



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Consumer Protection Division
800 Fifth Avenue • Suite 2000 • MS TB 14 • Seattle, WA 98104-3188
(206) 464-7744

May 18, 2020

Power Alley Fitness Inc. d/b/a PA Fitness
Michael Jellison
3131 Smokey Point Dr.
Arlington, Washington 98223

Dear PA Fitness and Mr. Jellison:

The Governor has issued Stay Home, Stay Healthy proclamations in order to protect the health and safety of all Washingtonians. The overwhelming majority of Washingtonians and Washington businesses are complying with these proclamations. However, you are not following the law despite repeated warnings. These include a May 11th warning from the Governor's Response Team, a May 14th violation letter from the City of Arlington, and a May 15th cease and desist letter from the Washington Attorney General's Office.

We wish it had not come to this. However, continuing to operate your business violates the Governor's Proclamations and Washington's Consumer Protection Act. Your unwillingness to follow the law led to the filing today of the enclosed lawsuit against you and your company.

While we understand the financial impact of Stay Home, Stay Healthy on small businesses, it does not exempt you from complying with the Governor's Proclamation. The Stay Home, Stay Healthy order is necessary for public health. The COVID-19 virus spreads easily from person to person and the only way to control it, and save lives, is to maintain social distancing, including closing nonessential businesses. By keeping your business open, you are endangering the lives of your customers and your community.

It is also unfair to your competitors for you to be open for business while they are complying with the Proclamation and making sacrifices for the community. Opening your business when competing fitness centers have closed as required by law to protect the health of all Washingtonians gives you an unfair advantage over your competitors. In order to level the playing field and ensure the market is fair for all, you must close your doors.

As with the previous warnings, we again ask that you close your gym until permitted to reopen under the Governor's "Safe Start" plan. Closure until that time is necessary and critical for public health. Under the "Safe Start" plan, fitness gyms can begin reopening at Phase 3. We are providing you an additional 24 hours from delivery of this letter to come into compliance with the Governor's Proclamations by closing your gym. If you do so, you will not have to pay any financial penalties. However, if you do not close your business in 24 hours, I want to be very clear regarding our

position. The state will not agree to any resolution of this case that does not include you paying financial penalties for your unlawful conduct.

Sincerely,

Daniel Allen

DANIEL ALLEN
Assistant Attorney General
Daniel.Allen@atg.wa.gov