

Date: Sun, 04 Mar 2012 10:04:13 -0600 [03/04/2012 09:04:13 AM MST]  
webteam@orchardparkny.orgAdd webteam@orchardparkny.org

Dear Notary Public,

My name is Robert Johnson, I have recently moved out to the Orchard Park area so I am attempting to locate a Notary I can establish a rapport with similar to the Notary I used to use in the City of Buffalo. I am a rather unorthodox individual and I make use of the full realm of expertise and powers and duties of the Notary Public. Where as most people use lawyers to win in conflict, I use the Notary to avoid conflict.

I am seeking a very seldom used service from the notary, and wish to come in soon to have this functioned performed. It is important to understand that I have used the service I am seeking before and have proof of that which is attached, and that everything I am asking for is authorized by law, well within the realm of power of the Notary.

In specific what I need is to come in, hand you all of my originals, have a document notarized called notice of dishonor, have these originals held for collection in your office, and have you make a certified true copy and serve it certified mail return receipt. Of course I will pay the cost of the service as I did last time I sought this service from a Notary. This is the second notice in my notice series in an attempt to offer discussion to make amends with my adversary before court. The Notary is not involved in the actual matter or doing anything to give legal advice nor practice law. All the Notary is doing is authenticating my signature, witnessing the oath, and holding the bills of exchange for collection, which do not require payment, but performance, in the form a response to be registered under oath with the Notary holding the documents. After this second notice is ignored and it will be ignored, the Notary crafts and serves in the same manner, "Notice of Protest for Non Acceptance, (an example is attached) and gives another 10 days to collect the bills of exchange by registering a response. After this notice is ignored I pick my file up containing all originals and proofs of service, and that is it. When I go to court the judge grants my declaratory judgment and I win. Actually you as the Notary are ranked by Executive law Section 138 above a justice of the supreme court regarding these administrative matters. YOU have the authority to grant the judgment yourself after the last notice is ignored, but it is not important to me who grants the judgment.

You would not likely believe how difficult it is to find a Notary that is already aware of how to perform these duties. Each time I do this I have to explain everything and prove that they have the power to do it. Due diligence is a beautiful thing now, and now that I have already secured these services from another Notary in the area it gets easier to explain every time. The power to perform the functions I am seeking are granted to the Notary by NY Executive law section 138. It specifically authorizes the notary to protest negotiable instruments for non payment/nonacceptance and to hold those for collection. Being that the Notary has the power to do this the Notary of course also has the power to perform any routine tasks necessary to carry those duties out, such as making certified true copies and serving them certified mail return receipt.

I possess the original notice which I would like to come in to hand you. I estimate no longer than 22 days that you will be holding my file as I have already effected service of the original notices. Please feel free to contact me any time here or by phone with any questions. The attached

is the actual notice of protest for non acceptance that I used last time I used this service of the notary. Also it is important to remember that I have no interest in receiving legal advice or asking the Notary to do anything but what is authorized of them by law. I am the one practicing law here and I do not require advice, also I need no license as these are my own affairs and I do not do this for anyone but myself. Thank you so much for your time and attention to this matter.

Sincerely,

Robert Johnson  
(716)-939-4409

Sincerely,

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Instead of a response from Carol Hutton Town Clerk I got an email from Orchard Park's Town Attorney John Bailey.

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Date: Thu, 15 Mar 2012 21:12:40 -0500  
Quoting John Bailey <jcbwny@aol.com>:  
(JOHN BAILEY TO ME)

Dear Mr. Johnson:

Carol Hutton, the Town Clerk, has referred your notarial request to me for comment.

In the first instance, upon presentation of appropriate proof of identification, any one of the Notaries in the Town Clerk's Office would be pleased to take your acknowledgment, but your request beyond that service go beyond their authority. The Town Clerk's Office is a repository of the Town's records and is not a public warehouse for personal information. Consequently, your requests for the Town Clerk's Office to mail your documents and hold a copy thereof exceed their authority to act and your request on those two points must be respectfully declined.

Thank you for your attention to these matters.

John C. Bailey  
Town Attorney  
Town of Orchard Park  
4295 South Buffalo Street  
Orchard Park, New York 14127

I Responded to the town attorney

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Date: Thu, 15 Mar 2012 21:12:40 -0500 [03/15/2012 08:12:40 PM MST]

John Bailey <jcbwny@aol.com>Add jcbwny@aol.com to my Address Book

Dear John,

The requests I have made of the Notary do not go beyond their authority, whether it is a Town Clerk or Town Attorney claiming it makes little difference, that which is simply not true does not become true by virtue of repetition. My requests may go beyond their comprehension of their powers and duties as the law allows, but they do have a duty to due diligence to become knowledgeable in how to carry out those duties. I know this because I have secured the services I am requesting from another Notary in another matter in a different part of Buffalo. I do not live in that part of town any more though so I am trying to find an intelligent experienced Notary in Orchard Park as I now live here. I am not the typical ill read hobbyist dabbler in matters of law, I happen to be an author on the subject of law and the powers of Common law Notaries Public is something I cover extensively in my book.

Again I believe this situation is not a matter of willful negligence but simply a matter of a complete lack of awareness, which is why I have not yet taken any action and if I am able to secure the services I am requesting I will not take any other action. If I am not able to secure those services I am bound by both duty and honor to act to defend those rights for future generations as well as to protect the integrity of the offices involved, it is nothing personal. I am aware of what the Town Clerk's office is, and I am also completely aware of what a Notary Public is. Regardless of what the Town clerk's office is, having Notaries Public on Staff that office of common law is not diminished by virtue of working for the town.

Under NY executive Law Section 138 Notaries Public are empowered to hold for collection negotiable instruments. Bills of exchange, drafts, checks, notes, and other negotiable instruments are well within the scope of the administrative authority of the Notary Public as identified by their powers and duties. Under the same section Notaries also have the authority to protest for non acceptance/non payment of these negotiable instruments. Being the Notary is empowered to hold them for collection and to protest for non payment or non acceptance, they are also of course empowered to carry out any other mundane tasks necessary to carry out those duties, including making certified true copies and serving those notices.

The Notices I am using to offer conditional acceptance and discussion to avoid conflict are in fact bills of exchange. The entity I am trying to enter discussion with used the same type of instrument initiating the discussion and consequently is now in default much as I would have been had I failed to respond to their notices (violation tickets). These instruments qualify as bills of exchange as they are an unconditional order in writing signed by the person giving it, addressed to the party receiving it, requiring the party to whom it is addressed to pay OR PERFORM upon a third party (the Notary holding them for collection) a specific sum of money at a fixed or determinable time. Every element of a bill of exchange is present.

My bills of exchange for example do not require payment for the recipient to collect the original which is the remedy to that liability. All they require is acceptance by registering a response under

oath with the Notary. The notary is not practicing law or doing anything not authorized by the law that gives them their power. It is true most people have no idea how to make use of this lawful process, but I do, and it is how honorable responsible people handle their affairs.

I have a duty to offer discussion in honor in attempt to avoid conflict before I go to court, and I have fulfilled that duty. I would have preferred notice of dishonor and protest for non acceptance to be served by the Notary upon the party I am trying to enter discussion with so I could move for summary declaratory judgment of permanent estoppel by acquiescence, but with this string of emails and the fact that the other party is already in default of my notice I should have no trouble with that as it is.

I appreciate and respect your position as Town attorney and want to reassure you that I am acting in good faith without intention of causing undue harassment. All I want is for the Notary to do their duty as required by law, and if they do that I will do nothing. The Notary has been my greatest ally in avoidance of conflict over time and the last thing I want is conflict with any notary. With all due respect you as town attorney attempting to convince me that what I am asking exceeds the authority of the Notary carries no more weight than a notary or town clerk making those baseless assertions. Any and all Notaries Public are able to perform the duties I have requested and are required to perform. As I told Carol they are powers and duties, not powers and optional services. The Notary in NY is actually ranked by executive law above a justice of the supreme court, and they can even grant declaratory judgment with respect to these administrative matters of non contention. So long as there is no dispute or contest these matters are well within the scope of the powers of the Notary. Once notice of protest for non acceptance is ignored, and in my experience it usually is ignored, the Notary can grant the judgment.

I realize that this process I use stands to take money out of the pockets of lawyers and those who might seek to deprive me of property under color of law, as I myself handle all of my affairs Sui Juris, and that is what my book is all about, teaching people to act honorably and use discussion to avoid conflict and claim and exercise rights as opposed to privileges of limited liability registration contracts, but every single point you made is completely incorrect, and for an Attorney quite surprising to hear.

I highly doubt you would mail me a signed letter in writing under oath, bond, and full commercial liability stating that Notaries Public do not have the authority to perform the functions I am requesting. I am sincerely trying to give everyone here the opportunity to do the right thing before I take any action, but I will use all lawful and peaceful means available at law to defend my rights and fulfill my duty to claim and exercise them. I mean no disrespect when I say this, but your message to me is so incorrect it border lines on gross negligence. You yourself certainly now have a duty to due diligence in this matter. I suggest you advise the Notary to simply perform the functions I am requesting as provided by law. Using discussion to avoid conflict in this manner is something I intend to do often.

The matter I am using discussion regarding is another of those matters where duty and honor do not afford me the luxury of doing what is easy above what is right. I sincerely hope that you review this matter and advise the Notary to perform. I do intend if necessary, to hold everyone involved accountable for their action or inaction. As of right now I can honorably allege a misdemeanor for failure to officiate and perform duties authorized by law. They also being completely unaware of these duties, make gross negligence, and dereliction of duty (abandoning duties) valid charges. And since they had a duty to due diligence once I brought this to their attention it is now willful, I may even consider obstruction of justice. Again I reiterate that all I want is to make use of powers authorized by law, and if I am able to do so I will take no further action and consider this matter resolved. Thank you for your time.

Sincerely,

Robert Johnson

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Sat, 17 Mar 2012  
(JOHN BAILEY TO ME)

Dear Mr. Johnson:

Thank you for your response to my outline of the Notary Public services afforded by the Town Clerk. At this juncture I respectfully disagree with your position, but I wish you well in dealing with whatever the problem you are attempting to address.

John Bailey

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Sat, 17 Mar 2012 10:33:18 -0500 [03/17/2012 09:33:18 AM MST]  
JCBWNY@aol.comAdd JCBWNY@aol.com to my Address Book  
(ME TO JOHN BAILEY)

I appreciate it. I would like to clarify exactly what you disagree with though. And of course your disagreement is not going to stop me from doing what I have to do. Please answer the following questions so I can understand exactly what it is that we disagree about.

1 Notaries Public may hold for collection negotiable instruments, bills of exchange, drafts, checks, notes, and other negotiable instruments authorized by NY executive Law Section 138

2. Notaries Public may protest for non acceptance / nonpayment of these negotiable instruments. authorized by NY executive Law Section 138

3. Notaries Public may perform any task necessary to carry out their duties as prescribed by NY Executive Law Section 138, holding for collection and protesting for non acceptance/nonpayment of negotiable instruments.

As I suspected you are entitled to disagree, but your opinions are not facts and contradict what the law says. I would be a fool to listen to you in spite of the law or my conscience, and I doubt you will clarify what you disagree with, or put anything in writing under oath as I do. Of course your opinions will not prevent me from filing criminal and civil charges against the notaries in question for these transgressions. And I doubt you will show up for those charges to defend your flawed advice, giving the notary an illusory sense of security.

Please be aware that it is not the town of Orchard Park that will be charged. I do not intend to bring any cause against the Town itself, but only against those people individually and personally responsible, The Town clerk and the Notaries on Staff will face the charges alone. The town itself has not done anything and is not responsible for Notaries whom are derelict in and grossly negligent of their duties. I do thank you again very much for your time, and reassure you that any action I take will be both lawful and peaceful.