

Randall Kay
City Hall
City of Buffalo Parking Violations Bureau Room 111
65 Niagara Square
Buffalo, NY 14202

NOTICE OF PROTEST FOR NON ACCEPTANCE /
NOTICE OF PERMANENT ESTOPPEL BY ACQUIESCENCE

Notice to agent is notice to principal, notice to principal is notice to agent. Affected parties wishing to dispute the claims made herein or make their own counterclaim must respond appropriately within TEN (10) days of service of notice of this action, and must register their response in this notary public office either in person or by certified mail, under oath, bond, and full commercial liability. Failure to respond will result in
DEFAULT JUDGMENT

Dear Randall Kay Supervising Hearing Officer,

This notice of protest for non acceptance is being served because throughout this discussion process the City of Buffalo has remained in default and dishonor for failing to accept these notices and send a valid response. The City of Buffalo has not met the requirements for a valid response in this process of discussion which YOU yourself demanded and initiated on 08-21-2012 when this violation ticket was issued.

It appears as though The City of Buffalo does not fully comprehend exactly how this common law process of "discussion" works. The City of Buffalo Demanded within 15 days, an answer in writing, which I DID provide, which was confirmed received by you on 08-24-2012. This ticket which I still possess says right on it in bold not to ignore the summons, that "failure to respond will result in default judgment". So I did respond, this is verified received by tracking ID# 7012 0470 0000 7415 7913. I served my "response" titled "NOTICE OF CONDITIONAL ACCEPTANCE / NOTICE OF DISCHARGE BY WAY OF SEEKING CLARIFICATION / NOTICE OF NON PRESENTMENT". My "RESPONSE" offered discussion in honor in common law to avoid conflict, and also offered honorable conditional acceptance. I asked for only two things to validate your claim that I owe you money for some reason. I asked for 1. An original signed bill, and 2. A copy of the lawful 2 party contract that makes me liable to pay said bill. I did not in my response create conflict nor dispute in dishonor. As for the contention of the City of Buffalo that I "technically have exhausted my remedy with the City of Buffalo", if it were the case that I relied upon the City for advice on my lawful remedies under the law I would not have known I had the option to offer conditional acceptance in the first place. I do not require legal advice from the City of Buffalo as to what my remedies under the law are.

I DID as you acknowledge appear before a hearing officer. But there are several major problems with that. To begin the hearing officer, did not conduct a proper hearing. I was not at any time, and still have not been properly informed as to the cause and nature of the charges and proceedings against me. As the title implies a HEARING OFFICER has the authority to conduct HEARING. I am not certain how it is exactly that the contention that a hearing officer some how possesses judge powers or the authority to determine someone's guilt WITHOUT hearing evidence and also refusing to hear motions, came into existence.

The purpose for this hearing according to due process of law was to inform me of the cause and nature of the charges and proceedings against me. There was no such conveyance of information nor was

there any discussion forthcoming which would have explained, in spite of my having offered discussion to avoid conflict in response to this violation notice. The single most important fact that seems to escape the City of Buffalo here is that I responded to the original summons timely and lawfully, and I imposed the same obligation that the summons did, because we are equal, that a response was required within 15 days and failure to respond would result in default judgment. It was the city of Buffalo that initiated this discussion. I did NOT receive a valid response, nor any response of any kind for that matter within the time frame allotted. As such I DID appear then in front of a hearing officer. I intended to move to dismiss the charge because the City of Buffalo was in default and this was proven by certified mail service with a tracking number. Because the City of Buffalo had failed to answer my answer and provide an original signed bill and a copy of the lawful 2 party contract as conditional acceptance demands to validate the debt, my notice answering the summons DISCHARGED the summons, and there was no response to recharge the summons. Instead of dismissing the charge as lawfully should have been done per the preponderance of evidence before the hearing officer, the hearing officer COMPLETELY IGNORED the notice I sent responding to the summons, and proof of service. The hearing officer refused to even hear the grounds for the motion to dismiss. The motion was summarily and arbitrarily ignored without an answer of any kind. It is without question clear that this matter had been decided prior to my even having entered the hearing room. This constitutes a gross miscarriage of justice.

After the motion was ignored it was made clear to the hearing officer, who failed to inform me of the cause and nature of the charges and proceedings against me, that I would be exercising my right to a jury trial. I was informed by the hearing officer that I did not possess the right to a jury trial, and I am again now being told by YOU, Randall Kay, that I do not possess a right to a jury trial. Let us clear this matter up right now shall we.

You claim and I quote, “The New York State Vehicle and Traffic Law does not provide for jury trials”. I do not know what LAW you are reading, or what it is you are calling law, but “THE LAW” most certainly DOES provide for a jury trial. Both the 6th amendment and the 7th amendment to the Constitution for these states united provide for a jury trial. Thankfully I do not require for the specific section of statutory code that you cite to specifically provide for a jury trial as THE LAW itself does that. I also understand that I have a lawful right to DUE PROCESS OF LAW, and that I cannot be deprived of life, freedom, nor property, absent due process of law, and due process of law MEANS a trial by a jury of my peers. It is also now very clear that you Mr. Randall Kay, are a co conspirator in this conspiracy to deprive me of my lawful rights, and that the invalid communications I have been receiving from the City of Buffalo are intended solely to cause intimidation in the free exercise and enjoyment of rights. I am apologetic that you do not comprehend the remedies that are available to me at law. I am sure you believe that I have exhausted all remedies with your bureau, but the remedy I sought from the very beginning of this was discussion itself. Discussion is its own administrative remedy at common law, a process YOU initiated and fell into default and dishonor in. The fact is that the hearing officer committed a fraud, gross negligence for failing to differentiate between these statutory rules and the law as you are also now doing, when she did not dismiss the charges.

The hearing officer also committed perjury, criminal impersonation of a judge when she took it upon herself to assume the role of a judge and determine guilt or innocence. A hearing officer is not a judge, and a judge can only determine guilt if the right to a jury trial is waived. I never waived my right to a trial by jury. The right to a jury trial is not something that any specific section of law has to provide for as you so incorrectly contend. A jury trial is the lawful right of everyone if another entity intends to deprive them of life, freedom or property. It was entirely improper, an egregious violation of due process of law, for the hearing officer to take the actions that she took. My remedy for that was the fact that I lawfully served a notice of criminal complaint upon the Buffalo police department under oath and penalty of perjury accusing and alleging against the hearing officer, several very serious crimes, which charges I will be pressing and adding you as a named party to both the criminal charges and any and all upcoming civil suits related to the egregious document, and self evident violations of my rights in this matter. I intend to aggressively defend

these rights I am claiming and insist upon them using all peaceful and lawful remedy available at law to do so. I am also going to be contacting the DMV and providing them a copy of all of the notices which explain the facts of this matter. If the DMV complies with your requests they will also be pursued for this lawless action.

In regard to the penalties, your contention that appeal is my only option at this point is also not correct. Because the initial summons was answered and you are in default and these charges should have been dismissed, as a maxim of law the courts MUST see them as having BEEN dismissed. because the initial charge is not valid, neither are the penalties associated with them. As I have remained in honor this entire time and conditionally accepted your notices offering discussion first honorably, I can no unequivocally say that I refuse to pay because I do not consent to stand under the cause and nature of the charges and proceedings against me, as there has been no discussion or discover, and I am now noting and noticing you, putting you on notice that I am in protest for your non acceptance of my notices offering discussion to avoid conflict, and that if this notice is ignored I will possess sufficient evidence for a summary judgment when I take this matter to civil court naming all parties involved individually, joint and severably liable, for both civil penalties and criminal charges. When the civil suit is filed in this matter it will be requested that it be referred to the D.O.J. for criminal prosecution of the apparently routine violations of due process of law that your bureau routinely engages in, extorting money from unwitting people by fraud, constructive fraud, and deliberate deception.

it is time to answer some very serious questions there is no contention in the record. So now come some very serious questions that you must answer, and in the event that you fail to answer these questions the answers provided will be accepted as the correct answers by default.

If there is no VALID response given to this notice all of the answers given will be assumed correct by default and this notice of protest for failure to accept notices offering discussion to avoid conflict, will be cured within 10 days from the date it is received if there is no response. This will create a mutual understanding by acquiescence and permanent estoppel permanently enjoining you from raising these issues in the future. Further more these three notices I have sent regarding this matter are sufficient evidence being notarized, for any court of law, to secure default judgment in my favor immediately. I am giving you one final opportunity to withdraw or dismiss these charges alleged against me otherwise I will be filing charges of my own for this criminal attempt to extort money from me under color of law.

1. Are you claiming that I do not possess the lawful right to a jury trial in this matter?(YES)
2. Does this matter exceed 20.00? (YES)
3. Does the City of Buffalo intend to deprive me of property that exceeds a value of 20.00 twenty dollars? (YES)
4. Are you claiming that I do not have a lawful right to not be deprived of life, liberty, or property, without due process of law? (yes)
5. Do you understand that your bureau's violation of my lawful rights are in themselves crimes, and also constitute damage or injury to my property, because my rights ARE my property?(YES)
6. Are you claiming that the biased predetermined decision of a hearing officer constitutes due process of law?(NO)
7. Are you aware that the 5th amendment to the constitution for these states united provides that I cannot be deprived of life liberty or property absent due process of law, that the 6th amendment protects my right to a jury trial in all criminal cases, and that the 7th amendment protects my right to a trial by jury in any case where the value in controversy exceeds 20.00?
8. Are you aware that the lawful fundamental rights of the individual are the highest law and any statutory code or act that infringes those rights or conflicts with the rights of the people is void?(YES)

Please be aware that all individuals involved in the unlawful violation of my rights, all people involved in any degree with attempting to intimidate me from freely enjoying and exercising my lawful right to a jury trial in any matter that exceeds 20.00, all who had anything to do with attempting to convince me that what has happened constitutes due process of law, will be prosecuted to the fullest extent of the law for their crimes. The fraud, the gross negligence, the misfeasance, the malfeasance, the dereliction of duty, the violation of the oath of office, the act of converting justice into a tool to create a revenue stream for the State, is a criminal betrayal of justice. Anyone who in any manner, attempted to deceive me in this matter and deprive me of property or freedom under color of law in this matter, will be charged. One of 2 things is going to happen here.

EITHER the City of Buffalo will produce a contract showing where I have agreed to such fines for violating the terms and conditions of those contracts, and produce a signed original bill, or it is assumed that there is no lawful debt owed and any further attempts to collect any fine amount from me will be viewed and prosecuted as extortion and fraud. What I suggest is that the City of Buffalo simply withdraw or dismiss these charges. Otherwise there WILL be a jury trial in this matter, except it will at this point be the hearing officers facing that trial in the line of criminal charges as were served upon the Buffalo police against the hearing officer, AND a multimillion dollar law suit. In addition This notice of protest for non acceptance, is being served under protest and duress, in response to an invalid response I received from you advising me that I have no remedy available to me.

I am aware however that these notices themselves ARE my remedy, and I will be contacting the DMV advising them NOT to act with respect to your fraudulent notices, where you will have to commit perjury and claim that I failed to answer the summons, failed to appear, and ignored notices. I DID NOT, and can PROVE a response was sent to each notice I received from you. The 2nd notice I received from you which was an invalid response to my first notice and prompted MY second notice, was a notice of impending default judgment. I received this notice AFTER I had appeared before the hearing officer. They attempted to RECHARGE the summons, however they failed to do so because I again responded honorably and discharged that notice. Again I really believe that the city of Buffalo does not understand how the process of discussion works. This third and final notice is the last notice you will receive. If there is no valid response to the notices I have sent given under oath and penalty of perjury, I will 10 days after you receive this notice, qualify for permanent estoppel by acquiescence, and can secure a default declaratory judgment in this matter.

I here by swear under oath and penalty of perjury that everything stated in this notice is true and correct to the best of my knowledge and sent in good faith pursuant to my duty to defend claim and exercise rights and that I have personal knowledge of the facts contained within. Again CAUTION, failure to respond to this 3rd and final notice will result in permanent irrevocable estoppel by acquiescence and will exhaust all administrative remedy as you yourself have claimed in the most recently received invalid response intimidation attempt. Once I exhaust all administrative remedy at common law discussion I will be in an appropriate position to begin civil proceedings.

Signature

Notary
