

City of Buffalo Parking violations Bureau Room 111  
65 Niagara Square  
Buffalo, NY 14202

**2nd Notice NOTICE OF DISHONOR, RE: NOTICE OF ORDINANCE, NOTICE OF  
DISCHARGE, NOTICE OF IMPENDING DEFAULT JUDGMENT**

**NOTICE ALSO THAT I HAVE ANSWERED THIS NOTICE, SO YOU MAY NOT  
SUSPEND ANY LICENSE THAT MAY EXIST, AND THAT THE ONLY THING THAT  
COULD POTENTIALLY BE SUSPENDED IS THE COMMERCIAL PERMIT,  
NOT MY PRIVATE RIGHT TO TRAVEL**

Dear Parking violations Bureau,

This notice is to answer your notice of ordinance, notice date 11/30/2012 notice DUE date 12/20/2012. I acknowledge receipt of your notice and hereby discharge this notice by seeking clarification. I do not understand the cause and nature of the charges and proceedings that appear to be against me. The alleged amount owed is 115.00, the previous amount owed as stated by the first notice is 50.00. There appears to be some miscommunication in this matter, as I certainly do not recall having been found guilty of this alleged crime.

The primary focus of concern in this matter regarding your notice is the very first thing it claims I have failed to comply with. "1. Respond to parking ticket listed here in and to a notice of impending default judgment". This error is acknowledged on your part and excused, the fact is that you DID receive a "response" to the parking ticket. This response was received by you verified by certified mail U.S.P.S. tracking ID# 70120470000074157913. Acceptance is verified delivered as August 24, 2012, 11:24 am BUFFALO, NY 14202. The response notice was entitled "Notice of Conditional Acceptance / Notice of Discharge By Way of Seeking Clarification / Notice of Non Presentment." In my response I do not dispute the charges, but I also do not accept or consent to stand under them. My response acts in honor, and offers conditional acceptance, but more so it offers discussion to avoid conflict. I ask for only 2 things in my response, 1. a signed original bill, and 2. a copy of the lawful 2 party contract that makes me liable to pay it. And I agree to pay any debt which I am lawfully contractually obligated to pay.

It is important that your department understands that THIS notice IS a response to YOUR notice, and that the notice I sent which was delivered to you on August 24, 2012, 11:24 am IS a response to the parking ticket. As I understand it this means the contention of your notice that I have failed to respond to a parking ticket, if you dispute this you must answer this notice in writing. My response to the ticket S9427663 delivered on August 24, 2012, 11:24 am ALSO imposed against the City of Buffalo Parking violations bureau, notice of impending default judgment. Because I have responded honorably to your parking ticket, and we are equal, I can impose any requirement upon YOU that you can impose upon ME. As it stands the City of Buffalo has still not responded to that notice, so this notice I just received from you is not valid because you are currently in default and dishonor for non acceptance of my notice in response.

I do not know if perhaps your department is unaware of exactly how to make use of the very common law, administrative process, of discussion that you demand as a standard, by requiring a response in the first place. But the fact of the matter is that a response WAS given in writing. I have already appeared before a "hearing officer" whom I might add is not in a position to determine guilt. Just so there is no confusion, my attempts to offer discussion in THIS notice and first on August 24, 2012, to avoid conflict, are necessary in order for me to be duly informed of the cause and nature of the charges and proceedings against me. At this hearing I was not permitted to confront witnesses, nor was there any opportunity for discussion and discovery in spite of the fact that this has been requested in writing long before the date of this hearing. ALSO at this hearing I motioned to dismiss, but the hearing officer cut me off and did not allow me to explain. The cause of my motion to dismiss was due to the fact that I responded to the ticket, imposed an obligation to answer just like you did, and I was ignored, so just as the City of Buffalo could have secured a default judgment had I failed to answer the parking ticket notice, I qualify to have default judgment in MY favor granted and the charges dismissed, but the hearing officer REFUSED TO HEAR THE MOTION, in violation of due process of law and in complete dereliction of her duty and gross negligence, stated that she was "sustaining the ticket".

Due process of law has been violated here. I advised the hearing officer that I would be exercising my right to a jury trial in this matter, and the hearing officer violated that right, by stating I did not have a right to a jury trial. The fact is that I DO have a right to have a jury decide this case. The amount in question exceeds 20.00, and the right of a jury trial is not to be infringed, as protected by the 7th amendment to the Constitution for these united States.

Every action from the initial ticketing of my car, to the increasing amount of the amount allegedly due, equates to intimidation in the free exercise and enjoyment of my rights. This is very simple, I have a right to receive a bill and a copy of a contract for ANY alleged debt. There was never a bill DULY presented, and you were noticed of this in my response on August 24, 2012, as non presentment was one of the highlighted notices at the very top of the notice. It also appears as if there is a conspiracy to deprive me of my rights under color of law. The City of Buffalo by increasing the penalty amount of a fine, simply because I have chosen to fulfill my duty to claim and exercise the right to defend myself and property, has imposed a fee for the exercise of a right, and used this imposition of a fee to intimidate me from exercising my right to a trial by jury. These are crimes specifically prohibited by 18 U.S.C. 241/242. In addition the hearing officer was grossly negligent for sustaining a ticket that was responded to and the City of Buffalo was in default with respect to, having failed to answer the answer which sought clarification. I hope that you notice this notice, because the fact is the city of Buffalo is in default on this matter and the charges should be dismissed immediately according to all that is law and justice.

This notice I am responding to now also states that I have failed to "pay the amount of judgment following a finding of guilty by a hearing officer." The problem with this is that a hearing officer is not a judge, does not allow the confrontation of witnesses, and is conducting a hearing not a trial so NO ONE can be found GUILTY of ANYTHING by a hearing officer. This is a further violation of due process of law, attempting to merge a hearing which is intended to inform the individual of the nature and cause of the charges and proceedings, WITH a trial. ONLY a JURY or a JUDGE can hand down a lawful finding of guilt.

Further more as mentioned in the first notice I sent in response to the ticket, I do not understand the cause and nature of the charges proceedings or your communications and notices to me at all. I am not incompetent. I am saying that I do not consent to stand under the cause and nature of the charges and proceedings against me, and that this is because there has been no discussion or discovery in this matter which could clarify. From the information I have received so far I see nothing that indicates that there is a real party of interest or a complaining party alleging under oath damage or injury to person or property, nor violation of a lawful right. As such it appears clear that this is not a criminal matter, because there is no valid cause of action, no corpus delicti, no actual or justiciable controversy, and there is no evidence of standing, there is no evidence of jurisdiction either. No court has as of this time, acquired "oath to speak" by the transference of oath from a complaining party regarding this. As this is indisputably true the only possible alternative is that you are claiming that I owe someone some debt. It is not clear whom I owe, nor do I have record of this debt. AGAIN I request a signed original bill, and a copy of the lawful 2 party contract which you base these charges upon. The statutory charges that seem to be alleged in this matter are but an infraction, a violation of the terms and condition of a contract, but as far as I am aware I am not in contract, nor bound to those rules.

Finally, in closing, the alleged accusation is "Parking without Consent". I do not require consent to make use of any public area, so long as I do not infringe upon the rights of others or damage person or property. The place I was cited for parking at was property of the City of Buffalo, PUBLIC PROPERTY, and I AM a member of the public who owns this property. it is no different than having parked my car on a side street over night. MY individual rights are the highest laws in these matters where there is no harm to others, my right to make use of public common ways is not subject to consent or permit. I did not park without consent because I did not require consent. It is like charging me with going to church without a permit, or shopping without consent. My right to enjoy my property and to make use of public common ways cannot be infringed, nor can my right to have a jury decide this matter. I trust that this charge will be withdrawn for your current state of default, if not it WILL be dismissed at trial.

The options provided are insufficient to allow me to act honorably while fulfilling my duty to claim exercise and defend my rights and property. I state again, I am NOT entering a PLEA at this time, of ANY KIND. It is premature to do so, we are still in the process of discussion attempting to avoid conflict. please take whatever steps you need to get these charges withdrawn as I wish to save the court time and the City the embarrassment.

Signature

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Notary

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