



Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

COMMUNITY ADVOCATES FOR
JUST AND MORAL GOVERNANCE

HOLDING GOVERNMENT ACCOUNTABLE TO ALL PEOPLE

4089 Fairmount Ave.

San Diego, CA 92105

Phone (619) 500-7720

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director@moralgovernance.org

April 13, 2020

San Diego Mayor Kevin Faulconer
202 C Street, San Diego, CA 92101

San Diego Police Chief David Nisleit
1401 Broadway, MS 700, San Diego, CA 92101

Via Electronic Transmission

Urgent - Demand to Cease and Desist from: Ticketing Unsheltered San Diegans for Illegal Lodging, Sleeping in the Park, Encroachment, Vehicle Habitation, and Other Quality of Life Offenses; Impoundment of Vehicle Shelters; and Sweeps and All Other Displacement of Unhoused Persons During The COVID-19 Crisis

Dear Mayor Faulconer and Chief Nisleit:

I write on behalf of Community Advocates for Just and Moral Governance (MoGo) urging you to immediately (1) cease and desist from engaging in sweeps and clearing homeless encampments and (2) suspend the ticketing of persons who are experiencing unsheltered homelessness for “quality of life” offenses in light of the COVID-19 pandemic that is ravaging our global community. This letter comes on the heels of the San Diego Police Department (SDPD) ordering humans, sheltering under the awning of a closed public building during back-to-back days of torrential downpour, to move off of city property into the rain. *Please see attached.* This letter also comes five days after eight (8) local community organizations sent a letter to Mayor Faulconer and San Diego City Council President Georgette Gomez respectfully asking for a “moratorium on all arrests and ticketing of homeless people for Vehicle Habitation, illegal lodging and encroachment during the Coronavirus outbreak.” They also called for a moratorium on the “impoundment of vehicles used by homeless people for shelter.”

Nonetheless, SDPD has continued to harass unhoused San Diegans. It has been business as usual for the City of San Diego and SDPD, in particular, as it relates to ticketing unsheltered community members for encroachment, illegal lodging, and sleeping in public places - even after a state of emergency was declared by Governor Newsom (on March 4, 2020) and Mayor Faulconer himself (on March 12, 2020). Worse even, within the last few days (and since receiving the letter from community organizations on April 8, 2020), SDPD has continued its sweeps, clearing of encampments, ticketing, and impounding of vehicle shelters. *Please see attached.*



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In response to its failure to implement a real plan to address our longstanding housing crisis - which fuels our homelessness issue making us fifth in the nation for the largest homeless population - the City of San Diego consistently relies on punitive measures as the remedy. Through its policies and ordinances that target unsheltered individuals for doing acts that are basic human needs, the City of San Diego needlessly ushers unhoused San Diegans into our criminal courts. Targeting unsheltered individuals through the enforcement of ordinances that prohibit encroachment, sleeping, sitting, and resting in public places, and vehicle habitation is terrible public policy on its own. When coupled with the pandemic we now face as a global community, such practices are an even greater affront to the very notions of basic decency and humanity. Moreover, such practices run in clear contravention of what health experts are advising *everyone* - elected and appointed officials, professionals, and laypeople - to do.

The City's policy and practice of breaking up existing homeless encampments directly conflicts with the prevention measures spelled out by the Centers for Disease Control and Prevention ("CDC") to be used as guidelines, which instruct as follows: "Unless individual housing units are available, do not clear encampments during community spread of COVID-19. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread." Simply put, by continuing to conduct sweeps on any scale, the City of San Diego is directly endangering the lives of thousands of San Diego residents, housed and unhoused alike. A moratorium on all sweeps is essential to curb the spread of the virus and to protect against preventable hospitalization and death, as it would significantly minimize the risk of exposure to not only unhoused San Diegans but also to the broader public.

Despite Governor Newsom's Executive Order N-33-20, issued March 19, 2020 which "order[s] all individuals living in the State of California to stay home or at their place of residence[.]" San Diego police officers continue to conduct sweeps of persons who are experiencing homelessness moving them from one location to another. This, without providing any viable, adequate, or even alternative options for shelter for those displaced. The reality is that San Diego is home to many thousands of persons whose current residences are the streets, homeless encampments, parks, under freeway overpasses (even where the City has placed sharp rocks), and by the riverbed.



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These locations *are* the residences of the individuals who live at these sites¹. Therefore, by breaking up existing encampments, i.e. the residences of unhoused San Diegans, under any pretext and sweeping unsheltered persons from location to location, the City of San Diego is violating California State Executive Order No. N-33-20 and is adversely affecting its goal to “bend the curve and disrupt the spread of the virus.”

Accordingly, for the reasons stated above, we are urging police and all other city departments to immediately cease and desist from clearing homeless encampments and to suspend ticketing for the above-listed quality of life offenses and all sweeps of persons who are experiencing unsheltered homelessness, and get in compliance with both Executive Order N-33-20 and the guidelines promulgated by the CDC. The City has had ample time to consider and implement Governor Newsom’s directives, the CDC’s guidelines, and the requests of local organizations; it, however, has yet to act. Under these circumstances, it is more than reasonable to request that the City issue a written order suspending the ticketing of unsheltered community members for “quality of life” offenses along with homeless sweeps and the clearing of encampments by close of business tomorrow, April 14, 2020. For the sake of all members of our community, we look forward to your issuance of the requested order and to receiving a copy of this order upon its issuance.

Be advised that MoGo will continue to work with unhoused persons, other community advocates, and organizational allies to support the broader homeless community, which will include monitoring and documenting the actions of the City and its departments for possible legal action to enjoin your continued endangerment of public safety.

Sincerely,

Geneviève L. Jones-Wright, Esq., LL.M.

Executive Director

Community Advocates for Just and Moral Governance (MoGo)

¹ California Voting Rights law permits an unhoused person to register to vote by merely describing streets, parks, or other locations where they live, or, in most cases, are forced to live for lack of affordable housing. (See [Voter Registration Application](#) at California Secretary of State website.)



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Attachments: Screenshot of video footage showing SDPD officers ordering unhoused San Diegans off of city property and into the rain during an early morning sweep on 4/9/20
Citations given to unhoused San Diegans by SDPD after COVID-19 was believed by the mayor to have reached “community spread status” in San Diego County
(7 total pages of attachments)

cc:

Governor Gavin Newsom

San Diego City Council

San Diego County Board of Supervisors

Wilma J. Wooten, M.D., M.P.H., San Diego County Public Health Officer



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Michael McConnell @Ho... · 4h

"You can't stay here, it's city property" - San Diego Police pushing people out into the rainy weather early this morning.



414 views



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Yr. of Veh.	Make	Model	Body-Style	Color	<input type="checkbox"/> HAZARDOUS MATERIAL (Veh. Code, § 353)
	P	E	D		
Evidence of Financial Responsibility				<input type="checkbox"/> Same as Driver	
Registered Owner of Lessee				<input type="checkbox"/> Same as Driver	
Address			State	ZIP Code	
City			<input type="checkbox"/> Booking Required		Misdemeanor or Infraction (Circle)
Correctable Violation (Veh. Code, § 40610)	Description				
Yes No					
<input type="checkbox"/> <input checked="" type="checkbox"/>	63.0102(b)(12) 50MCT			M <u>I</u>	
<input type="checkbox"/> <input type="checkbox"/>	SLEEPING IN			M I	
<input type="checkbox"/> <input type="checkbox"/>	PARK			M I	
Speed Approx.	P.F./Max Spd.	Veh. Lmt.	Safe	Radar	N
				<input type="checkbox"/> COLLISION	W E
COMMENTS: (Weather, Road & Traffic Conditions)					
CLR	CLDY	FOG	RAIN	DRY	SLIPPERY
					HVY. MED. LIGHT
Location of Violation(s)					
at 3700 PARK BL.					
<input checked="" type="checkbox"/> CITY OF SAN DIEGO, CA			<input type="checkbox"/> OTHER		
<input type="checkbox"/> Violations not committed in my presence, declared on information and belief.					
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.					
Fiorillo			7205 MPD-1		531
Arresting or Citing Officer			I.D. No.	Command/Shift	Beat
3/27/20					
Date	Name of Arresting Officer, if different from Citing Officer			I.D. No.	Command/Shift
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.					
<input checked="" type="checkbox"/> Signature <i>[Signature]</i>					
WHEN: ON OR BEFORE THIS DATE: 06/17/20					
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE					
WHERE:					
<input type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 MEADOWLARK DRIVE SAN DIEGO, CA 92123 (858) 634-1600			<input type="checkbox"/> MISDEMEANOR ARRAIGNMENT DEPT. 220 W. BROADWAY SAN-DIEGO, CA 92101 (619) 450-5400		
<input checked="" type="checkbox"/> SAN DIEGO TRAFFIC COURT 6950 CLAIREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (858) 634-1800 NIGHT COURT-CONTACT COURT FOR INFO			<input type="checkbox"/> SOUTH BAY COURT 500 3 RD AVENUE CHULA VISTA, CA 91910 (619) 746-8200 NIGHT COURT-CONTACT COURT FOR INFO		
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 325-B MELBOSE DRIVE, SUITE 350 VISTA, CA 92081 (760) 201-8600 INFORMATION			<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 250 EAST MAIN STREET EL CAJON, CA 92020 (619) 466-4100 INFORMATION		
Additional information is available at www.sdcourt.ca.gov					
SEE REVERSE					



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Registration Number of License

Address RED Same as Driver

City *State* *ZIP Code* Same as Driver

Correctable Violation (Veh. Code, § 40610) Booking Required Misdemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	M	I
<input type="checkbox"/>	<input checked="" type="checkbox"/>	63.0102(b)(12)	SDMC	M	<u>I</u>
<input type="checkbox"/>	<input type="checkbox"/>		(OVER NIGHT SLEEPING PARK)	M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I
<input type="checkbox"/>	<input type="checkbox"/>			M	I

Speed Approx. P.F./Max Spd. Veh. Lmt. Safe Radar N

COMMENTS: (Weather, Road & Traffic Conditions) COLLISION W E

CLD CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s) at 2000 NATIONAL AVE S

CITY OF SAN DIEGO, CA OTHER

Violations not committed in my presence, declared on information and belief.
I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

J.J. ARGUELLES 3/24/20 5259 NPD S11
Arresting or Citing Officer I.D. No. Command/Shift Beat

3/28/20 J.J. GOMEZ 3/24/20 5232 NPD S14
Date Name of Arresting Officer, if different from Citing Officer I.D. No. Command/Shift Beat

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature Roberto Gomez

WHEN: ON OR BEFORE THIS DATE: 06/23/20 TIME: 0800 AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

<input type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 MEADOWLARK DRIVE SAN DIEGO, CA 92123 (858) 634-1600	<input type="checkbox"/> MISDEMEANOR-ARRAIGNMENT DEPT. 220 W. BROADWAY SAN DIEGO, CA 92101 (619) 450-5400
<input type="checkbox"/> SAN DIEGO TRAFFIC COURT 8950 CLAIREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (858) 634-1800 NIGHT COURT-CONTACT COURT FOR INFO	<input type="checkbox"/> SOUTH BAY COURT 500 3 RD AVENUE CHULA VISTA, CA 91910 (619) 746-6200 NIGHT COURT-CONTACT COURT FOR INFO
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 325 S. MELROSE DRIVE, SUITE 350 VISTA, CA 92081 (760) 201-8600 INFORMATION	<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 250 EAST MAIN STREET EL CAJON, CA 92020 (619) 456-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov

Notice to Appear form approved by the Judicial Council of California.
PD-177 (4/16) PW/PS-42 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.9)

SEE REVERSE
TR-130



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Same as Driver
 Same as Driver
 Address _____ State _____ ZIP Code _____
 City _____
 Correctable Violation (Veh. Code, § 40610)
 Yes No Code and Section Description Misdemeanor or Infraction (Circle)
 647(e) PC - ILLEGAL U-TURN (M) I
 54.0110 SDMC - ENROUTE (M) I

 Speed Approx. _____ P.F./Max Spd. _____ Veh. Lmt. _____ Safe _____ Radar _____ N _____
 COLLISION W _____ E _____
 COMMENTS: (Weather, Road & Traffic Conditions)
 CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT
 Location of Violation(s)
 at 1500 ISLAND AVE
 CITY OF SAN DIEGO, CA OTHER
 Violations not committed in my presence, declared on information and belief.
 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct. 501
 Arresting or Citing Officer: HOFRIETTER 7658 NI Beat 501
 Date: 04/22/20 Name of Arresting Officer, if different from Citing Officer: HOFRIETTER 7658 NI Beat 501
WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
 Signature: [Signature] TIME: 0800 AM PM
WHEN: ON OR BEFORE THIS DATE: [Date]
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE
 WHERE:
 JUVENILE COURT, DEPT. 11
 2901 MEADOWLARK DRIVE
 SAN DIEGO, CA 92123 (658) 634-1600
 SAN DIEGO TRAFFIC COURT
 8950 CLAIREMONT MESA BOULEVARD
 SAN DIEGO, CA 92123 (658) 634-1890
 NIGHT COURT CONTACT COURT FOR INFO
 NORTH COUNTY REGIONAL CENTER
 325 S. MELROSE DRIVE, SUITE 350
 VISTA, CA 92081 (760) 201-8600 INFORMATION
 MISDEMEANOR ARRAIGNMENT DEPT.
 220 W. BROADWAY - 1133 501
 SAN DIEGO, CA 92101 (619) 450-5400
 SOUTH BAY COURT
 500 3RD AVENUE
 CHULA VISTA, CA 91910 (619) 796-6200
 NIGHT COURT CONTACT COURT FOR INFO
 EAST COUNTY REGIONAL CENTER
 250 EAST MAIN STREET
 EL CAJON, CA 92020 (619) 450-4100 INFORMATION
Additional information is available at www.sdcourt.ca.gov
 Notice to Appear form approved by the Judicial Council of California
 PD-177 (6/18) (Rev. 4/10) (Veh. Code, §§ 40500.01, 40512.01, 40520, 40550) Pen. Code, § 853.01



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SAN DIEGO POLICE DEPARTMENT MISDEMEANOR **DEFENDANT'S COPY**
NOTICE TO APPEAR Traffic Nontraffic **Y2298827**

Date of Violation: 9/6/20 Time: 6:40 AM Day of Week: S M T W T F S Case No.:
 Address: [Redacted] Responsibility (Veh. Code, § 40001)
 City: San Diego State: CA ZIP Code: 92104
 Driver License: [Redacted] Class: DV Commercial: Yes No Age: 32 Birth Date: 4/10/72
 Hair: [Redacted] Eyes: [Redacted] Height: [Redacted] Weight: [Redacted] Race: H Const. Zone: School Zone:
 No. or VIN: [Redacted] State: CA
 Make: [Redacted] Model: [Redacted] Body Style: [Redacted] Color: [Redacted]
 COMMERCIAL VEHICLE (Veh. Code, § 15210(b))
 HAZARDOUS MATERIAL (Veh. Code, § 353)
 Registered Owner of Lessee: [Redacted] Same as Driver
 Address: [Redacted] City: [Redacted] State: [Redacted] ZIP Code: [Redacted]
 Same as Driver

Correctable Violation (Veh. Code, § 40610)	Description	Booking Required	Misdemeanor or Infraction (Circle)
Yes No	Code and Section		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	54010 5000 - ENCLOSURE	<input type="checkbox"/>	(M) I
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	M I
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	M I
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/>	M I

Speed Approx. P.F./Max Spd. Veh. Lmt. Safe Radar COLLISION W E S N

COMMENTS: (Weather, Road & Traffic Conditions) CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT
 Location of Violation(s) at 315 16th St
 CITY OF SAN DIEGO, CA OTHER

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Arresting or Citing Officer: [Redacted] I.D. No. 709133 Command/Shift MPD 521 Beat
 Date: 9/6/20 Name of Arresting Officer, if different from Citing Officer: [Redacted] I.D. No. Command/Shift Beat

WITHOUT ADMITTING GUILT, YOU MUST APPEAR AT THE TIME AND PLACE INDICATED BELOW.
 X Signature: [Redacted]

WHEN: ON OR BEFORE THIS DATE: 9/17/20 TIME: 8:00 AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

<input type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 MEADOWLARK DRIVE SAN DIEGO, CA 92123 (658) 634-1800	<input checked="" type="checkbox"/> MISDEMEANOR ARRAIGNMENT DEPT 220 W. BROADWAY SAN DIEGO, CA 92101 (619) 350-5800
<input type="checkbox"/> SAN DIEGO TRAFFIC COURT 8950 CLAIREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (658) 634-1800 NIGHT COURT-CONTACT COURT FOR INFO	<input type="checkbox"/> SOUTH BAY COURT 500 3RD AVENUE CHULA VISTA, CA 91910 (619) 746-6200 NIGHT COURT-CONTACT COURT FOR INFO
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 325 S. MELROSE DRIVE, SUITE 350 VISTA, CA 92081 (760) 201-8600 INFORMATION	<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 250 EAST MAIN STREET EL CAJON, CA 92020 (619) 456-4100 INFORMATION

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SEE REVERSE
 TR-130



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**SAN DIEGO POLICE DEPARTMENT
NOTICE TO APPEAR**

Traffic MISDEMEANOR MISDEMEANOR DEFENDANT'S COPY
 Misdemeanor Felony Felony

Date: 4/11/20 Time: 0545 Day of Week: SAT

Name (Print Name): [REDACTED] Case No: Y2298402

Address: 219 17TH ST City: SAN DIEGO State: CA

Driver Lic. No: NO CDL State: CA

Sex: M Hair: BRN Eyes: HRL Height: 5-9 Weight: 140 Race: W Age: 37 Birth Date: 7/12/83

Veh. Lic. No. or VIN: [REDACTED] State: CA

Model: [REDACTED] Body Style: [REDACTED] Color: Gold

Evidence of Financial Responsibility: [REDACTED]

Registered Owner of Lessee: [REDACTED] Same as Driver

Address: [REDACTED] City: PEDESTRIAN State: CA ZIP Code: [REDACTED]

Correctable Violation (Veh. Code, § 40610) Booking Required Medemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	Medemeanor or Infraction (Circle)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	54.0110 SDMC	ENCROACHMENT	M ①
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I
<input type="checkbox"/>	<input type="checkbox"/>			M I

Speed Approx: [REDACTED] P.F./Max Spd: [REDACTED] Veh. Lmt: [REDACTED] Safe: [REDACTED] Radar: [REDACTED] N: [REDACTED] COLLISION: W E S

COMMENTS: (Weather, Road & Traffic Conditions) COLLISION W E S
 CLR CLDY FOG RAIN DRY SLIPPERY HVY. MED. LIGHT

Location of Violation(s): 1700 IMPERIAL AVE

CITY OF SAN DIEGO, CA OTHER

Violations not committed in my presence, declared on information and belief.
 I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Arresting or Citing Officer: R. MURILLO 4/11/20 I.D. No. 6115 Command/Shift W/INV 521 Beat [REDACTED]

Date: 4/11/20 Name of Arresting Officer, if differs from Citing Officer: [REDACTED] I.D. No. [REDACTED] Command/Shift [REDACTED] Beat [REDACTED]

WITHOUT ADMITTING GUILT, YOU MUST APPEAR AT THE TIME AND PLACE INDICATED BELOW

Signature: [REDACTED]

WHEN: ON OR BEFORE THIS DATE: 7/8/20 TIME: [REDACTED] AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE:

<input type="checkbox"/> JUVENILE COURT, DEPT. 11 2901 W. SACRAMENTO AVE. #9999 SAN DIEGO, CA 92103 (619) 634-1600	<input type="checkbox"/> MISDEMEANOR ARRAIGNMENT DEPT 200 W. BROADWAY SAN DIEGO, CA 92101 (619) 590-6400
<input checked="" type="checkbox"/> SAN DIEGO TRAFFIC COURT 8800 CLAREMONT MESA BOULEVARD SAN DIEGO, CA 92123 (619) 634-1800	<input type="checkbox"/> SOUTH BAY COURT 500 JAC AVENUE ORCA VISTA, CA 91930 (619) 746-2000
<input type="checkbox"/> NORTH COUNTY REGIONAL CENTER 400 S. MILPITAS AVENUE #2116 3RD SAN MARCO, CA 92069 (760) 941-9800 INFORMATION	<input type="checkbox"/> EAST COUNTY REGIONAL CENTER 201 EAST MAIN STREET ES CALON, CA 92020 (619) 450-4100 INFORMATION

Additional information is available at www.sdcourt.ca.gov

Notice to Appear form approved by the Judicial Council of California
 PS-117 (03/07) (Rev. Code, §§ 4020001, 4021001, 4022001, 4023001) Page: Code: § 902.02 SEE REVERSE (7-13)

ST 38928086

