

STATE OF MINNESOTA
Minnesota Supreme Court

Sharon Anderson BFA,

Petitioner

v.

Petition for Writ of Prohibition
Quo Warranto

Marcia Moermond, Chris Coleman,
Debbie Montgomery, Dave Thune,
Pat Harris, Jay Benanav, Lee Helgen,
Dan Bostrom, Kathy Lantry,
John Choi, Lisa Vieth, Judy Hanson
Jerome Ludden, Jack Reardon, Bob Kessler,
all Personally and Professionally, and the
St. Paul Regional Water and Directors,
St. Paul City Council and the City of St. Paul

Respondents

Proposed "Trial Court": St. Paul
City Council via legislative appeals
officer, Marsha Moyhand, regarding
St. Paul City Council Hearing
File: Re: 697 Surrey Ave File #06-
077356 hearing 06/06/2006

To: 1) RT. HON. Russell Anderson Chief Justice, Minnesota Supreme Court, Minnesota
Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55101, Fax: 651-
297-4149
2) St. Paul City Attorney, 400 City Hall, 15 W. Kellogg Blvd., Saint Paul, MN 55102, Fax:
651 651-298-5532 (City Attorney), Fax 651 266-8574 (City Council and Water Board) and
Fax: 651 266-1926 (City works)

RELIEF SOUGHT

This action is brought pursuant to jurisdictional authority stated in Minnesota Statutes
§2.724 Chief Justice.

The Petitioner, requests a Writ of Prohibition, restraining the Respondents from all
legislative hearing officers appointed by same, inclusive their agents and employees, acting as

adjudicators for abatements and condemnation, in any administrative hearing, that does not give full access to courts in the judicial branch, and allow full due process, discovery and subpoena power.

This action arises regarding the circumstance of a fraudulent claim, by Jerry Ludden from St. Paul Regional Water, in violation of Minnesota Statutes, §609.43, that the replacement of interior and exterior water meters were necessary, when in fact these meters were and are working, and the consequent withdrawal of Petitioner's water services therefore, when Petitioner refused to allow this change which involved violation of her privacy and access to the property.

As the matter has escalated the Respondents are attempting to condemn the property in a "legislative hearing" body, such bodies, which are by definition, not courts of law and which do not grant, inclusive but not limited to, subpoena power and discovery defined due process. These legislative administrative processes, purport to remove the judicial branch of government from law enforcement concurrent to implementation of "legislative courts" which contravene the, which also authorizes similar abatements with respect to violations of the condemnation buildings, without the authority of a finding in district court of law, that shows wrongdoing and justification as defined under the Eminent Domain law, in effect as of May 15, 2006.

STATEMENT OF FACT

Background

This action, under the legal supervision and advice of Lisa Vieth, is one in a series of similar legal actions in which Ms. Lisa Vieth has advised the city to prosecute the Petitioner, wrongfully and unsuccessfully, because Ms. Lisa Vieth has pursued harassing criminal charges knowing that no crime as defined by city ordinance, or state or federal law has been committed

by Petitioner. In this matter Lisa Vieth has advised the St. Paul Water Board to disconnect the Plaintiff water on the fraudulent pretence that the interior and exterior water meters do not work, so that the City can attempt to condemn the property of Petitioner. There has been a pattern of this kind of behavior involving a series of similar activities by the City, for example the case of Betty Speaker, a 68 year old senior woman who owned her own home.

<http://www.angelfire.com/mn3/andersonadvocates/2006water/water.html>

<http://www.watchdog-news.com/watchdog-0506/0506-page03.htm>

<http://www.watchdog-news.com/watchdog-0506/0506-page08.htm>

<http://www.watchdog-news.com/watchdog-0506/0506-page09.htm>

These actions have been done without due process and instead involve quasi-judicial hearings by city planners and the city council, who are in the executive branch, and who have the agenda of gaining more property for the city, without paying fair compensation.

Petitioner has several physical disabilities including a broken ankle, sustained because of the stress from the harassment the city exerted, which Petitioner is still recovering from.

The City of St. Paul and the City Attorney has in the recent past also engaged in similar harassment, namely:

- a) Various complaints relevant to Petitioners dog which were withdrawn.
- b) Various complaints about Petitioner 's gardens/yard, which have been withdrawn

The previous matters were resolved by administrative means via the St. Paul City Attorney in all matters.

Facts of Current Case

In this current instance, the basic facts are as follows:

1. Petitioner is a sixty eight year old disabled woman who lives alone, at 697 Surrey Ave, St. Paul, in a property that is about 70 - 100 years old, and has a history of very frugal use of water, with quarterly bills of about \$17.00, all of which is known by Respondents.
2. The current interior and exterior meter were installed in about 1992, at the same time these were installed in the neighboring properties, and there is no known problem with any of the meters at 697 Surrey Ave, or in any of the neighboring properties.
3. Approximately seven of the immediately neighboring properties are empty for reasons unknown and may have been purchased, or obtained by other means, by the City of St. Paul for redevelopment,
4. That the City of St. Paul has engaged in patterns of systematic harassment, intimidation, threats of police action, and made frivolous complaints of code violations to force elderly, disabled, women, from their homes, as detailed in the Betty Speaker case, which started by giving voluntary access to City of St. Paul Officials, to property, which amounts to legal misconduct that is in violation of Minnesota Statutes, §609.43.
5. That this May, 2006, in order to obtain “voluntary granted access” access to Petitioner’s home, St. Paul Regional Water, falsely claimed that the water meter was not giving any reading because the readings were (as they had always been in the past) low, and that St. Paul Water wanted to gain access inside Petitioner’s home to replace the water meters; with a police escort and presence:- and this claim appears to have been nothing more than a pretence: as no city engineer has been willing to sign a professional, written, report that verifies and legitimizes that the meters were not giving readings or that the existing meters

were broken; only the supervisor, Jerry Ludden, who is not an engineer, has made these claims, and has used bully like tactics against Petitioner, inclusive threats of police action.

6. Before acting in purportedly shutting the water off Regional Water gave Petitioner a hearing, which precluded Petitioner from discovery and the right to compel the agency to provide evidence.
7. Consequently, after returning to the property several times, to turn of the water repeatedly, usually with police, and taking a reading from the allegedly “inoperative” meter equipment, the water board and the City of St. Paul wish to condemn the property for lack of water.
8. The actions of the city are those of an government agency aware that Eminent Domain legislation was due to be passed, acting to surreptitiously take action to essentially grab and procure the real property of Petitioner, before the Eminent Domain legislation became law, which predictably would be about August 1, in any year a law passes, but in fact, was exceptional as the Eminent Domain law went into effect immediately on May 15, 2006, by use of these two ordinances, Chapter 15 and Chapter 18, in an attempt to subordinate state Eminent Domain Law, with local city politics:

Chapter 15. PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Sec. 15.01. Acquisition and operation of utilities.

Sec. 15.02. Regulations and rates.

Sec. 15.03. Board of water commissioners.

Sec. 15.01. Acquisition and operation of utilities.

The city may own and operate any gas, water, heat, power, light, telephone, transportation, market or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers

or other governmental agencies. It may construct all facilities needed for that purpose and may acquire any existing utility properties so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been approved by a majority of the electors voting upon the proposition at a general or special election.

Sec. 15.02. Regulations and rates.

The council may by ordinance fix rates, fares and prices for municipal utilities and may prescribe the time

and manner of payments for all such services, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Sec. 15.03. Board of water commissioners.

There shall be a board of water commissioners composed of six (6) members appointed as follows: The mayor shall appoint with the approval of the council three (3) members who shall be members of the city council for terms to coincide with their elected terms of office and two (2) members who shall be resident citizens of Saint Paul who hold no other city office or city employment. The sixth (6th) member who shall be a resident citizen of a suburb served by the board's water system to be appointed in the manner provided for in the water extension agreement with the suburb(s). All citizen members shall serve for a term of four (4) years. A citizen member appointed to fill a vacancy shall serve for the unexpired term. In the event of a tie vote on any issue before the board the mayor of Saint Paul shall be considered an ex officio member with the right to vote to break the tie vote. The council may provide for an additional citizen board member to be appointed as provided for in the water extension agreements with the suburbs.

The board shall elect biannually from its membership a president, and vice-president. The board may make bylaws, rules and regulations for its government not inconsistent herewith, subject to the approval of the city council. The compensation of the board, if any, and the compensation of all officers and employees, shall be fixed by the city council.

Employees of the board shall be considered employees of the City of Saint Paul. Except as modified by this Charter or state law, the board and its employees shall in all respects be subject to and subordinate to all provisions of this Charter and the ordinances and resolutions enacted in pursuance thereof.

The board of water commissioners shall exercise all authority for the operation of the water utility as provided by Chapter 110, Special Laws of Minnesota for 1885, which is incorporated herein as fully and effectively as if set forth herein verbatim.

(C.F. No. 96-1365, § 1, 12-11-96)

Chapter 18. Legislative Hearing Officer*

Sec. 18.01. Legislative hearing officer.

Sec. 18.02. Hearing petition, filing, fee, notice.

Sec. 18.03. Judicial review.

C.F. No. 95-105, § 1, adopted Mar. 22, 1995, amended this chapter in its entirety, in effect repealing former ch. 18, property code enforcement board of appeals, §§ 18.01--18.04, and adding new provisions as herein set out. Formerly, such sections derived from §§ 55.01--55.04 of the 1956 Code; Ord. No. 16897, adopted Mar. 18, 1982; Ord. No. 17346, § 1, adopted Apr. 24, 1986; Ord. No. 17565, § 1, adopted May 24, 1988; Ord. No. 17740, § 2, adopted June 5, 1990; Ord. No. 17810, § 1, adopted Mar. 5, 1991; and 17875, § 1, adopted Oct. 22, 1991.

***Editor's note--**

Sec. 18.01. Legislative hearing officer.

In order to hear and decide appeals of orders, decisions or determinations made by the enforcement officers relative to the enforcement of health, housing, building or fire codes contained in the Saint Paul Legislative Code, and in order to hear appeals and make determinations relative to safe pedestrian crossing areas under section 156.05 and newsracks under chapter 131 of the Saint Paul Legislative Code, there shall be and is hereby created a legislative hearing officer. The legislative hearing officer shall be a city employee appointed by the president of the city council. The legislative hearing officer shall have the authority to hear appeals to orders, decisions or determinations of the enforcement officers or others and make recommendations to the city council. The hearing officer shall not have the power to grant waivers of the Minnesota State Building Code. All matters, orders, decisions and determinations of the hearing officer shall be forwarded to the city council in resolution form within ten (10) days of the hearing officer's actions. The city council shall have the authority to approve, modify, reverse, revoke, wholly or partly, the hearing officer's orders, decisions or determinations and shall make such order, decision or determination as ought to be made.

(C.F. No. 95-105, § 1, 3-22-95; C.F. No. 00-550, § 3, 11-22-00; C.F. No. 01-277, § 2, 7-5-01; C.F. No. 02-125, § 1, 3-6-02)

Ord. No. 00-550, § 3, which amended § 18.01, becomes effective one hundred eighty (180) days from the date of publication, December 18, 2000.

Sec. 18.02. Hearing petition, filing, fee, notice.

Any property owner affected by any order which has been issued in connection with the enforcement of a health, housing, building or fire code, or any rule or regulation adopted pursuant thereto, or any newsrack owner affected by any decision made pursuant to section 131.70(B) of the St. Paul Legislative Code, may request and shall be granted a hearing before the legislative hearing officer on all matters set forth in such notice; provided, that such property or newsrack owner shall first file with the legislative hearing officer a written petition requesting such hearing and setting forth a brief statement of grounds therefor within ten (10) days after the date the original notice of code violations, or within ten (10) days after the date on which notice of the newsrack decision under section 131.70(B), was issued.

The filing fee for such petition shall be twenty-five dollars (\$25.00) except that where there is financial

hardship, the hearing officer may waive this filing fee subject to the approval of the city council. Upon receipt of such petition, the hearing officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. The hearing shall be commenced not later than thirty (30) days after the date on which the petition was filed.

(C.F. No. 95-105, § 1, 3-22-95; C.F. No. 00-550, § 3, 11-22-00)

Ord. No. 00-550, § 3, which amended § 18.02, becomes effective one hundred eighty (180) days from the date of publication, December 18, 2000.

Sec. 18.03. Judicial review.

Any person aggrieved by the final decision of the legislative hearing officer may obtain judicial review by timely filing of an action seeking review of such decision as provided by law in district court.

(C.F. No. 95-105, § 1, 3-22-95)

In the past few years Respondents, mainly the City Council and City Attorney, have used many tactics covering a very wide range of city ordinances, to attempt to justify fraudulently contrived situations, which allows Respondents to create their own legislative, biased court, to effect administrative taking of real property from citizens without just compensation. In this case these tactics appear to be expressly, for the purpose of rushing in to compromise and usurp the power of the new Eminent Domain Law, in effect since May 15, 2006. The City Council and City Attorney have usurped powers of the district courts in general (see Betty Speaker case) in recent history, and in this matter, although this ordinance does not appear to have been created replace district criminal and civil court proceedings, or give powers to the City Council and City Attorney to adjudicate cases involving alleged misdemeanor offenses and ownership of real property, in practice this has been, unfortunately, what the effect has been.

In this instant matter, in which the Respondents have sought to over ride and circumvent the new State Eminent Domain Law, abuse abatement powers, replace prosecution of alleged crimes, property ownership claims, or misdemeanors in district court with the “jurisdiction” of the city council as court of law, which is in effect without due process, and Petitioner has endured and is at risk of violations of Petitioner’s legal rights as follows:

- Infringement on several constitutional rights of the Petitioner inclusive privacy, due process of law, and rights to be free from discrimination because of age, disability and sex. Respondents should pay Petitioner punitive damages for such actions.
- Infringement on petitioner's rights to reasonable accommodation of Petitioner's disability pursuant to federal statutes, including but not limited to the ADA, and respect for Petitioner's age as a senior. Respondents should pay Petitioner punitive damages for such actions.
- Infringement on petitioner's rights to protection from crimes, including but not limited those laws that prohibit: officious harassment, fraudulent and deceptive claims of fact regarding meter reading equipment for water services. Respondents should pay Petitioner punitive damages for such actions.
- Infringement on petitioners rights to protection from crimes, inclusive laws that prohibit swindling and taking of real property without compensation, abuse of police and official powers, that caused the Petitioner to incur stress that impacted her physical health, invaded Petitioner's privacy and peaceful and quiet enjoyment of Petitioner's real property. Respondents should pay Petitioner punitive damages for such actions.

The superseding federal and state law regarding due process matters have not changed, however, the City of St. Paul have, since 1995, passed the aforestated Chapter 18, which allows powers of abatement, condemnation and more, before appearance in court and adjudication from a court of law determining that such official conduct is justified.

Knowing that the use of such abatement powers require demonstration of a high standard of necessity and demonstration of imminent public or private peril, the city, by the apparent advice of Ms. Lisa Vieth, are making frivolous use of this law, using the new city law to justify criminal acts and torts, and to harass the Petitioner. There appears to be an element of personal aggrandizement involved in these actions for Ms. Lisa Vieth, and some city Council members, stemming from retaliation, rage and discrimination on the basis of age, income, and disability.

The photographs attached and online at:

<http://www.angelfire.com/mn3/andersonadvocates/2006water/water.html>

Further, the City Council and City Attorney, apparently pursuant to the advice of the City Attorney, are engaging in vigilante, criminal prosecution, outside a court of law, which subjects citizens in St. Paul, and the Petitioner to violation of rights to rights guaranteed under the Fifth Amendment of the United States Constitution to Due Process of Law. These prosecutions attempt to interfere with rights of privacy, ownership and due process, . This is being done, additionally, in a manner that is SELECTIVE and vindictive.

The city and Ms. Lisa Vieth were fully aware, in advance of commencing the apparently malicious prosecutions and persecution of Petitioner, that these actions would cost the Petitioner significant time, emotional distress, and financial loss. Therefore the causing this loss and distress to the Petitioner appears to have been deliberate.

In this matter there is an attempt to bypass the civil and criminal courts, in a matter which would not survive a demand for a long form complaint in a venue in a district court, criminal division.

The city ordinances which deny access to district courts, criminal divisions, appear to be unconstitutional, and therefore, these ordinances should be rendered void for being unconstitutional.

LEGAL ISSUES

1. The Respondents had no probable cause to demand access into Petitioner's property and thereafter to punish Petitioner for refusing to grant access. . Petitioner has frugally used water for years and there was nothing unusual about the meters showing a low reading, and this was not justification to believe the meters were not working and to demands access into property, with a police presence. The Respondents must be ordered to stop further official and legislative legal actions as described, and bring a legitimate condemnation proceeding under the Eminent Domain Law if Respondents want to take Petitioner's property. .

2. The Respondents have harassed and bully Petitioner, who is a member of three protected classes, seniors, the disabled and women: and the Respondents must be ordered to stop this.

3) The City of St. Paul, presumably with the legal counsel and recommendation of the City Attorney, have acted to violate the provisions of the Fifth Amendment of the United States Constitution in the apparent systematic denial of access to a court of law, in real estate ownership matters which require adjudication in a court of Law under the Eminent Domain Law in effect from May 1, 2006. There is justification in prohibiting further actions of this type against Petitioner, to harass the Petitioner with legislative jurisprudence, consequent to this Petition.

4) The City of St. Paul, presumably with the legal counsel and recommendation of the City Attorney, have acted violate the provisions of the United States Constitution, which compel that

there be a separation of powers, judiciary, legislative and executive; by attempting to act as all three branches of government, executive, legislative and, in particular, judicial by appointing the St. Paul City Council to be an adjudicating body that replaces the courts in criminal matters, resulting in abuses of law and power. There is justification in prohibiting further actions of this type against Petitioner, to harass the Petitioner, consequent to this Petition.

ARGUMENT

The Petitioner believes that in the above circumstances that an issuance of the Writ of Prohibition is wholly justified and necessary.

Wherefore, the Petitioner requests an order granting the Petition for a Writ of Prohibition that prevent the Respondents from continuing all attempts to condemn Petitioners Property without a court proceeding and without compensation, and the issuance of the Writ which has this effect.

June 05, 2006

Respectfully submitted.

A handwritten signature in cursive script, appearing to read "Sharon Anderson".

Sharon Anderson, Petitioner
697 Surrey Avenue
St. Paul, MN 55106
TEL: 651 776 5835
Fax: 651 776 5835
or 651 457 4376

STATE OF MINNESOTA

Minnesota Supreme Court

Sharon Anderson BFA,

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v.

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all Personally and Professionally, and the
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Respondents

Memorandum of Fact Supporting
Petition for Writ of Prohibition
Quo Warranto

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- 1) Petitioner attaches exhibit “A” the e-mail from Jerry Luideen admitted the meters were working, although not giving a significantly different reading, as the water had been alledgedly turned off.
- 2) Petitioner attaches exhibit B, details of Betty Speaker Case.

STATE OF MINNESOTA
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Memorandum of Law Supporting
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Probable Cause, Abuse of Power and Due Process

In this instant case there is no probable cause to believe any fault in the property at: 697
Surrey Avenue. The Respondents cannot bully Petitioner to grant voluntary access to the
property to go on a fishing trip hoping to find probable cause, by unlawfully turning off

Petitioner's water, on the false pretext that the meters are not working right. This action would not be able to survive a probable cause hearing or motion for Summary Dismissal by Petitioner, in a criminal court, because:

The standard for specificity of a criminal accusation as cited in: **United States v. Cruikshank**, 92 U.S. 543 at 556 (1876), affirmed by **Russell v. United States**, 369 U.S. 749 at 783-765 (1962) and **State v. Grose**, 367 N.W. 2d 162 at 169 (Minn. App. 1986).

Due Process

The St. Paul City Council (as legislators), Mayor (as executive) and City Prosecutor, cannot be said to be a mix that creates an impartial hearing board that replaces a criminal court of law, in district court, and therefore the City Council of St Paul, Mayor, and the Prosecutor, who have self interests in the outcome of this matter, cannot adjudicate the matter, see: **Muse v. Sullivan**, 925 F2d., 785 (5th Cir.) (1991) and **Porter v. Singletary**, 49 F3d., 1483, (11 Cir.) (1995).

The lack of a hearing in district court in this matter, resulting in a abate or condemn which would indicate the city may have rights to abate and condemn with due process in a court of law and compensation, is a denial of due process, see:

US v. Henderson, 19 F3d., 917, (5th Cir.) (1994), wherein it was held that failure to hold a hearing, when a hearing is necessary to uphold due process right, is abuse of discretion and violation of due process rights.

Respondents conduct amounts to abuse to the level described in Minnesota Statutes, §609.43. Respondents have no immunity for torts, see: **Thiede v. Town of Scandia Valley**, 217 Minn. 218, 14 N.W.2d 400), 1944.

There are inherently to this matter, serious implications of unconstitutional city ordinances which seek to, in practice, undermine Fifth Amendment rights to Due Process of Law, in a court of law, governed by the Rules of Evidence and the Minnesota Rules of Criminal Procedure, as opposed to an administrative legislative body, that is the St. Paul City Council.

There are also serious concerns about the separation of powers, when a legislative and administrative body, like the St. Paul City Council, seeks to take over authority from criminal courts at the District Court level.

The City of St. Paul has apparently decided that it does not like the way the courts in Minnesota and the United States function, and perhaps believes that it does not, or should not have to incur the costs of prosecutions in a real court, or the risk of losing cases in a criminal court of law authorized by the United States government. Therefore the city is dismissing the provisions of the Constitution of the United States and previous rule of law so that the city can do what it wishes to do, unhampered by the restraints of the rule of law.

Discrimination on the Basis of Disability, Age and Sex

The attempt by Respondents, to use a police presence and bully tactics, to cause Petitioner to be terrorized and be in a state of extreme emotional distress and is on the face of it discrimination, because of Petitioner's age, disabilities and sex. Refusal to adopt reasonable accommodation and behavior towards the Petitioner, a disabled, senior woman, likely indicates wider systematic abuses, particularly in view of the Betty Speaker case.

Retaliation

Because there have been several frivolous actions against Petitioner by the City of St. Paul, there is reasonable grounds to presume that the Respondents are acting in bad faith, to retaliate against the Petitioner, in addition to seeking to cause the Petitioner harm, financially, by taking Petitioner's home without compensation, and by causing Petitioner trauma and emotional harm.

STATE OF MINNESOTA
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v.

Motion to Proceed In Forma
Pauperis supporting Petition for
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Petitioner requests leave to proceed in forma pauperis because Petitioner is a senior in
receipt of Social Security Disability.

Petitioner is currently recovering from surgery on Petitioner's broken ankle and is unable to get out immediately to have an Affidavit supporting this motion notarized, and Petitioner requests that this motion be granted in the interim.

June 05, 2006

Respectfully submitted.

A handwritten signature in cursive script, appearing to read "Sharon Anderson".

Sharon Anderson, Petitioner
697 Surrey Avenue
St. Paul, MN 55106
TEL: 651 776 5835
Fax: 651 776 5835
or 651 457 4376

EXHIBIT A

Sat, Jun 03, 2006 01:03 PM

From: Sharon4Anderson@aol.com
To: <eagledahn1@aol.com>, <ddaweb@comcast.net>
Date: Saturday, June 03, 2006 12:09 PM
Subject: Fwd: Replacement of outside receptacle

From: "Jerry Ludden" <Jerry.Ludden@ci.stpaul.mn.us>
Date: Fri, 02 Jun 2006 15:18:04 -0500
To: <Sharon4Anderson@aol.com>
Subject: Fwd: Replacement of outside receptacle

6/2/2006
Ms Anderson,

As per your request the outside receptacle at your property was replaced this morning 6/2/2006.

The unit that was install is the R900 radio read device, the specification were given to you via Rev. Mary Jane Duchene. The unit is the property of the Board of Water Commissioners and there is no charge to you for either the unit or the installation.

The R900 reader is functioning properly and the reading we have received from this unit is 092-00 which matches the reading from the ARB receptacle I showed you on 5/30/2006.

There is still a problem with the meter register that has to be replaced.
Thank

Jerry Ludden
Meter Operations Supervisor
1900 Rice St.
St. Paul Mn 55113
Office 651-266-6853
Jerry.Ludden@ci.stpaul.mn.us

EXHIBIT B

http://www.civilrights.org/GoldParty/orig122spkr.htm

the housing situation in St. Paul

Betty Speaker's Story

Betty Speaker was a 68-year-old homeowner who lived in the neighborhood behind the state capitol in St. Paul. She had never been late in making a mortgage or property-tax payment. Her troubles with the city of St. Paul began in March 2004 when city workers, excavating to make room for a new high-speed internet cable beneath the pavement, accidentally damaged the city's sewer line. Because the damaged line was on Speaker's property, the city decided to hold her responsible for making the repairs. She was given a list of city-approved contractors to do the work. Speaker paid one of them over \$3,000 to make the necessary repairs.

A city housing inspector named Lisa Martin, who visited the site, claimed that she saw rats near the damaged sewer line. She issued a citation of code violations. Returning to inspect the sewer line, inspector Martin found no rats but she did find many other violations which Speaker would have to address: rubbish, dog feces, improperly parked cars, tall grass and weeds, tences of oil in the back yard. In the winter months of 2004-2005, Martin was back to Speaker's property eight times, looking for code violations. She even wrote Speaker a ticket for failing to cut the weeds and grass that were then beneath a thick layer of snow.

Having spent \$3,000 on the sewer repair, Speaker did not have the funds to comply with all these work orders. The city also began issuing fines for "excessive consumption of inspection services." Speaker was told that she might apply for a grant from the "Neighborhood Development Alliance" to defray part of the cost. As a condition of receiving this money, she had to allow city inspectors to inspect the interior of her house.

Into the house went inspector Lisa Martin. She determined that Speaker's personal belongings constituted a possible fire hazard, that the linoleum floors were not up to city code, and the upstairs units needed a proper fire exit. In short, Speaker's home was declared unfit for human habitation.

On November 9th, inspector Martin accompanied by a St. Paul police officer posted a notice of condemnation on Speaker's front door. Speaker's son, Joe LeVasseur, tried to argue with the inspector. The police officer told him not to get involved. Even so, LeVasseur's presence was enough to intimidate these city officials and prevent the condemnation from being carried out. On the following afternoon, Martin returned with six police officers to post the notice on Speaker's door.

Legal-aid attorneys were able to stay the condemnation so that Speaker could make the necessary repairs once she received the grant from the Neighborhood Development Alliance. Joe LeVasseur, a union carpenter, helped with work on the garage. Visiting the site again, inspector Martin told LeVasseur to stop working on this project because he was not licensed with the city of St. Paul. Even so, Speaker and her son made some progress in complying with her work orders.

Meanwhile, the stress resulting from the condemnation took a toll on Betty Speaker's health. She made repeated trips to the hospital. While in the hospital for kidney dialysis, a bench

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SUSPICIONS THAT SAINT PAUL'S NEIGHBORHOOD HOUSING AND PROPERTY IMPROVEMENT DEPARTMENT HAVE WRONGFULLY TARGETED LOCAL RESIDENTS

Suspicions that Saint Paul's Neighborhood Housing and Property Improvement department have wrongfully targeted local residents are again on the rise. The department, whose own mission statement claims to enforce minimum property maintenance standards in order to make Saint Paul's neighborhoods the safest and most livable in Minnesota, also seems to ascertain these results through the practice of intimidation and retribution against it's own general public. Even the most benign of visits from one of NEPI's inspectors can result in fines of thousands of dollars or possibly even the revocation of one's rights to ownership of their real estate.

Take for instance the case of Ms. Betty Speaker, 48, a thirty-year homeowner on the 700 block of Capital Heights in downtown Saint Paul. Never late on a mortgage or property tax payment, Ms. Speaker felt she had nothing to fear from the city's inspectors when they first arrived to investigate her property in March of 2004.



A series of tests performed by the city seemed to indicate the impaired line was on Ms. Speaker's property, below her boulevard.

Since the breakage was on private property and not in the area the city workers had repaved, the NEPI posted notice to Ms. Speaker that it would be her responsibility to pay for any maintenance and gave her a list of city approved private contractors. While the damaged piping was being examined, NEPI inspections also made citations for the presence of rats in the vicinity of the broken sewage passage. Betty and her family contacted one of the city's approved contractors and set about the task of rectifying the violations on her property. The repairs amounted to over three thousand dollars and confirmed no traces of vermin in the broken plumbing.

When NEPI inspector Lisa Martin returned to the property to examine the repairs, she found the sewer in working order, but that was only the beginning of a long list of imperfections she found on Betty's estate and a prelude to animosity between the NEPI and Ms. Speaker's family.

On March 25th of 2004, Inspector Martin posted orders to clean up rubbish that was unmassing on the aging homeowners acreage, remove excessive automobiles parked in the driveway and in front of the house, as well as replace siding on the garage and exterior of the home. NEPI authorities began to return routinely every two weeks to post new orders for repairs to the home and property, citing traces of oil in the backyard,

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The previous autumn, city workers had excavated sections of the street on Betty's block to install new high-speed Internet connections beneath the pavement. As the construction was finalized, elderly sewage conduit was unintentionally damaged.

The previous autumn, city workers had excavated sections of

neglect to clear the lawn of weeds and patches of grass that had been soiled by Mrs. Speucker's canine pets. It can be noted that during the winter months of late 2004 through spring of 2005, the NTP...

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returned 8 times, citing the grass and weeds as being unaddressed, even though under a blanket of snow.

Already suffering financially from the costs to repair the broken conduit on her premises, Ms. Speaker was unable to afford the renovation project Inspector Martin ordered. The NEPI placed Betty in contact with the Neighborhood Development Alliance and she applied for a grant for the improvement expenses. While the appropriations are still currently pending, Ms. Speaker's problems have continued to multiply. Fines began amassing from the NEPI for excessive consumption of inspection services and soon the exterior of Betty's home was only a part of the problem.

When Ms. Speaker applied for the grant she was requested to invite NEPI inspectors inside her home for evaluation. On November 2nd, 2004, new orders from Inspector Martin detailed additional maintenance would now be required on the interior of her home, cataloging possible fire hazards from Ms. Speaker's personal belongings taking up too much space, recently installed linoleum tiling in the kitchen that was not up to city building codes, and that an upstairs area was not suitable for a living environment without a proper fire exit.

One week later, November 9th, Inspector Martin, accompanied by a Saint Paul police officer, returned to post a condemnation order on Betty's front door.



When Ms. Speaker's son, Joe LaVussier, attempted to dissuade Inspector Martin from placing the order on the house, the

attending police officer sternly informed Joe not to get involved. Mr. LaVussier responded

The following afternoon Inspector Martin returned with six uniformed police officers to affix the condemnation order on Betty Speaker's home.

Southern Legal Services were able to provide a reprieve from the condemnation order by winning an appeal on Ms. Speaker's behalf, stating that the repairs would be addressed as soon as the pending grant monies were available. Still, the NEPI continued to routinely patrol Betty's property and fine her for excessive consumption of inspection services. As of this article being written, she has been fined five times in the last year and is still waiting for the expected allowance to be authorized.



Betty's sons proceeded to attempt to improve the conditions of their mother's home by weeding

the yard, planting new grass seed, and removing vehicles from in front of the house. Joe, a journeyman union carpenter who specializes in roofing and siding, also strived to rehabilitate the exterior of the garage, but was told to stop by Inspector Martin for not being licensed in the city of Saint Paul. When the Watchdog visited Ms. Speaker's home, the materials for the garage had been purchased and the project remained half finished. Meanwhile, the stressful anxiety of losing her home began to take its toll on Betty's health. She became increasing ill and dependent on her relatives to help with the maintenance of the house while she had been in and out of the hospital.

While in the hospital for kidney dialysis, a bench warrant was posted for Ms. Speaker's arrest for missing a court summons on the conditions of her home. Her sons Joe and Jeff attempted to speak on her behalf to the NEPI, but their phone calls to Inspector Martin went unreturned.

Since the beginning of 2005, the NEPI have made 6 visits to Ms. Speaker's home, the last

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by saying it wasn't proper for Saint Paul police to attempt to intimidate retired citizens in the privacy of their own home and that it was his right to stand up for his mother. At that time, the officer and inspector left before tensions rose any higher.

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"Why should we hear about body bags and deaths? It's not relevant. So why should I waste my beautiful mind on something like that?"
"And so many of the people in the arena here, you know, were underprivileged anyway, so this is working very well for them."
Barbara Bush

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visit resulting in an eviction notice to be enforced on April 25th.

When the Watchdog called NEHP director Andy Dawkins at his office he fielded our phone call, but was averse to answering many questions pertaining to Ms. Speaker's dilemma. He acknowledged Betty's physical condition, but when pressed on the concern that Ms. Speaker might not have a home to return to upon her release from the hospital, he was dismissive. He maintained that the NDA grant was still pending, but when asked if it would be ready before the April 25th eviction deadline, he stated it was out of his hands. He also asserted that he had confidence that Inspector Martin was performing her duties suitably, and that only she would be able to resolve any of the disputes that Ms. Speaker and her family might be facing. Inspector Martin would not field or return any of the Watchdog's calls to her office.

Upon Ms. Speaker's release from the critical care unit, she was too distressed to return to her home on Capital Heights. Intimidated that she would be prosecuted, she began staying with her son, Jeff, at his home on the west side of Saint Paul, while she readied herself for surgery.

Joe and Jeff LaVassuer continued to try and salvage their mother's estate by legal means. After the LaVassuer brothers visited city hall and NEHP offices to obtain records for an affidavit, a NEHP inspector arrived at Jeff LaVassuer's home the following morning. He was given orders to clean up bicycle parts in his backyard and instructed to get new tabs on two of his cars, which were parked in his driveway.

When Jeff asked NEHP Inspector Vung what complaints had been received about his property, the inspector replied that this wasn't his usual district to patrol and that he had been instructed by the head of his department to pay Jeff's property a visit. Inspector Vung told Jeff he normally patrolled a district on the eastern side of Saint Paul. Jeff promptly set about cleaning up his property, but doesn't rule out return visits from the NEHP inspectors to his home. Whether or not the NEHP had planned to inspect Mr. LaVassuer's property prior to Jeff's visit to city hall is speculative. On the morning of April 28th, 2005, Betty's fears were confirmed when NEHP Inspector Martin returned to her property.

With Saint Paul police in attendance, Inspector Martin re-affixed a condemnation order to her front door, and ordered Joe LaVassuer to leave the property or face prosecution. He was ordered to remove two dogs on the location or they would be consigned to an animal control shelter. When Joe asked if there was a possibility to extend the deadline until the NDA grant was allotted, Inspector Martin claimed all avenues had been exhausted and that the house would now be city property.

Could this incident happen to you as well? Though Neighborhood Housing and Property Improvement code enforcement is designed to protect housing values in Saint Paul, the outcome is often at the expense of uninformed property owners. The timelines for property cleanup has shortened considerably since August of 2002 and Saint Paul courts have upped with NEHP regulations to back up inspector's tags with serious penalties. According to the city's web site, if inspectors come back to your home for a third time, you could be facing jail time.

If you have any apprehension that your property could be under future scrutiny, a full list Saint Paul city codes for property owners can be found at:

www.ci.sipaul.mn.us/depts/code_enforcement/

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