

\_\_\_\_\_, CEO  
\_\_\_\_\_, Ohio \_\_\_\_\_

Ohio Department of Health  
Lance D. Himes, Interim Executive Director  
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Ohio Attorney General  
\_\_\_\_\_  
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\_\_\_\_\_

Franklin County Public Health  
Marisue Madlener  
Food Safety Division  
280 East Broad Street  
Columbus, Ohio 43215-4562

[date]

RE citation

Hello \_\_\_\_\_,

Your citation fails to describe or allege any legal violation. Please identify the violation.

Please identify the public health or safety condition for which you have issued this citation.

Please be advised that it is against public policy for your agency to police medical interventions and control measures without first identifying any risk to public safety and health.

Has your agency received any physician's affidavit in which any of my customers or employees or vendors has been identified as having any communicable disease?

Has your agency received any physician's affidavit in which any of my customers or employees or vendors has been identified as having been exposed to any toxic substance?

Has your agency obtained a court order based upon any physician's affidavit that identifies any specific individual associated with my business has being a public health risk of any kind?

Please identify and describe any evidence of any specific activity on my business premises that is inherently and unavoidably dangerous to life or property.

Please identify and describe any deaths that have been reported as being caused by anyone associated with my business.

Please describe any injuries or illnesses that have been reported as being caused by anyone associated with my business.

Please cite your legal authority for imposing a medical examination or medical intervention upon any of my customers, employees or vendors.

Please cite your legal authority for requiring my business to impose any medical examination or medical intervention upon any of my customers, employees or vendors.

Please provide proof of financial responsibility or your agency's ability to indemnify me against any losses as a result of complying with your "health orders"; for example:

What if a customer sues me for violating his medical privacy rights? Will your agency defend me, pay my costs of litigation and compensate for related losses?

What if a customer submits to your "health orders" and subsequently loses consciousness on my premises? Do you have insurance to cover my losses if he sues me or dies?

What if I impose one of your medical interventions on my patrons and then it fails and a customer sues me for the resulting adverse health consequences? Do you have insurance to cover my losses if he sues me or dies?

Is your agency permitted to use public funds to engage in this conduct?

Is the health department authorized to delegate its authority and obligations onto a private business? Please cite your legal authority.

Has your agency identified any specific person with a communicable disease or infection that would be subject to isolation, segregation, quarantine or other measures permitted by law?

Likewise, has the Lake County Board of Health or other agency obtained a court order against any of my customers that would require any medical intervention, including but not limited to isolation or quarantine? What is the identity of each patient? Please remediate yourself on the proper legal procedures for imposing medical interventions on specific people.

Please cite the law that gives your agency the authority to require private businesses and their employees to perform and require medical interventions with no medical training, no licensing or no insurance coverage. My business is not insured for this; will your Department or division insure and indemnify my business for engaging in these activities?

Regarding the medical interventions such as mask wearing, temperature taking, tissue collecting, what science establishes the medical necessity of these interventions?

Regarding the rights of my customers to informed consent, what science establishes the medical efficacy of each of these medical interventions. What if my customer sues me for violating his rights? Will your Department defend me?

Regarding the medical efficacy of your interventions, please cite the "source of standards" considered by your Division regarding this matter.

What law has suspended the right of my member patrons or people in general to informed consent regarding medical interventions?

My business is not in the health care industry and none of its employees are physicians or eligible to obtain insurance for practicing medicine without a license. Has your Department provided a legal exemption for this unlicensed & uninsured conduct and does the county qualify for insurance coverage if we need to make a claim? Please provide a copy of the insurance binder.

What if the medical intervention you are purporting to require us to require of our patrons (you want to require us to require a medical intervention), causes someone with a contra-indicated health condition to collapse in our facility and we have to call an ambulance? Will your Department insure us against the related costs and liability? Does your agency have a budget allocation for this type of insurance policy under any legislative approval or statute?

**Are we to force such medical interventions on everyone equally, without regard to the individual's health condition, without reviewing his medical history and without**

any examination whatsoever? Please cite the legal procedure for this and how you have complied. And then please describe the criteria by which you have determined there is a pandemic or emergency. If you sincerely believe there is a public health emergency and you have been claiming this for most of 2020, yet have not solved it, isn't this an admission that you are incompetent and unable to end the so-called emergency and that you should stop taking EUA funds and pandemic insurance payouts?

Correct me if I am mistaken, but don't licensed physicians require and need a medical history, evaluation and a medical examination before recommending any medical intervention? Wouldn't that be negligent even for a qualified, licensed and insured physician? Yet you purport to require my business to take on this risk, and risk the adverse and unknown health consequences of people that we have never examined and for whom we are not qualified, licensed or insured to examine?

What if the intended purpose of the medical intervention fails or results in adverse health consequences? Will your Department insure myself and my business against any claims made by patrons? Can you provide a copy of your insurance binder?

Are you aware of any laws, passed by the state legislature, that exempt my business or any of its employees, or provide immunity, from denying any patron the right to informed consent regarding the imposition of any medical intervention? Please cite the law.

Please identify what legal duty my business has to protect the public from danger, by citing the law and its implementing regulation.

Please describe how you have determined that my business has the capacity to protect the public from danger. What investigation did you undertake and facts did you rely upon to make this determination; because I've never spoken with anyone from your office about this matter.

Please describe the danger to which the Department is empowered to act and protect the health of the public. Is there any public health emergency and what criteria did the Department use to arrive at this conclusion and has this determination been reviewed or approved by the state legislature?

Please be advised that my business is private and that it can implement whatever policies it wants, irrespective of whatever rules you claim that might apply to it. This is what the police told me when I asked, I was informed that as a private business I can implement whatever policies I want.

We have a strict policy to never violate the medical privacy rights of our customers and to never engage in unlicensed activities such as practicing medicine without a license. We want our customers to be healthy and safe, and suffocating them with an unproven and untested medical device against their rights to informed consent is the direct opposite of our reasonable duty of care. My business has a liability for duty of care to invitees and even licensees.

Please provide a copy of your insurance binder establishing that your agency can and will indemnify my business regarding your "health orders".

Please be further advised that your notices and citations fail to identify any emergency or violation of any kind, and none of them are binding upon my business as a matter of law.

My business is not required to impose unsafe and untested medical interventions upon its customers, especially those which have been determined to be unsafe by long-standing OSHA regulatory safety standards under 29 CFR §1910.134.

You will need to provide evidence of the medical necessity and medical efficacy of these interventions and proof of indemnification for myself, my business and its employees if we are sued for imposing medical interventions without judicial review, a court order, a physician's affidavit or authority of law. My business cannot obtain insurance for the practices you claim we are required to follow. Will your division indemnify us against damages we may cause or costs of litigation from being sued by our customers?

Referring to the safety of people, how do your medical interventions satisfy the long-standing safety requirements under 29 CFR §1910.134? Who is designated as the on-site physician and who will pay the related costs for this?

You have only cited statutes that do not appear to pertain to this matter. Will you provide a legal citation of the implementing regulation for a specific statute that you believe our business has violated?

Please cite the law that delegates legislative authority to your agency.

Please cite your delegation of authority for the purported "health orders".

When did executive orders become binding on people and private businesses such as mine?

**Has the local morbidity reporting office or medical examiner concluded that the morbidity rate of any communicable disease exceeds that of Tuberculosis or cancer, or any of those listed by the Center for Disease Control and Prevention?**

Please be further advised that if your agency has received disaster relief funds or any related "pandemic insurance policy" under the Emergency Use Authorization (EUA), it is subject to audit by the Inspector General's Office to determine if these funds were obtained because of a real bona-fide emergency or were obtained by false declarations of an emergency.

Please identify what scientific evidence establishes proof of the existence of any communicable disease for which you appear to be acting?

What scientific evidence establishes that viruses are now, suddenly, contagious pathogens?

Do you have scientific evidence that such a communicable disease has been isolated, purified and visualized and that it has met the four Koch Postulates and the Gold standard?

What means of testing for such viruses has been intended for determining the presence of a virus? Please also identify the control group, or groups, including proper scientific and clinical trial nomenclature and scientific peer-reviewed references.

What means of testing has been approved (not just authorized, but approved) by the Food & Drug Administration?

If your Department has the legal authority and obligation to impose medical interventions upon people or members of the public, is this authority and obligation able to be delegated to private businesses? Please cite the law.

Are you participating in any epidemiological experiments or clinical trials (re 21 CFR §50.21) and has each been registered with and approved by the Food & Drug Administration?

I demand a response to each and every question herein on or before the date of \_\_\_\_\_. If you proceed with your interference with my business and continue to harass me or my employees or customers, this will constitute waiver of any immunity and I will sue you for the tortuous interference of my business, abuse of process, nuisance and other torts as I deem appropriate.

Sincerely,

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[first name]