

SMALL BUSINESSES VS COX'S EDICTS

This is the law that every small business should know and understand:

Title 63G, Chapter 3, Utah Administrative Rulemaking Act, Section 102 (63G-3-102)

(14) "**Order**" means an agency action that determines the legal rights, duties, privileges, immunities, or other interests of **one or more specific persons**, **but not a class of persons**.

(19) (a) "**Rule**" means an agency's written statement that: applies to a class of persons or another agency.

(c) "Rule" **does not mean**: (i) orders; (iii) the governor's executive orders or proclamations

WHAT DOES THIS MEAN?

1. Since the Governor and Health Department applied their orders to a *class of persons* (business, individuals, event organizers etc.), and not to a *specific person* (this school or that business) these **ORDERS ARE INVALID BY LAW**

2. Since the orders are unlawful, so are the threatened fines (Code **26-23-3** and **26-23-6(2)**):

... Any person, association, or corporation, or the officers of any of them, who violates any provision of this title or lawful orders of the department ...

3. The Health department can only make **rules** to enforce, **not orders**. (Code **26-1-30(4)** and **26-6-7**) It has made no such rules for months.

**WITH INVALID ORDERS,
ALL ENFORCEMENTS BECOME
INVALID BY LAW**

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Can members of the general public be fined for taking part in social gatherings?

Can the Labor Commission fine businesses for failing to enforce mask and social distancing ‘mandates’?

Let's have a look...

Governor's Executive Order 2020-72

Date: 11/08/2020

Declaring a State of Emergency Due to Rising COVID-19 Case Counts

Makes no mention of fines, nor the enforcement of fines, for individuals nor for businesses

Governor's Executive Order 2020-74

Date: 11/09/2020

Temporary Statewide COVID-19 Restrictions

Makes no mention of fines, nor the enforcement of fines, for individuals nor for businesses

State Public Health Order 2020-22

Date: 11/09/2020

Temporary Statewide COVID-19 Restrictions

Makes no mention of fines, nor the enforcement of fines, for individuals nor for businesses

Labor Commission Occupational Safety & Health Division

R614-1-5

Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders

Makes no mention of fines, nor the enforcement of fines, for businesses

CONCLUSION:

IT'S ALL A BIG BLUFF

WE THE PEOPLE ARE CALLING THAT BLUFF...