



Private Businesses

- A Private business that is open to the public is legally defined as a place of public accommodation.
- This means the public has a right to use a business.



Mask Mandates

- You will need evidence to charge someone in a public place with “trespassing.”
- Evidence is defined in 29 CFR 1630.15(b)(2) and (r).
- You can’t have a policy that sounds like it applies to everyone but really just excludes one particular group of people.
- Law Enforcement can not enforce store policy that is contrary to State Law.
- Law Enforcement should instead be protecting the Civil Rights of the public.

QUICK RESPONSES

Businesses open to the public

Federal Civil Rights Law, Title II, requires that as a place of public accommodation, a business must provide free and equal access to all services and facilities **WITHOUT DISCRIMINATION**.

A private business can create any “policy” that they want, but will also be liable for any damages caused to the public as a result.

Since CDC guidelines and County Health Department Director’s Orders are not law, when challenged, courts have determined that businesses can not be subject to fines because they have not broken any laws.

What if you are accused of Trespassing?

When Businesses learn they cannot enforce mask mandates, they have turned to calling Law Enforcement and demand that patrons be charged with trespassing or disorderly conduct.

Here are some questions you can ask business owners and Law enforcement:

- Is there any evidence of a violation of any law?
- Can Law Enforcement cite someone that has not committed any crime?
- Under what statute is refusing to follow a Health Department order a crime?
- Do you have any evidence of behavior that would justify asking me to leave a place of public accommodation?
- Shouldn’t Law Enforcement be enforcing Federal and Local Civil Rights laws rather than store policies, based on the Health Department orders?
- Does the business have any “duty of care” in accordance with premises liability laws and is that care documented in their store policy?
- Is there any evidence of a threat other than refusing to follow a store mask policy?

No shoes, no shirt, no service is not the same kind of business policy as mask mandates. Section 201(h) of the Food, Drug & Cosmetic act defines a facemask as a “medical device”. Some religions require face masks, but you can’t refuse service to a patron simply because they won’t follow that policy.



Are you a Doctor?

- It is ILLEGAL for you or another employee to require someone to wear a mask.
- What Law or Court Order delegates to you the task of protecting the public known as a “duty of care”?
- Why do I need a physician's approval to exercise a right but you don't need any physician's approval to violate my rights?



Things that make you go ... huh

- What happened to the 2020 influenza deaths?



Government

- Claiming there is a pandemic or public health emergency is not a legal defense for violating the law.

ORC 4112.02 describes unlawful discriminatory practice which prohibits you from preventing entry to the full enjoyment of this business establishment. These Civil Rights Laws are designed to protect the public from being charged with “trespass” to cover for a desire to discriminate.

Because these are laws, Law Enforcement is obligated to enforce them, but not your store policy.

I Need a Doctor’s approval to not wear a mask?

When you are told by a manager that their policy requires that you have a “doctor’s note” to exercise your right to use a place of public accommodation, you should ask the following questions:

- What physician’s approval do you have to prescribe masks?
- What court order has authorized you to prescribe medical devices such as masks?
- What court order or evidence establishes that I am any threat to you, your business, your customers or your employees?
- What court order imposes any control measure upon me?
- What law requires a “duty of care” on your business with regard to any risk that is widely known to everyone in the community?

What Would a Reasonable Person Think?

Courts make many decisions using the test of what ‘a reasonable person’ would do/think/feel under certain circumstances. What if we apply that same legal standard to this “pandemic”?

Why were other diseases like Tuberculosis never declared an “emergency” when this highly contagious disease has a much higher mortality rate?

If the same people declaring a “public health emergency” have been doing that for a full year, isn’t it time to conclude that governments and public policies can not solve the emergency? Shouldn’t they also stop taking money for pushing this narrative?

Where is the pandemic if 99.8% of people that get sick, also recover?

We believe that claiming there is a pandemic, or public health emergency is not a legal defense for violating the law and our civil rights!