

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

1. 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 of a person's right to privacy. Violation of this protection will result in your actions being reported 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.

UTAH STATE LAWS

1. Utah 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. Utah Constitution, Article 1, Section 15

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 Utah Constitution,

3. Utah 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. Utah Medical Practice Act 58-67-301: 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. This offense is punishable by up to \$10,000 per single violation or up to \$2,000 per day of ongoing violation, whichever is greater.

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

5. Utah Revised Statutes 76-8-512: 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 **Utah Revised Statutes 76-8-512**. This violation carries the penalty of up to 18 months in jail. You will be reported to authorities for this violation.

6. Utah Civil Rights Code 13-7-1: 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.

To file a civil rights complaint visit <https://laborcommission.utah.gov/divisions/utah-antidiscrimination-and-labor-uald/> or call the Utah Antidiscrimination and Labor Division 801-530-6800

7. Utah Labor Code 62A-5b-103: 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.

8. Utah Labor Code 35A-5-105: 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.

9. Utah Civil Rights Code 13-7-3: 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 of 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.

10. Utah Criminal Code 76-5-304: Unlawful detention

Attempting to prevent someone's entry to this establishment or to restrict, detain or confine their movement without their consent constitutes UNLAWFUL DETENTION, 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 unlawful detention. This crime is a class B misdemeanor and is punishable by up to \$1,000 and six months in jail.

11. Utah Criminal Code 76-9-102 2: Disorderly conduct

An individual is guilty of disorderly conduct if:

- (a) the individual refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition, by any act that serves no legitimate purpose; or
- (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the person:
 - (i) engages in fighting or in violent, tumultuous, or threatening behavior;
 - (ii) makes unreasonable noises in a public place or an official meeting;
 - (iii) makes unreasonable noises in a private place which can be heard in a public place or an official meeting

12. Utah Criminal Code 76-5-106: Harassment

A person is guilty of harassment if, with intent to frighten or harass another, he communicates a written or recorded threat to commit any violent felony. Harassment is a class B misdemeanor which is punishable by up to to \$1,000 and six months in jail.

13. Utah Criminal Code 76-6-404.5: Wrongful appropriation

A person's inalienable rights are private property. A person commits wrongful appropriation if he obtains or exercises unauthorized control over the property of another, without the consent of the owner or legal custodian and with intent to temporarily appropriate, possess, or use the property or to temporarily deprive the owner or legal custodian of possession of the property.

14. Utah Criminal Code 76-10-801: Nuisance

- (1) A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
- (2) Any person, whether as owner, agent, or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is guilty of a class B misdemeanor.

15. Utah Criminal Code 76-4-201: Conspiracy

For purposes of this part a person is guilty of conspiracy when he, intending that conduct constituting a crime be performed, agrees with one or more persons to engage in or cause the performance of the conduct and any one of them commits an overt act in pursuance of the conspiracy.

16. Utah Criminal Code 76-5-106.5 2: Stalking

- (2) A person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person:
- (a) to fear for the person's own safety or the safety of a third person; or
 - (b) to suffer other emotional distress.

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.

THUS: 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 16 Utah state laws, including:

US Constitution, 1st Amendment, 4th Amendment

US Title 42, US Title 52

Utah Constitution Article 1, sections 1, 4, 15

Utah Medical Practice Act 58-67-301

Utah Revised Statutes 76-8-512

Utah Civil Rights Code 13-7-1

Utah Labor Code 62A-5b-103

Utah Labor Code 35A-5-105

Utah Civil Rights Code 13-7-3

Utah Criminal Code 76-5-304

Utah Criminal Code 76-9-102 2

Utah Criminal Code 76-5-106

Utah Criminal Code 76-6-404.5

Utah Criminal Code 76-10-801

Utah Criminal Code 76-4-201

Utah Criminal Code 76-5-106.5 2

YOU ARE HEREBY NOTIFIED of a potential CITIZEN'S ARREST for violations of the above laws, under Utah Criminal Code 77-7-3, which authorizes a private person to make a citizen's arrest in Utah.

Under the authority of Utah Criminal Code 77-7-3, a private person may arrest another person for any crime committed in the presence of the private person if the private person has probable cause to believe the arrested person committed the crime. A private person making such an arrest shall, without unnecessary delay, take the arrested person before a magistrate or deliver the arrested person to a peace officer.

THEREFORE, you and your employees have hereby been PUT ON NOTICE of potential civil and criminal violations of unlawfully preventing the lawful entry of any member of the public.

YOU ARE AT RISK FOR A CITIZEN'S ARREST, AS AUTHORIZED UNDER UTAH CRIMINAL CODE 77-7-3, WITH LAW ENFORCEMENT BEING SUMMONED FOR YOUR VIOLATIONS OF THE ABOVE LAWS. INITIAL_____.

**** Utah Criminal Code 76-8-201 Official misconduct: Unauthorized acts or failure of duty.**

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or **knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.**

HOW TO MAKE A CITIZEN’S ARREST IN UTAH:

1. First, CALL 911 to report a crime in progress.
2. Inform the perpetrator of the intended arrest, using the following language:
 - a) “You are hereby informed of my attention to place you under citizen’s arrest.”
 - b) “You have willfully and knowingly violated these laws: (read off the list of violations as applicable)”
 - c) “My authority to arrest you is granted by Utah Criminal Code 77-7-3
 - d) “I have called law enforcement to the scene”
 - e) “I am requesting your cooperation until law enforcement arrives”.
 - f) “If you refuse to cooperate or attempt to flee the scene, I have the right to use reasonable force to detain you.”
 - g) “The law allows for you to be kept out of harm’s way in a secluded location until law enforcement arrives.”

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