

Rebuttal Response to Testimony From Fargo City Attorney  
Erick Johnson

February 4, 2021  
House Political Subdivision Committee  
HB1323  
Representative Jason Dockter Chairman

Respected Representative of the House Political Subdivision

I write to you today in response to the testimony submitted by Erik Johnson, City Attorney for the City of Fargo. As I have already submitted a lengthy testimony in regards to this specific bill and provided a timeline including article and sources I will try and make this as brief as possible.

1. Mask Recommendations vs. Mask Mandates
  - April 7th, Fargo's Mayor Tim Mahoney issued the early directive on masks strongly advising that businesses and individuals wear protective face coverings.

*On April 3, 2020, the White House Coronavirus Task Force and CDC announced a new behavioral recommendation to help slow the spread of coronavirus disease 2019 (COVID-19) by encouraging the use of a cloth face covering when out in public (1). **Widespread use of cloth face coverings has not been studied among the U.S. population, and therefore, little is known about encouraging the public to adopt this behavior.** Immediately following the recommendation, an Internet survey sampled 503 adults during April 7–9 to assess their use of cloth face coverings and the behavioral and sociodemographic factors that might influence adherence to this recommendation. The same survey was administered 1 month later, during May 11–13, to another sample of 502 adults to assess changes in the prevalence estimates of use of cloth face coverings from April to May. Within days of the release of the first national recommendation for use of cloth face coverings, a majority of persons who reported leaving their home in the previous week reported using a cloth face covering (61.9%). Prevalence of use increased to 76.4% 1 month later, primarily associated with increases in use among non-Hispanic white persons (54.3% to 75.1%), persons aged ≥65 years (36.6% to 79.2%), and persons residing in the Midwest (43.7% to 73.8%).<sup>1</sup>*

From the CDC's website there was blatant admission to the effects of mask usage or even the willingness for the population of the United States to comply. Even though they did do a sample survey following up the behavioral modification of individuals across the United States the number of participants was so woefully low that the data pertained should not have been considered relevant.

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<sup>1</sup> <https://www.cdc.gov/mmwr/volumes/69/wr/mm6928e3.htm>

- On August 10th the City Commissioners approved two motions. Again these motions contained the words strongly encouraged. It was around this time the mask debate was catching like wildfire on social media platforms and public mask shaming went into full effect, whether in Fargo, or Bismarck, or middle of nowhere North Dakota. People who could not wear masks for a plethora of reasons were called liars, asked to leave stores, churches, etc. for not caring for their fellow man.

What Mr. Johnson failed to acknowledge in this part of his testimony was the fact that Fargo attempted to illegally pass a mask mandate on October 5th of 2020. The Mask Mandate that Mr. Johnson drafted violated the very NDCC that they were attempting to use to get it passed. NDCC 40-05.1-05.<sup>2</sup>

*40-05.1-05. Ratification by majority vote - Supersession of existing charter and state laws in conflict therewith - Filing of copies of new charter. If a majority of the qualified voters voting on the charter at the election vote in favor of the home rule charter, the charter is ratified and is the organic law of the city, and extends to all its local and city matters. The charter and the ordinances made pursuant to the charter in such matters supersede within the territorial limits and other jurisdiction of the city any law of the state in conflict with the charter and ordinances and must be liberally construed for such purposes. One copy of the charter ratified and approved must be filed with the secretary of state and one with the auditor of the city to remain as a part of its permanent records. Thereupon the courts shall take judicial notice of the new charter*

During the meeting itself the legality of the proposed mandate was brought into question and was turned down.

Two weeks later Mayor Mahoney, a member of the Red River COVID Taskforce took it upon himself to impose the mask mandate without a council vote, triggering the beginning of mask mandates going into effect without a full vote from the city and county commissions that they were issued in.

As much as Mr. Johnson would like to say that city officials observed mask compliance, he also failed to mention the blow back that has come from the city commissioners arguing that Mayor Mahoney took these actions directly upon himself without any consultation with them. Commissioner Tony Gehring has been very vocal about this matter over the past months.

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<sup>2</sup> Appendix A

He also failed to mention that he, like many other city attorneys have pushed the narrative that their mandates as well as the Governor's own mandates were law. The Bismarck City Attorney, Janelle Combs had many public debates regarding this very topic on Facebook. Saying that the Legislative Assembly had given the Governor the power to make law.<sup>3</sup>

There is a defined difference between force and effect of the law and actually being the law and this has failed to be addressed.

In his next point he discusses how dramatic the surge had been in COVID in November and December and that the masks did not fully stop the spread.

Again this information is only a half truth as information has been coming to light in regards to.

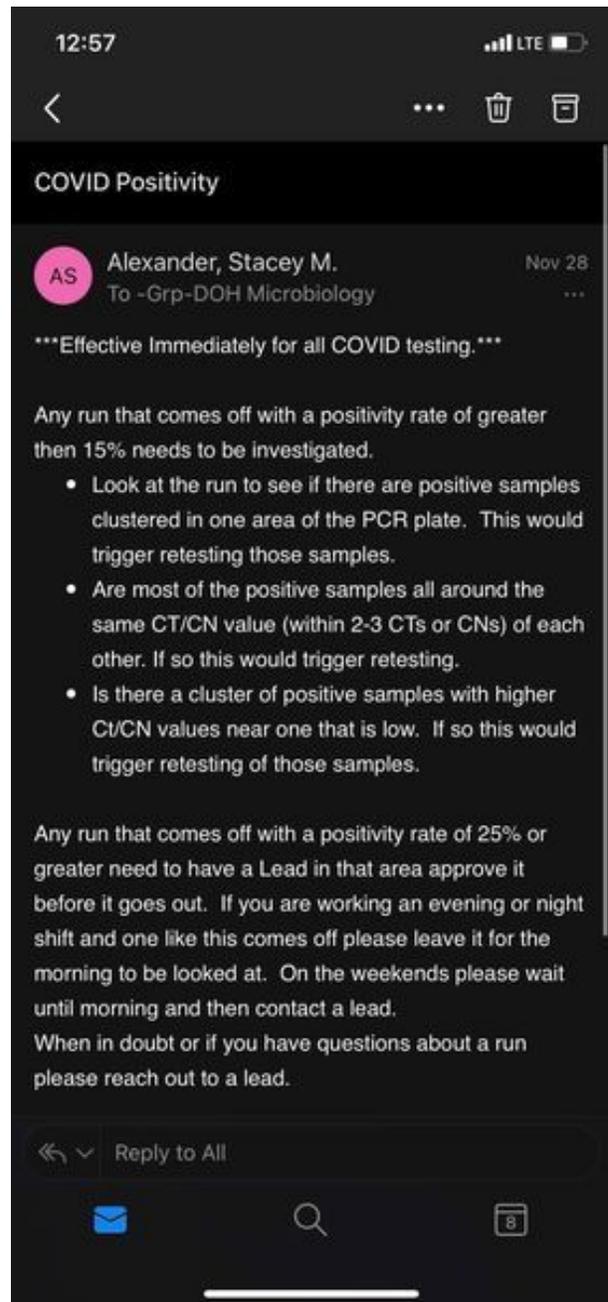
*- November 15, 2020: Lab worker wrote up an official account and is willing to give an account if a case is opened. Name withheld for now.*

*Since positive tests need to decline to claim success of new lockdown orders this becomes ideal timing. Coincidentally, the number of tests run drops SIGNIFICANTLY, and then, when positive percentage of tests need to drop, this email gets sent out effective "immediately" on November 28th*

**WHY WASN'T THIS FIXED MONTHS AGO!!! THIS IS WHAT THE LAB TECH**

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<sup>3</sup> Appendix B



*WAS REFERRING TO WEEKS AGO IN REGARDS TO IMPOSSIBLE PERCENTAGES OF POSITIVE TESTS. NO ONE TO TAKE RESPONSIBILITY. NOW WHEN THEY NEED NUMBERS TO GO DOWN, for their own interests, THEY ADDRESS A PROBLEM THAT'S BEEN GOING ON FOR MONTHS.*

*If this doesn't make 100% sense--know this... **decreasing the NUMBER of tests run would obviously decrease the number of positive tests. FIXING a machine throwing out 30% or more false positives will very significantly decrease the PERCENT of positives. Massive number manipulation. I repeat, this was ignored until the mask mandate so they could use it to decrease the percentage of positive people.***

- This has additionally caused the North Dakota State Lab to now go back and drastically change numbers that were released, and they are now trying to reach out to all people who were falsely told that they had contracted COVID-19. I would recommend that members of house and senate subpoena these records immediately as they were used to support these actions.
- As to mayors of 70 percent of the city supporting these mask mandates I will point you to the email I sent your legislative leaders on October 25th regarding what was coming and then to all of you so you could read the interaction yourselves.

*My response on October 26th, 2020 which went to all since he decided to include them in conversation.*

*"Anderson, Jr., Howard C." <hcanderson@nd.gov>*

*"Wardner, Rich P." <rwardner@nd.gov>,*

*"Klein, Jerry J." <jklein@nd.gov>,*

*"Hogue, David J." <dhogue@nd.gov>,*

*"Heckaman, Joan M." <jheckaman@nd.gov>,*

*"Grabinger, John" <jgrabinger@nd.gov>,*

*"Pollert, Chet A." <cpollert@nd.gov>,*

*"Louser, Scott C." <sclouser@nd.gov>,*

*"Klemin, Lawrence R." <lklemin@nd.gov>,*

*"Boschee, Joshua A." <jboschee@nd.gov>,*

"Beehler, Jace" <jabeehler@nd.gov>,  
"Sanford, Brent" <bsanford@nd.gov>,

*...I shouldn't be concerned that our elderly are locked away, and the innocence of our children is being stripped from them every day and replaced with fear.*

*All while watching everything come together within a few days of when I expect them to. There is a predictable pattern in play based on metrics, and I'm averaging within 5 days of when I figure it will be enacted. God save us if we hit 15% positive per capita.*

*If Bismarck, Dickinson, and Williston pass a mask ordinance it will be issued statewide through executive order as 3 of the 6 most populated cities already have one in place. 2020-13 is proof of that as it cites 33 of 53 counties. The whole process is being controlled by manipulating the numbers to incite fear....*

- The biggest point Mr. Johnson has said that there should be "Local Control", but the mayors and their city attorneys have very publicly proven that by local control they mean one or two individuals controlling thousands of people. All that has been accomplished in the last year is a corruption of the political hierarchy and the actions of a few individuals creating very real doubt as to the intentions of every elected official in the state.
- 2. HB 1323 too broadly-worded. Again referring to Mrs. Combs public comment she was just the wordsmith that drafted the mandate.  
A broad interpretation of this is necessary as the city attorneys have proven that clever wording will be needed in order for this to happen again. This bill is needed to pass.

## Summary

I have watched repeatedly while in public the disregard that individuals have while wearing a mask. They do not social distance, they are quick to judge anyone not wearing a mask, they accuse others of not caring while literally and continuously coming into physical contact with others.

As someone who is considered an essential worker per the cdc and the daily interactions I have with my job, all that the mask mandates did was to create a security blanket that gave the individuals wearing them a false sense of security on one side and fighting on the other.

The people that were truly forgotten through all of this were individuals who have legitimate health issues whether, physically, mentally, or socially in regards to their inability to wear masks. The fallout has caused from the fear has children as young as eight committing suicide within our state.

### Conclusion

If any individual for the feeling of their own health and wellbeing chooses to wear a mask while in public or at work that is fine. Governor Burgum has talked about “personal responsibility” so much at this point I hope to never hear those words again.

But the campaign of misleading information that has been publicly pushed in North Dakota needs to stop and this bill needs to pass.

Legislators make Laws not the Governor, Judges and Attorneys interpret them. There are three branches of Government for a reason.

### Final thoughts

“If you do not like the mitigation measures get in line and get your vaccine”

- Doug Burgum

These words should have never been said. But at the same press conference Molly Howell told us.

“Social distancing and mask wearing will still be necessary.”

*Appendix A - Fargo Mask Mandate(s) 10/05/2020*

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ENACTING ARTICLE 10-13  
OF CHAPTER 10 OF THE FARGO MUNICIPAL CODE  
RELATING TO FACE COVERINGS AND SOCIAL DISTANCING TO REDUCE RISK OF  
TRANSMISSION OF COVID-19 VIRUS

WHEREAS, the electorate of the city of Fargo has adopted a home rule charter in accordance with Chapter 40-05.1 of the North Dakota Century Code; and

WHEREAS, Section 40-05.1-06 of the North Dakota Century Code provides that the city shall have the right to implement home rule powers by ordinance; and

WHEREAS, Section 40-05.1-05 of the North Dakota Century Code provides that said home rule charter and any ordinances made pursuant thereto shall supersede state laws in conflict therewith and shall be liberally construed for such purpose; and

WHEREAS, the board of city commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the board of city commissioners of the city of Fargo:

Section 1. Enactment.

Sections 10-1301 and 10-1302 of Article 10-13 of Chapter 10 of the Fargo Municipal Code is hereby enacted as follows:

ARTICLE 10-13  
COVID-19 --FACE-COVERING REQUIRED

10-1301. Definitions. – For purposes of this article, the following definitions shall apply:

- a. Face covering shall mean a paper or cloth face mask that covers the nose and mouth completely, and includes a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks or masks with openings, holes, visible gaps in the

MASK MANDATE ORD – “NO PENALTY CLAUSE”

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.

- b. "Business" and "businesses" are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.
- c. "Social distancing" means individuals keeping at least six (6) feet of distance from other individuals who are not members of their household.
- d. "Household" means a group of individuals who share the same living unit.

10-1302. COVID-19-Face Covering Required. -- For purposes of reducing the risk of the communication and transmission of the COVID-19 virus, every person shall, within the city of Fargo, wear a face covering over the mouth and nose in all indoor environments where they are exposed to non-household members and where social distancing of six (6) feet or more cannot be assured and in all outdoor settings where there is exposure to non-household members, unless there exists ample space of six (6) feet or more to practice social distancing. The following shall be exempt from wearing a face covering:

- a. Persons younger than 10 years of age, although parents and guardians are encouraged to have such younger children wear face coverings when and where appropriate;
- b. Persons with a medical condition or disability that prevents wearing a face covering;
- c. Persons performing job duties where a six (6) feet distance is not achievable, but a mask is inhibitory to the ability to safely and effectively perform the job duty;
- d. Persons participating in athletic activities where a six (6) feet distance is not achievable, but a mask is inhibitory to the activity;
- e. Persons actively consuming food or drink;
- f. Persons driving a motor vehicle alone or with passengers from the driver's household;
- g. Persons receiving services that require access to the face for security, surveillance, or other purposes may temporarily remove a face covering while receiving those services;

MASK MANDATE ORD – “NO PENALTY CLAUSE”

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

- 1 h. Persons voting, assisting voters, serving as poll watchers, or actively performing election
- 2 administration duties; however, face coverings are strongly encouraged;
- 3 i. Persons engaged in religious worship activities; however, face coverings are
- 4 strongly encouraged;
- 5 i. Persons giving a speech or performance for broadcast or to an audience; however,
- 6 those persons shall safely distance from nearby individuals.

7 This ordinance shall not prohibit law enforcement officers or local officials from enforcing trespassing  
8 laws or other applicable laws in removing violators at the request of businesses or other property owners.

9 Section 2. Effective Date.

10 This ordinance shall be in full force and effect from and after its passage and approval.

11 Section 3. Term, Termination and Sunset Date.

12 This ordinance, including Sections 10-1301 and 10-1302, shall expire on the 31<sup>st</sup> day of  
13 December, 2021, shall thereafter shall be of no further force or effect and shall be deemed  
14 thereafter to be automatically repealed unless it is extended by enactment of an ordinance  
15 amending this ordinance or extending the term hereof.

16 \_\_\_\_\_  
17 Timothy J. Mahoney, Mayor

18 (SEAL)

19 Attest:

20 First Reading:  
21 Second Reading:  
22 Final Passage:

23 \_\_\_\_\_  
Steven Sprague, City Auditor

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

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WHEREAS, the board of city commissioners deems it necessary and appropriate to implement such authority by the adoption of this ordinance;

NOW, THEREFORE,

Be It Ordained by the board of city commissioners of the city of Fargo:

Section 1. Enactment.

Sections 10-1301, 10-1302 and 10-1303 of Article 10-13 of Chapter 10 of the Fargo Municipal Code are hereby enacted as follows:

ARTICLE 10-13  
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10-1301. Definitions. – For purposes of this article, the following definitions shall apply:

- a. Face covering shall mean a paper or cloth face mask that covers the nose and mouth completely, and includes a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks or masks with openings, holes, visible gaps in the

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- a. Persons younger than 10 years of age, although parents and guardians are encouraged to have such younger children wear face coverings when and where appropriate;
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- e. Persons actively consuming food or drink;
- f. Persons driving a motor vehicle alone or with passengers from the driver's household;
- g. Persons receiving services that require access to the face for security, surveillance, or other purposes may temporarily remove a face covering while receiving those services;

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- 4 strongly encouraged;
- 5 i. Persons giving a speech or performance for broadcast or to an audience; however,
- 6 those persons shall safely distance from nearby individuals.

7 This ordinance shall not prohibit law enforcement officers or local officials from enforcing trespassing  
8 laws or other applicable laws in removing violators at the request of businesses or other property owners.

9 10-1303. Penalty for violation. – A person who violates this article shall be deemed to have  
10 committed a non-criminal offense and shall pay a fee of \$100.00 as provided in Section 1-0305.C  
11 of the Fargo Municipal Code. First-time violators of this article shall receive a verbal or  
12 written warning. Violators of this article under 18 years of age shall only receive a verbal or  
13 written warning.

14 Section 2. Penalty.

15 A person who violates this ordinance shall be deemed to have committed a non-criminal  
16 offense and shall pay a fee of \$100.00 as provided in Section 1-0305.C of the Fargo Municipal Code.  
17 First-time violators of this ordinance shall receive a verbal or written warning. Violators of this  
18 ordinance under 18 years of age shall only receive a verbal or written warning.

19 Section 3. Effective Date.

20 This ordinance shall be in full force and effect from and after its passage, approval and  
21 publication.

22 Section 4. Term, Termination and Sunset Date.

23 This ordinance, including Sections 10-1301 and 10-1302, shall expire on the 31<sup>st</sup> day of  
December, 2021, shall thereafter shall be of no further force or effect and shall be deemed  
thereafter to be automatically repealed unless it is extended by enactment of an ordinance  
amending this ordinance or extending the term hereof; provided, however, that such automatic  
termination and repeal shall not be deemed to have been repealed for purposes of any pending civil  
or criminal judicial proceedings initiated prior to said termination date.

MASK MANDATE ORD – “WITH PENALTY CLAUSE”

OFFICE OF THE CITY ATTORNEY  
FARGO, NORTH DAKOTA

ORDINANCE NO. \_\_\_\_\_

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\_\_\_\_\_  
Timothy J. Mahoney, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Steven Sprague, City Auditor

First Reading:  
Second Reading:  
Final Passage:  
Publication:

*Appendix B - Public Comment*

**KX News** Yesterday at 3:31 PM · 🌐

NEW: In a press release, the board said the decision was made after the governor's and interim state health officer's new orders, which were signed Nov. 13, in order to "eliminate confusion" among businesses and the public.



KXNET.COM  
**Bismarck City Commission rescinds 'Pandemic Mitigation Strategy'**

Like Comment Share

**KX News** Yesterday at 3:31 PM · 🌐

**Izaak Freeman**  
Why so now the city attorney can actually fine people and close businesses like she wanted to? Like she has been threatening businesses for the last two days? Asking for a lot of friends.  
11h Like Reply 1

**Jannelle Combs**  
**Izaak Freeman** I did not want to fine or close businesses. Staff was directed to draft a proposal at the request of a Commissioner. Nor have I nor my office threatened any businesses. I had several businesses call our office for guidance to comply with the governors order. I also had people contact me to complain about a dart league continuing. I reached out to the business to make sure they knew about the governors order. The City tries to do that for businesses so they avoid a police officer coming in and possibly scaring away customers.  
10h Like Reply 3

**Izaak Freeman**  
**Jannelle Combs** well at least we know for sure now that it was just one commissioner instead of all of them that wanted the P.M.S. plan drafted. It's been suspected for a while but thanks!

**KX News** Yesterday at 3:31 PM · 🌐

**Jannelle Combs**  
**Izaak Freeman** 4 of the Commission members voted as the City Health Board to draft the PMS. It was one Commissioner's motion so it was written in a way that person felt comfortable. And then at the table, other Commissioners made changes...all of it was their decision. I just get the job of word smithing.  
8h Like Reply

**Izaak Freeman**  
**Jannelle Combs** So in your very legal and knowledgeable opinion does that mean that you are saying by using N.D.C.C. 37-17.1-05(2) Under this chapter, the governor may issue executive orders and proclamations, and amend or rescind them. Executive orders, proclamations, and regulations have the force of law.THE GOVERNOR CAN MAKE LAWS.  
6h Like Reply 2

Write a reply...

**Sarah Leopard**  
**Izaak Freeman** hmm I think I have heard of a few business receive phone calls

**KX News** Yesterday at 3:31 PM · 🌐

with their licenses threatened. Doesn't our constitutional rights matter? 1776, people need to read it.  
8h Like Reply 1

**Izaak Freeman**  
**Sarah Leopard** yeah unfortunately they expect to know it all from only reading 'the cliff notes'.  
8h Like Reply

**Jannelle Combs**  
**Sarah Leopard** Well I know who I talked to and what I said. I never threatened any license. If they asked if their license could be in jeopardy, I did not lie. It could happen if a business does not follow the law a Notice and Order may happen...there is a ton of due process in that method. And liquor or food licenses require following all laws. Until the order from the governor is revoked or found unlawful by a court, it is the law. Public health measure case law is in place from the US Supreme Court for about 100 years and liquor licenses require due process but they are not absolute, neither are food licenses.  
8h Like Reply 2

**KX News** Yesterday at 3:31 PM · 🌐

**Sarah Leopard**  
**Jannelle Combs** sounds like you are claiming the governor has the power to create law... does this have to go to legislators for it to become laws. You know bills then laws?



TENOR  
 7h Like Reply

**Jannelle Combs**  
**Sarah Leopard** Yes he does. The legislature in Century Code gave him that authority. We had executive orders during DAPL too. So yes they did a bill, made a law which allows governors to do this and health officers too.

6h Like Reply

**KX News** Yesterday at 3:31 PM · 🌐

**Izaak Freeman**  
**Jannelle Combs** so everything that has been done to strip the Constitutional Rights from North Dakota citizens over the last eight months through Executive Orders and State Health Officer Orders has been perfectly legal and the is fault of our legislators for passing?

6h Like Reply

**Sarah Leopard**  
**Jannelle Combs** which century code allowed this? What Bill was it?

6h Like Reply

**Unapologetic Christian**  
**Jannelle Combs** who are you?

6h Like Reply

**Unapologetic Christian**  
**Jannelle Combs** ooooohhhhh you must be an "attorney" so you must know about Chapter 12 in our NDCC? Glad we have an attorney here. Could you please reference this "house bill" that gave the governor and his "doh" whackos the right to strip NDans of their civil liberties, right to work, infringement of their USC rights, Bill of Rights, and all the articles

**KX News** Yesterday at 3:31 PM · 🌐

Bill of Rights, and all the articles therein? Last time I brushed up on my Constitutional Rights under the USC; my rights don't stop where the DoH and governor's EO's start. Checks and balances much? Oy.

6h Like Reply

**Izaak Freeman**  
**Unapologetic Christian** She's the Bismarck City Attorney

6h Like Reply

**Unapologetic Christian**  
**Izaak Freeman** I decided to research her and I figured out exactly who she is. Thanks google. I can't believe we have a state's attorney who is blind in regards to the U.S.C. or even the STATE Constitution. They must not teach either of those in "law school" anymore. What a shame. I hate to see people being arrested under "the color of law" because they indeed weren't equipped with the proper edumacation. Looks like I will need to clear my calendar so I can watch some of these crazy upcoming violation hearings; to an unconstitutional mask mandate and depriving businesses of their right to work without just

**KX News** Yesterday at 3:31 PM · 🌐

compensation. I hear good ole Burg-UM has a lot of cash-flow, maybe he could give his personal \$ to justify locking down and setting curfews on businesses. My federal dollars aren't dedicated to bailing out little china-tyrannical dictators.

6h Like Reply

**Jannelle Combs**  
**Unapologetic Christian** Sarah Leopard NDCC Chs 37-17.1 and 23-01. I have no knowledge of the session law numbers...you could find that out in an annotated copy of Century Code.

6h Like Reply

**Unapologetic Christian**  
**Jannelle Combs** I asked a rhetorical question. You are paid to do this, so please cite your findings or don't comment on a public forum. Remember- YOU are employed by WE THE PEOPLE. You didn't answer a single question of mine, and I will be excited for these "plea deals" \*ahem\* I mean "arrests" to happen. Make sure you're on the right side of history. Like I previously stated- The

United States Constitution is SUPREME LAW OF THE LAND, any "bill" "CC" or "State Constitution" that makes laws, bylaws, suggestions, mandates, or whatever other pretty label you want to slap on it; IS REPUGNANT! Maybe Bismarck will have an open spot for state's attorney soon? Looks like yall could use a Constitutionalist to make sure a governor, pd, sheriff, or doh member isn't arrested on millions of counts. Especially since it's on a PUBLIC News Network's channel. Imagine the reach FB has? Thanks for being a typical lawyer. You are the reason why I've sat back for 10 years with a degree and did nothing with it except CLE.

6h Like Reply



**Izaak Freeman**  
Janelle Combs If that is this particular phrasing used in Executive Order 2020-14 since you are the word smith? ...hereby suspends the operation of NDCC 23-07.6 with the exception of NDCC 23-07.6-02(3) relating to communicable disease confinement procedure, allowing the State Health Officer to issue

measures deemed necessary to prevent the spread of COVID-19 pursuant to NDCC 23-01-05(12) and consistent with due process. If what you are saying is the law that would mean that since the Governor gave the State Health Officer the power to issue orders that means the Governor CAN Rescind the newest order. State Health Officer Order 2020-08. Which is amazing by itself because it and the penalty for violating it is NDCC 23-07-21(1) which is in fact a class C felony according to century code. No wonder every one is in such a big hurry to rescind their local order.

6h Like Reply



**Unapologetic Christian**  
**Janelle Combs** Side note- I have all that printed. I see where he is trying to go with these EO's... suggestion: EO: 2020-06.5 pg. 3 under bullet 1: could you explain to the public what "ND Co Institution" means? When I looked this up (as this wasn't a misspelling, misspellings are important dontcha know) Jamestown mental ward popped up. Now whv would that be in

there? Kinda odd don't ya think?  
6h Like Reply



**Izaak Freeman**  
**Unapologetic Christian** So since she says that the legislators gave the governor his power that means they can take it away huh? I wonder if NDCC 37-17.1-05(3) should take care of it neatly.

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**Janelle Combs**  
Tough to follow your comments but I will try. 1. I did not write the Governors order. 2. I am not a States Attorney...so my office and prosecutors will not be enforcing these other orders. 3. I do not check my first amendment rights when I take a job, nor does that include any requirement to cite whatever you are claiming. I gave the statutory citations. 4. No arrests. It is an infraction and I have no idea about plea deals. That is the States Attorney's discretion. You can ask her.

6h Like Reply



**Izaak Freeman**  
It's okay. You covered it beautifully last night. Have a great morning!

4h Like Reply