

# **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, 1<sup>st</sup> 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, 4<sup>th</sup> Amendment, Right to Privacy**

Forcing a person to wear a mask without their consent is a violation of the 4<sup>th</sup> 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.

# **NORTH CAROLINA STATE LAWS**

## **1. North Carolina 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. North Carolina Constitution, Article 1, Section 14**

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 North Carolina Constitution,

### **3. North Carolina Constitution, Article 1, Section 13**

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. North Carolina General Statutes 90-18: 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 classified as a class I felony and punishable by up to 12 months in prison.

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

### **5. North Carolina General Statutes 14-277-b1: 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 **North Carolina General Statutes 14-277-b1**. This violation carries the penalty of up to three months in jail. You will be reported to authorities for this violation.

### **6. North Carolina General Statutes 168A-6: 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 here <https://www.oah.nc.gov/civil-rights-division> or call the North Carolina Office of Administrative Hearing 984-236-1850

### **7. North Carolina General Statutes 168A-2: 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. North Carolina General Statutes 75B-2: 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.

### **9. North Carolina General Statutes 14-43.3: Felonious Restraint**

Attempting to prevent someone’s entry to this establishment or to restrict, detain or confine their movement without their consent constitutes FELONIOUS RESTRAINT, which is classified as a Class F felony with the penalty of up to 41 months in prison. 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 being charged with felonious restraint.

## **10. North Carolina General Statutes 14-288.4: Disorderly Conduct**

Disorderly conduct is a public disturbance intentionally caused by any person who does any of the following:

- (1) Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence.
- (2) Makes or uses any utterance, gesture, display, or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace.
- (3) Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative.

Disorderly conduct is a Class I misdemeanor and punishable by up to 120 days in jail.

## **11. North Carolina General Statutes 14-14.4: Use of signs for illegal purposes**

It shall be unlawful for any person to use, agree to use, or to encourage, aid or assist in the using of any signs, grips, passwords, disguise of the face, person or voice, or any disguise whatsoever in the furtherance of any illegal secret political purpose, any illegal secret military purpose, or any purpose of violating or circumventing the laws of the State; and it shall be unlawful for any person to take or administer, or agree to take or administer, any extrajudicial oath or secret solemn pledge to further any illegal secret political purpose, any illegal secret military purpose, or any purpose of violating or circumventing the laws of the State.

If your business has signs similar to “No mask, no service”, you are using signs to promote illegal activity at your establishment, a Class 1 misdemeanor which carries a penalty of up to 150 days in jail and a discretionary fine.

## **12. North Carolina General Statutes 114-277.1: Threatening**

- (a) A person is guilty of a Class 1 misdemeanor if without lawful authority:

- (1) He willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another;
- (2) The threat is communicated to the other person, orally, in writing, or by any other means;
- (3) The threat is made in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and
- (4) The person threatened believes that the threat will be carried out.

A violation of this section is a Class I misdemeanor and punishable by up to 150 days in jail.

### **13. North Carolina General Statutes 14-401.14: Ethnic Intimidation**

- (a) If a person shall, because of race, color, religion, nationality, or country of origin, assault another person, or damage or deface the property of another person, or threaten to do any such act, he shall be guilty of a Class 1 misdemeanor.
- (b) A person who assembles with one or more persons to teach any technique or means to be used to commit any act in violation of subsection (a) of this section is guilty of a Class 1 misdemeanor.

### **14. North Carolina General Statutes 14-277.3A (c): Harassment**

If you aggressively seek to harass or intimidate someone with the threat of violence, you could be in violation of NCGS 14-277.3A (c) - harassment. Harassment 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. North Carolina General Statutes 14-12.8: Unlawful to wear a mask on public property**

No person or persons shall in this State, while wearing any mask, hood or device whereby the person, face or voice is disguised so as to conceal the identity of the wearer, enter, or appear upon or within the public property of any municipality or county of the State, or of the State of North Carolina.

**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 15 North Carolina state laws, including:**

US Constitution, 1st Amendment, 4<sup>th</sup> Amendment

US Title 42, US Title 52

North Carolina Constitution Article 1, sections 1, 12, 13

North Carolina General Statutes 90-18

North Carolina General Statutes 14-277-b1

North Carolina General Statutes 168A-6

North Carolina General Statutes 168A-2



North Carolina General Statutes 75B-2

North Carolina General Statutes 14-43.3

North Carolina General Statutes 14-288.4

North Carolina General Statutes 14-14.4

North Carolina General Statutes 114-277.1

North Carolina General Statutes 14-401.14

North Carolina General Statutes 14-277.3A (c)

North Carolina General Statutes 14-12.8

**YOU ARE HEREBY NOTIFIED of a potential CITIZEN'S ARREST for violations of the above laws, under North Carolina General Statutes 15A-404, which authorizes a private person to make a citizen's arrest in North Carolina.**

Under the authority of North Carolina General Statutes 15A-404, 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 NCGS 15A-404, WITH LAW ENFORCEMENT BEING SUMMONED FOR YOUR VIOLATIONS OF THE ABOVE LAWS. INITIAL \_\_\_\_\_.**

## HOW TO MAKE A CITIZEN'S ARREST IN NORTH CAROLINA:

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 North Carolina General Statutes 15A-404"
  - 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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