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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**Office of the Attorney General**

July 4, 2020

*Via Email Only*

Richard Mast  
Liberty Counsel  
PO Box 540774  
Orlando, FL 32854  
rmast@lc.org

RE: Andrew Wommack Ministries, Inc.

Dear Mr. Mast:

Thank you for your letter, and for the additional information that you provided. Contrary to the assertions in your letter, your clients are not being subjected to disparate, discriminatory, or unconstitutional treatment. The Teller County variance permits 175 individuals in a confined indoor space for all events that are similar to the conference your clients are holding. See [Teller County Variance](#). Similarly, the public health order's capacity limits apply to all indoor and outdoor events. [8th Am. Public Health Order 20-28](#) § I.H.4. If your clients' activities are more properly categorized as a worship service than a conference, they would be subject to materially the same limits. § II.M.

When faced with a society-threatening pandemic, our constitutional structure empowers state governments to protect their residents. See *Jacobsen v. Massachusetts*, 197 U.S. 11, 31 (1905) (upholding state public health authority to fight smallpox epidemic), *S. Bay United Pentecostal Church v. Newsom*, No. 19A1044, 2020 WL 2813056 at \*2 (2020) Roberts, C.J., concurring in denial of application for injunctive relief and reaffirming *Jacobsen* framework). We trust that you appreciate the differences between your clients' situation and the difficulties in managing spontaneous mass protests. Be advised that Colorado courts have repeatedly rejected challenges to the public health orders on grounds similar to those you argue,

including the notion that churches were subjected to disparate treatment because mass protests erupted outside the capitol.

Regardless, the Colorado Department of Public Health and Environment's (CDPHE) goal in this matter is to protect the public health from the pandemic spread of COVID-19. Limiting the size of gatherings is a primary epidemiological intervention that is being applied worldwide. Mass gatherings place not only AWTMI's attendees at risk, but also pose a risk to the communities near its property. CDPHE has not asked AWTMI to cancel events or to close its facility. However, the executive order, the public health order, and the Teller County Variance require that each separate confined indoor public space be restricted to 175 individuals. Based on our understanding of your clients' facility, it would still be able to host events by reconfiguring those events to comply with the orders. This could include utilizing outdoor spaces, multiple indoor spaces, and video conferencing technology. This is the same flexibility that is required of everyone conducting events at this challenging time. It is CDPHE's expectation that AWTMI will comply with the applicable orders for its events, and will not conduct those events in a way that poses a risk to the public health.

Sincerely,

FOR THE ATTORNEY GENERAL



W. Eric Kuhn  
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