

I want to help you stay in business and thrive

Dear Vendor,

I want to give you money. I want to shop and enjoy your goods, services and products. I come in peace, to support you and help you understand the confusing and changing orders coming from the state, county, city and health officers.

You have probably been told that you have to wear a mask, and if you don't, you are at risk of losing your seller's license. You might also have been told that you will put the market at risk, and you might not be able to sell there, if you don't "follow the rules."

You are not at risk for losing your seller's license if you don't wear a mask. There is no law that requires you to do so.

You are not at risk for having the market shut down if you don't wear a mask, or if you sell to someone who is not wearing a mask. There is no law that requires you to do so.

The guidelines of the governor are just guidelines. They are not laws and they are not enforceable by law.

You only need to follow the law.

Laws are the only thing that are enforceable.

These things are not laws: guidelines, rules, directions, measures, orders, policies. Because they are not laws, you don't have to follow them.

Laws are passed by the legislative branch of the government, not the governor.

No governor can make a law.

No mayor can make a law.

No health officer can make a law.

No market manager can make a law.

Executive orders are not the same as the law. Executive orders only apply to members of the government, not to private businesses like yours.

The governor cannot tell you who to sell to or not. The market manager cannot tell you who to sell to or not.

You are not in any danger of losing your seller's permit if you sell to someone who is not wearing a mask.

The opposite is true: you can get into trouble if you deny service to someone who is not wearing a mask.

That is because every single person has the right to shop at this market, with or without a mask.

There is no law that requires a person to wear a mask. In fact, you don't have to wear a mask if you don't want to. There is no law of this market that requires you to wear a mask. The market manager cannot require you to wear a mask. The governor cannot require you to wear a mask. And you cannot require anyone to wear a mask. You do not have the power or authority over another person to tell them to wear a mask, which covers their only two air passages for breathing. It is illegal to force someone to obstruct their breathing. That is a type of attempted suffocation, and it is illegal conduct, because it harms another person.

The only thing you have to follow are actual laws, and laws have a number or a "code of law" attached to them after they are passed by the legislature.

There are certain laws that control the farmer's market.

As a seller (or manager) at this farmer's market, you are required to follow the laws of the State of California and also the United States.

The farmer's market is under the legal authority of the California Department of Food and Agriculture (CDFA), and also the U.S. Department of Agriculture (USDA).

Here are the laws you are required to follow under the USDA, the CDFA and the California State Codes, and the U.S. Constitution.

Law #1: You cannot discriminate against or harass any individual. Even if you wear a mask, and even if you want the shopper to wear a mask, and even if you think it's a good idea for shoppers to wear a mask, the law states that you cannot refuse to serve a shopper without a mask. **This law is called California Civil Code 51** and it requires you to serve each person without discrimination, and you must do so in the same and equal manner. That means you cannot make them be separated from others, and you must serve them like anyone else, regardless of whether they are wearing a mask or not. **If you violate this law, it is a \$12,000 fine against you every time you violate the civil rights of another person, even if you do it without intending to.**

Law #2: The California Health Department states that some people are exempt from wearing a mask because it makes it too hard for them to breathe. That means they don't have to wear one. Some people also do not wear a mask because it goes against their religious belief, and they don't have to wear one. These laws are from **the U.S. Title II and Title III of the Civil Right Act of 1964 that protects people from discrimination. You can get a fine for these violations.**

Law #3: The CDFA Code §1392 requires that your selling activities are conducted honestly and fairly. You are not selling fairly if you deny service to someone who is not wearing a mask. Just

like you could not deny service to someone in a wheelchair or if they are wearing a turban or if they don't speak English, you cannot deny service to someone who is not wearing a mask.

Law #4: you are guilty of practicing medicine without a license, which is a violation of CA Penal Code § 2052, if you tell someone they have to wear a mask, which is defined by the FDA as a Class II medical device.

Law #5: You are guilty of false imprisonment, Penal Code §236 PC. "The unlawful violation of the personal liberty of another," if you prevent a person from shopping at your stall.

Law #6: It is a crime to harass someone in the workplace. Title VII of the U.S. Civil Right Act of 1964 prohibits harassment in the workplace.

"The California Department of Agriculture has a "Zero Tolerance" policy for all discrimination and harassment." Laws prevent the discrimination and harassment of any staff, employees, visitors or members of the public include:

Title VII of the Civil Rights Act of 1964 (42 United States Code (U.S.C.) 2000e) • Pregnancy Discrimination Act of 1978 (42 U.S.C. 2000e(k)) • Title I, Americans with Disabilities Act of 1990 (42 U.S.C. 12101-12213) • Age Discrimination in Employment Act of 1967 (29 U.S.C. 621) • Equal Pay Act of 1963 (29 U.S.C. 206 (d)) • Title I of the Civil Rights Act of 1991 (42 U.S.C. 2000(e)) section 1977A • Rehabilitation Act of 1973 sections 501 and 505 (U.S.C.) Discrimination and Harassment Prevention Policy Chapter 2 California Department of Food and Agriculture Section 1 Subsection 1 Page | 2 • Title II, Genetic Information Nondiscrimination Act of 2008, U.S.C. sections 201-213 • Fair Employment and Housing Act, California Government Code sections 12900-12996 • California Code of Regulations, Title 2, Division 4.1, Sections 11000-11141 • The California Family Rights Act, California Government Code section 12945.2 • New Parent Leave Act, California Government Code section 12945.6 • California Government Code sections 18500, 18671.1, 19700-19706, 19991.6 • Unruh Civil Rights Act, California Civil Code section 51 et seq. • Ralph Civil Rights Act, California Civil Code section 51 et seq. • Disabled Persons Act, California Civil Code section 54 et seq. • California Labor Code, Division 2, Part 1, Chapter 1, Article 1, section 230 • 29 Code of Federal Regulations section 1604.11

Complaints can be filed with:

EEO Office at: eeo@cdfa.ca.gov or 916-654-1005
www.dfeh.ca.gov
www.eeoc.gov