



MICHELLE LUJAN GRISHAM
Governor

DAVID R. SCRASE, M.D.
Acting Cabinet Secretary

VIA: EMAIL (mhd@rothsteinlaw.com)

Date: August 30, 2021

Mr. Mark H. Donatelli
c/o Hyatt Regency Tamaya
1300 Tuyuna Trail
Santa Ana Pueblo, NM 87004
mhd@rothsteinlaw.com

Re: Request to Cease and Desist Activities in Violation of the State of New Mexico's Public Health Order

Dear Mr. Donatelli:

We address this letter to you as local counsel for the Hyatt Regency Tamaya, located on the Santa Ana Pueblo. It has come to the attention of the New Mexico Department of Health ("Department", "NMDOH") that a wedding and reception were held at the Hyatt Regency Tamaya on Saturday, August 28, 2021. Based on news reports and photographs, approximately 70 people attended the event, and several attendees were seen not wearing masks. Upon information and belief, the wedding reception was held indoors on your premises. We request that the Hyatt Regency Tamaya immediately cease and desist in hosting any similar events that may exacerbate the spread of the COVID-19.

As you know, the COVID-19 pandemic continues to have devastating impacts upon our state and local communities. During this instant surge in cases, the Delta Variant of COVID-19 has demonstrated increased transmissibility compared to other strains of COVID, even among vaccinated persons. Of critical note, the Delta Variant has been observed to be 2-4 times more contagious than previous strains. COVID-19-related hospitalizations have recently met the high numbers experienced in 2020, and New Mexico hospitals are reporting bed shortages. Those shortages have in turn impacted the availability of ICU care for all medical conditions that may cause the state to issue crisis standards of care. Virtually every state in the Country shows high community transmission, including New Mexico.

The Department follows recent guidance issued by the U.S. Centers for Disease Control and Prevention (CDC) in recommending that all persons, including fully vaccinated persons, wear a mask in public indoor settings in areas of high transmission. The Department chose to make masks a mandatory requirement in all indoor public settings in Public Health Order dated August 17, 2021. A current copy of this Public Health Order can be accessed at <https://cv.nmhealth.org/public-health-orders-and-executive-orders/>. The current Public Health Order of the Department requires all individuals age 2 years and older to wear a mask or multilayer cloth face covering in all indoor public settings except when eating or drinking, unless otherwise instructed by a healthcare provider. There is no exception to the mask requirement for individuals

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who have been vaccinated. Masks are just one of the many simple and effective tools relied upon to slow the harmful and deadly spread of COVID-19 in the community.

Although the Public Health Order does not apply to tribal or pueblo territories, and the Department recognizes that the sovereign nations of New Mexico are free to implement alternate health restrictions, we implore the Hyatt Regency Tamaya to voluntarily cease and desist from hosting events that may violate public health mandates and further hinder the state in its ongoing fight against COVID-19. It is critical that everyone in the state continues to partner to reduce the impact of COVID-19 during this instant surge caused by the Delta Variant.

If you have any questions regarding this letter, please call me at 505-827-2913. We appreciate your attention to this very urgent matter.

Sincerely,



Billy. J. Jimenez
Deputy Secretary and General Counsel
NM Department of Health

CC: Dr. David R. Scrase, MD, Cabinet Secretary, NM Department of Health
Dr. Laura Parajon, MD, Deputy Secretary, NM Department of Health