

LEGAL NOTICE

To the Person Currently in Charge of this Establishment

There is no statutory law that requires you, your employees or your customers to wear a mask, get their temperature taken or stay six feet apart.

There is no law that requires you to serve your customers outside or reduce the number of people in your business establishment.

In fact, if you require your customers to wear a mask or restrict their movement or entry if they are not wearing a mask, you are at risk for violating several federal and state laws.

Any violation of the following laws WILL BE REPORTED to the appropriate authorities. As the person responsible for this establishment, YOU PERSONALLY will be at risk for fines and imprisonment upon conviction of these crimes:

U.S. FEDERAL LAWS

I. U.S. Constitution, 1st Amendment, Right to Assemble, Right to Freedom of Speech, Right to Religious Expression

Requiring someone to wear a mask as a condition to assemble in your place of public accommodation is an infringement of the right protected under the U.S. Constitution, the highest law of the land. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

2. U.S. Constitution, 4th Amendment, Right to Privacy

Forcing a person to wear a mask without their consent is a violation of the 4th Amendment. Further, gathering vital statistics such as taking one's temperature is a violation person's right to privacy. Violation of this protection will result in your actions being report to the U.S. Department of Justice, which is required by law to investigate Civil Rights Violations. No law is valid or lawful that violates the Constitution. No health order, emergency order, state of emergency, municipal ordinance, or store policy may suspend or violate the Constitution, period.

3. U.S. Title 52, Civil Rights Act of 1964: Unlawful to Discriminate in place of Public Accommodations

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition, disability or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone based on their skin color, you may not deny entry to someone based on their bare face.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

4. U.S. Title 42, Section 12101: Unlawful to Deny Entry to Persons with Disability or perceived medical condition (ADA)

Your business establishment is legally defined as a place of "public accommodation" and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

5. U.S. Americans with Disabilities Act: Unlawful to Deny Entry to Persons with Disability or perceived medical condition

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition or disability. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as REQUIRED BY LAW.

CALIFORNIA STATE LAWS

1. California Constitution, Article 1, Section 1

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety, happiness and privacy. Therefore, attempting to deny a customer from acquiring property by shopping at your business or to deny their access to services that they have the right to enjoy is unlawful and a violation of Constitutional liberties.

2. California Constitution, Article 1, Section 2

Every person may freely speak. A law may not restrain or abridge livery of speech. (Muzzling one's face with a muzzle does not allow for one to freely speak, and it abridges freedom of speech.) Therefore, denying entry due to a person not wearing a mask is a violation of the California Constitution,

3. California Constitution, Article 1, Section 4

Free exercise and enjoyment of religious expression without discrimination. If covering one's face intrudes on the religious expression of an individual, that right to religious expression may not be denied.

4. California Business and Professions Code 2052: Practicing medicine without a license

Requiring someone to wear a mask is a medical intervention. Unless you are a licensed medical professional, you have no authority to recommend such a practice. Further, a surgical mask is designated by the FDA as a “medical device”. You have no legal authority responsibility or liability to require that of either your customers or your employees.

No “emergency order” supersedes established law. Any “health order” related to mask-wearing is unlawful and unenforceable by law.

5. California Penal Code 538(d) PC: Impersonating a peace officer

You are not a law enforcement officer and have no authority to enforce any law or order. Impersonating a law enforcement officer is a crime in this state under **California Penal Code 538(d) PC**. This violation carries the penalty of one year in jail and a \$2,000 fine. You will be reported to authorities for this violation.

6. California Civil Code 51: Free and Equal Access to Public Accommodations

Your business establishment is legally defined as a place of “public accommodation” and as such you may not prohibit entry by discriminating against someone for their medical condition, disability or religious views. If someone is unable or unwilling to wear a mask for one of those reasons you may not prohibit their entry, nor may you file a charge of trespassing because of their legally protected status. **Just as you would not be able to deny entry to someone wearing a turban, you may not deny entry to someone not wearing a mask.** Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the “full enjoyment and equal access to facilities, services and accommodations,” as **REQUIRED BY LAW**.

A claim may be pursued through Department of Fair and Employment and Housing (DFEH) or a private lawsuit. If a business engages in a pattern or practice of discrimination, you can refer the matter to the Attorney General or to your local district or city attorney may bring an action to enjoin any violation of Civil Code section 54.1

7. California Civil Code 52.1: Tom Bane Act protects personal rights and carries \$25,000 fine for each violation

If any person interferes with threat, intimidation or coercion with the exercise of enjoyment of an individual’s rights secured by the Constitution of the United States or the Constitution of California, the Attorney General or any district attorney or city attorney may bring a civil action or injunction in order to protect the peaceable exercise or enjoyment of the rights secured. A civil

penalty of \$25,000 may be assessed against EACH PERSON VIOLATING THESE RIGHTS. Further, an individual may also institute and prosecute a civil case for damages.

8. California Civil Code 54: Individuals with disabilities have the same rights as others

Individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places. Just as you would not be able to deny entry to someone in a wheelchair, you may not deny entry to someone not wearing a mask. Having someone else shop for them, or requiring curbside delivery is NOT a reasonable accommodation, as it denies the "full enjoyment and equal access to facilities, services and accommodations," as REQUIRED BY LAW.

A claim may be pursued through DFEH, or a private lawsuit. The ADA also handles these complaints, and info may be gotten by calling (800) 514-0301.

9. California Civil Code 54.1: Disabled have full and equal access

Individuals with disabilities or medical conditions have the same right as the general public in attaining full and equal access to all public accommodations and their advantages, facilities and privileges to places of public accommodation, amusement or resort; and to other places to which the general public is invited, including public modes of transportation private schools, hotels, hospitals and public buildings, such as courthouses, government buildings. Aggrieved persons may recover up to three times the actual damages or a minimum of \$1,000, injunctive relief and reasonable attorney's fees

A claim may be pursued through DFEH, or a private lawsuit. The Attorney General, the Department of Rehabilitation, or the district city attorney may bring an action to enjoin any violation of Civil Code section 54.1

10. California Business and Professions Code 125.6: Prohibits a licensed business to deny service based on disability or religion

Any person who holds a license pursuant to the business and professions code is subject to disciplinary action if that person discriminates in, restricts the performance of, or refuses to perform the licensed activity because of a consumer's race, color, sex, religion, ancestry, disability, marital status or national origin.

11. California Business and Professions Code 23438: Prohibits discrimination by a private clubs and organizations

Private clubs and organizations holding liquor license may not discriminate against protected classes.

A claim may be filed with the California Department of Consumer Affairs, 401 R Street, Sacramento, CA 96814. (800) 952-5210. www.dca.ca.gov

12. California Penal Code 236 PC: False Imprisonment

Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement without their consent constitutes FALSE IMPRISONMENT, which can be a felony, with the penalty of three years in jail. If you deny someone's entry to your place of public accommodation based on their medical condition or religious beliefs, you are at risk for charged with false imprisonment.

False imprisonment is the unlawful violation of the personal liberty of another.

(Enacted 1872.)

236.1. (a) A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, is guilty of human trafficking and shall be punished by imprisonment in the state prison for 5, 8, or 12 years and a fine of not more than five hundred thousand dollars (\$500,000).

(b) A person who deprives or violates the personal liberty of another with the intent to effect or maintain a violation of Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking and shall be punished by imprisonment in the state prison for 8, 14, or 20 years and a fine of not more than five hundred thousand dollars (\$500,000).

13. Penal Code 415 PC: Disturbing the Peace

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine:

(1) Any person who unlawfully fights in a public place or challenges another person in a public place to fight.

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

(3) Any person who uses offensive words in a public place which are inherently likely to provoke an immediate violent reaction.

14. California Penal Code 240 PC: Assault

If you aggressively seek to harass or intimidate someone with the threat of violence, you could be in violation of CA PC 240, assault. An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another, even if no one is physically hurt by your behavior.

15. California Penal Code 185 PC: Unlawful to wear a mask in the commission of a public offense

It is unlawful to conceal your identity in the commission of any public offense (such as those listed in this document.)

16. California Penal Code 422.6: Rights secured by the Constitution

(a) No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

(b) No person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in subdivision (a) of Section 422.55.

17. California Penal Code 422.75: Hate crime elevates punishment

(a) Except in the case of a person punished under Section 422.7, a person who commits a felony that is a hate crime or attempts to commit a felony that is a hate crime, shall receive an additional term of one, two, or three years in the state prison, at the court's discretion.

(b) Except in the case of a person punished under Section 422.7 or subdivision (a) of this section, any person who commits a felony that is a hate crime, or attempts to commit a felony that is a hate crime, and who voluntarily acted in concert with another person, either personally or by aiding and abetting another person, shall receive an additional two, three, or four years in the state prison, at the court's discretion.

(c) For the purpose of imposing an additional term under subdivision (a) or (b), it shall be a factor in aggravation that the defendant personally used a firearm in the commission of the offense. Nothing in this subdivision shall preclude a court from also imposing a sentence enhancement pursuant to Section 12022.5, 12022.53, or 12022.55, or any other law.

18. California Penal Code 518: Extortion

(a) Extortion is the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.

(b) For purposes of this chapter, "consideration" means anything of value, including sexual conduct as defined in subdivision (b) of Section 311.3, or an image of an intimate body part as defined in subparagraph (C) of paragraph (4) of subdivision (j) of Section 647.

(c) Notwithstanding subdivision (a), this section does not apply to a person under 18 years of age who has obtained consideration consisting of sexual conduct or an image of an intimate body part.

19. California Penal Code 182: Conspiracy

(a) If two or more persons conspire:

(1) To commit any crime.

(2) Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime.

(3) Falsely to move or maintain any suit, action, or proceeding.

(4) To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform those promises.

(5) To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws.

(6) To commit any crime against the person of the President or Vice President of the United States, the Governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States.

20. California Penal Code 646.9: Stalking

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

21. California Penal Code 148.5: False reports of crime

Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, the Attorney General, or a deputy attorney general, or a district attorney, or a deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b) Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

OFFENSES INVOLVING PUBLIC SERVANT

22. California Penal Code 142: Official misconduct

Any peace officer who has the authority to receive or arrest a person charged with a criminal offense and willfully refuses to receive or arrest that person shall be punished by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year, or pursuant to subdivision (h) of Section 1170, or by both that fine and imprisonment.

23. California Penal Code 146: Unlawful arrest by public servant

Every public officer, or person pretending to be a public officer, who, under the pretense or color of any process or other legal authority, does any of the following, without a regular process or other lawful authority, is guilty of a misdemeanor:

- (a) Arrests any person or detains that person against his or her will.
- (b) Seizes or levies upon any property.
- (c) Dispossesses any one of any lands or tenements.

24. California Penal Code 147: Inhumane treatment of person in custody

Every officer who is guilty of willful inhumanity or oppression toward any prisoner under his care or in his custody, is punishable by fine not exceeding four thousand dollars (\$4,000), and by removal from office.

25. California Penal Code 149: Assault and battery by public servant

Every public officer who, under color of authority, without lawful necessity, assaults or beats any person, is punishable by a fine not exceeding ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year, or pursuant to subdivision (h) of Section 1170, or by both that fine and imprisonment.

LEGAL DEFINITION OF TRESSPASS – California Penal Code 602.1

602.1. (a) Any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting to carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

(b) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.

(c) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by knowingly making a material misrepresentation of the law to those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or a supervisor of the public agency, is guilty of an infraction, punishable by a fine of up to four hundred dollars (\$400).

(d) This section shall not apply to any of the following persons:

(1) Any person engaged in lawful labor union activities that are permitted to be carried out on the property by state or federal law.

(2) Any person on the premises who is engaging in activities protected by the California Constitution or the United States Constitution.

LEGAL DEFENSE FOR TRESSPASS ACCUSATION

You had the right to be on the property;

You had consent to be on the property;

You didn't "occupy" the property (for certain kinds of trespass) . . . or you didn't actually obstruct or interfere with activity on the property (for other kinds); and

The property was not fenced or signed (for trespass as an infraction).

NOTE: NO STORE POLICY MAY VIOLATE ESTABLISHED LAW

Just as your place of business may not institute “Fist-fight Fridays” or encourage customers to engage in pickpocketing or require someone to snort a line of cocaine as a condition of entry, your “store policy” may not violate the established laws set forth in this notice.

No claim of an “emergency” or “executive orders” or “health orders” or “city ordinances” excuses you from violating the laws set forth in this notice.

Further, as a place of public accommodation (even as a private business) you have extended an irrevocable license (privilege) to the public to enter your establishment and you may not deny entry based on race, religion, disability or other protected characteristics.

Read the entire trespass law by looking up CA Penal Code 602.

By denying entry to a customer who is not wearing a mask for either medical or religious reasons, YOU ARE IN VIOLATION of at least five federal laws and 21 California state laws, including:

US Constitution, 1st Amendment, 4th Amendment

US Title 42, US Title 52

California Constitution Article 1, sections 1, 2, 4

California Business and Professions Code 2052: Practicing medicine without a license

California Penal Code 538(d) PC: Impersonating a peace officer

California Civil Code 51: Free and Equal Access to Public Accommodations

California Civil Code 52.1: Tom Bane Act

California Civil Code 54: Individuals with disabilities have the same rights as others

California Civil Code 54.1: Disabled have full and equal access

California Business and Professions Code 125.6: Prohibits a licensed business to deny service based on disability or religion

California Business and Professions Code 23438: Prohibits discrimination by a private clubs and organizations

California Penal Code 236 PC: False Imprisonment

Penal Code 415 PC: Disturbing the Peace

California Penal Code 240 PC: Assault

California Penal Code 185 PC: Unlawful to wear a mask in the commission of a public offense

California Penal Code 422.6: Protected rights

California Penal Code 422.75: Hate crime elevates punishment

California Penal Code 518: Extortion

California Penal Code 182: Conspiracy

California Penal Code 646.9: Stalking

California Penal Code 148.5: False reports of crime

California Penal Code 142: Official misconduct

**YOU ARE AT RISK FOR A CITIZEN'S ARREST, AS
AUTHORIZED UNDER CA PENAL CODE 837, WITH LAW
ENFORCEMENT BEING SUMMONED FOR YOUR
VIOLATIONS OF THE ABOVE LAWS. INITIAL ____.**

HOW TO MAKE A CITIZEN'S ARREST IN CALIFORNIA:

1. First, CALL 911 to report a crime in progress.
2. Inform the perpetrator of the intended arrest, using the following language:
3. "You are hereby informed of my attention to place you under citizen's arrest."
4. "You have willfully and knowingly violated these laws: (read off the list of violations as applicable)"
5. "My authority to arrest you is granted by California Penal Code 837"
6. "I have called law enforcement to the scene"

7. "I am requesting your cooperation until law enforcement arrives".
8. "If you refuse to cooperate or attempt to flee the scene, I have the right to use reasonable force to detain you."
9. "The law allows for you to be kept out of harm's way in a secluded location until law enforcement arrives."

Referenced from <https://www.shouselaw.com/ca/defense/penal-code/837/>

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