

**BEFORE THE
OHIO STAY AT HOME ORDER DISPUTE RESOLUTION COMMISSION**

In the Matter of Dispute Resolution

Request Number OH009

**DISPUTE RESOLUTION COMMISSION
ADVISORY OPINION AND RECOMMENDATION**

1. On or about April 7, 2020, Scott Soble submitted a dispute resolution request on behalf of Zoom Express Car Wash to the Dispute Resolution Commission (“Commission”) pursuant to paragraph 23 of the Amended Stay at Home Order (“Order”) issued on April 2, 2020, by Director of the Ohio Department of Health (https://content.govdelivery.com/attachments/OHOOD/2020/04/02/file_attachments/1418062/Signed%20Amended%20Director%27s%20Stay%20At%20Home%20Order.pdf). The dispute resolution request was assigned number OH009.
2. Paragraph 23 of the Order authorized the Director to appoint the members of the Commission and delegated authority to the Commission to facilitate the resolution of disputes regarding what is or is not an essential business in circumstances where a conflict between decisions or actions by local health authorities is demonstrated.
3. On April 6, 2020, the Director of the Ohio Department of Health appointed Lydia Mihalik, Director of the Ohio Development Services Agency, Sheryl Maxfield, Director of the Ohio Department of Commerce and Sam Randazzo, Chair of the Public Utilities Commission of Ohio to the Commission.
4. On April 9, 2020, the Commission met to consider and address the verified dispute resolution request referenced above along with information provided by the local health authorities with conflicting positions regarding what similar businesses are or are not essential businesses and the relief requested by the person or entity submitting the request referenced above.

Advisory Opinion and Recommendation

5. Based on the information provided by the local health authorities with conflicting positions regarding what similar businesses are or are not essential businesses and the relief requested by the person or entity submitting the request referenced above, the Commission hereby issues its advisory opinion and recommendation as follows.

6. It is the opinion of the Commission that the Cuyahoga and Summit County Health Departments have properly interpreted or construed the Order in determining that businesses providing car washing services are essential if operating within the following parameters: 1) employees have no direct interactions with customers; 2) employees do not hand-wash or hand-dry vehicles; 3) employees maintain social distancing and comply with the other requirements outlined in the Order; and 4) the number of employees is limited to only those necessary to operate the business within these parameters. Further, the County Health Departments properly interpreted the order in determining that government contractors providing services to first responder vehicles are essential businesses so long as employees maintain social distancing and comply with the other requirements outlined in the Order.

7. It is the recommendation of the Commission that the Ohio Department of Health take such action as may be necessary to cause other County Health Departments whose interpretation of the Order conflicts with the opinion set forth above in paragraph 6 to conform their enforcement of the Order to such opinion.

8. It is the recommendation of the Commission that this advisory opinion and recommendation be promptly provided to the local health authorities with conflicting positions regarding what similar businesses are or are not essential businesses, provided to the person or entity submitting the request referenced above and published through a public posting at the Ohio Department of Health's website.

COMMISSIONERS:

Approving:

Lydia Mihalik

Sheryl Maxfield

Sam Randazzo

Issuance Date and Time April 9, 2020 at 4:00PM

Effective Date and Time¹ April 11, 2020 at 4:00PM

¹ Assumes that the Advisory Opinion and Recommendation is not suspended, altered or modified by the Director of the Ohio Department of Health or the Director's designee.