



Episode 1,796: Business Owner Refuses to Close, Confronts Enforcers

Guest: Andrew Cooperrider

WOODS: This is the first time I've talked to somebody on this program who has in any way with his business defied some of these orders. I've been reading press reports about what happened, but let's start off with who you are, what kind of business you run, and how long you've been running it, and just background information.

COOPERRIDER: Yeah, sure. So my name is Andrew Cooperrider. I own a coffee shop in Lexington called Brewed. It used to be coffee and beer, but right now, it's just coffee. We'll get to that. But we started in restaurants about a year and a half ago, and we started with one. We opened in a small town nearby called Dean's Diner. And it had been about six, seven months when COVID first hit. We just started doing delivery beforehand, so when COVID first hit, that business was actually not doing too bad. It was actually doing pretty well, because we were the only thing in the small town that delivered other than pizza. We were doing well there. We were fine. And of course, the EIDL loans and PPP loans came out. We were all good.

But then when they opened back up, but they limited our capacity because we were very small there, we were pretty limited, we could only serve two tables of people at a time. And because we could only serve two tables at a time, our revenue took a massive plunge because of the capacity limitations. We were looking around and saying, hey, this business' lease is up in three, four months, we've got these loans we have to pay back, and this business is just going to go bankrupt.

We looked around and we said there's a lot of coffee shops that – obviously, I like coffee and know a lot about it, but there was a lot of coffee shops that, even though you could dine in, were still not opening inside because they had a similar issue we did. They just didn't have a lot of tables, and they were a what they call a third place, right, so a place other than home or work, where you work out of. And so a lot of people with offices being closed and things like that were looking for places to get out of the house, to get away from the kids. And so we found this coffee shop. It was a coffee shop before, but it's a 2000-square-foot sitting area, and so that with the capacity restrictions still meant we can offer the service of people dining in of drinking coffee and working. And it presented a place within the market to be able to open up the market for us.

And our governor, Governor Bashir, had said hey, I'm not going to shut down again. So we knew they'd play with capacity and things like that, but with it being a larger place and everything else, we decided we were going to open up that coffee shop. We'd let our lease expire at our other restaurant, because it was costing us thousands a month to operate at

that point, because we just couldn't staff. We just couldn't get tables. And so we opened up this coffee shop, and it was doing okay. Obviously it's a new business, but we were right about the dining-in thing. And there was quite oftentimes you couldn't find a table in the place. And so we were doing okay, and then the governor handed down another closing order for Kentucky, and that's where kind of all this started.

WOODS: Okay, so that brings us up to this article I'm seeing at I guess Kentucky.com. And it seems to me like a fairly dispassionate overview of just the facts of what happened. So it says, "The health department sued Brewed coffee shop and its owner, Andrew Cooperrider, last week when the business refused to comply with executive orders aimed at slowing the spread of COVID-19." Now, we don't even need to get into whether any of the stuff that they're advocating works or whether restaurants are even a source of the spread. I mean, it's like there's not even an attempt – in California they didn't make an attempt to prove that. They just said, when push came to shove, they said, well, we just want to keep people home, so we're not even going to bother trying to prove.

COOPERRIDER: You know what's funny, too, is in the same study that they used – so they used this 150 people tested positive, to 150 people tested negative study. And what's so weird, though, is in that same study that showed a two-to-one ratio of people going out to restaurants, which you know, correlation doesn't mean causation, and generally speaking, if I'm just going to go out, I'm going to go out to eat. So if you're just asking people, *Oh, do you go out at all?* But that's what they attributed it to. But in that same questionnaire, only 3% of people who tested positive went to bars and coffee shops more than – so 8% of people who tested positive went to bars and coffee shops more than the people tested negative, which was 5%. So it was a three percentage point difference. And I don't understand why we keep getting grouped in. I mean, it's just this big sledgehammer of just close everything – I'm not saying anything should be closed. Nothing should be closed. But you know, it's this big sledgehammer. Just close it all down.

WOODS: Yeah, and you know, it's funny. There are cases where you can graph the health results in, let's say, different counties of a state, and you can compare. Some counties will have shutdowns, or let's say occupancy restrictions, and others don't. And what typically happens is the charts all look identical. It doesn't seem to have done anything other than bankrupt people and make them unhappy.

COOPERRIDER: Right. Right, well, and they also – we can talk a little bit about some of the comments online as we started getting into, but what's funny is when you start seeing justification for some of the things these states are leaving open. Like for an example, why they closed down indoor dining, you could go at a limited capacity to a University of Kentucky basketball game, and go watch it. And when we were pointing that out, people would comment and say, *Oh, well, they have better ventilation, and they're larger.* And I was, *Oh, so you're offering me a percentage capacity I could do?* And you didn't ever offer me like, hey, if you upgrade your ventilation system at this point or what have you, then you get a pass and now you can operate. That wasn't an offer given to me. You're giving that to the University of Kentucky basketball team, but you're not giving that to us operators. You know, whether you believe it's real and the numbers are right or not, we should at least get the same opportunity you're offering all the special interests the state has that they're offering to them.

WOODS: Right. Yeah, that does seem like basic fairness. All right, let's go to November 24th, when somebody from the health department came to your establishment. What happened?

COOPERRIDER: So someone showed up from the health department to come in. They said they were there for a regular inspection there. They were about a month early, but it's okay. They were there for a regular inspection. And when they walked in –so in our space, right, we have a like a garage door, like a fairly sizable garage door, like you could back a truck through it quite easily. And one of our walls is basically this garage door. So we had opened that garage door slightly. It was colder in the morning. There was only seven people inside, but we'd opened it up. Because when they handed down this order, they said you could still eat on heated patios. So I Googled what a patio is, and it said it was a concrete pad with roof overhead that has at least a side open to the weather. So our floors are concrete. We have a roof, and I said, hey, if I open the garage door, it should be fine, right?

But so I opened it up a little bit. I only had seven people in there, this group of these gentlemen called the Oathkeepers, if you know who that is. And actually this Bible study going on early morning. It's the strangest thing. We have this every like Wednesday or Tuesday at like 6am, these four or five young women meet and do a Bible study. And that was going on in the corner. And the health department walked in and said, "Oh, these people can't be eating in here." And her name is Karen. I said, "Well, Karen, what if I opened the garage door all the way up" – because it was only like a foot off the ground – "open that all the way up for you, and in then we're good, right?" And she said, "No, you're not good." Now, keep in mind you've got these tents all over town. And I'm like, "Okay, well here, what if I open up my front door? There's the garage door and the side door. Then I'm good?" And she said, "No, you have to have at least 50% of your walls missing in order for this to be considered a patio dining or what have you."

As I mentioned earlier, we're a sizable coffee shop. A lot of people, like 90% of our business was from dine-in. I knew if I closed dine-in for the next three or four weeks, I wasn't going to be able to keep operating. And so I said no, I can't afford to close. I'm not going to close. And that kind of kicked off a chain of events. You know, I wasn't a conscientious objector. I was doing the best I could to follow the mandates that were handed down. But when they said no, this still doesn't work, even though I think any scientist coming in there saying, "Hey, this is what they're doing outside. Okay, well, come in here. Is this the same?" would be like, "Yeah, that's the same thing." And at that point, this one-size-fits-all kind of solution wasn't taking into account the individual spaces that people have.

And I was just no, this isn't okay. You're treating me the same as you'd treat another restaurant that has all four walls closed in, like what's the point? I thought the point was airflow. And I thought I was, I don't know, doing what they asked me to. And they're like, no, you're not. It's not good enough. You got to close. And I just said – I just I think my exact words were, "I disagree." And so that kind of started this whole fiasco with the health department that occurred that day and then kind of the court cases that followed.

WOODS: All right, well, I read in the story that the situation became heated with even some of your customers getting upset about what was happening. Is that true?

COOPERRIDER: So yeah. So let's go back to the people that –

WOODS: By the way, not that I blame them. I'm not in any way unhappy about that –

COOPERRIDER: No, see this is the thing. The health department chose some really bad timing, because when we were in there, there was a group of people in there called the Oathkeepers. Do you know who they are/

WOODS: Yeah, I do. I sure do.

COOPERRIDER: Okay, there was like four or five of them in there getting breakfast and getting their morning coffee. And the Oathkeepers are the type that when they see government kind of tyranny coming in and saying, "No, you have to close. This isn't good enough," they're going to be the first ones to kind of hop up and be like, no, that's not okay and be pretty defensive of the business. And so it just so happened I had a group of five or six of them in there, and they hopped up, and they started recording her right away.

WOODS: Oh, boy. Yeah, she did pick a bad time.

COOPERRIDER: Yeah, she picked a terrible time. What's funny is like she had just come in at like 9:15 the prior day, there wouldn't have been anybody in there at 9:15, because keep in mind, I thought I was following the rules, right? So I wasn't advertising like, *We're open. Screw you, Amy Bashir. Everyone, come on down and get your coffee.* So we weren't making a big deal about it. And we were just figuring out if we post online that all of our areas are open. and our normal customers who come in and sit, they'd pick up on it, right? And so, yeah, if she'd come in the prior day at the same exact time, we wouldn't have had that conversation. But she picked that time with those people in there.

And so I said, I won't sign. And she stepped outside, and she says, "Well, I'm going to call my manager and find out what to do," because of course, they don't know how to handle a place that's just like, *No, screw you.* So she came back in, and they were recording again, and I can tell it's making her a little uncomfortable. And she wanted to communicate with me. So she asked if she could step into the kitchen. And I was like, *Yeah, sure, that's fine.* So we stepped into the kitchen real quick. And she was like, Okay, I need you to sign this paper, basically saying that you can't have indoor seating, and you're going to fix it. I'm like, *I'm not going to sign them,* because I disagreed that what I was doing was wrong at all. And so she said, "Okay, well, I've got to go call my manager." So I'd let her come back there because I can tell she's uncomfortable with everything going on. So it's like, I'll give her a second.

So she calls her manager. And like 30 minutes later, this guy shows up and he was not ready to deescalate at all. He was not ready to take into account any kind of situation. He was not ready to communicate. He literally came in there and he said, "Listen, you need to close, or I'm going to close you down." And I was like, No, I'm not going to close. And so he came back and said, "Okay, well, I'm going to call the police. They're going to come out here and close you." And I was like, "Well, call them, I guess. We'll find out what's going to happen."

Now, by this time, word had gotten out across the, I call them I guess the liberty groups, liberty channels, Constitutional Kentucky, a group for businesses that don't require masks, you know, a couple other groups that Brewed was getting hassled. So we had 20 or 30 people that showed up at that time. So he goes out to get the police to show up. And I'm not kidding you. While he was gleefully – and I'm going to say gleefully, because of his attitude – waiting for what he thought the police to show up and tell me I had to close or I was going to be arrested, he pulled out a ball and a mitt and started playing catch with himself in our parking lot.

WOODS: Oh, my gosh. Oh, wow.

COOPERRIDER: It was the strangest thing in the world, but also like, how callous do you have to be? You're literally telling this guy, I'm taking away your livelihood, I'm shutting you down – I couldn't afford a tent. It's not like I had another approach. Either I was going to be allowed to operate and have people sit somewhere, or I was going to be closed. When my average ticket is five, six bucks, I can't afford these tents and these heaters and these propane heaters. I'm a coffee shop, right?

WOODS: Yeah.

COOPERRIDER: And also, I've got to run power out to them so people can plug in their computers. And really, you're going to sit there in 50-, 60-degree weather working on your computer, or are you just going to stay home? And so what ended up happening was he's playing catch himself, waiting. Well, he finds out that the police and sheriffs will only enforce Kentucky revised statute code. They will not enforce mandates. So he came in and basically had said, Well, you're closed down by the health department. The police won't come shut you down, but according to the health department you're closed. And he put the paper down or whatever. First, he was talking to the person at the counter, which was my wife, and I'm standing next to him, but he's only addressing my wife. I'm trying to ask him questions, and he won't acknowledge me because he felt harassed from the people videotaping him. And I'm finally like, "Man, I'm over here. The owner, right here. I'm literally sitting next to you. Talk to me. Answer my questions."

And so as he was leaving, I was told by somebody there, who is also in a lawsuit against the health department, that I had to ask for a hearing and I needed to say it out loud. And so I said, "I would like to have a hearing." His attorney doesn't look at me, doesn't answer any questions. I'm like, "What happens if I keep serving? I want to public hearing." Nothing. So that's what led to us following him out to the truck. He won't answer my questions of, "Okay, so if I keep operating, what happens?" That's what I asked him when. He won't even answer. I said, "I want a public hearing." He also didn't acknowledge that.

So we ended up near his truck. Not at it, as in that sense. And he won't answer my questions, so obviously, I got a little heated. Yeah, I dropped the F-bomb. Sorry, I'm a guy that was upset, you know? And I said, something like, "Who's going to pay my F-ing rent now? What happens if I keep serving?" And he's talking back a little bit to us, but what was funny is when you watch the hearing we had, they'd said two or three things that don't make any sense to me. One of the things that they said was, "Oh, I was getting in his personal space," which what was weird about that is one of the things we were arguing about was that I was wearing a mask and he wasn't. And I said something like, "Notice how I'm wearing a mask right now and you're not. I'm wearing a mask, because I respect your personal choice and I respect the fact that you want me to wear a mask, but I notice you're not wearing a mask." And he said, "Well, because we're over six feet apart." And it's like, okay, was I in your personal space, or was I six feet apart from you?

WOODS: Yeah, really.

COOPERRIDER: That doesn't make sense to me. And then they mentioned too that they'd called the police and the police said, if you feel threatened, call us and we'll come out there. And in testimony, he said he didn't feel threatened enough to call the police. So they picked

up this random story of saying things got heated and he was threatening whatever and ran with it, when on testimony, they themselves were like, Well, no, I wasn't threatened enough to call the police.

WOODS: Right. But tell me what happens next.

COOPERRIDER: Well, so what happened there, so they pulled my license, the police wouldn't shut me down, so what they ended up having to do is they filed suit against us in court to get us to stop serving. Okay, so in Kentucky, at least, where the police won't enforce the mandates, what's been going on is they weaponize these licensure bodies, such as the health department – I was talking to a motorcycle dealership where they had a masking violation issue. They had a court hearing to take away their dealer's license. So what they do is they take away your licenses to operate. And then if you keep operating, then that creates the criminal charges or what have you.

So they took away our licensing to operate. We kept operating anyways. They filed suit against us in court to get us to stop. And they were asking the judge to issue a restraining order to get me to stop serving. So about two or three days after this had all started, we have the hearing on that. The next day, the judge issues his decision saying, yeah, you've got to close and stop operating. But the health department has to post a bond. Now, in my case, the judge determined it to be 5,000. If we'd probably thought about it a little bit harder, we could have gotten the bond higher as far as our approach on how – if that was going to be important to us, we didn't realize how important that bond thing was going to become.

But he granted a bond to close us, basically meaning that – so the judge found that in this case that the health department was bringing, if they lost the case, so if they in fact had closed me and shouldn't have, the time I would have been closed because of them asking for that restraining order would have caused financial harm to me. So if they want to continue with the case, they needed to post a bond, an amount of money to continue with the case that after the case is resolved, if it was found I was, for easy terms, not guilty or they shouldn't have brought the case against me, then that bond money would have been mine. And if it was dismissed in the other direction, then it would have been returned to the health department. So essentially, it was a pre-decided kind of financial suit, basically saying we acknowledge they're going to create damages to you. If you should be operating, they should compensate you for that, so we're going to make them compensate you ahead of time.

So the judge issues the ruling, but it takes fully 24 hours the next day at like three, four o'clock for the health department to pay the bond of \$5,000. Now, what's interesting about that is if it takes them that long to issue a bond for one restaurant, if 10, 15, 20 restaurants – and the bigger they are, the bigger the bonds have to be – all did it, it appears they couldn't afford to close us. And where that became important was the founders of something called the Kentucky Restaurant Rescue Coalition came down and talked to me for a little bit, and then they started a petition that something like 1,000 restaurants signed onto, saying that if the governor did not lift the order, which expired midnight last night, if he renewed that order, they were all going to open anyways at 50% capacity, basically stating we know you can't afford to close us all, so we're all going to open.

WOODS: Wow. I did not know about this. I don't live in Kentucky. I suppose that's the main reason.

COOPERRIDER: Yeah, no, so that petition starts off of this. And there was a few other places that were also remaining open anyways, one's Beans, one was Wings 2.0. The only thing is they were not taken to court like we were because they live in very, we'll call them conservative areas. Well, Lexington is a blue area, meaning essentially that they felt more confident in pursuing a case against us in Fayette County than they would in other counties, because they feel like they'd have a better chance of winning if we took it all the way to a jury.

WOODS: Right.

COOPERRIDER: And there was a point where my lawyers told me like, listen, if you weren't in Lexington I would definitely – you know, lawyers can never advise you to break the law. And so when the judge issued their executive that restraining order for us to stop serving, it was thought that we would just continue serving – what we actually end up doing a lot more elegant of a solution, which is kind of funny. But there was thought that we would maybe keep serving, and that was an idea I had in my head that like, no, I'll just keep serving and screw it, let's take it all the way to a trial by jury, right? See if I can get a jury of my peers to actually convict me for making a cup of coffee, of a crime. And they were like, *Eh, you're not in the right area for that. I can tell you that much.*

And so that was of concern, so we ended up suspending our food service. Now, what we ended up doing because of how the executive order was written is we turned our space into what's called an event space. Now, you can consume food and drink in an event space, but event spaces can't make it. So food trucks started showing up outside of our place, and they also happened to sell coffee. And people could buy food from the food truck, coffee from the food truck, and then come inside and sit down and eat it anyways. So I was still following the judge's restraining order, because I wasn't preparing it, but people were still able to consume food and drink on my premises because of how the mandate was written. It just left this glaring, wide-open hole, where you if you're an event venue – like you know, while we were closed for indoor dining, you could go to a movie theater and sit down and eat popcorn and watch a movie, but you couldn't sit down inside a restaurant and eat, because a movie theater was an event venue, if that makes any sense.

WOODS: It's so funny if you actually read these orders, the things you find. And I think sometimes they count on you not reading them. People don't read them. Are you worried, though, precisely for the reason you said, that Lexington is a more blue area, that by having this high-profile confrontation, you're alienating a lot of potential customers? The way I look at it is there are still non-blue people in blue Lexington.

COOPERRIDER: Sure.

WOODS: And if it were me, sure, yeah, I might not be in the majority in that blue area, but I'll tell you something, I would get my coffee from you till my dying day after this.

COOPERRIDER: Well, what's funny is some people brought that up. I don't think they quite understand what I meant by – it wasn't hyperbole. If I couldn't serve coffee in our space where people could sit down and drink it for four weeks, we weren't going to be open anyways. These people saying, "Well, I've never come to your coffee shop," it's like, well, you weren't going to get to come to it anyways.

WOODS: Right. Yeah, right. Yeah, if I complied, there would be no coffee.

COOPERRIDER: *Oh, my gosh, I wasn't going to have your business at my nonexistent coffee shop.* In fact, there's something called the Coffee Trail in Lexington, and half the coffee shops — and this is where I'm finding businesses fall at, which is funny. But half the coffee shops are petitioning to get us off of the Coffee Trail. And the other half just don't care. But half of them are trying to get us off, and so the Coffee Trail people were kind of talking to us about it. And I was like, I don't care about your Coffee Trail. I wasn't going to get to be on it anyway. I wasn't going to be open [laughing].

WOODS: That is the best answer. That's a better answer than I thought.

COOPERRIDER: Yeah, I'm like, I don't really care. Like, *Oh, no, I lost your business at a business that wasn't going to be here.* But so we get the food trucks outside serving food, people coming in and eating it. And so the health department calls on my lawyer and is like, "Hey, your guy has a food truck outside." And my lawyer responds with, "That sounds like something he would do."

WOODS: [laughing]

COOPERRIDER: And the health department guy is like, "Well, you can't do that. You can't do that. He's a restaurant." And my lawyer goes, "No, he's not. He doesn't have a food license. How is he a restaurant?" And so the health department realized that they would have to give me back my food license if they wanted people to stop eating inside the restaurant, right? And so like three days ago, they gave us back our food license as long as we followed the mandate, which was set to expire in a couple of days anyways. So we were able to basically embarrass them into giving us back our food license. And then because of the petition, even though our numbers are actually higher than they were when they shut down restaurants originally, as in our amount of daily cases and daily deaths are reportedly higher than they were four weeks ago when the shutdown got put in place, the governor still opened back up dining to 50% because of the petition, because of us and other places saying, no, we've had enough and we're just going to open anyways. Now, the negative person in me says he only did that to throw us off, because we were to organized to all open up anyways and then he's going to close this again in like a week when we're all thrown off, not as organized, right? Because we had time to get organized before.

WOODS: Maybe. Who knows?

COOPERRIDER: Yeah, I mean, who knows what his plan is there? But so we've got our food license back and we're operating and we're serving. However, the state, the governor has decided that the food truck thing, somehow, he wants to ask the judge to hold us in contempt. And so we still have a hearing for the state to get involved in the case of us versus the Fayette County health department. And then if they're allowed on the case, they're going to ask the judge to hold us in contempt for the food truck thing, which you know, I don't own the food trucks. I wasn't making the food. I was doing as I was told. And so we don't think obviously they have much of a case there as far as it goes, but they're still going after us and trying to get after us about it. And it's kind of kind of interesting to see what happens. I mean, we still don't have our liquor license back, but we'll see how that process goes.

WOODS: Well, I'm looking at your website, BrewedCo.com. I'll link to it on our show notes page. That's TomWoods.com/1796. But let me ask one last thing: is there anything that listeners of this podcast can do that would help you?

COOPERRIDER: I mean, the biggest thing is just to let everyone know. Just if you stand up a little bit, you can get organized. You can push back on these things. You can say enough is enough. Support the businesses that are pushing back. If there's any around you – like I said, in Kentucky, we actually have three or four. We're the only ones who went to court. But also to highlight our stories to other businesses, because we want them to stand up too. I don't want to be a martyr. I don't want to be this guy who's like standing up against the governor and everything else. I want to be amongst other restaurant owners, all saying the same thing, where we just can't take it anymore. Because I know we can't.

WOODS: Yeah, exactly right. Well, I really appreciate what you're doing and the guts that it took. A lot of people would have just folded rather than have a confrontation. Even though they know that's the outcome, they would have just done that rather than stand up. So good for you in doing it. I've got your website on the show notes page. And I appreciate the example that you're setting for others, because maybe somebody will listen to this and say, Daggone it, there's reason I can't do what that guy's doing. So best of luck to you and thanks again.

COOPERRIDER: Well, thank you, sir.