

**DATE:** July 29, 2020

**TO:** SHERRIF J. D'AGOSTINI, AND THE BOARD OF SUPERVISORS, EL DORADO COUNTY

**FROM:** RICK MARTIN, AND EL DORADO COUNTY RESIDENTS

**SUBJECT:** UNLAWFUL ENFORCEMENT OF EMERGENCY ORDINANCES UPON THE RESIDENCES AND BUSINESS OWNERS BY THE BOARD OF SUPERVISORS

**RECOMMENDATION: REMOVAL OF THE BOARD, AND REPLACED BY AN INTERIM STATUTORY UNTIL ELECTIONS CAN BE HELD. THAT THE SHERIFF PROVIDE AIDE ASSISTANCE AND OVERSIGHT, FOR THE RELIEF OF THE EL DORADO COUNTY RESIDENCES AND BUSINESSES. THE CITY COUNCIL AND COUNTY SUPERVISOR BOARD ISSUE AN APOLOGY AND DISAVOW ALL TIES TO TERRORISM. ALL ASSOCIATION IS TO CEASE AND DISIST IMMEDIATELY WITH THE AFFORMENTIONED INDIVIDUALS, AND/OR GROUPS, AND THAT NO OTHER PERMITS ARE ISSUED, EVENTS COORDINATED, OR PLACES USED/OCCUPIED SUPPORTING TERRORISM PROVIDED IN EL DORADO COUNTY.**

**BODY OF COMPLAINT:**

1. The Unlawful request for auxiliary forces, by supervisor John Hidahl to come into the jurisdiction of El Dorado County, and force mask compliance upon residence and business owners to wit  
Apple Bistro, employees, patrons, and affiliates.
2. John Hidahl, and the board of supervisors had a proposal to enforce mask compliance by shutting down highway 50 for check points. Sherriff D'Agostini derailed the plan stating not a good idea.
3. This request is direct evidence of a complicit undue influence residing within the board of the El Dorado County.
4. This request by John Hidahl, is grossly outside the charter of his office, and has a great potential to put terrorized residences at risk with unconstitutional armed law enforcement.
5. Environmental Health Inspector, Bryan Vyverberg have been in numerous times to enforce COVID guidelines outside of any regular or valid inspections, stating that if we do not comply with the COVID guidelines, he will pull Apple Bistro's License which was advertised to the media and a public complaint line provided at that time. This escalated the harassment with death threats to Apple Bistro via phone calls, social media, employee broken car window, and people personally stopping in harassing about the guidelines. Due to his repeated actions, Rick Martin, Constitutional Lawyer, educated Bryan Vyverberg several times on the Constitutional law, and warned him now that he knows he is personally responsible for his actions. Bryan Vyverberg actions are out of the jurisdiction of his job responsibilities as he has not once educated Apple Bistro on Health Department Regulations, and only spoke to us about Mask compliance.
6. Received a visit from ABC, they stated it was about "Education", but the only thing they spoke on was following the law of the ordinance and take down our mask sign, not once did they educate on any ABC regulations.
7. In light of recent events the City Council, and The Board of Supervisors have furnished and provided aide and permits to special groups in association with current terrorist campaigns waged nationally. This association between City and county officials' their office and resources these local progressive groups, and known violent political organizations have coalesced into a militant terrorist campaign, against our residences, our persons, our places of businesses. These actions rise to the level of terrorism specified in the patriot act section 802.
8. Apple Bistro received a letter from Division of Occupational Safety and Health, stating for our "employees" health that we need to comply to the Governor's ordinance. All employees have stated that they are not going to wear the masks as it is unconstitutional of their rights, and as an employer it is illegal to enforce a guidance against their will, due to medical or religious reasons with no questions asked per HIPPA and constitutional amendment.

**BACKGROUND:**

COVID-19. On January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to a novel coronavirus known as SARS-CoV-2 that is causing outbreaks of the coronavirus disease ("COVID-19") that has now spread globally. On March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19. On March 5, 2020, the Public Health Officer for the El Dorado County of California issued a Declaration of Local Health Emergency due to the potential introduction of COVID-19 in El Dorado County and associated threat to the public health, and on March 10, 2020, the Board of Supervisors of the County of El Dorado ratified the existence of a local emergency as proclaimed by the Health Officer.

Shelter in Place Orders. On March 19, 2020, Governor Newsom issued Executive Order N33-20, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the "Shelter in Place Order"). On May 4, 2020, the Governor issued Executive Order N-60-20, directing all residents to continue complying with all statewide public health orders.

**EO N-60-20 replaced the SOE and was a de facto termination of the SOE.**

In accordance with the CALIFORNIA EMERGENCY SERVICES ACT (CESA) the state of emergency expired 60 days after the declaration.

Further, according to CESA, Section 8558, there are no grounds for a state of emergency for an epidemic.

**Legal Precedent:** In the State of Illinois, a court delivered a declaratory decision that there was no state of emergency and therefor Gov. Pritzgers orders were rendered null and void.

**IMPEDIMENTS TO ADOPTING AN URGENCY ORDINANCE**

An urgency ordinance is for the "immediate preservation of the public peace, health or safety."

Must contain a discussion of the facts constituting the urgency. There is no urgency, there is no threat to overwhelm the public health or safety. There is no evidence to support this urgency ordinance.

**Inaccuracy of Case Data**

Basing this urgency ordinance on the number of cases is problematic for these reasons:

(1) According to LabCorp, Quest Diagnostics and the FDA, COVID testing is unreliable and inaccurate with false positives and false negatives. Therefore, the number of cases are unconfirmed and invalid in terms of evidence supporting this urgency ordinance.

(2) The increased number of cases is directly related to the increased number of tests. Further, one person may be tested multiple times and each test is counted as an additional case. In addition, one positive test is factored by 12, based on an unproved link to additional, untested individuals.

(3) Cases of positive results are not the same as infected individuals. In fact, a higher positive rate could be seen as positive, as those individuals already have developed antibodies and therefore are immune.

(4) The increased number of cases could indicate that community immunity is occurring and the virus is already washing through the community.

No government agency may make a law, rule, regulation, code, order or policy that violates established law. California Civil Code 51 protects the "free and equal access" of any individual in California to any business establishment of any kind, whatsoever.

Federal Civil Rights law, Chapter 41, Title 11 Section 2000(a)

(1) Business establishments may not deny entry to any individual based on....

(2) Business owners and employees are not authorized or deputized as law enforcement officers and have no legal authority to enforce public orders or guidance

(3) Business owners and employees are not licensed medical doctors and are unable to recommend medical interventions such as wearing a face mask, covering, taking a temperature or intaking questions related to a person's prive health status, as protected by law

(4) In accordance with California Health and Safety Code, a public health officer may only take any measures that are "necessary" to control the outbreak of disease.

(5) Further, the Health Officer is required BY LAW to provide relevant information to support the orders.

No health officer has unfettered authority to impose individual health behaviors.

The health emergency must be terminated by THIS GOVERNING BODY at the EARLIEST DATE POSSIBLE.

The emergency was declared on March 4. At the writing of this document, nearly five months have passed.

The Governor's "Re-Opening Phases" and "Roadmap to Resiliency" are a de fact termination of the emergency. It is impossible to be in an emergency and recovery at the same time.

There is no health emergency and therefore all orders are unlawful and invalid.

This board's continuation of the unlawful constitutes fraud.

Fraud is misrepresenting material information for gain.

The gain is the emergency funds in the amount of \$10 million from the CARES Act.

This money was received under fraudulent circumstances. Fraud is a felony. A felony carries a prison sentence.

Any board member who votes to establish the proposed ordinance will be served with an intent to sue for fraud. As board members, you are not immune from personal prosecution.

Further, **Brian K. Veerkamp, Chair, District III John Hidahl, First Vice Chair, District I Lori Parlin, Second Vice Chair, District IV Shiva Frentzen, District II Sue Novasel, District V Kim Dawson, Clerk of the Board of Supervisors Don Ashton, Chief Administrative Officer David Livingston, County Counsel, Environmental Health Inspector, Bryan Vyverberg** will also be served with an intent to sue for fraud, which is a felony that carries a prison sentence.

Guidance is Not Law

There is No Mask Mandate in the State of California

**DEPRIVATION OF RIGHTS UNDER COLOR OF LAW TITLE 18, U.S.C., SECTION 242** | <https://www.justice.gov/crt/deprivation-rights-under-color-law>

**Section 242 of Title 18** makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim. The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

**TITLE 18, U.S.C., SECTION 242**

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

**USA PATRIOT ACT OF 2001 Section 802:**

Definition of Domestic Terrorism Acts that "appear to be intended—to intimidate or coerce a civilian population" are acts of domestic terrorism. (See <https://www.congress.gov/bill/107th-congress/house-bill/3162/text/enr> and <https://www.congress.gov/107/plaws/publ56/PLAW-107publ56.pdf> )

**NOTICE TO ALL GOVERNMENT OFFICIALS & LAW ENFORCEMENT**

This business is operating LAWFULLY. We are not in violation of any license to do business. Edicts and orders issued by any governmental power are nothing more than suggestions. We are NOT required to follow them. We are not breaking ANY LAWS. We are fully AWARE of this, and NOW you are AWARE of this fact as well.

**STOP.**

If you proceed with acts of intimidation or coercion, you are putting your own financial security and liberty in jeopardy. Once you knowingly and willingly violate your oath, you forfeit judicial immunity and may be sued in your professional and private capacity. You are subject to lose EVERYTHING in your private capacity, including: houses, cars, all of the money in all of your bank accounts, and anything else you own. You will be sued to the fullest capacity of the law.

**Document Prepared and Approved by: Rick Martin, Constitutional lawyer**