

## Executive Order 202.14: New Fines, Extension of All Prior Executive Orders and NY PAUSE

Gov. Cuomo issued Executive Order 202.14 on April 7, with several important actions worth highlighting. First, this order extends all prior Executive Orders that have not already been extended by other Executive Orders. The expiration date for all Executive Orders, unless otherwise modified, is now May 7.

Additionally, [Executive Order 202.14](#) extended “NY PAUSE” until 11:59 p.m. on April 29. “NY PAUSE” is the term the Governor developed regarding school and business closures. All schools will remain closed. All non-essential business may not work from any workforce location. Essential businesses may continue to work on location, but only to the extent that employees cannot perform their services remotely. All businesses and not-for-profits must continue to maximize any telecommuting or work from home procedures that they can safely utilize. For more information on NY PAUSE and Executive Order 202.8, please see [here](#). For Empire State Development Corporation guidance on essential businesses, please see [here](#).

Executive Order 202.14 also adds an enforcement mechanism for all Executive Orders **in addition** to any other enforcement contemplated by prior Executive Orders. A violation of **any** of the Executive Orders is “punishable as a violation” of [Public Health Law § 12-b\(2\)](#). A violation of Public Health Law § 12-b(2) is punishable by imprisonment not exceeding one year, and/or by a fine of up to \$2,000.

Importantly, these charges can be combined with other charges set forth in other Executive Orders. For example, [Executive Order 202.8](#) provides that any business violating the in-person restrictions on workplaces—including those essential businesses failing to maximize telecommuting or working from home procedures—would be “subject to enforcement as if this were a violation of an order pursuant to” [Public Health Law § 12](#). A business that violates the in-person workplace restrictions can have charges and fines brought under **both** Public Health Law § 12 and Public Health Law § 12-b.

In addition to the above fines, Executive Order 202.14 also establishes fines of up to \$1,000 for individuals who violate social distancing restrictions or participate in gatherings. Gatherings, under [Executive Order 202.10](#), include “non-essential gatherings of individuals of any size.” Although not explicitly stated in the Executive Order, the Governor has repeatedly stated that local law enforcement will be in charge of this enforcement.

Executive Order 202.14 also enables the electronic witnessing of wills, trusts, health care proxies, disposition of remains, statutory gifts rider and real estate transactions. Such witnessing is allowed so long as the following conditions are met:

- The person requesting that their signature be witnessed, if not personally known to the witness(es), must present valid photo ID to the witness(es) during the video conference, not merely transmit it prior to or after;
- The video conference must allow for direct interaction between the person and the witness(es), and the supervising attorney, if applicable (e.g. no pre-recorded videos of the person signing);
- The witnesses must receive a legible copy of the signature page(s), which may be transmitted via fax or electronic means, on the same date that the pages are signed by the person;

- The witness(es) may sign the transmitted copy of the signature page(s) and transmit the same back to the person; and
- The witness(es) may repeat the witnessing of the original signature page(s) as of the date of execution provided the witness(es) receive such original signature pages together with the electronically witnessed copies within thirty days after the date of execution.

The attorneys at Bond, Schoeneck and King are here for you during these unprecedented times. If you have questions, please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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