

Abuse of Power: Covid-19 Task Force Shuts Down Entertainment Establishment, Fails to Give Legitimate Reason

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Bliss Bar & Lounge in Estate Glen, St. Croix

The Covid-19 Task Force, created to help uphold local pandemic protocols put in place by the Bryan administration, on Saturday night shut down the Bliss Bar & Lounge — an establishment on St. Croix that had gone out of its way to apply for permission to host a Halloween event that was scheduled for Sunday — while failing to adequately justify the closure.

The co-owners of the establishment, Theo Sutherland and Jervain Richardson, were expected to lose over \$8,000 on Sunday as a result of the closure, as they had expended funds to prepare for the Halloween affair, including hosting performers who traveled to the territory as part of the

event.

On Saturday night, an officer of the Task Force, Kirk Fieulleateau, shut down the facility "for operating as a nightclub when you're not a nightclub," he said, according to a video viewed by the Consortium. Yet in a release issued Sunday afternoon, the V.I. Dept. of Health — following the controversial shutdown of the business — issued a release clarifying the new rules announced by Governor Albert Bryan, and that clarification classified Bliss Bar & Lounge as a nightclub.

Part of the clarification reads: "The term "Night Club" includes every business which has a capacity for at least 30 persons seated at tables and the bar, and which maintains a bartender, table service, and dancing and/or other live entertainment for the guests." Bliss Bar & Lounge fits the preceding description.

The officer then said individuals were standing and dancing, some without masks. However, the owners countered by stating that some of those individuals had drinks in their hands. Mr. Fieulleateau then furnished a [cease and desist document](#), forcing the business to close until a hearing set for Thursday, which hamstrung the establishment's plans for the Sunday Halloween event. This resulted in the loss of thousands of dollars for the owners while disrupting plans of residents who were set to attend.

According to the Dept. of Health clarification, "Night clubs shall cease business and close doors to the public at 4:00 am and any night club that is enclosed 100 percent shall close its doors to the public at 5:00 a.m. of every day except that nightclubs which are surrounded by at least two dwellings within a distance of 100 feet on any two sides of said night club shall close at 1:00 am on weekdays and 2:00 am on Saturdays, Sundays, and legal holidays." Bliss has no dwellings within 100 feet on any of its two sides. It is essentially a roadside, enclosed entertainment establishment.

Yet while Bliss Bar & Lounge fits the nightclub description, the establishment was preparing to close at 2:00 a.m. Saturday before being ordered shutdown by Mr. Fieulleateau, the Task Force officer.

Mr. Fieulleateau then asked the owners to sign the document, however they refused, deciding instead to retain legal counsel, according to the video.

Meanwhile, many other events were taking place across the island at various entertainment outlets showing no social distancing, no wearing of mask and close dancing, according to multiple videos viewed by the Consortium.

Saturday night's shutdown of Bliss Lounge & Bar, located 45C Estate Glynn, was not the first. In late July, after a three-day opening event (Friday-Sunday), the owners were called into a meeting the following Monday where the Task Force produced a cease and desist document. The officers stated that they had seen a video of the Sunday event with individuals not following protocols (standing and dancing). Bliss Bar & Lounge owners Sutherland and Richardson asked for the video evidence, however the Task Force officers refused to provide it, according to Mr. Sutherland. "We never saw the video," Mr. Sutherland said. The officers also refused to provide a copy of the hearing, which was held via Zoom, stating that the hearing included other cases. There are countless video editing software that could have easily accomplished the task of providing only video of the hearing related to Bliss Bar & Lounge.

Mr. Sutherland added, "We asked them for the evidence, they refused to give it to us. We asked them for a recording of the hearing, they refused to send us that as well. Literally the business was only open for 12 hours and they shut it down. And all they said was we saw a video of people dancing. So we went to the hearing and stated our case. They sent the Task Force to our facility three or four times a night during our opening weekend of events. They just kept harassing us. We got through Friday, we got through Saturday. Sunday, nobody [Task Force officers] showed up, and on Monday they said they were in possession of a video from the Sunday night that showed people standing up and people dancing."

The business, opened for only a weekend, was then shut down for 30 days, a stiff penalty for a new establishment even after the owners pleaded for leniency during the hearing. "We told them we're a new business. There was no leniency for being a new business," Mr. Sutherland said.

He also spoke about the financial difficulties that followed, as Messrs Sutherland and Richardson had expended their funds and taken loans to open Bliss. The current establishment was once a grocery store owned by Mr. Richardson's father for 15 years. The father wanted to retire and he asked the two businessmen to takeover the operation. "We completely renovated it, turned into Bliss and we stretched ourselves thin just to get this open because we knew when it opened we'd be able to get some of that money back," Mr. Sutherland said.

As soon as they opened, however, Bliss Bar & Lounge was shutdown for 30 days by the V.I. Dept. of Health's Task Force. "We had bills to pay; it was a complete mess, a financial disaster for us," Mr. Sutherland said.

The Consortium on Sunday afternoon asked Health Commissioner Justa Encarnacion, who was provided a copy of the video by the Consortium, whether Bliss would be allowed to move forward with its Sunday night Halloween event. The commissioner said no.