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U.S. Department of Justice
Office of the Inspector General
Investigations Division
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ATTN: **MICHAEL E. HOROWITZ**
DOJ Inspector General, *and*
ERIC A. JOHNSON
DOJ Assistant Inspector General
-- or successors in office

RE: **COMPLAINT OF MISCONDUCT**
DAN RABINOVITZ, Law Clerk
Educational Opportunities Section
950 Pennsylvania Ave, NW
Washington, DC 20530, USA
(877) 292-3804. Fax (202) 514-8337
Email: education@usdoj.gov

CIVIL RIGHTS VIOLATION - DISCRIMINATION

- (1) 1ST AMENDMENT RIGHT TO PETITION
FOR REDRESS OF GRIEVANCES**
- (2) SEGREGATION USED AGAINST UNVACCINATED CHILDREN**
- (3) MASS VIOLATION OF RELIGIOUS RIGHTS
THROUGH COMPULSORY VACCINATION**

Dear Mr. Horowitz and Mr. Johnson,

This is a Complaint of Misconduct against Dan Rabinovitz, Law Clerk of the DOJ Civil Rights Division's Educational Opportunities Section, based on his arbitrary and capricious mishandling and refusal to investigate my Vaccine Religious Freedom Class Action Complaint (hereinafter my VRF Complaint), which outlines the violation of me and my daughter's constitutionally protected religious rights by the Sweetwater Union High School District (hereinafter the District), which refuses to allow my daughter to enroll in 7th grade for lack of California Senate Bill 277 (hereinafter SB 277) requirements for vaccination, regardless of my strongly held religious beliefs and related opposition to vaccines. My complaint of misconduct against Mr. Rabinovitz is based on the following facts:

BACKGROUND

On February 15, 2018 I filed with the U.S. Department of Justice, Civil Rights Division's Educational Opportunities Section (hereinafter EOS) my Vaccine Religious Freedom Class Action Complaint, assigned DOJ Tracking number DJ 169-12-0, in which I alleged and proved that the Sweetwater Union High School District, in collusion with California Senator Richard Pan and California Governor Edmund G. Brown Jr., all of whom I refer to as Criminal Participants, were violating my U.S. Constitution First Amendment religious rights, by refusing to allow me to register my daughter Annette Beas in 7th grade in one of the District's schools for the 2018-2019 school year, for lack of compliance with the requirements of SB 277, even though I have made it clear to all three parties that my religious beliefs prohibit me from vaccinating my children in any way. See Exhibit A, an email from the District noting that my daughter cannot attend any District school without the SB 277 vaccines, unless she has a medical exemption, which she presently does not have. Senator Pan sponsored SB 277 and Governor Brown approved such unconstitutional legislation. A copy of my VRF Complaint will be provided upon request.

After filing my VRF Complaint on numerous occasion I requested from multiple individual at EOS that they provide me the EOS procedures for both filing a complaint and for requesting an appeal and/or reconsideration of a possible refusal to investigate my VRF Complaint, but they refused to do so. Such individuals include Ms. Garrett (first name not provided), Dept. Supervisor Michelle Foushee-McAdoo, and Law Clerk Dan Rabinovitz.

On June 13, 2018, Mr. Rabinovitz emailed me a letter dated June 1, 2018, from almost two weeks earlier, stating that my VRF Complaint did not fall within the DOJ and the EOS' jurisdiction to investigate and that as a result "no action was warranted" by EOS. See Exhibit B, letter from Mr. Rabinovitz to that effect.

On June 14, 2018, and several times after that I called and attempted to contact Mr. Rabinovitz, always getting voicemail, and leaving messages requesting that he provide me information on appeal and/or reconsideration procedures so I could present any necessary additional information to supplement my VRF complaint.

On June 19, 2018, Mr. Rabinovitz emailed me a letter claiming that,

(1) His decision was not appealable because EOS did not have jurisdiction to investigate my claims; and that,

(2) In response to my voicemail messages noted above, he had "reevaluated" the circumstances described in my VRF Complaint and that he came to the same conclusion, that my allegations did not fall within the federal statutes that EOS is authorized to enforce, again refusing to investigate my VRF Complaint.

See Exhibit C, letter from Mr. Rabinovitz to that effect.

In both emails responses from Rabinovitz he did not use his personal email address and instead used an email address that did not accept replies. As a result, on June 19, 2018, I sent Rabinovitz an email through the EOS general email address (education@usdoj.gov), where I noted the following:

(1) If EOS did not have appeal procedures for complaints that where outside of EOS' jurisdiction, that meant that EOS did have appeal procedures for when complaints ARE within EOS's jurisdiction, and to please forward me such appeal procedures; that

(2) I never requested that he “reevaluate” my VRF Complaint, but only that he advise me if there were appeal and/or reconsideration/reevaluation procedures (same thing in different terms), and that therefore it was arbitrary and wrong for him to reevaluate my VRF Complaint without me being given the opportunity to provide further proof that indeed EOS has jurisdiction to investigate my complaint; and that

(3) By Mr. Rabinovitz doing such reevaluation without me requesting it, it meant that indeed I did have a right to request such reconsideration/reevaluation so that I could provide such additional information, and that therefore he had prejudiced me by denying me my right to request such reconsideration/reevaluation, acting as if I had indeed requested such reconsideration/reevaluation, and eliminating my ability to do so. See Exhibit D, my email to that effect.

On June 29, 2018, Mr. Rabinovitz sent me an email, ignoring the requests in my email of June 19, 2018, and advising me of the following:

(1) EOS does not have jurisdiction to investigate my VRF Complaint;

(2) There are no specific procedures for appealing his evaluation of my VRF Complaint; and

(3) “Even if we had jurisdiction to investigate your complaint, we receive thousands of complaints and are **not able to investigate every complaint that we receive.**”

See Exhibit E, email from Mr. Rabinovitz to that effect.

TIMELINESS

EOS issued its response letter refusing to investigate my VRF Complaint after the supposed reevaluation on June 19, 2018, therefore my request is submitted timely.

BASIS FOR MISCONDUCT COMPLAINT AGAINST MR. RABINOVITZ

THE RESPONSE LETTER FROM MR. RABINOVITZ IS INADEQUATE AND VAGUE

The response letters issued by EOS and Mr. Rabinovitz on June 13 and June 19, 2018, are inadequate, as they are vague and issued under color of law.

The EOS response letter is general in nature and does not express any reasoning for its conclusion; it simply states the existence of certain laws and regulations over which EOS has authority and jurisdiction, BUT the response letter never explains under what specific grounds it was not taking action on my VRF Complaint, making the response vague, written in language that is so indefinite or lacking in precision that an individual of ordinary intelligence is forced to guess at its meaning.

The EOS response has no explanation as to why EOS does not have subject matter jurisdiction over my VRF Complaint, or why it does not have personal jurisdiction over the involved parties, and does not state why the District is not under its jurisdiction, giving no findings of fact and no conclusions of law, and such decision is therefore arbitrary and capricious and an abuse of discretion. The response failed to address why and how the EOS subject matter jurisdiction does not apply to any and all of the Criminal Participants named in my VRF Complaint. If EOS were to have civil rights complaint procedures similar to those from the U.S. Dept. of Education (which is unknown to me because EOS refuses to disclose

what its complaint handling procedures are), then EOS should have issued a letter to me EXPLAINING a clear reason for its refusal to investigate my complaint.

The allegations in my VRF Complaint clearly state the violation of one or more of the laws and regulations EOS enforces, such as the protection of me and my daughter's religious rights from DOJ and U.S. Department Health and Human Services (HHS) regulated entities.

Further, the allegations on my VRF Complaint have sufficient detail (e.g., who, what, where, when, how) for EOS to infer and determine that DISCRIMINATION, SCHOOL SEGREGATION AND OR RETALIATION HAS OCCURRED AND IS OCCURRING AGAINST ME AND MY DAUGHTER ANNETTE.

The allegations on my VRF Complaint are not speculative, nor conclusory, nor incoherent, and therefore there are sufficient grounds in fact for EOS to infer that DISCRIMINATION, SCHOOL SEGREGATION AND OR RETALIATION HAS OCCURRED AND IS OCCURRING AGAINST US, and therefore my VRF Complaint ESTABLISHES A VIOLATION OF ONE OF THE LAWS AND REGULATIONS DOJ and EOS ENFORCES, specifically THE PROTECTION OF ME AND MY DAUGHTER'S RELIGIOUS RIGHTS from EOS covered entities.

TITLE IV OF THE CIVIL RIGHTS ACT OF 1964: DESEGREGATION OF PUBLIC EDUCATION

Title IV promotes the desegregation of public schools and authorizes the U.S. Attorney General to file lawsuits to enforce the Act. Under Title IV, Section 401(b), the Act defines "Desegregation" as follows:

"Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, RELIGION, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Section 401(c) defines "public school" as follows:

"Public school' means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source."

The term religion as used herein does not only mean desegregation based on a particular religion, but also as regards and individual's personal way of practicing, following and applying their religious beliefs, as is noted by cases defended by DOJ/EOS referenced below.

Title IV, section 407, SUITS BY THE ATTORNEY GENERAL, states in part as follows:

"(a) Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their **minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or**

(2) signed by an individual, or his parent, to the effect that **he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,**

and the Attorney General believes the complaint is meritorious ... the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate."

In the EOS website it clearly notes that EOS responsibility includes the protection of religious rights as it pertains to a protected right to education. Under the "Religious Discrimination" section it reads as follows:

"Title IV of the Civil Rights Act of 1964 also prohibits discrimination on the basis of religion in public schools and institutions of higher learning. The Educational Opportunities Section works to ensure that all persons regardless of their religion are provided equal educational opportunities. The Section's work includes addressing DISCRIMINATION AND HARRASSMENT on the basis of religion, and spans all religious affiliations."

See <https://www.justice.gov/crt/types-educational-opportunities-discrimination>.

My daughter and I are members of a class of persons similarly situated, (a) who refuse to vaccinate our children based on strongly held religious beliefs, and (b) we are being deprived equal protection of the laws.

(a) The legal standard isn't whether the District agrees with my religious beliefs, or whether those beliefs are the recognized position or official doctrine of any particular religious organization or group. Federal law requires a school district to provide reasonable accommodations for sincerely held student religious beliefs, even if some may consider those beliefs idiosyncratic. My Christian beliefs are based squarely and solely on my understanding of the teachings from the Bible, and not from any particular Christian religious organization and/or doctrine.

(b) Through Title IV of the Civil Rights Act of 1964, Congress declares that it is the policy of the United States that all children enrolled in public schools are entitled to equal educational opportunities without regard to their and their parents religion and their way of practicing such religion and religious beliefs.

I contend that the DOJ and EOS have authority to take action against the Criminal Participants, the District, Senator Pan and Gov. Brown for their direct involvement in having the District refuse to allow me to enroll my daughter in a District school due to the alleged prohibitions of SB 277.

**EOS HAS VESTED JURISDICTION OVER CRIMINAL PARTICIPANTS
DISTRICT SUPERINTENDENT KAREN JANNEY
AND THE SWEETWATER UNION HIGH SCHOOL DISTRICT**

EOS has jurisdiction over Superintendent Janney and the District for the following reasons:

(1) The District receives funds from the U.S. Department of Health and Human Services (hereinafter HHS) so it can deliver health and human services to all students enrolled in the District schools. See Exhibit F, the District's 2017 Schedule of Expenditures of Federal Awards.

(2) The District signed a "Participation Agreement" to provide "School-Based Medi-Cal Administrative Activities" (SMAA). See Exhibit G, pertinent parts of the District's 2017 participation agreement.

In such SMAA agreement the Superintendent and the District have agreed and have committed to, among other thing, to do the following:

- (a) To comply with ALL FEDERAL program requirements [clause 2.0a]
- (b) To monitor compliance of District with all federal program requirements [clause 2.0t]
- (c) To use vendors to deliver health and human services for beneficiaries of the federal program [clause 6.0b]; and
- (d) **To not engage nor employ any unlawful discriminatory practices ... or in any other respect** on the basis of **RELIGION, MEDICAL CONDITION**, or any other protected group in accordance with the requirements of ALL APPLICABLE FEDERAL OR STATE LAWS, which include me and my daughter's U.S. and California constitutional rights to practice our religious beliefs, rights and freedoms without government interference of any kind [clause 18.0].

(3) The District is registered as a Local Educational Agency (LEA) and is therefore a Medi-Cal and Medicaid Service Provider, and has a LEA Federal Employer Identification Number of 95-6003082, as well as a National Provider Identification (NPI) Number of 1952458242. A National Provider Identifier or NPI is a unique 10-digit identification number issued to health care providers in the United States by the Centers for Medicare and Medicaid Services (CMS). The CMS is a federal agency within the U.S. Department of Health and Human Services. See Exhibit H, the District's Medi-Cal Provider Enrollment Information Sheet dated November 16, 2017.

(4) The District uses HHS funds received for activities applicable and afforded to any, some and or all students of its schools, such as my daughter Annette, including but not limited to:

(a) Mental health services, including primary prevention, crisis intervention, assessments, and referrals, and training for teachers in the detection of mental health problems.

(b) Counseling, including family counseling and suicide prevention.

(c) Community resource centers; support staff at school clinics, extra duty for nurses, travel for psychologists and speech language pathologists.

(d) Support for nurses, psychologists, speech therapist and health care assistants.

(e) Implementation of medical outreach, support for medically fragile students, support for students and staff in Special Education, support for student/families receiving or who are eligible to receive Medi-Cal services.

See Exhibit I, the District's Annual Report Financial Statement Data for LEA program for the period 2016-2017. See also Exhibit J, the District's Statement of Commitment to Reinvest, LEA annual report for the period 2017-18.

EOS and Mr. Rabinovitz know or should have known that some, most or all public schools and school Districts in the United States, and at a minimum the Sweetwater Union High School District that I am complaining about, are health care providers as described above, providing health and human services, under the jurisdiction of U.S. Department of Health and Human services, and therefore because the District receives funds from HHS, a federal agency, so too does DOJ and the EOS have jurisdiction over the District.

**MR. RABINOVITZ'S ERRONEOUS/MISPLACED
CLAIM OF LACK OF EOS JURISDICTION**

As noted in several of Mr. Rabinovitz's letters:

*"The Educational Opportunities Section enforces federal law that protects students from harassment or discrimination. **The Section is responsible for enforcing, among other statutes, Title IV of the Civil Rights Act of 1964, which prohibit discrimination on the basis of race, color, national origin, sex and RELIGION in public schools and institutions of higher learning.**"*

The civil rights violation complaint procedures noted on EOS' website do not require any complainant to specifically state what laws and regulations any party who is identified in such complaint has violated. It only requires that you explain why you believe your rights (in my case our Religious Rights) have been violated. See <https://www.justice.gov/sites/default/files/crt/legacy/2011/09/22/filecomp.pdf>.

EOS has clear and identified jurisdiction to investigate complaints related to religious rights and freedom violations, which include, among others, the following laws:

SOCIAL SECURITY ACT – SECTION 508

Section 508 of the Social Security Act prohibits discrimination on the basis of age, race, color, national origin, disability, sex, or RELIGION in the Maternal and Child Health Services Block Grant (42 USC § 708). Title 42 USC section 708, "Nondiscrimination Provisions", states in part:

"(a) Federally Funded Activities

(2) No person shall on the ground of sex or RELIGION be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subchapter.

(b) Compliance

Whenever the Secretary finds that a State, or an entity that has received a payment from an allotment to a State under section 702(c) of this title, has failed to comply with a provision of law referred to in subsection (a)(1) of this section, with subsection (a)(2) of this section, or with an applicable regulation (including one prescribed to carry out subsection (a)(2) of this section), he shall notify the chief executive officer of the State and shall request him to secure compliance. If within a reasonable period of time, not to exceed sixty days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

(1) Refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted,

(3) Take such other action as may be provided by law."

Title 42 U.S. Code § 201(a) – Definitions, defines the term "Service" as meaning "Public Health Service."

42 USC § 1395u(i)(4) defines "Primary Care Services" as follows:

"The term "primary care services" means physicians' services which constitute office medical services, emergency department services, home medical services, skilled nursing, intermediate care, and long-

term care medical services, or nursing home, boarding home, domiciliary, or custodial care medical services.”

PUBLIC HEALTH SERVICE ACT – SECTION 1908

Section 1908 of the Public Health Service Act (42 USC § 300w-7) **prohibits discrimination on the basis of age, race, color, national origin, disability, sex (gender), or RELIGION in programs, services, and activities funded by Preventative Health and Health Services Block Grants.**

Title 42 U.S. Code § 247b - Project grants for preventive health services, states in part,

“(a) Grant authority

The Secretary may make grants to States, and in consultation with State health authorities, to political subdivisions of States and to other public entities to assist them in meeting the costs of establishing and maintaining preventive health service programs.

(2) State plan

Title 42 U.S.C. section 300jj(3) – Definitions, defines a “health care provider” as follow:

*“(3)The term “health care provider” includes a hospital, skilled nursing facility, nursing facility, home health entity or other long term care facility, health care clinic, community mental health center (as defined in), renal dialysis facility, blood center, ambulatory surgical center described in section 1395l(i) of this title, emergency medical services provider, Federally qualified health center, group practice, a pharmacist, a pharmacy, a laboratory, a physician (as defined in), a practitioner (as described in), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act [et seq.]), tribal organization, or urban Indian organization (as defined in), a rural health clinic, a covered entity under, an ambulatory surgical center described in section 1395l(i) of this title, a therapist (as defined in), **and any other category of health care facility, entity, practitioner, or clinician determined appropriate by the Secretary.**”*

Title 42 U.S.C. section 1396d – Definitions, defines “Medical Assistance” in part as follows:

*“(21) Services furnished by **a certified pediatric nurse practitioner or certified family nurse practitioner** (as defined by the Secretary) which the certified pediatric nurse practitioner or certified family nurse practitioner is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), **whether or not the certified pediatric nurse practitioner or certified family nurse practitioner is under the supervision of, or associated with, a physician or other health care provider.**”*

Title 42 U.S. Code § 1396f, Observance of religious beliefs, states and orders the following:

Nothing in this subchapter shall be construed to require any State which has a plan approved under this subchapter to compel any person to undergo any medical screening, examination, diagnosis, or treatment or to accept any other health care or services provided under such plan for any purpose (other than for the purpose of discovering and preventing the spread of infection or contagious disease or for the purpose of protecting environmental health), IF SUCH PERSON OBJECTS (OR, IN THE CASE SUCH PERSON IS A CHILD, HIS PARENT OR GUARDIAN OBJECTS) THERETO ON RELIGIOUS GROUNDS.

The Centers for Medicare & Medicaid Services (CMS), previously known as the Health Care Financing Administration (HCFA), is a federal agency within the United States Department of Health and Human

Services (HHS) that administers the Medicare program and works in partnership with state governments to administer Medicaid, the Children's Health Insurance Program (CHIP), and health insurance portability standards.

EXAMPLES OF CASES DOJ AND EOS HAVE ACTED UPON

EOS has taken action to protect the violation of men and women's religious rights in the following cases, as noted in EOS' own website, <https://www.justice.gov/crt/educational-opportunities-cases#religion>:

Campbell v. St. Tammany Parish School Board (E.D. La.)

-- Violated when the school board **excluded Plaintiffs from using school facilities for a "prayer meeting"** at which civic and social issues would be discussed.

Child Evangelism Fellowship v. Lenz (C.D. Cal.)

-- Officials of the Upland Unified School District (California) discriminated against **CEF by allowing non-profit organizations such as the Boy Scouts free use of school facilities while at the same time charging religious organizations such as CEF rent equal to "direct costs."**

Curry v. Saginaw School District (E.D. Mich.)

-- A School District **prohibited Curry from "selling" candy cane ornaments with an attached card explaining the religious origin of the candy cane** as part of "Classroom City"—a multi-disciplinary marketplace town simulation that was part of the school's social studies curriculum.

O.T. v. Frenchtown Elementary School District (D. N.J.)

-- Principal of an elementary school in New Jersey **prohibited an eight-year-old girl from singing a Christian song in a voluntary after-school talent show.**

Westfield High School L.I.F.E. Club v. Westfield Public Schools (D. Mass)

-- The Westfield Public Schools and officials discriminated against student members' religious beliefs by **refusing to allow them to distribute pamphlets containing a religious message**, even though defendants permitted the distribution of secular pamphlets by these same students the year before.

My daughter is being denied the ability to do any of the above or any other acts in her school because the District refuses to allow her to attend a District school.

COMPARISON BETWEEN MY VRF COMPLAINT AND THE ABOVE CASES

In the above EOS lawsuits on behalf of such individuals EOS was simply protecting religious rights related to such religious individuals' exercise of expression of their religious beliefs. In my daughter's circumstances, she is being denied all school activities, from attending school to participating in any school-related even, much more discrimination than in any of the cases noted above.

As regards my VRF Complaint, I clearly note that my religious rights related to my obligations and responsibilities towards God and his children, which include my actions towards my daughter Annette, are not only being violated, but are putting my daughter and me at risk of violating my covenant with God to not defile my daughter's heritage from God, as she is God's temple. See 1 Corinthians 6:19, 1 Corinthians 3:16, 1 Corinthians 3:17, Mark 2:17, Job 14:4, 2 Corinthians 6:17, Leviticus 5:2, Luke 17:21, Psalm 139:13-14, Exodus 20:13, Mark 9:42, Psalm 127:3, Psalm 94:16, Proverbs 16:12, Proverbs 29:12, Proverbs 4:14, Ephesians 6:10-13, 16-17.

IN OTHER WORDS, I am not simply requesting EOS to protect my religious rights to express myself, I am clearly stating **that injecting PROVEN toxic chemicals** into my daughter Annette's body, is a direct violation of my God ordained obligation to protect my daughter from such toxic substances that have been proven in many instances to be detrimental to children and adult's health, up to and including death, which undeniably would be prohibited by God. See the evidence I present to that effect on my Vaccine Class Action Complaint filed with the DOJ Civil Rights Division on July 2, 2017, at <http://tinyurl.com/Vaccine-Class-Action-Complaint>, also submitted to my President, Donald J. Trump.

I AM BEING ASKED BY THE DISTRICT, SENATOR PAN AND GOV. BROWN TO DEFILE THE TEMPLE OF GOD, WHICH RESIDES WITHIN MY DAUGHTER ANNETTE, AN OBVIOUS VIOLATION OF GOD'S LAW AND MY RELIGIOUS BELIEFS, RIGHTS AND FREEDOMS, WHICH COME FROM MY GOD-GIVEN, NATURAL AND COMMON LAW RIGHTS, WHICH ARE REFLECTED IN THE U.S. CONSTITUTION, FIRST AMENDMENT, AND THE CALIFORNIA CONSTITUTION, ARTICLE 1, SECTION 4, WHICH STATES THAT THE "FREE EXERCISE AND ENJOYMENT OF RELIGIOUS BELIEFS WITHOUT DISCRIMINATION OR PREFERENCE ARE GUARANTEED." AND I WILL NOT DO SUCH THING, AS GOD COMMANDS!

THE DISTRICT'S OBLIGATION TO PROTECT MY CONSTITUTIONAL RIGHTS

As noted above, the District receives funds from the federal government, and by accepting such funds it is required to protect and not violate my constitutional rights. Federal agencies involved in funding the District include the following:

- (1) U.S. Dept. of Health and Human Services
- (2) U.S. Dept. of Education
- (3) U.S. Dept. of Defense
- (4) U.S. Dept. of Interior
- (5) U.S. Dept. of Agriculture
- (6) U.S. Dept. of Interior Fish and Wildlife Services

See Exhibit F, the District's 2017 Schedule of Expenditures of Federal Awards.

By receiving federal funds, the District has contracted with the U.S. federal government and has pledged and committed itself to uphold the U.S. Constitution and to not violate my religious rights, among other rights. In the District's 2017 "School-Based Medi-Cal Administrative Activities (SMAA) Participation Agreement" the District has committed specifically to do the following:

- (1) Comply with all Federal and state program requirements;
- (2) Monitor compliance of District with all Federal and state program requirements; and
- (3) Not engage nor employ any unlawful discriminatory practices ... on the basis of ... religion ... in accordance with the requirements of **ALL APPLICABLE FEDERAL OR STATE LAW.**

See Exhibit G, excerpts from such District's SMAA Participation Agreement.

MR. RABINOVITZ'S VIOLATION OF OUR CONSTITUTIONAL RIGHTS AND HIS VIOLATION OF HIS OATH OF OFFICE

The letters and emails provided by Mr. Rabinovitz and all the information presented herein confirm and prove the following:

- (1) EOS does indeed have jurisdiction to consider and take action on my Vaccine Religious Freedom Class Action complaint against the named Criminal Participants, in particular the Sweetwater Union High School District, based on the District's discrimination and segregation against my daughter Annette for not receiving vaccines that are toxic and against our firmly held religious beliefs, in violation of me and my daughter's first amendment right to practice our religion freely.
- (2) Mr. Rabinovitz erroneously, and I contend on purpose and to prejudice me, concluded that EOS did not have jurisdiction to act on my behalf in order to not investigate my VRF Complaint. He did this by not applying all applicable laws and regulations as noted herein that give EOS the ability to take action on my VRF Complaint.
- (3) Mr. Rabinovitz refused, to my detriment, to timely advise me of any reevaluation, reconsideration or appeal procedures to challenge his pre-planned refusal to investigate my VRF Complaint, and is now claiming I never had a right to such procedures, thus he did not allow me to challenge his decision of lack of EOS jurisdiction, nor did he address if my VRF Complaint's allegations had merit.
- (4) Mr. Rabinovitz, on his own and without my request, permission and without me knowing, did indeed do a reevaluation of my VRF Complaint and denied it before I was advised of such option, without affording me the opportunity to present any additional and more specific information and data, as I have presented herein, which proves that EOS does indeed have jurisdiction to investigate and take action on my VRF Complaint against the District.
- (5) Mr. Rabinovitz attempted to stop me from exercising my right to reevaluation, reconsideration and/or appeal by implying in his June 29, 2018 email that even if EOS has jurisdiction, my complaint was so unimportant, insignificant and not far reaching that EOS would probably not investigate it.
- (6) By his actions, Mr. Rabinovitz is violating my First Amendment right ***to petition the Government for a redress of grievances.***
- (7) By his action, Mr. Rabinovitz is violating his oath of office to defend the U.S. Constitution and not violate my God-given rights and related constitutional rights.

MY VRF COMPLAINT FALLS IN THE CATEGORY OF CASES OF NATIONAL INTEREST

The actions of the EOS as regards my VRF Complaint are not only misplaced, but are also goes against the DOJ's own established authority to investigate my VRF Complaint, which falls in the category of "Cases of National Interest." See U.S. Attorneys' Manual (hereinafter "DOJ Manual"), section 8-3.130. See <https://www.justice.gov/usam/usam-8-3000-enforcement-civil-rights-criminal-statutes#8-3.130>.

Such section states the following:

*"A case is of "national interest" if it is a case that presents **important public policy considerations; a novel issue of law; a case that because of peculiar facts and circumstances, may set important precedent**; a case with simultaneous investigations in multiple districts (unless the United States Attorney's Office (USAO) in each district and the Civil Rights Division conclude that national interests are not involved); a case with international or foreign policy implications; **an urgent or sensitive case; or a case that substantially affects the uniform***

application of the law. A CASE INVOLVING A VIOLATION OF THE FEDERAL CRIMINAL CIVIL RIGHTS LAWS RESULTING IN DEATH IS PRESUMED TO BE A CASE OF NATIONAL INTEREST. In a case of national interest, the Assistant Attorney General, in consultation with the United States Attorney, may require that the USAO and the Civil Rights Division participate jointly as co-counsel from the initiation of the investigation through prosecution.”

SB 277 is affecting thousands of Californians who are being forced either to take their children out of school in order to homeschool them, forcing them to move to another state, or are forcing such parents, especially those unable to homeschool or move out of state due to their financial circumstances, to violate their religious beliefs and proceed to vaccinate their children in order to attend school, and because SB 277 requires multiple vaccines to be given, such children with no vaccination history are being forced to receive all such missed vaccines at once or within a short period of time, and I contend that such actions have resulted in many cases in injury to such children, up to an including death.

PRESIDENT TRUMP’S ORDER TO ALL FEDERAL EXECUTIVE AGENCIES TO PROTECT MY RELIGIOUS BELIEFS, RIGHTS AND FREEDOM

In his first State of the Union Address of January 30, 2018, President Trump stated and ordered the following from all cabinet Secretaries:

“PROTECT RELIGIOUS LIBERTIES ... FAITH AND FAMILY ARE THE CENTER OF AMERICAN LIFE ... THE MOTTO IS ‘IN GOD WE TRUST’ ... REMOVE FEDERAL EMPLOYEES WHO UNDERMINE THE PUBLIC TRUST OR FAIL THE AMERICAN PEOPLE.”

REMEDY AND RELIF REQUESTED

Based on all the laws and regulations, findings of fact and conclusions of law noted herein, I request that the DOJ Inspector General Office’s Investigations Division do the following:

- (1) Order Mr. Dan Rabinovitz and that department’s supervisor or manager to re-open my Vaccine Religious Freedom Class Action Complaint;
- (2) Order Mr. Rabinovitz and or EOS staff to apply all applicable rules and regulations, as noted herein, and others that may apply, in order to consider my VRF Complaint to be in compliance and within the jurisdiction of EOS to investigate;
- (3) Order Mr. Rabinovitz and or EOS staff to proceed to investigate my VRF Complaint;
- (4) Order Mr. Rabinovitz and or EOS staff to confirm the validity of my complaint, to declare that my VRF Complaint has merit, and that EOS and DOJ Civil Rights Division take all necessary action against the involved Criminal Participants, in particular the Sweetwater Union High School District, including any necessary civil lawsuits or criminal actions; and
- (5) That the appropriate DOJ Inspector General’s Office take action against Mr. Rabinovitz, in the form of demotion, reduction of salary or wages, administrative and or civil proceedings against him, termination of employment, or any other sanctions as the IG may deem appropriate, necessary or mandatory under the circumstances.

**REQUEST TO DOJ AND EOS TO EXPEDITE AND TO TAKE TIMELY ACTION
ON MY VRF COMPLAINT**

As noted herein, Superintendent Janney and the District have made it clear that my daughter Annette will not attend school unless vaccinated, and they refused to allow me to enroll her recently. The District school classes begin on July 23, 2018.¹ Therefore, I further request that the Inspector General's Office further order EOS to take immediate action on my VRF Complaint and contact the above Criminal Participants and that it order them to allow me to timely enroll my daughter Annette in one of their schools, in particular Hilltop Middle School, to which they have agreed to allow my daughter to transfer to if she is fully vaccinated, and that she be allowed to attend classes by the beginning of the District 2018-2019 school year.

CONSENT TO DOJ COMPLAINT PROCEDURES

As a Complainant, I understand that in the course of the investigation of my misconduct complaint against Mr. Rabinovitz it may become necessary for DOJ to reveal my identity or identifying information about me to persons at the entity or agency under investigation or to other persons, agencies, or entities.

- I am also aware of the obligations of DOJ to honor requests under the Freedom of Information Act (FOIA). I understand that it may be necessary for DOJ to disclose information, including personally identifying information, which it has gathered as part of its investigation of my complaint.
- In addition, I understand that as a complainant I am covered by regulations which protect any individual from being intimidated, threatened, coerced, retaliated against, or discriminated against because he/she has made a complaint, testified, assisted, or participated in any manner in any mediation, investigation, hearing, proceeding, or other part of DOJ's investigation, conciliation, or enforcement process.

I declare that I am in agreement with the above and give permission to the DOJ to reveal my identity or identifying information about me in my case file to persons at the entity or agency under investigation or to other relevant persons, agencies, or entities during any part of DOJ's investigation, conciliation, or enforcement process.

CERTIFICATION

I, Ricardo Beas, declare and certify that the facts stated herein are true, correct and complete to the best of my knowledge, beliefs and upon information.

Respectfully Submitted,

Ricardo Beas

¹ See District Student Calendar, at <https://drive.google.com/file/d/1hpTXVAR0p9kNasun-4DKIq53vHcj7Qbk/view>.