

This is going to be a post you will wish to pay specific attention to. THIS information is going to greatly assist you in exhausting all administrative remedy, and attempting to avoid conflict. I have enough information below about the common law process of DISCUSSION that anyone can use it effectively if they merely study the information in this post and related links.

I was just asked to be a guest on a radio show to speak about common law and notices. I am solid in my notices and the specific use of common law discussion, a long established lawful process of NEGOTIABLE INSTRUMENTS which the Notary Public has long been a justice ranked above a justice of the supreme court. So the authority witnessing the truths sworn under oath literally become your own law so long as you truly understand the implications and consequences of signing such a statement, and you believe the statements made are true and correct. The reason NEGOTIABLE INSTRUMENTS, like "bills of exchange" which are technically what BOTH the NOTICES I use and the violation citations POLICE use, are so important, is because those ARE your FIRST avenue of due process of law. Your HIGHEST REMEDY IN COMMON LAW, and you are going right to the pinnacle of authority, a judge of COMMON LAW that is ranked above a justice of the supreme court. THIS is your court of common law. Your court of RECORD. As the Notary keeps a journal of ALL such notarizations. Protest for non acceptance of negotiable instruments is almost a LONG LOST practice. I myself had to teach a notary to do it to get them to do it for me, as well as completely threaten them with criminal charges if they did not do their duty. But then I showed them the below section NY Executive Law Section 138, and explained their duties under the law with respect to NEGOTIABLE INSTRUMENTS, instruments of COMMON LAW DISCUSSION, before a COMMON LAW notary public being an executive officer ranked above a justice of the supreme court, it does not take much addition to figure out that the NOTARY THEMSELVES can issue judgments with respect to these notices after protest for non acceptance is ignore as it is then CLEARLY within the notary's realm of power being a matter where there IS no dispute nor contest or challenge for the facts stated. So that by default is how you flip the script upon a violation citation bill of exchange/notice. YOU ANSWER IT and I have an answer prepared that I will be posting shortly to the group as an example, along with this message because it stirs such a profound response in me, because almost NO ONE is aware of this process of common law discussion that police use to kick peoples ass in court all day long. Most people show up never having answered the ticket in writing. It says right on it do not ignore it you must answer it or risk summary judgment and suspension of your license even JUST for default failure to answer. Similarly you impose the same requirement and put them into default. Because they cannot respond to this notice without telling you yeah its all a fraud.

VARIOUS STATES NOTARY PUBLIC LAWS THAT GIVE NOTARY POWER. this is what you show the notary to prove they have these powers. either discuss a matter in common law as an adult, or enter conflict like a child and enter civil maritime admiralty and appoint government MOMMY, and an attorney NANNY

<https://www.facebook.com/notes/sui-juris-law-the-self-governing/state-by-state-notary-laws/254682861284766>

NY EXECUTIVE LAW SECTION 138(Note, order of appearance in code ALWAYS denotes rank. The highest rank is ALWAYS listed first. THESE are EXECUTIVE OFFICERS.)

<https://www.facebook.com/groups/suijurislawtheselfgoverning/345089912244060/>

§138. Powers of notaries public or other officers who are stockholders, directors, officers or employees of a corporation. A notary public, justice of the supreme court, a judge, clerk, deputy clerk, or special deputy clerk of a court, an official examiner of title, or the mayor or recorder of a city, a justice of the peace, surrogate, special surrogate, special county judge, or commissioner of deeds, who is a stockholder, director, officer or employee of a corporation may take the acknowledgment or proof of any party to a written instrument executed to or by such corporation, or administer an oath of any other stockholder, director, officer, employee or agent of such corporation, and such notary public may protest for non- acceptance or non-payment, bills of exchange, drafts, checks, notes and other negotiable instruments owned or held for collection by such corporation; but none of the officers above named shall take the acknowledgment or proof of a written instrument by or to a corporation of which he is a stockholder, director, officer or employee, if such officer taking such acknowledgment or proof to be a party executing such instrument, either individually or as representative of such corporation, nor shall a notary public protest any negotiable instruments owned or held for collection by such corporation, if such notary public be individually a party to such instrument, or have a financial interest in the subject of same. All such acknowledgments or proofs of deeds, mortgages or other written instruments, relating to real property heretofore taken before any of the officers aforesaid are confirmed. This act shall not affect any action or legal proceeding now pending.

COMPLETE CONVERSATION WITH NOTARY PUBLIC. THIS is what I had to do to get the Notary to comply with what I was asking them to do. it is SO sad that protest for non acceptance is such an infrequently used LAWFUL common law process in disussion, that the Notary I used had been owner of the UPS store local franchise and a Notary Public for over 25 years and had NEVER ONCE had ANYONE request protest service for non acceptance of a negotiable instrument. Sad that mature adult responsible discussion has given way to conflict and attorneys . Anyway See for yourself and repeat.

<https://www.facebook.com/notes/sui-juris-law-the-self-governing/complete-conversation-with-notary/201309413288778>

UPDATE: I received a response from the Orchard Park NY town Attorney in response to my message to the Town Clerk seeking a Notary Public to perform their duties as prescribed by law. The Town Attorney like the the clerk is baselessly asserting that the Notary does not have the authority to perform the functions being requested. So here is my response to the town attorney. Most people would shit their pants and stop trying, but my honor and duty do not afford me the luxury of yielding.

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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This is the entire conversation I had with the Notary that gained cooperation from them and allowed me to obtain my notice of protest for non acceptance. BEGIN SUCCESSFUL SERIES

\*\*\*\*\*FIRST EMAIL TO NOTARY

PUBLIC\*\*\*\*\*

I want you to be aware of things that are going on. I am the young gentleman that has come in a couple times for notarizations. Foremost I want you to be aware that I do not hold you responsible for the things I am going to explain. I have been speaking with the State of New York's State Department Licensing Enforcement Division regarding notarial powers and duties, and they were not aware either, and as such I cannot hold you accountable for not being aware of this up until this point.

After speaking with the State of New York's State Department Licensing Enforcement Division, regarding NY Executive law Section 138 (provided below), it is clear that as a common law Notary Public, you are infact a court officer. You have the power to hold notes, and bills of exchange, as well as other instruments, for collection. You also have the power to protest the same for non acceptance / non presentment. As a court officer you have the authority to issue administrative default judgements related to this process of discussion to avoid conflict.

I want to make it clear that I am not complaining against you to them, they were just as unaware as you are. Because your powers are clearly spelled out in law, no one with a B.A.R. card within the Department of State is going to sign a statement claiming you do not have these powers, as such a statement would be prima facia evidence of gross negligence equal to fraud, and a court officer committing perjury.

Please review NY Executive law Section 138 and contact the State of New York's State Department Licensing Enforcement Division regarding this. As this section is titled "powers and duties" it is clear that you not only have these powers, but a duty to perform them.

I at this point am holding the original bill of exchange and have proof of service of that. At this point under your powers the notices of dishonor, and protest for non acceptance are supposed to come directly from you, I get the originals and the other party gets the certified true copy. I would be happy to provide you these notices as I already have them crafted and 1 is now notarized by you, but it is your responsibility to affect service of these other notices at this point, as a court officer. Thank you very much for your time and cooperation.

Most Sincerely,

Robert

NY EXEC LAW SEC 138

§138. Powers of notaries public or other officers who are stockholders, directors, officers or employees of a corporation A notary public, justice of the supreme court, a judge, clerk, deputy clerk, or special deputy clerk of a court, an official examiner of title, or the mayor or recorder of a city, a justice of the peace, surrogate, special surrogate, special county judge, or commissioner of deeds, who is a stockholder, director, officer or employee of a corporation may take the acknowledgment or proof of any party to a written instrument executed to or by such corporation, or administer an oath to any other stockholder, director, officer, employee or agent of such corporation, and such notary public may protest for non-acceptance or non-payment, bills of exchange, drafts, checks, notes and other negotiable instruments owned or held for collection by

such corporation; but none of the officers above named shall take the acknowledgment or proof of a written instrument by or to a corporation of which he is a stockholder, director, officer or employee, if such officer taking such acknowledgment or proof be a party executing such instrument, either individually or as representative of such corporation, nor shall a notary public protest any negotiable instruments owned or held for collection by such corporation, if such notary public be individually a party to such instrument, or have a financial interest in the subject of same. All such acknowledgments or proofs of deeds, mortgages or other written instruments, relating to real property heretofore taken before any of the officers aforesaid are confirmed. This act shall not affect any action or legal proceeding now pending.(END)

\*\*\*\*\*FIRST RESPONSE FROM NOTARY  
SUPERVISOR\*\*\*\*\*

Mr. Johnson,

My name is \*\*\*\*\* I am a notary public and the owner of The \*\*\*\*\* Store that employs \*\*\*\*\*. In reviewing your e-mail, it is not really clear what you are referring to or are looking for her to do.

The section of the law that you quote clearly states that it refers to powers of notaries public or other officers who are "stockholders,directors,officers or employees of a corporation". This is clearly not the case. \*\*\*\*\* works for me.

Further, later in the body of the quoted law it states said notary "may take the acknowledgment... and later states "and such notary public may protest.etc. This would seem to indicate that in the case of a notary who meets the previous requirements has the option to do these things, but can not be compelled to do them.

We do not intend to hold notes or to be involved in any financial transactions. The part of the notary law we are involved in involves verifying ID and witnessing signatures. There are many aspects to the notary statute and they all do apply to everyone who is a notary.

I hope this clears up this matter.

Yours truly, (END)

\*\*\*\*\*MY RESPONSE TO NOTARY PUBLIC MY 2ND  
MESSAGE\*\*\*\*\*

I appreciate your response however it does not address the concern. I want to make it clear that my intent is not to cause any kind of harassment. With all due respect, without intent of insult of any kind, it is not my responsibility or desire to teach someone how to read law. I simply want the Notary to be empowered and informed of, and to perform ALL duties required under the law, which I happen to be in need of. I will correct your flaws in understanding to remove the confusion.

For starters section 138 says Powers of notaries public or (not and) other officers or (not and) employees. Also sections 134 through 138 are titled POWERS AND DUTIES EXECUTIVE LAW. Not "Powers and optional services if someone feels like performing them.", but Powers and Duties. All of this can be varified by <http://www.dos.state.ny.us/lcns/lawbooks/notary.html>

As for your contention that "may" is permissive, that is not correct, the term "may" means "must" or "shall" according to 34 Am Jur. Section 72. Also as worded in Pape v. Dept. of Labor & Indus., 43 Wn.2d 736, 741, 264 P.2d 241 (1953). the word is interpreted to mean "shall" or

“must” whenever the rights of the public or of third persons depend upon the exercise of the power or performance of the duty to which it refers. “. In this case the right of the public, ME, depends upon the performance of the duty to protest for non acceptance.

A Notary public does have the powers AND DUTIES to perform the services I am seeking, this is not even a question, and luckily I know how to read law and am well versed in law, or I would have been miffed by your response. What I am looking for is simply for the Notary Public, who is a common law notary, a court officer, to fulfill her duty under the law, to protest for non acceptance of my bill of exchange, which she notarized, I signed, and possess proof of service of. What specifically I want is for her to affect service of notice of protest for non acceptance, upon the party I am attempting to enter discussion with, and to hold my bill of exchange for collection as required by law.

Duties are not optional, they MUST be performed. I suggest that unless you or I receive a signed statement from someone in the State Department with a B.A.R. card, under oath, bond and full commercial liability, claiming that these powers do not exist, that you should reconsider your contention in the face of the law as well. If someone with a B.A.R. card claims this under oath, their signed statement will be evidence of gross negligence equal to fraud, and prima facie evidence of a court officer perjuring themselves, and under that scenario I would immediately file a claim against their bond.

I have no desire to quarrel with the Notary. I will take all lawful peaceful steps necessary to preserve both my duty to claim and exercise rights, and the powers of Notaries Public. I urge you yourself to contact the gentleman I have been speaking with in the State Department, and ask him to have someone there with a B.A.R. card claim in writing that Notaries do not have these powers and duties. His name is \*\*\*\*\* and his email address is \*\*\*\*\*@\*\*\*\*\*.com , it will never happen because lawyers know they would be perjuring themselves to sign such a statement.

I want you and \*\*\*\*\* to know that I do not hold against either of you your lack of awareness regarding these issues, and hold no hard feelings or ill will against either of you, or even the gentleman at the Department of State Licensing Enforcement Division. Now that you are aware however, I must insist that I can no longer allow ignorance of these issues to be used as an excuse to fail to perform Notarial duties. Thank you sir very much for your time and attention to this matter.

Most Sincerely,

ROB

\*\*\*\*\*NOW COOPERATIVE RESPONSE FROM  
NOTARY\*\*\*\*\*

I must admit that the course of this discussion has left me perplexed. I have been a notary for 20+ years and have never encountered this situation before. I am not an attorney, nor do I pretend to be. In all this quoting of laws and interpretations of language, etc., I still have one question. Can you please tell me, in plain language without the legal jargon, what exactly it is you want us to do? This salient issue is still not clear to me. Clearing this up for me will be helpful.

\*\*\*\*\*MY RESPONSE AGREEING TO  
MEET\*\*\*\*\*

I do apologize for this, I do understand that Notaries Public have been left in the dark regarding these issues. I certainly do not want to do anything that would put you in a position to get into trouble of any kind. I am sympathetic that you are not an attorney, and I do not intend to hold you to that standard, I will certainly explain in plain language the entirety of what I require. Without the gobbly gook of lawyer speak.

I have served a Notice of Understanding, Intent, and a claim of right. This is not a legal document, it is simply a notice, a bill of exchange. It is an unconditional order in writing requiring the party to whom it is addressed to pay, or perform upon a demand. The legalities of this are not important. What is important is that I have crafted a proper bill of exchange, it was notarized, and properly served, evidenced by proof of service via certified mail return receipt.

At this point what I want, is for the Notary, to hold for collection, my bill of exchange, that original document which I possess, as well as the proof of service, and to serve a notice upon the other party, (that I have already crafted for you) advising them that they have dishonored my bill of exchange, which also grants another 10 days for a response to be registered in your office in honor. As you are given the authority to hold it for collection, you have the authority also to certify true copies of the other notices, and to serve them.

If I get a response everything is done, if there is no response to the notice from the notary, the notary sends a "notice of protest for non acceptance", (again I have crafted this document for you as well, both are in my possession, I will receive all originals back from your office if there is no response). If I get a response to the notice of protest, all is done, if I do not, I take all of these notices to a Justice of the Peace, and they will grant me a Declaratory default judgement of Estoppel. You as the notary in your administrative capacity as a court officer, have the authority to grant this yourself, but I would not ask that of you unless you were comfortable doing that, fulfilling your duty with regards to protest for non acceptance will suffice. As a court officer you do have this authority in administrative capacity, as there has been no response, there is no contention, it is a default matter.

This is the lawful process of discussion to avoid conflict. I do not wish to take anyone to court, I simply want to talk. What I am doing is the honorable thing to do, being that what I am claiming the right to do, could potentially lead to conflict, I am advising the other party of my intentions, my understanding, and claim of right, incase there is a dispute to the things I am claiming. If I do not receive a response after these notices, I will then remain in honor for offering discussion prior to conflict, and can assume my claim is valid. If conflict does arise after discussion, this default judgement of estoppel I am seeking, is my lawful excuse, for doing whatever I was doing, where conflict arose. If I were to do this without offering discussion and conflict arose, I would be in court in conflict in dishonor.

I do not like lawyers anymore than anyone else does. I do not wish to deal with them, and I do not have to. I can remain in honor and operate upon a lawful excuse in that of a claim of right, and if any conflict arises I just show the judge my judgement and I win. I would be happy to teach you all of the ins and outs of this common law procedure. But it is simply based on the honorable thing to do. If I want to cut down my tree, it is honorable to discuss it with my neighbor, to avoid conflict.

I will be happy to come in and sit down with you to discuss everything in complete detail with you. I want you to be informed and to be certain you are operating according to your duties provided by law. I can absolutely walk you through this process, as I intend to use it often, I am going to need a Notary to be informed. You being informed benefits me, so I will absolutely



assist to preserve and protect the powers of your common law position. The Sheriff is a common law position as well.

To summarize, I would like to come in, and to give you the notice you are to send to the other party, you hold the original and make certified true copies of that, then serve the certified true copy. At this point we are at the stage of "Notice of Dishonor", which I have crafted. I will craft all of the documents, and I will serve the initial notice by certified mail return receipt every time. After that I would like you to send the notice of dishonor, and the notice of protest for non acceptance, as that is your authority, and not mine.

If at any point any one ever contacts you regarding this, and claims you cannot do this, tell them to have someone with a B.A.R. Card sign that claim under oath, bond, and full commercial liability. They will never put that in writing, because it is not true. You may feel free to contact me anytime. I am available tomorrow to come in and explain the next notice and elaborate on the process if needed. Thank you very much for your time and attention to this matter sir, I greatly appreciate your cooperation.

Most Sincerely,

Rob