**Notice and Demand**

**Affidavit of Maladministration**

**Legal Notice and Warning**

To: Kathy Hoffman

Arizona Department of Education

1535 W Jefferson St.

Phoenix, AZ 85007

From: (one of the People)

cc: Attorney General Mark Brnovich

cc: Governor Doug Ducey

cc: Arizona House of Representatives all members

cc: Arizona Senate all members

cc: Sheriff

**Notice to Agent is Notice to Principal and Notice to Principal to Notice to Agent**

Comes now Affiant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, one of the people (as seen in Arizona Constitution Bill of Rights Article 2 Section 2). Sui Juris, in this court of record, being trustees of the People must provide due care and remember your oath which binds you. I, the Affiant, make the following statements and claims:

Job description of the State School Superintendent: The Arizona Superintendent of Public Instruction is a statewide-elected position and is head of the Department of Education. The Superintendent oversees the state’s education finances and implements policy mandated by the State Board of Education. The Superintendent also works with the State Board of Education to develop and implement standards for Arizona public schools. The Superintendent oversees teacher certification and information about districts, which is published in an annual report. The Superintendent also apportions funds, and evaluates the budgeting for public school transportation.

As an elected state official, receiving taxpayer dollars as your salary, you have sworn to uphold the Constitution of the United States and the Constitution and laws of the State of Arizona. You swore to bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that you would faithfully, and impartially, discharge the duties of your office according to the best of your ability so help you God.

Affiant wishes for you to show in your job description or in your oath, where you were given authority or where you agreed to implement radical material that is diametrically opposed to the will of those who elected you? Affiant wishes for you to show, in your job description, where it indicates that you were to incorporate subversive, harmful to children, materials that pit one race against another in the schools in Arizona. Affiant wishes for you to show, in your job description, where you are encouraged or allowed to change standards or add competencies that oppose the First Amendment of the Constitution of the United States or the following portions of the Arizona Constitution:

**Arizona Constitution Article 2 Section 1**

Section 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

Affiant reminds you of the fundamental principles in the Supreme law of the land that secure my individual rights.

**Article 2 Section 2**

Section 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed and are established to the protect and maintain individual rights.

Affiant comes as one of the People from which your power is derived. Your oath to office affirms that your main purpose is to protect and maintain my individual rights by upholding the Constitution. This includes the rights of my heritage, those in my care, my children. Affidavit is being given as notice to you who are creating or enforcing health rules or mandates. Affiant claims you are infringing on the freedoms guaranteed to me as one of the People. You are also practicing health discrimination and segregation and are depriving people of their rights under color or 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 without the **United States**.

**Article 2 Section 3**

Section 3. A. The Constitution of the United States is the supreme law of the land to which all government, state and federal, is subject.

Section 3. B. To protect the people’s freedom and to preserve the checks and balances of the United States Constitution, this state may exercise its sovereign authority to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the constitution…

**ARTICLE 2 Section 6**

Section 6. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

**ARTICLE 2 Section 12**

Section 12. The liberty of conscience secured by the provisions of this constitution shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state.

Affiant claims licentiousness may be construed as acting without regard to law, ethics, or the rights of others. Licentiousness, or practices inconsistent with the peace and safety of the state may be construed to have occurred with all trust indenture servants of the state and state agencies and associations mentioned herein having acted in a licentious and disruptive manner related to the complaints listed herein.

You, as state personnel, are subject to having your actions restricted if your actions are not consistent with protecting the People’s freedom. Any failure on your part to protect these rights is a breach of your trust indenture, granted by the People, and will be considered an act of maladministration, and an attack on the People you serve. Such maladministration and attack may result in censure, fines, and termination of services

**Article 2 Section 32**

Section 32. The provisions of this Constitution are*MANDATORY*, unless by express words they are declared to be otherwise.

**Article 11, Section 1**

Section 1.A. “The Legislatures shall enact laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include: 1). Kindergarten schools 2). Common schools 3). High schools 4). Normal schools 5). Industrial schools 6). Universities, which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate state institutions of such character.

Section 1.B. The legislature shall also enact such laws as shall provide for the education and care of pupils who are hearing and vision impaired.”

Therefore, the legislative branch within the state of Arizona creates laws that MUST be upheld in schools/political subdivisions and neither school districts nor the Department of Education, or Department of Health shall create a rule/law that violates such laws.

**Article 11, Section 7**

Section 7. “No **sectarian instruction** shall be imparted in any school or state educational institution that may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the state, as teacher, student, or pupil; but the liberty of conscience hereby secured shall not be so construed as to **justify practices or conduct inconsistent with the good order, peace, morality, or safety of the state, or with the rights of others.”**

**Article 20, Section 7**

Section 7. “Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and be **free from sectarian control.”**

No sectarian instruction may be imparted to students, staff, administration or other agency. Affiant construes this to mean any instruction that has to do with a group with a particular set of interests. The term sectarian may be applied to any group wishing to impose their will on the greater majority without due process under the law or without consent from “We the People.”

In the case of school districts, school boards, associations, and state elected school administration, maladministration, and therefore violation of the Arizona Constitution, will have occurred if that district, board, association or elected state administration attempts to implement any sectarian ideology that has not met with the approval of the parents represented in that school district, county, or state.

Affiant claims that you have implemented non-age appropriate, non-grade appropriate, curriculum which does not fit within the confines of **good order, peace, morality, or safety** (Article 11 Section 7) and this material is sectarian, (Article 11 Section 7, Article 20 section7) and is intended to be used for instruction in all school which the state legislature established.

**Article 27 Section 2**

Section 2. A. To preserve the **freedom of Arizonans to provide for their health care**

1. **A law or rule shall not compel, directly or indirectly, any person, employer or heath care provider to participate in any health care system.**

**Informed consent is required for investigational medical therapies.** The Nuremberg Code (1947)

Section 2. D.

1. “Health care system” means **any public or private entity whose function** or purpose **is the management of,** processing of, enrollment of individuals for or payment for, in full or in part, **health care services or health care data or health care information for its participants.**

Affiant affirms that any rebates, intimidation, manipulation or grooming of children to participate in activities regarding a minor’s health, including staying away from friends, obstruction of airway by mandating a mask while on school property or on the bus, staying at home for prolonged periods, covid testing or vaccination, without consent of the parents is unlawful. Anyone creating and adopting any such polices shall be liable, to the fullest extent of the law for every health concern arising out of the above-mentioned violations of rights and health care policies.

Affiant demands that the State School Superintendent and State School Board **cease and desist immediately and in the future** from any policies that mandate forced mask wearing, social distancing, covid testing and/or experimental vaccination proof as condition for free and equal participation in education, or as means to discriminate against or segregate children.

**ARTICLE 2 Section 13**

Section 13 No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations.

Whereas, “Title IV of the Civil Rights Act of 1964 authorizes the Attorney General to address certain equal protection violations based on religion, among other bases, in public schools and institutions of higher education. The Educational Opportunities Section works to ensure that all persons regardless of their religion are provided equal educational opportunities.” Any sectarian instruction that seeks to divide and induce division based on social standing, skin color, or ethnicity will violate the equal educational opportunities section of the Civil rights Act. It is a violation of the students’ civil rights which protects “equal education opportunities.

Affiant claims that you, as the State School Superintendent, actively pursued and attempted to incorporate Critical Race Theory and Social Emotional Learning, which is inextricably tied to CRT. Evidence of this attempt is the Arizona Department of Education website which encourages implementation of the Social Emotional Competencies found therein. **Committing racial discrimination in the name of ending racial discrimination is both illogical and illegal. It goes against the exceptional principles on which our nation was founded. Implementing CRT and antiracist programming, in a way that treats individuals differently on the basis of race, creates a racially hostile environment. You have violated Article 2 Sections 2, Article 2 Section 3, Article 2 Section 6, Article 2 Section 12, Article 2 Section 13, Article 2 Section 32, Article 11 Section 7, Article 20 Section 7, Article 27 Section 2.**

Any man or woman who denies these claims are true must rebut them under penalty of perjury in the form of a sworn affidavit. Any man or woman who decides to suppress this affidavit agrees to pay $30,000 and any disputes by any public officials or private actors who are bound by contract to the Arizona Constitution agrees to have these matters heard before an Arbitrator of my choice. Any man or woman denying these claims are true must rebut these claims point by point within (3) days (72 hours). Failure to respond means that by acquiescence you agree that all claims are true.

Verification

I hereby declare, certify and state, pursuant to the penalties of perjury under the laws of the United States of America, and by the provisions of 28 USC § 1746 that all of the above and foregoing representations are true and correct to the best of my knowledge, information and belief.

Executed in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Arizona on this day of in the Year of Our Lord Two Thousand Twenty-One.

Autograph of Affiant

Notary as JURANT CERTIFICATE

State

County

On this day of 2021(date) before me,

A Notary Public, personally appeared Name of Affiant, who proved to

me on the basis of satisfactory evidence to be the man/woman whose name is subscribed to the within

instruments and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her autograph(s) on the instrument the man/woman executed the instrument.

I certify under PENALTY OF PERJURY under the lawful laws of Arizona State and that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary /Jurat

Seal