



NATIONAL CITIZENS INQUIRY

Winnipeg, MB

Day 1

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EVIDENCE

Witness 5: Shea Ritchie

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Shawn Buckley

So if we can have Shea Ritchie come to the stand. Shea, can you state your full name for the record, spelling your first and last name?

Shea Ritchie

Yes, Shea Ritchie. S-H-E-A R-I-T-C-H-I-E.

Shawn Buckley

And Shea, do you promise to tell the truth, the whole truth, and nothing but the truth today, so help you God?

Shea Ritchie

I do.

Shawn Buckley

Now, my understanding is that you are in the restaurant business.

Shea Ritchie

Yes, that's correct.

Shawn Buckley

And you currently have a restaurant that has been running for ten years?

Shea Ritchie

Yeah, this month is the tenth anniversary.

Shawn Buckley

And before COVID, you had another restaurant that you had been operating for roughly four years.

Shea Ritchie

Yeah, that's correct. It was called Chaise Corydon.

Shawn Buckley

What was the restaurant business like for you before the pandemic policies?

Shea Ritchie

To be honest, we had just opened, well, a relatively new location there. But we had gone through, you know, several months; we had figured things out. We were well into our, I guess, prime. We were fully operational, very busy. It was a great location.

Shawn Buckley

Right, so things are looking positive, and then what happened?

Shea Ritchie

Well, there was the introduction of the original mandates. I'm sure everyone can remember the two weeks to slow the curve. So—

Shawn Buckley

And I'll just interrupt. But they didn't specify that was a biblical two weeks, did they?

Shea Ritchie

Well, we still are in the dark. Yeah, so the original mandates came out. They were telling us to open and close, open and close. And we were fully compliant. To be honest, there really was no incentive not to; there was no one who was going out at that time anyways. So we had been doing our best to follow whatever the rules and give the leadership and the government the benefit of the doubt. And things just kind of spiraled off from there because the government couldn't even keep track of all the rules they were making up, and the enforcement just became a nightmare.

Shawn Buckley

Now, can you give us some details about when you say nightmare because you have some specific examples to share with us of the type of thing that you experienced?

Shea Ritchie

For sure. So the COVID rules and regulations fell under the authority of Manitoba Health; they were the be all, end all. But I guess that they were overwhelmed and understaffed at the time that they were supposed to go in and add all the extra COVID enforcement to their plate. So they had recruited liquor inspectors and other agencies to kind of help out. So we would have police; we would have liquor inspectors; we would have health inspectors

showing up all the time, you know, maybe 20 different people. And they would have different rules. They were contradictory. They were nonsensical: I was even told at one point in time by a health inspector— So this is one of the people who was trained specifically in these types of fields. A health inspector told me that we weren't allowed to use plates and cutlery because there was no possible way to sanitize them. So going through a dishwasher with chemical and heat was not enough to sanitize them for COVID, according to her.

And so I would have to get these rules and updates all the time. And the inspectors would quote rules that didn't exist. I'd have to go and challenge it, and go and say, "Wait a second, this doesn't make sense; like how come we're not allowed to use plates and cutlery?" Right? And then Manitoba Health would respond and send out the retraction: "Okay, disregard what she said; she doesn't know what she's talking about."

So we were going along fine as far as every other business in that regard until we got our first fine in the summer of 2020. And we were given a fine for people sitting too close together. So the specific rule that was given in the health order said that people who are at different, sorry— Tables had to be six feet apart or two metres from other or from different tables. And it's a really, really vaguely worded rule. And what I was told it meant,

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and which made the most sense, is that if there was a group of people, they had to be separated from a different group of people.

So I got a fine because they found two people sitting close together. Sorry, there was two instances in a 250-seat restaurant where they found two people sitting too close together. They indicated that we were following the 50 per cent capacity rule. So that if you think about it now, we have a patio space that's half empty, and they saw people sitting 60 centimetres apart, which was the actual number. And if you can imagine what 60 centimetres is, it's pretty much enough to put your arm around a person. So the area is half empty. And people are sitting close enough that they can be touching. And I asked the inspector, I said, "Well were those people from the same group?" "Well, I didn't ask." So then I thought, well, this is ridiculous.

Shawn Buckley

Now, at the time, how many people could be in a group?

Shea Ritchie

Oh, man, it changed all the time. I don't know if there was an actual group size. There was no actual limitation on the group at that point. In the health orders— Actually, I do know because I went over this in court. As far as I know, at that current time, there was a capacity limit of 50 people in a different section of the orders, so if you were to have a wedding or other groups. But in our section, restaurants and licensed facilities, there was no specific limitation.

Shawn Buckley

Right, but I meant in a group like, let's say at a table, how many? There was no limit.

Shea Ritchie

There was no limit.

Shawn Buckley

So the health inspector tickets you for some people being within arm's length but never asked if they were part of the same group.

Shea Ritchie

No.

Shawn Buckley

And my understanding is that that ticket didn't go well for you.

Shea Buckley

Well, actually, the news is pretty favourable towards us at the time. So we had complained about the situation, said, "Hey, this is ridiculous; like we're actually trying to do our best here and follow whatever." Like the rules didn't make sense. But we were trying to do our best. And I just said respectfully, "We're being told different things all the time."

The health inspector who issued the ticket to me had previously come to the location and measured out all of the tables and said, "Yeah, yeah, yeah, everything is perfect; all your tables are separated." And our restaurant tables are smaller and we combine them. For instance, we have tables of two. And if it's a group of ten, we'll have five tables that we combine. It's more efficient because you can always break the tables apart. So a group of four is at a table of four, but a table of two isn't at the same group of four. So the rule said different tables had to be separated. But the inspector told us that that meant different groups of people, not tables; pieces of furniture didn't have to social distance.

So what happened then is they approved me to reopen. And now when they came, they said, "Oh, we saw some chairs that were too close." I said, "Well, in the rule, it says tables; it doesn't mention chairs. And you told me it was tables." And he admitted that in court. He acknowledged that he had told me those things. But it didn't matter at that point. And he acknowledged also that they didn't ask if they were from the same group or not. And they just didn't think it mattered. And out of all— I have almost \$60,000 in fines from COVID.

We were only given two court dates for all of our tickets. This one did go to court, and the judge said that we were guilty. And she specifically said it doesn't matter if they're from the same household or not, they weren't allowed to sit within six feet of each other. So a husband and wife weren't allowed to sit at the same table even if they're living together, they drive together. You think it makes sense? But she adamantly said, "The only common-sense way to interpret this rule—" Because I actually quoted case law and said, "Look, if there's a rule here that's ambiguous. And it's clearly ambiguous because the health inspectors are agreeing with me. And the prosecution is saying that we have to separate the furniture." And then the judge said, "Well, it doesn't matter if there's different interpretations because there's only one that makes sense here, and you should never have come to any other conclusion." And she ignored the fact that the health inspectors had actually agreed with my interpretation.

Shawn Buckley

Right. So following that judge's logic, if a breastfeeding mother came in to eat at your restaurant, she would have to be separated by her infant by six feet.

Shea Ritchie

Yeah, very long straw, I guess.

Shawn Buckley

Okay. So you were found guilty of that one. What was the fine?

Shea Ritchie

\$2,542.

Shawn Buckley

\$2,000. I'm sorry?

Shea Ritchie

\$2,542. This was when the rules first came out. And then they eventually changed the fines to \$5000.

Shawn Buckley

And how many tickets in total did you receive?

Shea Ritchie

I think it was 10.

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So I had two on the lower scale and then eight on the higher scale.

Shawn Buckley

Okay. My understanding is that for eight of them, they haven't even given you a trial date yet.

Shea Ritchie

No, I disputed all of them and they never— In fact, I thought they were just wasting my time. And in January, I got a memo from the government saying that one of the tickets, the second ticket I had been issued—which was about two or three weeks after the original ticket—they were giving me a court date. And so they gave me a court date for February 15th nearly three years after the violation.

Shawn Buckley

Now, as I understand it, that one was a bit of an interesting ticket because it kept getting changed. Can you tell us about that?

Shea Ritchie

Yes. The liquor inspector who issued the ticket— So keep in mind, not a health inspector, so someone totally different who admittedly in documented communication said he didn't even know what the rules were. So he gave me a ticket because he said people weren't socially distanced and because he saw people dancing. Now, at the time, there was no rule about social distancing. And there was a rule that mentioned dancing only to the extent that it said if you have a dance floor, you cannot use your dance floor, right? So the judge said that that's pretty ambiguous. But he agreed that yes, a dance floor is a specific type of thing. And it's kind of like an area where you're inviting strangers to all mix and mingle.

So the inspector who wrote the ticket acknowledged that we did not have a dance floor. But he said that there was four people out of approximately 200 that were dancing amongst themselves. And he said that nobody told them to sit down. And he saw them about 10 minutes later, and they were still dancing. So that was a clear violation. And in court, he said that we had created an impromptu dance floor. So he said you're allowed to have a DJ. You're allowed to have people in groups and people standing up and sitting. But if they are moving to the music, then you've created a violation. And in the cross-examination, I actually had the inspectors, the second one, admit that technically the entire restaurant and kitchen area could be a dance floor if people were dancing on it, according to this interpretation that they were applying.

And keep in mind that wasn't even my first fine, that's not my only fine for dancing. I had a police officer issue us a fine for dancing. And I have asked Manitoba Health, I've asked the Liquor Commission what's the legal definition of dancing after our first ticket so that we could have some clarification on what the hell it meant. And that, amongst other emails, were completely ignored. They were not interested in education; they were not interested in transparency. They would make up their rules; they would enforce them; and they didn't care if it made sense or not. They would just do whatever they wanted.

Shawn Buckley

Now, were there any changes to that ticket that the liquor licence people issued you?

Shea Ritchie

I apologize for not getting back to that. So the ticket didn't make sense. I looked at the rules. I went over them with the inspector who wrote them. He originally in the phone call said, "I can't find the rule that you broke." Because he said that I broke the P210 Health Act. I said, "Well, where in the act does it say anything about this?" So he went over it. He couldn't find anything, so he said he would get back to me.

He did get back to me later saying that he talked to somebody at Manitoba Health who helped him understand the rules better. And on an unrelated website, there was a set of rules, and I broke those rules. So giving him the benefit of the doubt, I said "Okay, well, did you know that these rules or this website existed prior to this ticket being issued?" And he said, "No, I did not." I said, "If you didn't know about this website, how come you're expecting that I would have known about this website?" Right? Assuming that this website, it was even legitimate. I said, "Don't you think it would be more appropriate to issue a

warning in such a situation?" And he said "No, no, no, you clearly deserved a fine." I said, "Okay."

So he put it down in writing. The reason for the ticket, not the original reason, is a new reason now. Because on this website, it says that people have to be seated; they're not allowed to be served while they're standing. And it says that people can't be dancing. So I said, "Okay." I took that email from him. I sent it to Manitoba Health, the authority on the topic. And I asked them to clarify whether or not those were a part of the official rules. Because it wasn't listed in the *Public Health Act*. And the *Public Health Act* did not refer to any other websites or other documents. So Manitoba Health wrote back clearly in writing, "Those are not the official rules."

So, again, I was in the media. People were wanting to know why we were getting all these fines and everything. And I said, "Well, clearly, we did not break any of the rules."

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I sent that email to the liquor inspector. I said, "Look, great news, now. We've got Manitoba Health officially declaring that those are not the rules. And we didn't break anything in needing a fine." And that is when the liquor inspector decided to change the ticket because it doesn't make sense to give me a ticket for rules that don't exist.

So then he went back to the original rules, and they picked a rule in the official rules. And then that rule that we were now declared to be in violation of was serving people in an area not open to the public. And when I asked them where this took place—because all of the notes said that they saw people in this area, they saw people in that area—all of those areas that were listed were a part of our licensed premises or official service area. So I asked, "Was it in the basement? Was it outside on the roof? Like, where did you see people being served?" And again, in court, they testified that we did not break that rule. But because they use that rule, they said that that rule meant that people had to be six feet apart and they had to be socially distancing. So they still tried to say that the original reason for the ticket applied to the rules that didn't talk about it. And the judge was just as dumbfounded as I was.

Shawn Buckley

Right. So you were found not guilty on that one.

Shea Ritchie

Yeah. That judge actually took a very common-sense approach and declared us not guilty.

I would like to also point out though, the media had been favourable towards us in the first situation. And in this situation, I expected the same because I said, "Look, we've been given a fine for this violation. Manitoba Health has declared that we didn't break the rules." And I said, "Look, in the rules, there's nothing about this, socially distancing and dancing."

So the media, somehow at this point, all changed their narrative on what was happening. And we became the demonized restaurant where we were viciously putting people's safety at risk because we were letting four people dance uninterrupted. And the media left out the important parts that we were not breaking any rules. So in the actual—I think it was CTV did a report. They interviewed one of my neighbours, and the neighbour goes, "Yeah, it's obvious that people have to be seated; you can't have people standing up."

But they didn't even go and look at the rules. So they had another person who's not an authority say that we were breaking the rules. And that was their story about what had happened. Instead of saying, "Shea says this and here's the rules. And there's nothing that we could find. And look, Manitoba Health agrees with Shea." Like you'd think that a more balanced form of journalism would be something like that. It's like getting a speeding ticket: instead of talking to a cop, they talk to a guy on the street. And they're like, yeah, he looked like he was going fast. Right? No training, no background. It's just some hearsay of some random person. It was a very frustrating situation. So we were completely demonized and people were boycotting us. And there was like, "Oh my god, just go online and look up Chaise Corydon."

Shawn Buckley

Now, my understanding is that it's not wise to tick off a bureaucrat. Can you tell me, or tell us, what the liquor licence people eventually did to you?

Shea Ritchie

Well, I was sure that something was coming down the pipeline because the police officer, who gave us a dancing fine for \$5,000 at a later date, said that he was planning on taking our liquor licence. And I asked him, I said, "Okay, well, the rules don't mention anything about dancing, so I'm not sure why you think that we're breaking this rule." There was no rule at that time about dancing. But then the idea that we were going to get our liquor licence pulled was completely new to me because we'd never had a liquor violation. These were public health order violations, and these are being enforced by non-experts. They're not even trained at all in the public health field.

So I had an impression that this might happen. And in 2022, the LGCA [Liquor, Gaming and Cannabis Authority of Manitoba] basically made an application to their board to have my liquor licence pulled and to have my restaurant basically, in all intents and purposes, shut down. And one of the reasons they cited for this reason to pull my licence was because I was a repeat offender. And I'd never had a conviction with a COVID fine or these issues at all. In fact, they were aware that their agents had been changing this ticket and had committed fraud, basically, by changing this ticket retroactively. And knowing that we weren't guilty because Manitoba Health exonerated us, I actually took that issue all the way to the CEO, Ms. Kristiane Dechant of the LGCA. And she said she looked at the documents and she saw no problem. And she didn't think her staff did anything unprofessional or criminal.

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So later, yeah, they pulled my liquor licence. And now it's funny that that ticket has been officially dropped in court, and they haven't given my liquor licence back. They haven't apologized. And they basically destroyed my livelihood at that entire location, and since, it's closed.

Shawn Buckley

Right. Because my understanding is you, just in that location, it wasn't feasible to continue operating the restaurant without a liquor licence.

Shea Ritchie

No. And it was in severe decline after all the negative media attention of us, being falsely labelled as degenerates or intentional rule breakers.

For the record, we were actually not breaking the rules. We were following the rules even if they didn't make sense. And the thing is that I was a very outspoken person. And I expressed my— I used my freedom of speech right to just say, "Look, some of these rules don't make sense." I actually wrote an article about what the Great Barrington Declaration was about, saying, "Wouldn't it make more sense to have a focused approach instead of just making healthy people locked down? Why don't we take our limited resources and protect the most vulnerable?" So I had been an outspoken person in that regard. I had sent several letters and emails to the enforcement people at LGCA and the Manitoba Health asking them for better clarity. And I had two people, I had a scientist from Manitoba Health and I had an inspector from the LGCA both in recorded conversations tell me that they agreed with me. But they weren't allowed to officially say anything because they would lose their job.

Shawn Buckley

Thank you. And I have no further questions. I'll ask the commissioners if they have a question. No?

I think we'll call one more witness and then we'll take a break. Oh, we should take a break now. So how about we take a 10-minute break then and return at 3.25 pm.

And Shea, on behalf of the National Citizens Inquiry, we sincerely thank you for your testimony.

Shea Ritchie

Thank you.

[00:22:14]

Final Review and Approval: Margaret Phillips, August 10, 2023.

The evidence offered in this transcript is a true and faithful record of witness testimony given during the National Citizens Inquiry (NCI) hearings. The transcript was prepared by members of a team of volunteers using an "intelligent verbatim" transcription method.

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