

I want to help you stay in business and thrive

Dear Business Owner,

I want to give you money. I want to shop and enjoy your goods, services and products. I come in peace, to support you and help you understand the confusing and changing orders coming from the governor, the county, the city and health officers.

You have probably been told that you and your employees and your customers have to wear a mask, and if you don't, you are at risk of losing your professional license. You might also have been told that you will put others at risk, and you might not be able to keep your business open, if you don't "follow the rules."

- You are not at risk for losing your professional license if you, your employees or your customers don't wear a mask. There is no law that requires you to do so.
- You are not at risk for having your business shut down if you or your employees don't wear a mask, or if you sell to someone who is not wearing a mask. There is no law that requires you to do so.
- No governor has any authority to tell you to close your business. The shutdown orders are unlawful and illegitimate, because they are in conflict with other laws.
- The guidelines of the governor are just guidelines. They are not laws and they are not enforceable by law.

You only need to follow the law. And you should run your business the way you see fit.

Laws are the only thing that are enforceable.

These things are not laws: guidelines, rules, directions, directives, measures, orders, policies. Because they are not laws, you don't have to follow them.

Laws are passed by the legislative branch of the government, not the governor.

No governor can make a law.

No mayor can make a law.

No health officer can make a law.

No business owner can make a law.

Executive orders are not the same as the law. Executive orders only apply to members of the government, not to private businesses like yours.

Learn more about your rights as a business owner and how to defend them here:

www.TheHealthyAmerican.org

The governor cannot tell you who to sell to or not. The governor cannot shut down your business. And the health department and your licensing board cannot close your business or take your license without a hearing. You have every right to operate your business the way you want to.

You are not in any danger of losing your business permit or professional license if you sell to someone who is not wearing a mask, or you don't enforce distancing.

The opposite is true: you can get into trouble if you deny service to someone who is not wearing a mask, and if you restrict their free movement and right to assemble.

That is because every single person has the right to shop at your business, with or without a mask. According to law, your private business is a public accommodation, because you are engaged in selling to the public.

Contrary to the notion of "no shoes, no shirt, no service," that policy violated established law when you discriminate against someone for their appearance, their medical condition or their religion.

There is no law that requires a person to wear a mask. In fact, you don't have to wear a mask if you don't want to. There is no law of this market that requires you to wear a mask. The governor or health officer cannot require you to wear a mask. The governor cannot require you to enforce distancing, plexiglass, a reduction in patrons, or tell you that you have to serve indoors or outdoors. There is no authority for the health officer or governor to tell you how to operate your business, as long as you are not in violation of any actual regulations "on the books." And there is no regulation on the books regarding masks, distancing, or modifying your business operations.

And you cannot require anyone to wear a mask. You do not have the power or authority over another person to tell them to wear a mask, which covers their only two air passages for breathing. It is illegal to force someone to obstruct their breathing. That is a type of attempted suffocation, and it is illegal conduct, because it harms another person.

The only thing you have to follow are actual laws, and laws have a number or a "code of law" attached to them after they are passed by the legislature.

There are certain laws that control your conduct as a business owner,

As a business owner, you are required to follow the laws of the State of California and also the laws of the United States.

Here are some laws you are required to follow under the authority of the California State Codes, and the U.S. Constitution.

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Law #1: You cannot discriminate against or harass any individual. Even if you wear a mask, and even if you want the shopper to wear a mask, and even if you think it's a good idea for shoppers to wear a mask, the law states that you cannot refuse to serve a shopper without a mask. **This law is called California Civil Code 51** and it requires you to serve each person without discrimination, and you must do so in the same and equal manner. That means you cannot make them be separated from others, and you must serve them like anyone else, regardless of whether they are wearing a mask or not. **If you violate this law, it is a \$12,000 fine against you every time you violate the civil rights of another person, even if you do it without intending to.**

Law #2: The California Health Department states that some people are exempt from wearing a mask because it makes it too hard for them to breathe. That means they don't have to wear one. Some people also do not wear a mask because it goes against their religious belief, and they don't have to wear one. These laws are from **the U.S. Title II and Title III of the Civil Right Act of 1964 that protects people from discrimination. You can get a fine for these violations.**

Law #3: California Business and Professions Code § 16721 prohibits any person from being excluded from a business transaction on the basis of a policy expressed in any document or writing and imposed by a third party where that policy requires discrimination against that person. A violation of any provision of this section is a conspiracy against trade. You are discriminating if you deny service to someone who is not wearing a mask. Just like you could not deny service to someone in a wheelchair or if they are wearing a turban or if they don't speak English, you cannot deny service to someone who is not wearing a mask.

Law #4: By requiring masks, you are guilty of practicing medicine without a license, which is a violation of CA Penal Code § 2052, if you tell someone they have to wear a mask, which is defined by the FDA as a Class II medical device.

Law #5: By preventing someone's entry to your place of business, you are guilty of false imprisonment, Penal Code §236 PC. "The unlawful violation of the personal liberty of another," if you prevent a person from shopping at your stall.

Law #6: It is a crime to harass someone in the workplace. Title VII of the U.S. Civil Right Act of 1964 prohibits harassment in the workplace.

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Additional laws that prevent discrimination in your place of business include:

Title VII of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e) • Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k)) • Title I, Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213) • Age Discrimination in Employment Act of 1967 (29 U.S.C. 621) • Equal Pay Act of 1963 (29 U.S.C. 206 (d)) • Title I of the Civil Rights Act of 1991 (42 U.S.C. 2000(e)) section 1977A • Rehabilitation Act of 1973 sections 501 and 505 (U.S.C.) Discrimination and Harassment Prevention Policy Chapter 2 California Department of Food and Agriculture Section 1 Subsection 1 Page | 2 • Title II, Genetic Information Nondiscrimination Act of 2008, U.S.C. sections 201-213 • Fair Employment and Housing Act, California Government Code sections 12900-12996 • California Code of Regulations, Title 2, Division 4.1, Sections 11000-11141 • The California Family Rights Act, California Government Code section 12945.2 • New Parent Leave Act, California Government Code section 12945.6 • California Government Code sections 18500, 18671.1, 19700-19706, 19991.6 • Unruh Civil Rights Act, California Civil Code section 51 et seq. • Ralph Civil Rights Act, California Civil Code section 51 et seq. • Disabled Persons Act, California Civil Code section 54 et seq. • California Labor Code, Division 2, Part 1, Chapter 1, Article 1, section 230 • 29 Code of Federal Regulations section 1604.11

Complaints can be filed with:

www.dfeh.ca.gov

www.eeoc.gov

ATTENTION BUSINESS OWNERS:



YOU NEVER HAVE TO SHUT DOWN AGAIN!

OPEN FOR BUSINESS

Find out how to stay open legally, without masks or distancing
What documents you **MUST** have on hand for OSHA and code enforcers
How to protect your professional license from threat of revocation

Get info on in-person trainings in your area and online seminars

www.TheHealthyAmerican.org/business-help

