

Grants pawn shop fined \$60K for defying public health order

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The owner of a Grants pawn shop that has remained open in defiance of a state public health order shutting down nonessential businesses has been fined \$60,000 and told to appear in court.

Diane Rowe, who owns Papas Pawn & Gun, said she was slapped with the fine after receiving a state police warning that her store should be closed.

The New Mexico Department of Health has the authority to enforce emergency public health orders by issuing a civil penalty of \$5,000 per day on the third or subsequent warning, according to an April news release from state police.

State police spokesman Dusty Francisco said the pawn shop was issued a cease-and-desist order April 14 and a citation to appear in court Monday after the store remained open during that time.

A copy of a letter sent Wednesday to Rowe from the Department of Health was provided to *The New Mexican* by the Governor's Office. The document confirms that Rowe was fined \$60,000 for remaining open for 12 or more days after being instructed to close.

But Rowe argues the fine should have been issued only after the third warning, and she claims she was issued only two before receiving a hefty penalty charging her for days the store remained open before the citation.

Rowe said she believes she should have been fined from the point following her second citation, which was issued on her court date. She added that she believes the \$60,000 penalty is "clearly just retaliation" for "standing up for my rights."

"This is about our small businesses being just picked off," Rowe said. "I am getting a hold of lawyers now and trying to figure out what we're gonna do. I would like to be able to stay open. It's my constitutional right to be able to earn a living."

Rowe said the store has been "very careful," allowing only two customers in at a time and making sure that people stand 6 feet apart from one another.

She was part of a small resistance by owners of stores that have remained open or opened Monday in Grants after the city's mayor, Martin "Modey" Hicks, ordered city employees back to work and encouraged businesses there to reopen in defiance of public health restrictions shutting them down.

Hicks was ordered Thursday by the New Mexico Supreme Court to comply with the health orders and submit a written response to the court.

Also Thursday, Gov. Michelle Lujan Grisham announced businesses considered nonessential under a previous public health order would be able to reopen Friday by offering delivery or curbside pickup.

But Rowe said that does not apply to Cibola County, where her pawn and gun shop is located.

It also does not apply to McKinley and San Juan counties. The three areas are COVID-19 hot spots in New Mexico, and Lujan Grisham said during a Thursday address that she would not lift restrictions in those areas because of the explosion of virus cases there.

The Republican Party of New Mexico decried the substantial fine in a statement Friday as “a violation of Rowe’s civil rights and constitutional rights and another unjust action against businesses trying to survive.”