

To the Owner and ALL Managers of: _____

Address: _____

WE THE PEOPLE would like to begin this New Year on a more firm and lawful footing. As we have witnessed your establishment, staff and employees engaging in **multiple violations of STATE and FEDERAL LAWS**, we respectfully present this Cease-and-Desist Notice. As these violations have compromised our Civil Rights and Liberties, we request that you take immediate note of the following laws and act in accord with them immediately.

If you choose to continue violating said laws, **we will proceed with LEGAL ACTION in order to hold you and your staff personally Accountable and Liable**. Thank you for working with us to ensure **NO FURTHER INSULTS TO THE CONSTITUTION** of the United States and Constitution of Hawaii or to the people it was designed to protect. Aloha!

Did You Know...

MANDATES ARE NOT LAWS! A MANDATE IS SUBJECT TO AGREEMENT OF SAID MANDATE FOR IT TO HOLD ANY POWER!

NO MANDATE, RULE OR ORDINANCE CAN VIOLATE THE CONSTITUTION!

A PUBLIC ACCOMMODATION **MUST PROVIDE FREE AND EQUAL ACCESS TO ALL** REGARDLESS OF RACE, GENDER, RELIGION OR DISABILITY. (Do you know **why** your patrons cannot or will not wear a mask?)

HEALTHY PEOPLE DO NOT SPREAD VIRUSES!
(REVIEW HUMAN BIOLOGY 101!)

43-STATES HAVE LIFTED THE MASK MANDATE.

REFUSING ENTRY TO UNMASKED PATRONS MAY PLACE YOU AT RISK OF BEING FOUND GUILTY OF DISCRIMINATION? FEDERAL AND STATE LAWS ARE BEING VIOLATED WHEN YOU REFUSE SERVICE TO THOSE WHO CANNOT OR WILL NOT WEAR A MASK FOR RELIGIOUS OR MEDICAL REASONS.

We the people ask that **all staff and employees Cease-and-Desist ALL activities or acts of conduct engaging in, or encouraging, a violation of State and Federal Laws.**

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 AND are asking that customer to assault themselves by hindering their breathing. Legal action CAN be taken against you!**

Any violation of the following laws WILL BE REPORTED to the appropriate authorities including the **Hawaii Human Rights Office**. 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. Constitution, 14th Amendment – NO STATE shall make or enforce ANY law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive ANY person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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.

HAWAII STATE LAWS

1. **Hawaii Constitution, Article 1, Section 2**

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. **Hawaii Constitution, Article 1, Section 4**

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 Hawaii Constitution**,

3. **Hawaii 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. **Hawaii Professions and Occupations Code 453-2: 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. **Hawaii Revised Statutes 710-1016.6: Impersonating a law enforcement 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 **Hawaii Revised Statutes 710-1016.6**. This violation is a Class C felony and carries a penalty of up to 5 years in jail and fines up to \$10,000.

6. **Hawaii Revised Statutes 489-3: 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

7. **Hawaii Constitution Article 1 Section 5: Protection of equal rights**

No person shall be denied the enjoyment of civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.

8. **Hawaii Civil Rights Commission Chapter 368: 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.

9. **Hawaii Revised Statutes 489-8: 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.

10. Hawaii Business and Professions Code 489-8b: 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. Hawaii Penal Code 707-721: Unlawful 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 3- 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.

12. Hawaii Penal Code 711-1101: Disorderly Conduct

A person commits the offense of disorderly conduct if, with intent to cause physical inconvenience or alarm by a member or members of the public, or recklessly creating a risk thereof, the person:

- (a) Engages in fighting or threatening, or in violent or tumultuous behavior;
- (b) Makes unreasonable noise;
- (c) Subjects another person to offensively coarse behavior or abusive language which is likely to provoke a violent response;
- (d) Creates a hazardous or physically offensive condition by any act which is not performed under any authorized license or permit; or
- (e) Impedes or obstructs, for the purpose of begging or soliciting alms, any person in any public place or in any place open to the public.

13. Hawaii Penal Code 711-1106: Harassment

A person commits the offense of **harassment** if, with intent to harass, annoy, or alarm any other person, that person:

- (a) Strikes, shoves, kicks, or otherwise touches another person in an offensive manner or subjects the other person to offensive physical contact;
- (b) Insults, taunts, or challenges another person in a manner likely to provoke an immediate violent response or that would cause the other person to reasonably believe that the actor intends to cause bodily injury to the recipient or another or damage to the property of the recipient or another;
- (c) Repeatedly makes telephone calls, facsimile transmissions, or any form of electronic communication as defined in section 711-1111(2), including electronic mail transmissions, without purpose of legitimate communication;
- (d) Repeatedly makes a communication anonymously or at an extremely inconvenient hour;
- (e) Repeatedly makes communications, after being advised by the person to whom the communication is directed that further communication is unwelcome; or
- (f) Makes a communication using offensively coarse language that would cause the recipient to reasonably believe that the actor intends to cause bodily injury to the recipient or another or damage to the property of the recipient or another.

14. Hawaii Revised Statutes 707-716: Terroristic threatening in the first degree

A person commits the offense of terroristic threatening in the first degree if the person commits terroristic threatening:

- (a) By threatening another person on more than one occasion for the same or a similar purpose;
- (b) By threats made in a common scheme against different persons;

16. Hawaii Revised Statutes 705-520: Criminal conspiracy

A person is guilty of criminal conspiracy if, with intent to promote or facilitate the commission of a crime:

- (1) He agrees with one or more persons that they or one or more of them will engage in or solicit the conduct or will cause or solicit the result specified by the definition of the offense; and
- (2) He or another person with whom he conspired commits an overt act in pursuance of the conspiracy.

NOTE: NO STORE POLICY MAY VIOLATE ESTABLISHED LAW!

Just as your place of business may not institute “Wear a Wig Wednesday only allowed” or encourage customers to engage in pickpocketing or require someone to wear a mustache as 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 Hawaii state laws, including:

US Constitution, 1st Amendment, 4th Amendment

US Title 42, US Title 52

Hawaii Constitution Article 1, sections 2 & 4

Hawaii Professions and Occupations Code 453-2

Hawaii Revised Statutes 710-1016.6

Hawaii Revised Statutes 489-3

Hawaii Constitution Article 1 Section 5

Hawaii Civil Rights Commission Chapter 368

Hawaii Revised Statutes 489-8

Hawaii Business and Professions Code 489-8b

Hawaii Penal Code 707-721

Hawaii Penal Code 711-1101

Hawaii Penal Code 711-1106

NOT ONLY ARE YOU BEING UNLAWFUL BY FOLLOWING UNCONSTITUTIONAL MANDATES BUT IN THE MANDATE STATES THAT MEDICAL EXEMPTIONS ARE TO BE ALLOWED!

Exhibit J of Governor Ige's Emergency Proclamation, though no business or agency or Governor can make **ANY laws nor rules that violate any of the above mentioned** in this letter, the actual exhibit itself has a list of exemptions as shown below which were violated.

"EXHIBIT J

All individuals shall wear face coverings over their noses and mouths when in public settings. The only exceptions to this requirement are:

- A. Individuals with **medical conditions** or **disabilities** where the wearing of a face covering may pose a health or safety risk to the individual;
- B. Children under the age of 5;
- C. While working at a desk or work station and not actively engaged with other employees, customers, or visitors, provided that the individual's desk or workstation is not located in a common or shared area and physical distancing of at least six (6) feet is maintained;
- D. While eating, drinking, smoking, as permitted by applicable law;
- E. Inside private automobiles, provided the only occupants are members of the same household/living unit/residence;
- F. While receiving services allowed under a State or county order, rule, or proclamation that require access to that individual's nose or mouth;
- G. Where federal or state safety or health regulations, or a financial institution's policy (based on security concerns), prohibit the wearing of facial coverings;
- H. Individuals who are communicating with the hearing impaired while actively communicating (e.g., signing or lip reading);

- I. First responders (police, fire fighters, lifeguards, etc.) to the extent that wearing face coverings may impair or impede the safety of the first responder in the performance of his/her duty;
- J. While outdoors when physical distance of six (6) feet from other individuals (who are not members of the same household/living unit/ residence) can be maintained at all times; and
- K. As specifically allowed by a provision of a State or county COVID-19 related order, rule, or proclamation.”

We the people, look forward to an **immediate** resolution and would like you to become **Pono** again with the people who frequent your business and with the Constitution of Hawaii and the United States starting **upon your review of this letter.**

Mahalo,
We The People with...
For Our Rights (www.forourrights.org)
AND Emergency Child Protective Coalition