From: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**Affidavit of Maladministration, Malfeasance, Malconduct, Nonfeasance**

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

Comes now Affiant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , one of the People (as seen in Arizona State Constitution Article 2 Section 2) Sui Juris in this Court of Record, giving you this Affidavit, so that you and your agents may provide due care, carefully act to uphold the Arizona Constitution, and cease and desist from all interference with the rights of the People;

**Arizona Constitution Declaration of Rights Article 2 Section 2: All Political Power**

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

Please note that Affiant avers that you, the Tucson Mayor and the Tucson City Council, have now received multiple instances of three separate Notices educating you on the requirements of your offices and the specific desires of those who elected you to office, the residents of Tucson.

**Arizona Constitution Declaration of Rights Article 2 Section 1: Frequent Recurrence**

**“**A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.”

**Maxim of Law-** Faith must be observed. An agent must not violate the confidence reposed in him.

Please note that Affiant avers these frequent reminders of fundamental principles have been given in good faith to you, the Tucson Mayor and Tucson City Council. We, the People, require good faith from those we elected to represent us in Tucson. Therefore, We, the People, now demand you correct your unwise and unlawful actions and decisions in allowing the permitting of small Wireless Telecommunications Facilities (sWTFs) without significant input from, and conversation with, and agreements of those to whom you owe your first allegiance, the residents of Tucson, who placed you in your office of trust.

**Maxim of Law-** What is done without consideration or reflection, upon better consideration we should revoke or undo.

**Arizona Constitution Declaration of Rights Article 2 Section 7: Oaths and Affirmations**

“The mode of administering an oath, or affirmation, shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.”

Affiant and We, the People, have convened and determined that you have not only violated your Oath of office, but have actively and knowingly participated in maladministration, malfeasance, malconduct, and nonfeasance. Affiant and We, the People, find that you, our elected agents, have not been bound by your conscience, have not considered the seriousness of your Oath, and have not consistently sought the will of those you were elected to represent and to whom you swore an Oath to protect.

**Maxim of Law-** An agent is a person authorized by another to act on his account and under his control.

Please note that you, the Tucson Mayor and City Council, are agents and may not independently determine what can or will be done within, or by, the Tucson City government. You are to act in good faith. You are not to participate in gross negligence as that will then lead to intentional wrong.

**Maxim of Law-** Gross negligence is held equivalent to intentional wrong.

**Maxim of Law-** To commit [an act,] and not to prohibit one when in your power, is the same thing; and he who does not prohibit or forbid when he can prevent it is in fault, or does the same as ordering it to be done.

Please notice that you have been told, in multiple ways, over an extended period of time, that allowing permitting, placement, construction, modification, and operation of sWTFs is not only adamantly opposed by residents of Tucson, but is a flagrant, willful violation of your trust indenture as elected agents.

Please notice that no further violations against the will of the People will be tolerated. Affiant, one of the People, has lost faith in your ability to manage my business for the City of Tucson. As my agent, you are to consider carefully my wellbeing, my safety, my property, my disabilities, if any, my will and my right to live in a safe neighborhood providing the quiet enjoyment of our streets free from harmful infrastructure, facilities, devices, and towers that emit dangerous, deleterious, and damaging microwave radiation. Similarly, state and federal law requires you to protect Tucson’s environment from harmful infrastructure, facilities, devices, and towers that emit dangerous, deleterious, and damaging microwave radiation.

Please notice that you have been frequently reminded of the Affiant’s requirements. It is now time for you to correct your maladministration, malfeasance, malconduct and nonfeasance. You have worked against the will of the people of Tucson, accepting monies, and prioritizing telecommunication programs and plans, including the so-called “SMART city” agenda, over their rights and safety. You have repeatedly avoided, rebuffed and ignored all attempts by the people you represent to rectify your persistent maladministration, malfeasance, malconduct and nonfeasance. You have repeatedly ignored cease and desist orders, requests for required accommodations under the Americans with Disabilities Act and Arizonans with Disabilities Act and notifications of hazards to the environment. You have allowed widespread damage to our property values, violation of the quiet enjoyment of our neighborhoods and significant compromise of public safety.

You have failed to comply with the obligation you imposed on yourselves, individually and collectively, through your unanimous vote on February 23, 2021, by which you bound yourselves to either amend the wireless telecommunications ordinance or pass a new wireless telecommunications ordinance. Despite such obligation you have refused to consider the model ordinance presented to you titled “Tucsonans’ Wireless Telecommunications Facilities Ordinance” delivered to the City of Tucson on March 24, 2021.

**Arizona Constitution Declaration of Rights Article 2 Section 9: Irrevocable Grants of Privileges, Franchises or Immunities**

“No law granting irrevocably any privilege, franchise, or immunity shall be enacted.”

You have no immunity from the lawful consequences of maladministration, malfeasance, malconduct and nonfeasance. Your failure to amend or pass a more protective telecommunications ordinance, while permitting sWTFs that emit dangerous, deleterious, and damaging microwave radiation, has harmed, and continues to harm, the People of Tucson, as well as the plants and animals of the Sonoran Desert. You have excluded the People from the decision-making process. By such actions and inactions you have violated your Oath of office. You have no immunity from the consequences of negligent actions, and no immunity from other damage claims against the City or City personnel. You have not followed lawful form in your role as agents entrusted to govern the City of Tucson. Your failure to follow lawful form nullifies your actions and decisions, as stipulated in Arizona Constitution Article 2 Section 11, Section 13, Section 33.

**Maxim of Law-** Where form is not observed, a nullity of the act is inferred or follows

**Maxim of Law-** Where the law prescribes a form, the nonobservance of it is fatal to the proceeding and whole becomes a nullity.

**Arizona Constitution Declaration of Rights Article 2 Section 12: Liberty of Conscience; Appropriations for Religious Purposes Prohibited; Religious Freedom**

“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.”

Licentiousness is to be construed as acting without regard to law, ethics, or the rights of others. You, in violation of your Oath of office, have engaged in licentious practices inconsistent with the peace and safety of the state, county, city, or town. These licentious practices shall be construed to have occurred with all trust indenture servants of the state, state agencies, counties, cities and towns and associations mentioned in this affidavit who have committed maladministration, malfeasance, malconduct and nonfeasance in preference to protecting the health and safety of the People.

Affiant states your actions, as well as those of all City of Tucson personnel, are subject to restriction if and when your actions are inconsistent with protecting the People’s rights and freedoms. (Article 2 section 3b; Article 2 section 6; Article 2 section 12). Any failure on your part to protect these rights is a breach of your trust indenture, granted by the People, and will be considered as acts of maladministration, malfeasance, malconduct, and nonfeasance, and an attack on the rights of the People you serve. Such attacks may result in your censure, fines, and termination of services.

**Arizona Constitution Declaration of Rights Article 2 Section 33: Reservation of Rights**

“The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.”

Affiant demands that the Mayor and City Council **cease and desist immediately** from the contested and unlawful permitting, placement, construction, modification, and operation of all sWTFs in Tucson. From this point forward, as stated in Notice #2, you are obliged to “include the People of Tucson in deliberations and decision-making regarding all aspects of sWTFs.”

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 $10,000,000, and any public officials or private actors who dispute these claims and who are bound by contract to the Arizona Constitution agree 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-two. 

 

 Autograph of Affiant

Notary as JURANT CERTIFICATE

**JURAT**

**\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\***

 State 



 County

Subscribed and sworn to (or affirmed) before me

On this day of 2022(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