



MICHELLE LUJAN GRISHAM
Governor

DR. TRACIE C. COLLINS, M.D.
Secretary-Designate

Via Certified U.S. Postal Mail, Hand Delivery, and E-mail

March 5, 2021

Western Commerce Bank
127 S. Canyon Street
Carlsbad, NM 88220
Certified mail no. 7020 1810 0000 3290 8564

Don Kidd
Registered Agent for Western Commerce Bank
808 Dennis Way
Carlsbad, NM 88220
Certified mail no. 7020 1810 0000 3290 8533

Re: Notice of Immediate Closure Pursuant to Public Health Order – Western Commerce Bank, Carlsbad

Dear Sir or Madam:

Pursuant to the COVID-Safe Practices for Individuals and Employers Guide, which is incorporated by reference in the current Public Health Order, a “rapid response” is conducted whenever a COVID-19 case is identified in a place of business or a high-risk facility or population. As part of the rapid response process, the New Mexico Department of Health requires that the identified entity follow appropriate isolation, quarantine, and infection control protocols to mitigate potential COVID-19 transmission and limit risk to employees and the public.

Paragraph 3 at Page 13 of the operative Public Health Order mandates closure of certain business entities that receive four (4) or more rapid responses within a rolling fourteen (14) day period. Specifically:

Any “food and drink establishment,” “close-contact business,” “place of lodging,” “retail space,” or other business (including “essential businesses” other than those which meet the definition of a healthcare operation, utility, or indigent care services) in which members of the public regularly visit must immediately close for a period of fourteen (14) days following the occurrence of four (4) or more rapid responses within a fourteen (14) day period. For purposes of this directive, rapid responses will be counted on a rolling basis.

Western Commerce Bank, located at 127 S. Canyon St. in Carlsbad, NM, had the following rapid responses related to COVID-19 infections within a 14-calendar-day period:

Response #1: 2/22/21, 1 COVID-19 infection cited.
Response #2: 2/23/21, 1 COVID-19 infection cited.
Response #3: 3/1/21, 2 COVID-19 infections cited.
Response #4: 3/2/21, 1 COVID-19 infection cited.

Upon receipt of this Notice, Western Commerce Bank must immediately close all business operations at the location of the rapid responses cited above for fourteen consecutive calendar days, in accordance with the Public Health Order issued February 24, 2021.

Western Commerce Bank must immediately cease operations at this location through 3/19/21. Western Commerce Bank may resume normal operations at this location on 3/20/21. If the business closed its operations at this location voluntarily prior to 3/5/21, those days of closure may be counted against the 14-day period, with the written consent of the Department of Health.

Western Commerce Bank may become exempted from Rapid Response Closure under the current Public Health Order, on the condition that the business enters into a Surveillance Testing and Contact Tracing Plan Agreement with the New Mexico Department of Health and the New Mexico Environment Department. The Agreement can be found online at <https://www.env.nm.gov/wp-content/uploads/2020/11/2020-11-24-Surveillance-and-Contact-Tracing-Plan-Final.pdf>.

Western Commerce Bank will appear on the Rapid Response COVID-19 Watchlist under the “Rapid Response Closure” tab on the New Mexico Environment Department’s (NMED) website for the duration of the fourteen-day closure. The NMED will also include your business/organization and location in a daily press release and social media updates during the fourteen-day closure.

Failure to comply with this directive may result in substantial monetary penalties in accordance with the Public Health Emergency Response Act, NMSA 1978, §§ 12-10a-1 to -19, and may further subject you to criminal penalties or civil judicial enforcement, or both. The failure to comply with this and other directives of the Public Health Order may also subject you to other penalties under applicable state laws.

While your operations are suspended at this location, you are encouraged to have all your employees tested for COVID-19. To find a COVID-19 testing center near you, please visit: <https://cvprovider.nmhealth.org/directory.html>. Additional resources can also be found at <https://cv.nmhealth.org> and <https://www.env.nm.gov/nmed-resources-for-covid-19/>.

A representative from the New Mexico Department of Health, the New Mexico Environment Department, or other applicable state agencies will contact you to discuss COVID-safe practices and provide guidance to prevent workplace exposure. Please be prepared to provide information on additional measures you have taken or plan to take to prevent additional positive cases.

If you have questions concerning this Notice, you may contact Witter Tidmore, Assistant General Counsel, at (505) 827-2410.

Sincerely,

A handwritten signature in black ink, appearing to read 'BJJ', is positioned above a horizontal line.

Billy J. Jimenez
Deputy Cabinet Secretary