

CC: San Diego County Health Officer Wilma Wooten, Sheriff Bill Gore, Supervisor Greg Cox, Mayor Mary Salas, Gov. Gavin Newsom, U.S. District Attorney Robert Brewer, KUSI News, Fox 5 San Diego News, KGTV 10 News, and
Sprouts Store Manager Don Attaway

Ricardo Beas

August 11, 2020

TO: THOMAS MONTGOMERY
SAN DIEGO COUNTY COUNSEL

SUMMER STEPHAN
SAN DIEGO COUNTY DISTRICT ATTORNEY

GLEN GOOGINS
CHULA VISTA CITY ATTORNEY

**RE: GOV. NEWSOM'S CLARIFICATION OF AUTHORITY
REGARDING SOCIAL DISTANCING AND FACE COVERINGS**

***COMPLAINT AND LEGAL NOTICE / NOTICE OF LIABILITY AND WAIVER OF IMMUNITY
Notice to Agent is Notice to Principal; Notice to Principal is Notice to Agent***

Dear Sirs,

On July 27, 2020, Governor Gavin Newsom had a press conference, where he spoke about his authority over any man or woman as regards social distancing and wearing face coverings or masks (hereinafter masks) due to COVID-19, and actions he has taken in the past related to it. Gov. Newsom stated the following:

*"Let me thank all of you for your continued patience of the theme to wear face coverings, to practice the social distancing, the physical distancing; and please, in closing, again, **I CANNOT MANDATE ANYTHING, I can only help influence.**"¹*

This is a reminder to all California counties, cities, administrative agencies, and in particular all county health departments, that the California Department of Public Health's (hereinafter CDPH) June 18, 2020 "GUIDANCE FOR THE USE OF FACE COVERINGS," which does not reference or cite any law or penal code, was simply that, GUIDANCE, a piece of advice to California residents and visitors.²

This makes it clear that Gov. Newsom does not have any lawful authority to mandate either social distancing or masks, and neither do any county or city officials in California have such legal authority to mandate such actions, including stay-at-home orders. Counties and cities are limited to only recommending, in whatever terms they wish, that persons in public places should social distance and/or

¹ See the video of Gov. Newsom's press conference on his authority regarding mandating social distancing and usage of masks, at <https://tinyurl.com/Newsom-COVID-Limited-Authority>.

² See CDPH guidance document on the use of face coverings, at <https://tinyurl.com/CDPH-COVID-19-Facial-Coverings>.

wear masks, noting that we are men and women, Children of God, and not a fictitious entity, such as a partnership, corporation, association or other legal entity, and therefore these government agencies and their representatives have no authority to force such things on us because ***we are not Creatures of the State.***³

The San Diego County Health COVID-19 order of August 8, 2020 references Gov. Newsom's COVID-19 executive order 25-20, stating the following:

*27(d) This Order is issued in accordance with ... (d) The Proclamation of a State of Emergency issued by the Governor of the State of California on March 4, 2020; e) Executive Order N-25-20 issued by the Governor of the State of California on March 12, 2020 which orders that "**All residents are to heed** any orders and guidance of state and local health officials, including but not limited to the imposition of social distancing measures, to control COVID-19"*⁴

The City of Chula Vista also claims its authority to regulate social distancing, facial coverings and stay-at-home directives in Gov. Newsom's order 25-20.⁵

Because there is no legal definition for the word "heed", we refer to the common usage of the word. Merriam-Webster Dictionary defines "heed" as follows: "*to pay attention, to give consideration or attention*".⁶ Gov. Newsom's order 25-20 never uses the terms "shall", "will" or any similar words that indicate any authority he may have over a mandatory implementation of his order over ordinary men and women.

When we take into account Gov. Newsom's recent statement as noted above, admitting that he has no authority to mandate social distancing and masks, and I contend any authority to mandate any stay-at-home orders, with his use of the word "heed" in his executive order 25-20, as well as in his executive order 33-20, it leave no room for any interpretation other than the one described herein: ***The Governor, county agencies and city governments in the state have no authority over men, women and their children as regards social distancing, wearing of masks and stay-at-home directives, other than simply recommending to residents and visitors to follow their advice. These rights of men and women include conscience, personal, medical and/or religious reasons and rights not to do so.***

In my prior communications with the persons named and referenced herein, including San Diego County Health Officer Wilma Wooten, San Diego County Sheriff Bill Gore and U.S. District Attorney Robert Brewer,⁷ I have provided sufficient evidence to prove that masks do not work as to the spread of COVID-19 and that therefore, any attempted compulsory orders for residents and visitors to wear them in public places is unnecessary and unjustified.

³ A **Creature of the State**, also known as creature of statute, is a legal entity, such as a corporation, created by statute. Creatures of statute may include municipalities and other artificial legal entities or relationships. See Wikipedia, "*Creature of Statute*".

⁴ See San Diego County COVID-19 Health Order of August 8, 2020, at <https://tinyurl.com/San-Diego-COVID-Order-2020-8-8>. See also Gov. Newsom's executive order 25-20, at <https://tinyurl.com/Newsom-COVID19-Order-25-20>.

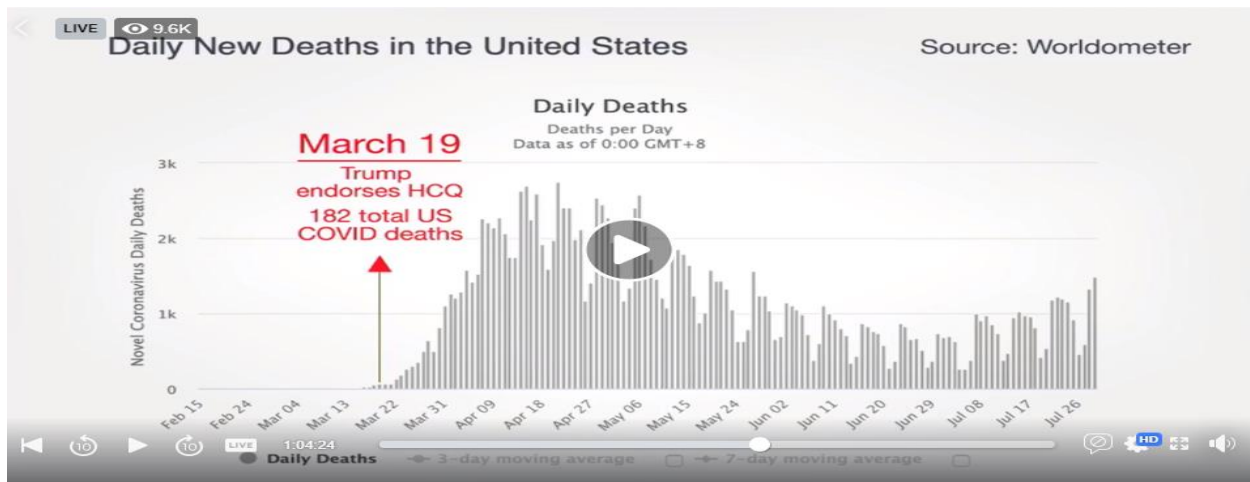
⁵ See City of Chula Vista COVID-19 Resolution 2020-153, at <https://tinyurl.com/ChulaVista-COVID19-2020-07-10>.

⁶ See Merriam-Webster definition of "heed", at <https://www.merriam-webster.com/dictionary/heed>.

⁷ See my prior correspondence with Wooten, Gore and Brewer, at the following links:

<https://tinyurl.com/SanDiegoCovid19Complaint>, <https://tinyurl.com/RBReply-To-Sheriff-Gore-Covid>, <https://tinyurl.com/RBeas-Letter-COVID-19-Masks>, and <https://tinyurl.com/RBeas-Reply-Brewer-Lockdown>.

I have also demonstrated that the actions taken by health authorities as regards COVID-19 restrictions on all men and women have been not only detrimental to the overall health of our community, but that government agencies are using fraudulent methods to inflate the number of COVID-19 cases and deaths, not to mention their attack on proven therapeutic treatments to alleviate the symptoms attributed to COVID-19. In particular I make reference to President Trump's announcement that Hydroxychloroquine (hereinafter HCQ), combined with zinc and other medications can easily fight this disease. All studies referenced by health authorities, including Dr. Anthony Fauci, against the use of HCQ to treat COVID-19 have been proven to be false, and in one study, they even gave deadly doses of HCQ to the subjects to skew the results.⁸ Below you will see a chart showing alleged daily COVID-19 deaths as it relates to when President Trump recommended HCQ for the first time.



According to the chart above, when President Trump announced HCQ for the first time there were only 182 alleged deaths directly attributed to COVID-19. As of today, there are presumed to be approximately 162,000 COVID-19 deaths. **This means that 99.888% of these deaths could have been avoided if HCQ had been recommended to treat COVID-19 on the onset of disease**, instead of simply telling patients calling in their symptoms to doctors to take Tylenol and only to go to the hospital until after the disease and its symptoms were well-advanced, or if HCQ would have been used on those that ended up hospitalized.

As to the existing County of San Diego and City of Chula Vista COVID-19 orders, the County and City are not ensuring, through enforcement, that businesses allow customers into their stores based on the exemptions to the use of masks, discriminating against such persons and violating their rights. An example of this is the Sprouts Farmers Market on 3rd Avenue, Chula Vista, which on August 4, 2020, refused to allow me to enter their store without a mask or a face shield, even though I made it clear to them that the exemptions on the COVID-19 orders (a reflection of the CDPH Guidance document on facial coverings) required them to allow me to be exempt and shop there, a violation of California Civil Code 51(b). The County and City have an obligation to make sure that all businesses adhere to the existing orders. One business that is being honest and respectful to their clients' rights is Walmart, who even has a large sign outside their stores noting that there are personal exemptions to the use of masks.

It is not my intention to harass, intimidate, offend, conspire, blackmail, coerce, or to cause anxiety, alarm or distress. This letter and all referenced herein is presented with honorable and peaceful intentions and are expressly for your benefit to provide you with due process and a good faith opportunity to do the rights thing as may be necessary so that my constitutionally-protected rights are not violated.

⁸ See article titled *"WHO 'Solidarity' and UK 'Recovery' Clinical Trials of Hydroxychloroquine Using Potentially Fatal Doses"*, at <https://tinyurl.com/HCQ-WHO-Solidarity-Trial>.

LEGAL NOTICE TO ALL PARTIES NOTED AND REFERENCE HEREIN

All governmental officials take an **Oath of Office to uphold the Constitution of the United States**. This duty requires them to both not violate or allow others to violate our God-given, constitutionally-reflected rights. I am hereby giving Legal Notice to all applicable named and reference parties herein, that your failure to take action upon my complaint or worse, to allow and assist other governmental agencies and their representatives to violate my rights, is a clear violation of your oath of office and can potentially and most likely result in civil and criminal action against you, both in your official capacity and as a man or woman, as when acting outside of your authority and in violation of your Oath of Office you lose all governmental immunity,⁹ in this case, resulting in aiding and abetting in such violation of my rights.

This is Legal Notice to all persons and agencies named and referenced herein that the actions taken by San Diego County Health Officer Wilma Wooten and Chula Vista City Mayor Mary Salas, as regards their COVID-19 directives to force me, residents and visitors to maintain social distancing, use masks or follow stay-at-home orders, are illegal, de facto, null and void, and are further arbitrary and capricious and an abuse of discretion, in direct violation of constitutionally-protected rights,

This is my Legal Notice of Liability to All Persons Violating My Rights and/or Those Refusing to Take Action to Avoid the Violation of My Rights by Other Persons and Entities Under Their Purview that my family and I, as well as all residents of San Diego County, are being subjected to loss of wages, property damage, mental anguish, irreparable personal injury, pain and suffering, emotional, mental, moral, physical, and financial harm from the referenced COVID-19-related orders, which are both certain and great, are actual and not theoretical, which starting from the date of this letter/complaint can and will result in tort actions for every day, that the County Health Officer and the Chula Vista City Mayor fail to revise and/or rescind their COVID-19 orders as referenced and requested herein.

I value the harm being done against me to be in the amount of \$100,000 dollars for every day of such violation of my God-given, Natural, Common Law, Constitutional and International rights, such amount applicable individually to each and every person responsible for such violation of my rights named and referenced herein and which claim I make a part of this complaint, effectively making this letter/complaint a **tacit agreement between all the involved parties** that if you fail to take action, that you admit to all statements and claims made in this Notice, which comprises a binding contract by you simply remaining silent.

This is also Legal Notice to Sprouts Farmers Market, a corporation involved in interstate commerce, that you are presently discriminating against me and are violating my rights by not allowing me to enter your 3rd Avenue Chula Vista store on August 4, 2020 without a face covering, mask or face shield as is allowed in the existing exemptions in the San Diego County and Chula Vista COVID-19 orders, which instructs businesses to make exemptions and to allow access without the use of masks or face shields to persons with medical conditions or based on any of the other exemptions noted on the CDPH Guidance document on face coverings. Failure to do so immediately, can and will result in civil action and possible criminal prosecution against you for violation of my rights, as noted in California Civil Code 51(b), 42 USC 2000a, 18 U.S.C 241, and 18 U.S. Code § 242.

I adopt herein all my prior correspondence, all footnotes, exhibits, noted internet articles and videos by reference and incorporation.

⁹ See *Millbrook v. United States*, 569 U.S. 50 (2013); see also *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971); *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 683, 1687 (1974); *Ex parte Young*, 209 U.S. 123 (1908).

REMEDY AND RELIEF REQUESTED

Therefore, and based on the above, I request the following:

1. That San Diego County Health Office Wilma Wooten and City of Chula Vista Mayor Mary Salas immediately revise their COVID-19 orders and resolutions to note the following:

- (1) Social Distancing is optional for residents and visitors of San Diego County;
- (2) Wearing face covering and masks is optional for residents and visitors of San Diego County;
- (3) Stay-At-Home directives are optional for residents and visitors of San Diego County;
- (4) The use of face coverings and masks for school children and adults in school settings is optional for residents and visitors of San Diego County; and
- (5) All businesses are to respect a man or woman's right to visit their premises without the use of face coverings or masks based on their personal, medical and/or religious reasons and rights.

2. That San Diego County Counsel Thomas Montgomery and San Diego County District Attorney Summer Stephen, separately or jointly, advise Health Office Wilma Wooten to immediately revise her COVID-19 health order as noted in 1 above, and that they further notify me of this fact by email or mail within the next 7 calendar days from the date of this letter/complaint.

3. That Chula Vista City Attorney Glen Googins advise Mayor Mary Salas to immediately revise the city's COVID-19 resolution and order as noted in 1 above, and that he further notifies me of this fact by email or mail within the next 7 calendar days from the date of this letter/complaint.

4. In the alternative, that the County of San Diego and the City of Chula Vista COVID-19 orders be rescinded and made void in their entirety. And

5. That Sprouts Farmers Market immediately modify their store policy regarding facial coverings and masks and allow residents and visitors to enter their store as noted in 1 above and herein, and that they further notify me of this fact by email or mail within the next 7 calendar days from the date of this letter/complaint.

Respectfully Submitted,

Pastor Ricardo Beas
Natural Law Church of Health and Healing

Distribution:

- Thomas Montgomery: Fax (619) 531-6005
- Summer Stephan: Fax 619-237-1351
- Glen Googins: ggoogins@chulavistaca.gov
- Wilma Wooten: wilma.wooten@sdcounty.ca.gov
- Greg Cox: greg.cox@sdcounty.ca.gov
- William Gore: sdsheriffwebmaster@sdsheriff.org
- Mary Salas: <https://www.chulavistaca.gov/departments/contact-us>
- Gavin Newsom: Fax (916) 558-3160
- Robert S. Brewer: Fax (619) 546-0720
- Don Attaway: Fax (619) 591-2249
- **Local Media:** news@kusi.com, news@fox5sandiego.com, kgtv_assignmentdesk@10news.com