club Onyx held a Mixed Beverage Restaurant Permit.
19. Mewell indicated the establishment stopped serving alcoholic beverages at 11:00 p.m. which I verified by photographing the Menu Item Report which showed sales of alcoholic beverages. I informed him, under the current executive order, private bars cannot allow the consumption of alcoholic beverages inside, and indoor asinities must remain closed. If the location had an outside area, it could allow dimensioned capacity, but the location does not.
20. Mewell stated Club Onyx will continue to operate as it currently is until it receives something directly from the ABC Commission stating otherwise.
21. I issued Mewell a second Official Warning for the violations detected and discussed during the inspection. At approximately 1:50 a.m. I concluded the inspection and left the premises.
22. On November 17, 2020, at approximately 10:00 p.m., CMPD ABC Det. Denton to conducted an ABC inspection at Club Onyx.
23. When I arrived at 5300 Old Pineville Road, Charlotte, NC I observed numerous vehicles in the parking lot. (See video/photo)

24. Once inside I observed numerous Executive Order violations which posed a serious risk of increasing the spread of COVID-19 and creating a public health and safety risk, including: (See video/photos.)

- Alcoholic beverages being sold for inside consumption and being consumed inside throughout the establishment. The location does not have an outside patio area.
- Intimate person to person contact, in the form of VIP lap dances, transporting between employees and patrons.
- Patrons were standing in clusters, not socially distanced, and face coverings were not consistently worn by patrons and employees.
- No sanitation of high touch surfaces and no precautions by employees to prevent cross-contamination when serving multiple patrons.

25. While we waited for the General Manager Mewell to arrive, I spoke with both bartenders, the employee working the front desk, and the inside security employee regarding the Executive Order restrictions applicable to Club Onyx as discussed above. One of the bartenders replied by stating, "So what you're saying is, there's a lot of violations going on right now." Based on their individual responses, this appeared to be the first time they had been informed of the applicable Executive Order restrictions regarding the sale of alcoholic beverages for indoor consumption, person to person contact, capacity limits, and the requirement for patrons to remain seated.

26. The general manager, Daniel Mewell arrived approximately 15 minutes into the inspection. I served him with the ABC Commission letter. He stated the letter was too vague and said he needed something more substantial that specified the violations alleged to have occurred. I informed him he could contact the ABC Commission tomorrow between the hours of 8:00 a.m. and 9:00 p.m. the following day.

27. Additionally, I began to explain the violations, with regard to the current executive order. Mewell interjected continuously in an argumentative manner asserting Club Onyx was an eating establishment. I explained to him how Club Onyx needed to operate to comply with the governor's current Executive Order to help prevent the spread of COVID-19 and promote a safe environment for the public by reading and displaying the following clarifications provided in the Frequently Asked Questions document.

What are the major changes under this Order?

Under this Order:

- Bars' outdoor seating areas may reopen, subject to reduced capacity limits and other restrictions. Indoor bar areas remain closed.

Are non-bar nightclubs, lounges, adult entertainment facilities, other nightspots, and arenas open under this Order?

Yes, provided they can comply with the terms of the Order, including the requirement that Guests remain seated. All establishments in this category may open their outdoor areas, subject to emergency occupancy limits and other requirements, and may operate indoors subject to the mass gathering limit (25 per facility).

28. Mewell continued to argue the establishment was not under these requirements because Club Onyx was an eating establishment. I asked if they allowed persons under 18 to enter, he said no. I explained the establishment is considered a private bar and an adult entertainment establishment. If open, no alcoholic beverages can be consumed inside and Club Onyx is subject to the 25 person capacity limit according to the governor's Executive Order.
29. I asked Mewell how he planned to proceed with business operations for the night. He stated he would stop serving alcoholic beverages, an employee in the office stated they had already started pulling the alcohol. However, when Det. Denton and I walked back to the bar area, we observed a single, male patron be served three shots of spirituous liquor and three malt beverages, he then walked over to a table with two females.
30. Before leaving the office, I also asked Mewell if he intended to abide by the capacity limits. He stated did not agree with it and was not going to abide by the 25 person limit for adult entertainment venues, night clubs, and lounges. He continued to assert Club Onyx was an eating establishment and was not subject to the Executive Order restrictions indicated above.
31. During every inspection, I observed little to no food being consumed throughout the establishment by the large majority of patrons.
32. I served Mewell with an Official Notice from the NC ABC Commission which stated, "Unless you take immediate steps to comply with the law and protect the public's health, the ABC Commission may seek serious and substantial sanctions against your alcohol permits." I witnessed his signature, and left a copy of the Official Notice for the establishment's records.

Further the affiant sayeth not.

This the 21st day of November 2020.

K. Kearns

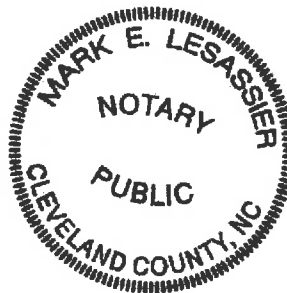
Kelly Kearns, Special Agent
Alcohol Law Enforcement

Sworn to and subscribed before me
This the 21st day of November 2020.

[Signature]
Notary Public

County *Cleveland*

My Commission expires: *10/20/2024*



**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE CONTROL
COMMISSION**

In the matter of

Top Shelf Entertainment LLC
Club Onyx
5300 Old Pineville Road Suite 126
Charlotte, NC 28217

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**AFFIDAVIT
Brad Putnam**

The undersigned, Brad Putnam, being duly sworn, does hereby state:

1. That I am employed as a Special Agent with the North Carolina Alcohol Law Enforcement Division ("ALE") and assigned to District IV located in Harrisburg, North Carolina.
2. That I have been employed with ALE for over twenty-two years.
3. That as part of my duties as an ALE Special Agent, I conduct inspections and surveillance of establishments that hold ABC permits to determine compliance with ABC laws and NC ABC Commission Rules and Regulations.
4. Club Onyx is a Mixed Beverage Private Bar, located at 5300 Old Pineville Road Suite 126, Charlotte, NC 28217. The establishment also holds malt beverage, unfortified wine, and fortified wine on premise ABC permits. Club Onyx is also categorized as an Adult Establishment.
5. I am familiar with Club Onyx from information provided to me by District VI supervisors and agents who have worked enforcement at the business on multiple occasions.
6. That the operation of Club Onyx poses a serious risk to the health and safety of the public amidst the worldwide COVID-19 pandemic to the point that ALE Special Agents cannot respond without a significant risk of exposure.
7. On November 21, 2020, at approximately 12:52 a.m. I observed multiple parked vehicles in the parking lot of Club Onyx. I took three exterior photographs of Club Onyx and the adjacent parking lot. (See photos)
8. I conducted an inspection until 1:08 a.m. approximately with Charlotte-Mecklenburg Police Department ABC Unit Officer D. Graham. While inside of the establishment, I took a total of thirteen photographs. (see

photos) Some of the patrons were not social distancing and I did not observe the consistent use of face coverings.

9. While inside, I approximated well over 100 patrons inside throughout the duration of my inspection.

10. I observed numerous Executive Order violations inside with regards to the health risks presented by COVID-19 by allowing the following violations: (See photos.)

- Large crowds of unseated patrons throughout the establishment.
- Intimate person to person contact between employees and patrons, as well as amongst customers.
- No social distancing efforts
- Inconsistency of face coverings by employees and patrons alike.
- Grossly exceeding the capacity limitations of the Executive Order
- No sanitation of high touch surfaces and no precautions by employees to prevent the cross contamination when serving multiple patrons

11. I spoke with the manager on duty Moses Cornelio regarding the North Carolina Executive Order prescribed by Governor R. Cooper and the violations occurring at the business. Mr. Cornelio responded to me by stating "Our attorney(s) has responded to the letter from the ABC Commission."

Further the affiant sayeth not.

This the 21st day of November, 2020.



Brad Putnam, Special Agent
Alcohol Law Enforcement

Sworn to and subscribed before me
This the 21st day of November 2020.



Notary Public

County:

My Commission expires: 10/20/2024





MECKLENBURG COUNTY
Public Health

Gibbie Harris, MSPH, BSN
Health Director

(704) 336-4700

COVID-19 is a respiratory virus that spreads from person-to-person via respiratory droplets produced when an infected person coughs, sneezes, or talks. COVID-19 spreads most easily when people are in close contact with one another and not wearing a face covering. Data to date suggest that 80% of COVID-19 infections are mild or asymptomatic, allowing for individuals to be infectious but completely unaware -- further accelerating the spread of the virus. It is well established that gathering in large groups, without masks and social distancing, significantly increases the risk of COVID-19 spread. Since the start of the pandemic Mecklenburg County and North Carolina have restricted indoor and outdoor gatherings to help contain the spread of the virus in our communities. Additionally, Governor Cooper has issued an executive order requiring residents to wear cloth face coverings while indoors. Contact sports and other close contact activities, like dancing, are specifically restricted as a means of reducing the spread of COVID-19.

Mecklenburg County has had the highest number of reported cases of COVID-19 in North Carolina since the beginning of the pandemic, with a total of 41,206 cases to date. Currently an average of 352 new cases are reported each day, which is a marked increase from a daily high of 84 cases in the last week of October. Mecklenburg County has been considered a hot spot by the federal government at several points in time during this event. Recent increases in cases are largely attributed to decreased compliance with wearing of cloth face coverings, social distancing, good hand, surface hygiene, and gatherings.

After reviewing the videos obtained by ALE of activity both inside and outside of the Onyx Club, the Club is obviously in direct violation of the Governor's Executive Orders and all guidance provided by MCPH to residents and local businesses. In addition, we have had one cluster of COVID-19 among employees at this Club. Large indoor gatherings that involve close personal contact (e.g. dancing) without face coverings has substantial risk of fueling clusters of COVID-19 cases. Given the large number of young residents observed participating at these events, this could contribute to a reversal of the positive trends we have been seeing and increase the number of cases and spread of COVID-19 in our community.

Gibbie Harris, MSPH, BSN
Public Health Director
11.23.2020

State of North Carolina

County of: Mecklenburg

Signed and sworn to (or affirmed) before me this day by: Gibbie Harris

Name of Principal

Witness my hand and official seal, this the 23rd day of November 2020.

Official Signature of Notary

Eva L. Nation

Notary's Printed or Typed Name

My Commission Expires: May 6, 2022

OFFICIAL SEAL

PEOPLE • PRIDE • PROGRESS • PARTNERSHIPS

249 Billingsley Road • Charlotte, North Carolina 28211

www.meckhealth.org