

November 17, 2020

Mr. Chairman,

Please accept my written testimony in support of SB311.

For context, my background includes a BS from Ohio State (1987) and an MBA from Ashland University (1998). I spent approximately 15 years in the financial industry (lending and real estate appraisal) and most recently 15 years self-employed in marketing/advertising. My company has three full-time.

Likewise, I wish to point out that we all recognize the seriousness of this virus. That said, we can also agree that there must be a common-sense balance between safety and economic stability and all relevant parties must be represented when such significant, highly impactful decisions are made.

I am a proponent of SB311 because I strongly agree the Executive Branch has greatly exceeded its statutory authority beginning in March, 2020 up through and including today's latest Order (11/17/20). I believe our legislature must clarify the intent of legislation being used as the basis of said overreach. I have seen and experienced first-hand the ramifications that have been caused:

- Spent countless hours drafting closure notices for clients preparing for the shutdown, including (1) manufacturers having to notify retailers that because they were forced to shut down, they could not tell them when orders would be completed (this would include cases in which my clients had purchased raw materials but were forced to sit on those costs during the shutdown with no idea of when they could turn the inventory and lost orders); (2) Completed multiple projects for clients for which events were ultimately cancelled due to the shutdown orders; (3) Watched as an already struggling retailer was forced to close, making it even harder for him to remain in business since reopening (viability remains in question); (4) Continue to hear uncertainty from clients because they don't know what the next threat of an order or mandate will be and how it will affect their business.
- Regularly assist a restaurant client change prices as he attempts to balance his costs, menu prices and limited occupancy while trying to remain in business. Not remain profitable, but just remain in business. Recent threats of closing restaurants have both (1) increased his uncertainty while trying to order supplies for the coming weeks and (2) instilled fear in his customers that his (or any) restaurant was not safe. Consumer sentiment is a critical element in the economy and that can be easily eroded. As you likely know, restaurant margins are extremely narrow to begin with and reduced capacity for months has been devastating. I might add we are heading into the Holiday season where banquets and catering were a significant source of revenue for this client.
- Watched as the original March closure played out as the death blow to another café client.

- Was forced to lay off our three employees during April/May due to uncertainty attributed to our clients being forced to close and/or reduce operations. They were all brought back in late May. However, a future shutdown will likely force us to seriously consider scaling back our operations (i.e., eliminate employees other than myself) given the difficulty of navigating staffing and revenues with such uncertainty.
- Was told by the Executive Branch my business, and many that I have the privilege to serve, were “non-essential” businesses. I was able continue working myself, as my office is in my home. However, competitors that, due to the nature of their clients being deemed “essential,” were able to continue operating without fear of violating the shutdown when it was necessary to venture out for business purposes.
- Lost business opportunities due to being deemed “non-essential” and unable to actively market my services and the cancellation of a trade show.

Many additional examples could be included but for brevity I will end with these.

Thank you for allowing me to share my testimony. I hope that it adds additional clarity to the hardships that overreach by one branch of government can cause to the economic and social well-being of our communities. It is essential to our State, and the Republic as a whole, that our legislative branch maintain constitutional role in our government.

Douglas W. Thiessen