

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM • 651-457-4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

8/09/02

TO: KORRI LARSON LAND

HEREWITH ENCLOSED DOCUMENTS FOR YOUR REVIEW AT
THE CITY COUNCIL MEETING ON 8/12/02.

COMPLAINTS HAVE BEEN FILED WITH APPROPRIATE
AUTHORITIES AND PROFESSIONAL ORGANIZATIONS,
INCLUSIVE OF BUT NOT LIMITED TO:

VIOLETIONS PURSUANT TO MN. ST. 609.43 AND OTHER
SIMILAR STATE AND FEDERAL LAWS, WHICH CITY LAWS ARE
SUBORDINATE TO.

CORDIALLY,

M J DUCHENE BFA

EXHIBIT 1



*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

TO: WEST ST. PAUL CITY COUNCIL, MAYOR, BUILDING INSPECTOR, COMMUNITY DEVELOPMENT
AND ATTORNEY

APPEAL TO THE HOUSING REVIEW BOARD - NOTICE/"APPEAL"; ORD. 425.25

7/23/02

WITHOUT PREJUDICE

RE: DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS; AND SEPARATE NOTICE
REGARDING VINES AND TREES.

PHOTOGRAPHS, EVIDENCE AND AND REFERENCES AT:
<http://www.angelfire.com/mn3/abuseofpower/index.html>

1. REGARDING THE ISSUE OF TREES AND VINES BEHIND OTTAWA AVENUE
ON ALLEY BOULEVARD:

THERE IS NO PROHIBITION, FEDERAL OR STATE LAW, STATE STATUTE, OR CITY
ORDINANCE AGAINST HAVING THE PLANTS THAT EXIST BEHIND 1144 OTTAWA AVENUE,
SEE WEBSITE FOR PICTURES NOS. 14, 15 AND 16. THESE PLANTS ARE COMMON IN
OTHER ALLEY BOULEVARD PLANTING ON THE 11 BLOCK OF SMITH AND OTTAWA AND
ELSE WHERE IN THE CITY, SEE WEBSITE FOR PICTURES NOS. 17, 18 AND 19.

CITY ORDINANCE DECREES THAT THE CITY IS RESPONSIBLE FOR THE COSTS IN
REMOVING AND REPLACING PLANTINGS:

820.07. Removal of Boulevard Trees.

Subd. 1. City Removal. The City will remove trees that are determined by the Public Works Director to be
diseased, dangerous or a public nuisance according to the following rules:

- a. Removal of trees will not leave the stump above boulevard level.
- b. Removal of any tree is to be approved by the Public Works Director before removal.
- c. When the City removes trees in connection with public improvements, new trees may be planted if the
City determines it is practical.

Subd. 2. Resident Requests. The owner of property abutting a boulevard may request the removal of a
boulevard tree. If deemed necessary by the Public Works Director, the tree will be removed by the City at
no cost to the property owner.

THE COMPLIANCE NOTICE ISSUED BY MR. FACKLER ON 7/15/02 CLEARLY
CONSTITUTED ISSUANCE OF A FALSE COMPLAINT AND CAUSE OF ACTION.

1. REGARDING THE ISSUE OF ALLEGED JUNK OR OFFENSIVE ITEMS.

THERE IS NO PROHIBITION, FEDERAL OR STATE LAW, STATE STATUTE, OR CITY ORDINANCE AGAINST:

- HAVING AND USING THE ITEMS IN THE NOTICE ISSUED BY MR. FACKLER, INCLUSIVE CARTS AND DOLLYS USED FOR MOVING ITEMS IN AND OUT OF THE HOME, OR SERVICEABLE ITEMS BEING BROUGHT INTO THE HOME.

- KEEPING GARDEN ART AND SCULPTURE ON A PROPERTY, SEE PICTURES NOS.: 47, 48., 49, 7 AND 8; AND FEDERAL SPECIFICALLY PREVENTS ARBITRARY CENSORSHIP OF SUCH ART BECAUSE IT VIOLATED RIGHTS INCLUSIVE OF FIRST AMENDMENT RIGHTS. GARDEN ART, IN KEEPING WITH OTHER MODERN ART, OFTEN INVOLVES USE OF VARIOUS ORDINARY MATERIALS, JUNK, FOR CREATION: SEE PHOTOS NOS. 34, 35 AND 36.

- KEEPING GARDEN EQUIPMENT AND SUPPLIES ON A PROPERTY, SEE PICTURES NOS.: 50, 51, 9. AND 10.

THE CITY ORDINANCE PERTAINING TO JUNK DEFINES IT TO BE:

The purpose of this Section is to declare the unsheltered storage of inoperable, abandoned or junked automobiles and any other vehicles, machinery, implements, equipment, junk or personal property of any kind which is no longer used for the purposes for which it was manufactured or made to be a danger to the public health and safety

PLEASE CONSIDER:

1) IT IS OFFICIAL HARASSMENT AND ABUSE OF POWER TO ENDEAVOR TO INTERFERE WITH NORMAL BUSINESS AND PERSONAL ACTIVITY OF THE UNDERSIGNED BY COMING ONTO THE PROPERTY OF THE UNDERSIGNED AND ISSUING COMPLAINTS WHILE THE UNDERSIGNED IS IN THE REASONABLE AND TIMELY PROCESS OF MOVING OFFICE OR ART EQUIPMENT TO OR FROM THE PREMISES AT 1 144 OTTAWA, OR WHEN REMODELING OF THE PROPERTY IS BEING DONE. REGARDING THE LATTER, THE CITY HAS IN THE PAST DONE SUCH ACTIVITY TO A LEGALLY UNSUCCESSFUL RESULT.

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3) IT IS REFUSAL TO ACCOMMODATE THE DISABILITY OF THE UNDERSIGNED FOR CITY EMPLOYEES TO REFRAIN FROM ENGAGING PERSONALLY WITH THE UNDERSIGNED, WHO SUFFERS FROM POST TRAUMATIC STRESS DISORDER BECAUSE OF PAST MISCONDUCT BY CITY AND COUNTY EMPLOYEES: IN CONDUCT DESIGNED TO ABUSE AND RE-TRAUMATIZE THE UNDERSIGNED.

4) THE CITY HAVE NO AUTHORITY TO HARASS THE UNDERSIGNED DURING GARDEN WORK OR PREVENT THE SCHEDULING AND EFFECTING OF NORMAL GARDEN WORK, UNLESS THERE IS A SEVERE AND PERSISTENT DEGENERATION OF REAL PROPERTY WHICH DOES NOT APPLY REGARDING THE UNDERSIGNED: SEE PICTURES NOS. 1, 2, 3, 4, 5, 6, AND 20 THROUGH 46.

IT IS OBVIOUS AND THEREFORE REASONABLE TO BELIEVE THAT MR. FACKLER KNEW HE WAS ISSUING A FALSE COMPLAINT AND ABUSING HIS POWER AND AUTHORITY UNDER COLOR OF LAW.

MARY JANE DUCHENE
DISABLED HOMEOWNER, 1 144 OTTAWA AVENUE

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 2**

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Wednesday, July 24, 2002

From: 651 457 4376

03:45:20 PM

To: City of West St. Paul Building Inspections Department 651 552 4190

Page 1 of 4



To City of West St. Paul



651552
4190

Wednesday, July 24, 2002

FROM



651 457 4376

03:45:20 PM

Page 2 of 4



PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

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*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

7/24/02

RE: WSP ORD. 425.25

TO: WEST ST. PAUL CITY COUNCIL, MAYOR, BUILDING INSPECTOR, COMMUNITY DEVELOPMENT OFFICERS

ENCLOSED NOTICE OF APEAL

OPUSARTS

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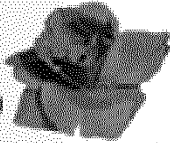
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MARY JANE DUCHENE
DISABLED HOMEOWNER, 1 144 OTTAWA AVENUE

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 3**

OPUSARTS



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Tuesday, July 23, 2002

From: 651 457 4376

02:02:44 PM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 4




To <Korrine Land Levander,
Gillen and Miller

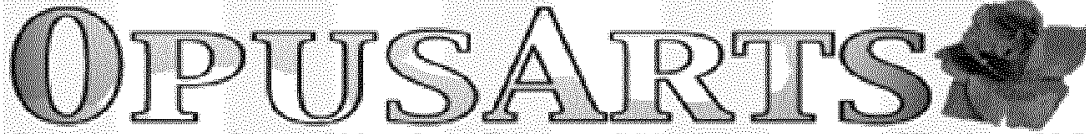


Tuesday, July 23, 2002

02:02:44 PM

FROM  651 457 4376

Page 2 of 4



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7/23/02

KORRINE LAND
LEVANDER LAW FIRM
ATTORNEY FOR THE CITY OF WEST ST. PAUL

RE: DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS; AND SEPARATE NOTICE
REGARDING VINES AND TREES.

DEAR Ms. LARSON-LAND:

HEREWITH ENCLOSED COMMUNICATION FOR CITY COUNCIL "APPEAL"
MENTIONED IN YOUR E-MAIL.



To Corrine Land Levander,
Gillen and Miller



651450
7384

Tuesday, July 23, 2002

FROM 651 457 4376

02:02:44 PM

Page 3 of 4



*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 · 651 457 4376 · E-mail: OpusArts@aol.com*

COMMUNICATION TO WEST ST. PAUL CITY COUNCIL - NOTICE AND "APPEAL"

7/23/02

WITHOUT PREJUDICE

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1. REGARDING THE ISSUE OF TREES AND VINES BEHIND OTTAWA AVENUE ON ALLEY BOULEVARD:

THERE IS NO PROHIBITION, FEDERAL OR STATE LAW, STATE STATUTE, OR CITY ORDINANCE AGAINST HAVING THE PLANTS THAT EXIST BEHIND 1144 OTTAWA AVENUE, SEE WEBSITE FOR PICTURES NOS. 14, 15 AND 16. THESE PLANTS ARE COMMON IN OTHER ALLEY BOULEVARD PLANTING ON THE 11 BLOCK OF SMITH AND OTTAWA AND ELSE WHERE IN THE CITY, SEE WEBSITE FOR PICTURES NOS. 17, 18 AND 19.

CITY ORDINANCE DECREES THAT THE CITY IS RESPONSIBLE FOR THE COSTS IN REMOVING AND REPLACING PLANTINGS:

820.07. Removal of Boulevard Trees.

Subd. 1. City Removal. The City will remove trees that are determined by the Public Works Director to be diseased, dangerous or a public nuisance according to the following rules:

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THE COMPLIANCE NOTICE ISSUED BY MR. FACKLER ON 7/15/02 CLEARLY CONSTITUTED ISSUANCE OF A FALSE COMPLAINT AND CAUSE OF ACTION.



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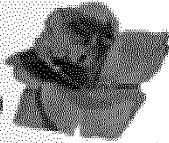
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OPUSARTS



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1144 OTTAWA AVENUE
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E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Tuesday, July 23, 2002

From: 651 457 4376

07:41:03 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 4



To <Korrine Land Levander,
Gillen and Miller



651450
7384

Tuesday, July 23, 2002

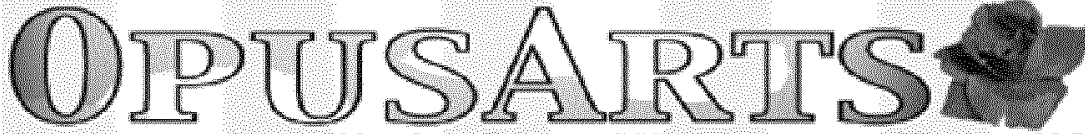
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THERE IS NO PROHIBITION, FEDERAL OR STATE LAW, STATE STATUTE, OR CITY ORDINANCE AGAINST:

- HAVING AND USING THE ITEMS IN THE NOTICE ISSUED BY MR. FACKLER, INCLUSIVE CARTS AND DOLLYS USED FOR MOVING ITEMS IN AND OUT OF THE HOME, OR SERVICEABLE ITEMS BEING BROUGHT INTO THE HOME.

- KEEPING GARDEN ART AND SCULPTURE ON A PROPERTY, SEE PICTURES NOS.: 47, 48., 49, 7 AND 8; AND FEDERAL SPECIFICALLY PREVENTS ARBITRARY CENSORSHIP OF SUCH ART BECAUSE IT VIOLATED RIGHTS INCLUSIVE OF FIRST AMENDMENT RIGHTS. GARDEN ART, IN KEEPING WITH OTHER MODERN ART, OFTEN INVOLVES USE OF VARIOUS ORDINARY MATERIALS, JUNK, FOR CREATION: SEE PHOTOS NOS. 34, 35 AND 36.

- KEEPING GARDEN EQUIPMENT AND SUPPLIES ON A PROPERTY, SEE PICTURES NOS.: 50, 51, 9. AND 10.

THE CITY ORDINANCE PERTAINING TO JUNK DEFINE IT TO BE:

The purpose of this Section is to declare the unsheltered storage of inoperable, abandoned or junked automobiles and any other vehicles, machinery, implements, equipment, junk or personal property of any kind which is no longer used for the purposes for which it was manufactured or made to be a danger to the public health and safety

PLEASE CONSIDER:

1) IT IS OFFICIAL HARASSMENT AND ABUSE OF POWER TO ENDEAVOR TO INTERFERE WITH NORMAL BUSINESS AND PERSONAL ACTIVITY OF THE UNDERSIGNED BY COMING ONTO THE PROPERTY OF THE UNDERSIGNED AND ISSUING COMPLAINTS WHILE THE UNDERSIGNED IS IN THE REASONABLE AND TIMELY PROCESS OF MOVING OFFICE OR ART EQUIPMENT TO OR FROM THE PREMISES AT 1 144 OTTAWA, OR WHEN REMODELING OF THE PROPERTY IS BEING DONE. REGARDING THE LATTER, THE CITY HAS IN THE PAST DONE SUCH ACTIVITY TO A LEGALLY UNSUCCESSFUL RESULT.

2) IT IS DISCRIMINATION ON THE BASIS OF DISABILITY, AND SEX, TO ENDEAVOR TO PROHIBIT USE OF EQUIPMENT USED TO FACILITATE TRANSPORT OF ITEMS IN AND OUT OF THE PROPERTY SEE PHOTOS NOS. 10, 11, 12 AND 13, WHICH A NON DISABLED PERSON, OR A MAN, MIGHT EASILY CARRY WITHOUT USE OF SUCH DEVICES.

3) IT IS REFUSAL TO ACCOMMODATE THE DISABILITY OF THE UNDERSIGNED FOR CITY EMPLOYEES TO REFRAIN FROM ENGAGING PERSONALLY WITH THE UNDERSIGNED, WHO SUFFERS FROM POST TRAUMATIC STRESS DISORDER BECAUSE OF PAST MISCONDUCT BY CITY AND COUNTY EMPLOYEES: IN CONDUCT DESIGNED TO ABUSE AND RE-TRAUMATIZE THE UNDERSIGNED.

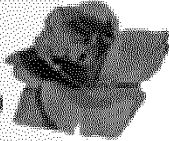
4) THE CITY HAVE NO AUTHORITY TO HARASS THE UNDERSIGNED DURING GARDEN WORK OR PREVENT THE SCHEDULING AND EFFECTING OF NORMAL GARDEN WORK, UNLESS THERE IS A SEVERE AND PERSISTENT DEGENERATION OF REAL PROPERTY WHICH DOES NOT APPLY REGARDING THE UNDERSIGNED: SEE PICTURES NOS. 1, 2, 3, 4, 5, 6, AND 20 THROUGH 46.

IT IS OBVIOUS AND THEREFORE REASONABLE TO BELIEVE THAT MR. FACKLER KNEW HE WAS ISSUING A FALSE COMPLAINT AND ABUSING HIS POWER AND AUTHORITY UNDER COLOR OF LAW.

MARY JANE DUCHENE
DISABLED HOMEOWNER, 1 144 OTTAWA AVENUE

FACSIMILE TRANSMITTAL SHEET

OPUSARTS



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Wednesday, July 24, 2002

From: 651 457 4376

03:50:18 PM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 4



To <Korrine Land Levander,
Gillen and Miller



Wednesday, July 24, 2002

03:50:18 PM

FROM 651 457 4376

Page 2 of 4

EXHIBIT 6

OPUSARTS 
PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA
FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS
OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651-457-4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

7/24/02

KORRINE LAND
LEVANDER LAW FIRM
ATTORNEY FOR THE CITY OF WEST ST. PAUL

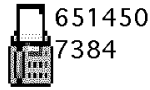
RE: DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS; AND SEPARATE NOTICE
REGARDING VINES AND TREES.

DEAR MS. LARSON-LAND:

HEREWITH ENCLOSED NOTICE OF APPEAL, AMENDED, RE: "APPEAL"
MENTIONED IN YOUR E-MAIL, LAST WEEK.



To Corrine Land Levander,
Gillen and Miller



651450
7384

Wednesday, July 24, 2002

FROM 651 457 4376

03:50:18 PM

Page 3 of 4

OPUSARTS 

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

TO: WEST ST. PAUL CITY COUNCIL, MAYOR, BUILDING INSPECTOR, COMMUNITY DEVELOPMENT
AND ATTORNEY

APPEAL TO THE HOUSING REVIEW BOARD - NOTICE/"APPEAL"; ORD. 425.25

7/23/02

WITHOUT PREJUDICE

RE: DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS; AND SEPARATE NOTICE
REGARDING VINES AND TREES.

PHOTOGRAPHS, EVIDENCE AND AND REFERENCES AT:
<http://www.angelfire.com/mn3/abuseofpower/index.html>

1. REGARDING THE ISSUE OF TREES AND VINES BEHIND OTTAWA AVENUE
ON ALLEY BOULEVARD:

THERE IS NO PROHIBITION, FEDERAL OR STATE LAW, STATE STATUTE, OR CITY
ORDINANCE AGAINST HAVING THE PLANTS THAT EXIST BEHIND 1144 OTTAWA AVENUE,
SEE WEBSITE FOR PICTURES NOS. 14, 15 AND 16. THESE PLANTS ARE COMMON IN
OTHER ALLEY BOULEVARD PLANTING ON THE 11 BLOCK OF SMITH AND OTTAWA AND
ELSE WHERE IN THE CITY, SEE WEBSITE FOR PICTURES NOS. 17, 18 AND 19.

CITY ORDINANCE DECREES THAT THE CITY IS RESPONSIBLE FOR THE COSTS IN
REMOVING AND REPLACING PLANTINGS:

§20.07. Removal of Boulevard Trees.

Subd. 1. City Removal. The City will remove trees that are determined by the Public Works Director to be
diseased, dangerous or a public nuisance according to the following rules:

- a. Removal of trees will not leave the stump above boulevard level.
- b. Removal of any tree is to be approved by the Public Works Director before removal.
- c. When the City removes trees in connection with public improvements, new trees may be planted if the
City determines it is practical.

Subd. 2. Resident Requests. The owner of property abutting a boulevard may request the removal of a
boulevard tree. If deemed necessary by the Public Works Director, the tree will be removed by the City at
no cost to the property owner.

THE COMPLIANCE NOTICE ISSUED BY MR. FACKLER ON 7/15/02 CLEARLY
CONSTITUTED ISSUANCE OF A FALSE COMPLAINT AND CAUSE OF ACTION.



1. REGARDING THE ISSUE OF ALLEGED JUNK OR OFFENSIVE ITEMS.

THERE IS NO PROHIBITION, FEDERAL OR STATE LAW, STATE STATUTE, OR CITY ORDINANCE AGAINST:

- HAVING AND USING THE ITEMS IN THE NOTICE ISSUED BY MR. FACKLER, INCLUSIVE CARTS AND DOLLYS USED FOR MOVING ITEMS IN AND OUT OF THE HOME, OR SERVICEABLE ITEMS BEING BROUGHT INTO THE HOME.

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PLEASE CONSIDER:

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IT IS OBVIOUS AND THEREFORE REASONABLE TO BELIEVE THAT MR. FACKLER KNEW HE WAS ISSUING A FALSE COMPLAINT AND ABUSING HIS POWER AND AUTHORITY UNDER COLOR OF LAW.

MARY JANE DUCHENE
DISABLED HOMEOWNER, 1 144 OTTAWA AVENUE

EXHIBIT 7



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER	651-552-4100	POLICE	651-552-4200
PARKS/RECREATION	651-552-4150	FIRE	651-552-4239
FAX	651-552-4190	TDD	651-552-4222

Mary Jane Duchene, BFA
1144 Ottawa Avenue
West St. Paul MN 55118

Dear Ms. Duchene,

I am writing this letter to acknowledge receipt of your request for an appeal to the Housing Appeal Board. The Housing Appeal Board will consider your appeal on Monday, August 12, 2002 at 6 p.m. in the administration conference room at West St. Paul City Hall, 1616 Humboldt Avenue.

The scope of the hearing will be to determine if there has been an error in the notice, requirement or decision of the code enforcement officer, as is stated in City Code Section 425.25 subd. 5. At the conclusion of the hearing, the Housing Appeal Board will sustain, modify or withdraw the notice of the code enforcement officer. If the Housing Appeal Board sustains or modifies the notice, it will be deemed to be the final order of the City, pursuant to City Code Section 425.25 subd. 7.

You may be present for the appeal and provide any documentation you feel is necessary to support your appeal. Please provide 10 copies of any materials offered.

Sincerely,

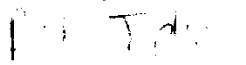
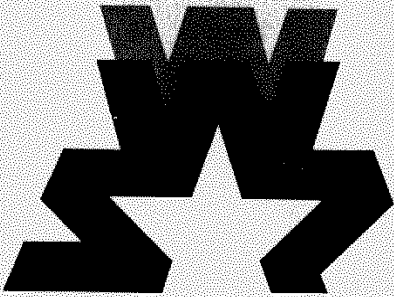

Rick Jopke
City of West St. Paul
Community Development Director

EXHIBIT 8



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100
PARKS/RECREATION 651-552-4150
FAX 651-552-4190

POLICE 651-552-4200
FIRE 651-552-4239
TDD 651-552-4222

TO: Property Owner _____

Address 1144 Ottawa
West St. Paul, MN 55118

COMPLIANCE LETTER

DATE: 7/15/02

FROM: Don Fackler, Deputy Code Enforcement Officer

Terry Maruska, Building Official

Jim Housley, Asst. Building Official

RE: **West St. Paul City Code Section 810**
Regulating the Growth and Elimination of Weeds

Weeds, vines + scrub brush.

OFFICE USE ONLY	
<input checked="" type="checkbox"/> Posted	
<input type="checkbox"/> Certified Mail	

Your attention is respectfully directed to Section 810 of the West St. Paul Municipal Code, which declares noxious weeds, any weeds growing to a greater height than 8 inches, or which have gone or are about to go to seeds a public nuisance. The Weed Inspector has the authority to order weeds cut and removed within 48 hours of receipt of this notice.

Following service of the notice, if you fail to comply, the City will remove the nuisance and assess the costs against your property.

Please correct any noncompliance conditions by the following date, after which a compliance inspection will be made.

COMPLIANCE DATE: 7/19/02 TIME: 8:00 A.M.

(48 hours from date and time of initial inspection)

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. I will be happy to assist you.

Failure to comply with this notice within 48 hours of its receipt or posting may result in the City contracting to perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.

FACSIMILE TRANSMITTAL SHEET

EXHIBIT 9

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651-457-4376

Thursday, July 18, 2002

From: 651 457 4376

01:48:01 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 3



To <Korrine Land Levander,
Gillen and Miller

651450
7384

Thursday, July 18, 2002
FROM 651 457 4376

01:48:01 AM
Page 2 of 3

FACSIMILE TRANSMITTAL SHEET

OPUSARTS 

PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA
FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

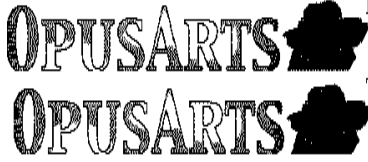
Thursday, July 18, 2002

From: 651 457 4376

01:37:35 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 2



To <Korrine Land Levander,
Gillen and Miller

651450
7384

Thursday, July 18, 2002

01:48:01 AM

Page 3 of 3

To <Korrine Land Levander,
Gillen and Miller

651450
7384

Thursday, July 18, 2002

01:37:35 AM

Page 2 of 2

FROM 651 457 4376



PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

OPUSARTS LLC.

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

1144 OTTAWA AVENUE

SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

JULY 18,2002

RE: ATTACHED DEMAND AND NOTICE REGARDING TREES, VINES
AND RASPBERRY BUSHES &
[HTTP://WWW.ANGELFIRE.COM/MN3/ADVOCATE/WSP1.HTML](http://www.angelfire.com/mn3/advocate/WSP1.html)

DEAR MS. LARSON:

FOR YOUR INFORMATION AND CONVENIENCE PHOTOGRAPHS OF 1144
OTTAWA AVENUE ARE POSTED AT:

[HTTP://WWW.ANGELFIRE.COM/MN3/ADVOCATE/WSP1.HTML](http://www.angelfire.com/mn3/advocate/WSP1.html)

YOUR COURTESY AND COOPERATION IN YOUR INFORMING ME OF THE
BEST AND MOST CONVENIENT TIME FOR YOU, FOR YOU TO RECEIVE SERVICE
OF THE THE FEDERAL SUMMONS AND COMPLAINT, THIS FRIDAY IS
APPRECIATED. YOU ARE WELCOME TO SEND AN E-MAIL FOR CONVENIENCE.

CORDIALLY,

MJ DUCHENE BFA

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 10**

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Thursday, July 18, 2002

From: 651 457 4376

01:37:35 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 2



To Corrine Land Levander,
Gillen and Miller



651450
7384

Thursday, July 18, 2002

FROM



651 457 4376

01:37:35 AM

Page 2 of 2

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE

SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM • 651-457-4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

JULY 18,2002

RE: ATTACHED DEMAND AND NOTICE REGARDING TREES, VINES
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DEAR MS. LARSON:

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YOUR COURTESY AND COOPERATION IN YOUR INFORMING ME OF THE
BEST AND MOST CONVENIENT TIME FOR YOU, FOR YOU TO RECEIVE SERVICE
OF THE THE FEDERAL SUMMONS AND COMPLAINT, THIS FRIDAY IS
APPRECIATED. YOU ARE WELCOME TO SEND AN E-MAIL FOR CONVENIENCE.

CORDIALLY,

M J DUCHENE BFA

FACSIMILE TRANSMITTAL SHEET

EXHIBIT 11

OPUSARTS



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Tuesday, July 16, 2002

From: 651 457 4376

11:45:12 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 5



To <Korrine Land Levander,
Gillen and Miller



651450
7384

Tuesday, July 16, 2002

FROM



651 457 4376

11:45:12 AM

Page 2 of 5

OPUSARTS 
PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA
FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS
OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

7/16/02

KORRINE LARSON
LEVANDER, GILLILAND AND ANDERSON
ATTORNEY FOR THE CITY OF WEST ST. PAUL

RE: ATTACHED DEMAND AND NOTICE REGARDING TREES, VINES AND
RASPBERRY BUSHES

DEAR Ms. LARSON:

PLEASE TAKE NOTICE THAT THERE IS NO LAW AGAINST HAVING GROWING
TREES, THERE IS A ONLY LAW PROHIBITING WEEDS. VINES AND RASPBERRY
BUSHES ON THE REAR OF MY PROPERTY, IMMEDIATELY ADJACENT TO THE ALLEY.
THERE ARE NO WEEDS.

VINES AND RASPBERRY BUSHES ARE PLANTED THERE TO PREVENT WEEDS
FROM TAKING HOLD AND TO BEAUTIFY THE PREMISES. THERE ARE ALSO SMALL
TREES GROWING IN THE SOUTHEAST SECTION OF THE PROPERTY WHICH I WANT
FOR SHADE TREES, AS I JUST LOST ONE OF MY TREES. IF THERE IS SOME AESTHETIC
OBJECTION BY ANYONE TO THIS LANDSCAPING SOLUTION, THAT IS TOO BAD,
BECAUSE THERE ARE NO LAWS WHICH ALLOW INFLICTION OF LANDSCAPING
ESTHETICS BY ONE PARTY ON ANOTHER. MR. FACKLER MADE ALLEGATIONS THAT
THE CITY HAS RIGHTS TO PICK AND CHOOSE WHICH NON WEED PLANTS ARE
PLANTED ADJACENT TO ALLEYS, TO PREVENT WEEDS, AND THAT THESE MUST BE
PAID FOR BY THE HOMEOWNER. THERE IS NO CITY ORDINANCE, KNOWN OF BY ME,
THAT GIVES THIS DISCRETION TO THE CITY AND MAKES SUCH DEMANDS ON THE
HOMEOWNER. PLEASE SEND ME A COPY OF ANY SUCH ORDINANCE. REPLACEMENT
VALUE OF THE RASPBERRY BUSHES AND VINES IS IN EXCESS OF \$1000.00.

IN THE NORTHEAST SECTION OF THE PROPERTY ADJACENT TO THE ALLEY, A
DISEASED ELM TREE, ON CITY PROPERTY, REMOVED BY THE CITY'S CONTRACTOR
THREE YEARS AGO, AT THE CITY'S COST, IS SPROUTING BECAUSE THE CONTRACTOR
DID NOT PROPERLY GRIND OUT THE STUMP. IN THE EVENT THAT THE CITY FINDS
THE RESULTS OF THIS CONTRACTORS NEGLIGENCE DISPLEASING, THE CITY WILL
HAVE TO MAKE A FORMAL DEMAND OF THIS CONTRACTOR THAT HE RETURN AND
COMPLETE THE GRINDING OUT OF THE STUMP SO OTHER PLANTS CAN BE PLANTED
TO REPLACE THIS GROWTH. I DEMAND THAT A COPY OF THIS DEMAND BE SENT TO
ME. IN THE EVENT IT IS NOT DONE I WILL FILE A LAWSUIT FOR NEGLIGENCE AGAINST
THE CONTRACTOR AND THE CITY. PLEASE NOTE THAT I PLANTED MANY COSTLY

PLANTS SUCH AS DAY LILIES IN THIS AREA AFTER THE TREE WAS REMOVED, AND THESE PLANTS HAVE BEEN DESTROYED BECAUSE OF THIS NEGLIGENCE, REPLACEMENT VALUE OF THESE PLANTS IS IN EXCESS OF \$1000.00. I RESERVE RIGHTS TO MAKE LEGAL CLAIMS FOR COMPENSATION FROM THE CONTRACTOR AND THE CITY.

PLEASE BE ADVISED THAT ANY STATUARY, ART OR OTHER ITEMS REMOVED FROM MY GARDEN AND YARD AT 1144 OTTAWA AVENUE WILL BE CHARGED TO THE CITY INCLUSIVE COSTS FOR MY TIME TO EFFECT REPLACEMENT, THAT I WOULD OTHERWISE HAVE AVAILABLE FOR MY BUSINESS, OPUSARTS LLC,.

ISSUANCE OF THE ATTACHED NOTICE ACTION IS SELF EVIDENTLY RETALIATORY ABUSE OF POWER AND HARASSMENT BY THE CITY, MOTIVATED BY LONGSTANDING ABUSIVE AND DEHUMANIZING ATTITUDES, RESULTING IN BEHAVIOR IN THE SAME ILK, TOWARDS ME PERSONALLY. THE ATTITUDES AND BEHAVIOR ARE MOTIVATED ON THE CITY'S PART BECAUSE I KNOW OF FELONY CRIMINAL CONDUCT ENGAGED IN BY CITY OFFICIALS AND EMPLOYEES FOR WHOM THE CITY IS LIABLE. THE CITY HAVE ONGOING GUILT, AND FEAR OF BEING PENALIZED BY THE LAW, REGARDING CITY INVOLVEMENT IN MY MOTHER'S MURDER; SEE: WWW.MURDERBYDIABETES.ORG. THERE IS A WILLFUL INTENT TO INFLICT EMOTIONAL HARM AND DISCRIMINATE AGAINST MYSELF ON THE BASIS OF AGE, DISABILITY AND INCOME, AND WASTE MY TIME AND THEREBY HARM ME PROFESSIONALLY.

THIS ACTION IS ALSO A CRIMINAL OFFENSE, ABUSE OF AUTHORITY, SEE MINNESOTA STATUTES:

609.43 MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE.

A PUBLIC OFFICER OR EMPLOYEE WHO DOES ANY OF THE FOLLOWING, FOR WHICH NO OTHER SENTENCE IS SPECIFICALLY PROVIDED BY LAW, MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH:

- (1) INTENTIONALLY FAILS OR REFUSES TO PERFORM A KNOWN MANDATORY, NONDISCRETIONARY, MINISTERIAL DUTY OF THE OFFICE OR EMPLOYMENT WITHIN THE TIME OR IN THE MANNER REQUIRED BY LAW; OR
- (2) IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, DOES AN ACT KNOWING IT IS IN EXCESS OF LAWFUL AUTHORITY OR KNOWING IT IS FORBIDDEN BY LAW TO BE DONE IN THAT CAPACITY; OR
- (3) UNDER PRETENSE OR COLOR OF OFFICIAL AUTHORITY INTENTIONALLY AND UNLAWFULLY INJURES ANOTHER IN THE OTHER'S PERSON, PROPERTY, OR RIGHTS; OR
- (4) IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, MAKES A RETURN, CERTIFICATE, OFFICIAL REPORT, OR OTHER LIKE DOCUMENT HAVING KNOWLEDGE IT IS FALSE IN ANY MATERIAL RESPECT.

MR. FACKLER ENGAGED IN THREATENING AND ABUSIVE CONDUCT, DIRECTED AT ME PERSONALLY, AS A SINGLE WOMAN, A SENIOR CITIZEN WITH A DISABILITY. WHILE HE WAS PRESENT ON MY PROPERTY. IN FUTURE I REQUIRE WRITTEN NOTICE THAT ANY PERSON FROM THE CITY IS INTENDING TO COME TO MY PROPERTY AND ENGAGE HIMSELF OR HERSELF WITH ME SO THAT I] CAN ARRANGE TO HAVE DISABILITY ADVOCATE PRESENT, ADDITIONAL TO TAPING THE CONVERSATION. I RECORDED MOST OF THE "CONVERSATION" BY MR. FACKLER, AS I AM TECHNICALLY MORE AWARE THAN MANY RESIDENTS AND HAVE FACILITIES TO DO

RE: BRUSH, KORRINE LAND, 7/16/02, PAGE 2



SO.

THE POWERS TO ENFORCE LEGITIMATE LAWS AND EFFECT EMERGENCY ABATEMENTS DOES NOT ALLOW OR EXTEND RIGHT TO PUBLIC OFFICERS AND EMPLOYEES TO: ENGAGE IN THEFT, ABUSE OF CITIZEN, OR INFRINGEMENT ON RIGHTS TO LEGITIMATE USE OF PROPERTY.

I HAVE A BEAUTIFUL GARDEN, COMPARABLE TO OTHER SIMILAR GARDENS IN WEST ST. PAUL, ALL BEING PHOTOGRAPHED.

IN THE EVENT THAT NOTIFICATION THAT YOU INTEND TO REMEDY THIS HARASSMENT IS NOT RECEIVED BY FRIDAY THIS WEEK, A FEDERAL TORT LAW SUIT AGAINST ALL PARTIES PERSONALLY AND THE CITY WILL BE FILED. CRIMINAL CHARGES PURSUANT TO: **609.43 MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE** WILL ALSO BE FILED WITH THE APPROPRIATE AUTHORITIES, IN THE EVENT THAT THE CRIMINAL CONDUCT IS NOT ABATED FROM THE CURRENT CONTINUING CONDITION AND WITHDRAWN. OBVIOUSLY WEST ST. PAUL WILL BE LIABLE FOR THE REPLACEMENT VALUES INCLUSIVE OF ALL COSTS IN EFFECTING REPLACEMENT, FOR ANY ITEMS OR PLANTS/SHRUBS OR TREES REMOVED FROM MY GARDEN, AND SUCH REMOVAL IS FELONY THEFT.

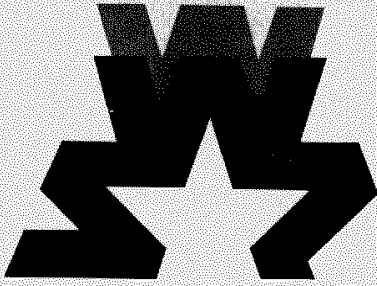
THIS ISSUE AND COPIES OF ALL COMMUNICATIONS IN THIS RESPECT, AND PHOTOGRAPHS OF MY YARD, ARE BEING PLACE ONLINE AT THE DISABILITY ADVOCATE WEB SITE, SEE A LINK FROM WWW.DDAWEB.ORG; SO THAT ALL MEMBERS OF THE PUBLIC CAN EVALUATE THESE MATTERS,

YOU WILL RECALL THAT THIS IS NOT THE FIRST OF ABUSIVE CONDUCT TOWARD ME BY THE CITY OF WEST ST. PAUL.

CORDIALLY,



M J DUCHENE BFA



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100
PARKS/RECREATION 651-552-4150
FAX 651-552-4190

POLICE 651-552-4200
FIRE 651-552-4239
TDD 651-552-4222

TO: Property Owner _____

Address 1144 Ottawa
West St. Paul, MN 55118

COMPLIANCE LETTER

DATE: 7/15/02

FROM: Don Fackler, Deputy Code Enforcement Officer

Terry Maruska, Building Official

Jim Housley, Asst. Building Official

RE: West St. Paul City Code Section 810
Regulating the Growth and Elimination of Weeds

Weeds, vines + scrub brush.

OFFICE USE ONLY

Posted

Certified Mail

Your attention is respectfully directed to Section 810 of the West St. Paul Municipal Code, which declares noxious weeds, any weeds growing to a greater height than 8 inches, or which have gone or are about to go to seeds a public nuisance. The Weed Inspector has the authority to order weeds cut and removed within 48 hours of receipt of this notice.

Following service of the notice, if you fail to comply, the City will remove the nuisance and assess the costs against your property.

Please correct any noncompliance conditions by the following date, after which a compliance inspection will be made.

COMPLIANCE DATE: 7/18/02 TIME: 8:00 A.M.

(48 hours from date and time of initial inspection)

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. I will be happy to assist you.

Failure to comply with this notice within 48 hours of its receipt or posting may result in the City contracting to perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 12**

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Thursday, July 18, 2002

From: 651 457 4376

09:22:50 PM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 3



To Corrine Land Levander,
Gillen and Miller



651450
7384

Thursday, July 18, 2002

FROM



651 457 4376

09:22:50 PM

Page 2 of 3

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE

SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

7/18/02

KORRINE LARSON
LEVANDER, GILLILAND AND ANDERSON
ATTORNEY FOR THE CITY OF WEST ST. PAUL

RE: ATTACHED DEMAND AND NOTICE REGARDING TREES, VINES AND
RASPBERRY BUSHES AND YOUR OFFER FOR AN "APPEAL" THROUGH THE
EXECUTIVE BRANCH, THE WSP CITY COUNCIL.

DEAR MS. LARSON:

YOU ARE FULLY AWARE THAT THERE IS NO LAW, ORDINANCE, STATUTE OR
CODE PROHIBITING VINES, SMALL TREES, TREE SPROUTS OR RASPBERRIES, AND
THAT THE WSP "CODE ENFORCERS" CANNOT ENFORCE DOES THAT DON'T EXIST.
PRESUMABLY YOU HAVE ADVISED RELEVANT CITY OFFICIALS OF THIS FACT.

ATTEMPTS TO EFFECT ENFORCEMENT OF NONEXISTENT CODES, UNDER
THREAT OF ABATEMENT, WITHOUT DUE PROCESS OF LAW; TO ENGAGE IN ACTIVITY
ATTEMPTING TO INFLICT PERSONAL OPINIONS OR VIEWS THAT HAVE NO FORCE OF
LAW ON ANOTHER; OR TO ENGAGE IN THEFT UNDER COLOR OF LAW ARE WITHIN
THE FOLLOWING DEFINITIONS, AND OBVIOUSLY SO:

- IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, DOES AN
ACT KNOWING IT IS IN EXCESS OF LAWFUL AUTHORITY OR KNOWING IT IS
FORBIDDEN BY LAW TO BE DONE IN THAT CAPACITY
- IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, MAKES A
RETURN, CERTIFICATE, OFFICIAL REPORT, OR OTHER LIKE DOCUMENT
HAVING KNOWLEDGE IT IS FALSE IN ANY MATERIAL RESPECT
- UNDER PRETENSE OR COLOR OF OFFICIAL AUTHORITY
INTENTIONALLY AND UNLAWFULLY INJURES ANOTHER IN THE OTHER'S
PERSON, PROPERTY, OR RIGHTS

ON A WITHOUT PREJUDICE BASIS, I ACCEPT YOUR OFFER FOR AN "APPEAL" -
ALTHOUGH THIS IS NOT A LAWFUL APPEALS PROCESS, SO YOU CANNOT CLAIM ANY
FAILURE ON MY PART, I DO NOT AGREE TO OR ACKNOWLEDGE THAT THE CITY
COUNCIL HAS THE JURISDICTION OF TO ADJUDICATE LAWS THAT DO NOT EXIST, OR
HEAR AN APPEAL REGARDING LAWS THAT DO NOT EXIST.

A CRIMINAL COMPLAINT WILL BE FILED FOR ABUSE OF AUTHORITY
REGARDING THE ABOVE REFERRED MATTER, BY THE CODE OFFICER AND CITY
OFFICIAL AND EMPLOYEES AIDING AND ABETTING AFTER THE FACT, AT NOON
TOMORROW ABSENT YOUR, AND THE CITY OF WEST ST. PAUL'S ABUTMENT OF



To Corrine Land Levander,
Gillen and Miller



651450
7384

Thursday, July 18, 2002
FROM 651 457 4376

09:22:50 PM
Page 3 of 3

THIS SPECIFIC CRIMINAL CONDUCT. IN OTHER WORDS CEASE AND DESIST. THE FEDERAL SUMMONS AND COMPLAINT WILL ALSO PROCEED TOMORROW ABSENT NOTIFICATION THAT YOU HAVE AGREED TO CEASE AND DESIST.

PLEASE TAKE NOTICE THAT AFTER NOON TOMORROW, THE VALUE OF MY TIME AT AN HOURLY RATE WILL BE CLAIMED AS DAMAGED FOR ONGOING HARASSMENT AND CRIMINAL CONDUCT BY ALL PARTIES IN THIS MATTER, REGARDING THE ABOVE REFERRED MATTER. I AM EXTREMELY BUSY DEVELOPING MY BUSINESS, OPUSARTS LLC., AND MY TIME HAS A MARKET RATE/VALUE OF IN EXCESS OF \$100.00 PER HOUR.

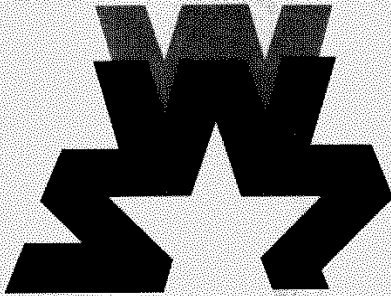
CORDIALLY,

A handwritten signature in black ink, appearing to read "M J Duchene". The signature is written in a cursive, somewhat stylized script.

M J DUCHENE BFA

RE: BRUSH, KORRINE LAND, 7/18/02, PAGE 2

EXHIBIT 13



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100
PARKS/RECREATION 651-552-4150
FAX 651-552-4190

POLICE 651-552-4200
FIRE 651-552-4239
TDD 651-552-4222

TO: Property Owner _____

Address 1144 Ottawa
West St. Paul, Mn 55118

COMPLIANCE LETTER

DATE: 7/15/02

FROM: Don Fackler, Deputy Code Enforcement Officer Terry Maruska, Building Official
 Jim Housley, Asst. Building Official _____

RE: West St. Paul City Code Section 2007.03
Regulating the Unsheltered Storage of Junk in the City

OFFICE USE ONLY
 Posted
 Certified Mail

Property Condition old file cabinet, kettle, styrofoam, cart
lunch, hobby horse, wood, basket, leaves, wood box
other miscellaneous items

Your attention is respectfully directed to the following, Section 2007.03 of the West St. Paul Municipal Code, which prohibits the outdoor storage of unsheltered junk or personal property which is no longer used for the purposes for which it was manufactured or made.

2007.03. Prohibition of Unsheltered Storage. Subdivision 1. No person shall place, permit, store, allow, maintain or leave machinery, implements, equipment, junk or personal property of any kind which is no longer used for purposes for which it was manufactured or made, upon an open space area of any premises located anywhere in the City. Subd. 2. Definition of "Junk." For purposes of this Section "Junk" shall mean worn out or discarded material which is no longer used for the purposes for which it was manufactured or made, including, but not limited to, household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public. Subd. 3. Violations. A person who creates, maintains or allows to continue a condition on property in violation of Section 2007.03 shall be deemed to have created a Nuisance subject to abatement as provided in Section 2007.05 and subject to penalties described in Section 2007.13.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date, after which a compliance inspection will be performed.

COMPLIANCE DATE: 7/25/02
(10 days from receipt/posting of this notice)

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. I will be happy to assist you.

Failure to comply with this notice within ten (10) days of its receipt or posting may result in the issuance of a misdemeanor citation, requiring a court appearance and the possible imposition of jail and/or fines. In addition, if you do not comply with this notice, the City may perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property. See City Code section 2007.05 - 2007.09.

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 14**

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651-457-4376

Thursday, July 18, 2002

From: 651 457 4376

01:48:44 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 3




To <Korrine Land Levander,
Gillen and Miller



651450
7384

Thursday, July 18, 2002

FROM  651 457 4376

01:48:44 AM

Page 2 of 3

FACSIMILE TRANSMITTAL SHEET



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA
FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

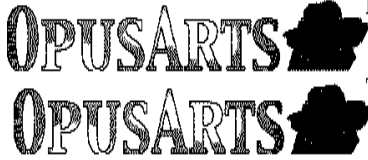
Thursday, July 18, 2002

From: 651 457 4376

01:38:12 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 2



To <Korrine Land Levander,
Gillen and Miller

651450
7384

Thursday, July 18, 2002
FROM 651 457 4376

01:48:44 AM
Page 3 of 3

To <Korrine Land Levander,
Gillen and Miller

651450
7384

Thursday, July 18, 2002
FROM 651 457 4376

01:38:12 AM
Page 2 of 2

OPUSARTS 

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

JULY 18,2002

RE: ATTACHED DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS &
[HTTP://WWW.ANGELFIRE.COM/MN3/ADVOCATE/WSP1.HTML](http://www.angelfire.com/mn3/advocate/WSP1.html)

DEAR Ms. LARSON:

FOR YOUR INFORMATION AND CONVENIENCE PHOTOGRAPHS OF 1144
OTTAWA AVENUE ARE POSTED AT:

[HTTP://WWW.ANGELFIRE.COM/MN3/ADVOCATE/WSP1.HTML](http://www.angelfire.com/mn3/advocate/WSP1.html)

YOUR COURTESY AND COOPERATION IN YOUR INFORMING ME OF THE
BEST AND MOST CONVENIENT TIME FOR YOU, FOR YOU TO RECEIVE SERVICE
OF THE THE FEDERAL SUMMONS AND COMPLAINT, THIS FRIDAY IS
APPRECIATED. YOU ARE WELCOME TO SEND AN E-MAIL FOR CONVENIENCE.

CORDIALLY,

MJ DUCHENE BFA

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 15**

OPUSARTS



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Thursday, July 18, 2002

From: 651 457 4376

01:38:12 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 2



To Corrine Land Levander,
Gillen and Miller



Thursday, July 18, 2002
FROM 651 457 4376

01:38:12 AM
Page 2 of 2



*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 · 651 457 4376 · E-mail: OpusArts@aol.com*

JULY 18,2002

RE: ATTACHED DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS &
[HTTP://WWW.ANGELFIRE.COM/MN3/ADVOCATE/WSP1.HTML](http://www.angelfire.com/mn3/advocate/WSP1.html)

DEAR MS. LARSON:

FOR YOUR INFORMATION AND CONVENIENCE PHOTOGRAPHS OF 1144
OTTAWA AVENUE ARE POSTED AT:

[HTTP://WWW.ANGELFIRE.COM/MN3/ADVOCATE/WSP1.HTML](http://www.angelfire.com/mn3/advocate/WSP1.html)

YOUR COURTESY AND COOPERATION IN YOUR INFORMING ME OF THE
BEST AND MOST CONVENIENT TIME FOR YOU, FOR YOU TO RECEIVE SERVICE
OF THE THE FEDERAL SUMMONS AND COMPLAINT, THIS FRIDAY IS
APPRECIATED. YOU ARE WELCOME TO SEND AN E-MAIL FOR CONVENIENCE.

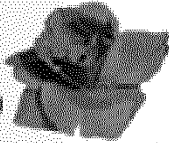
CORDIALLY,

M J DUCHENE BFA

FACSIMILE TRANSMITTAL SHEET

EXHIBIT 16

OPUSARTS



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Tuesday, July 16, 2002

From: 651 457 4376

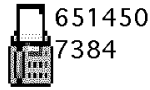
11:16:27 AM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 4




To <Korrine Land Levander,
Gillen and Miller



Tuesday, July 16, 2002

11:16:27 AM

FROM  651 457 4376

Page 2 of 4

OPUSARTS 
PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA
FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS
OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

7/16/02

KORRINE LAND
LEVANDER LAW FIRM
ATTORNEY FOR THE CITY OF WEST ST. PAUL

RE: ATTACHED DEMAND AND NOTICE REGARDING YARD AND GARDENING
EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS
FURNITURE, AND OTHER SIMILAR ITEMS.

DEAR Ms. LARSON:

PLEASE TAKE NOTICE THAT THERE IS NO LAW AGAINST HAVING ANY OF THE
ITEMS, MANY OF WHICH WERE ACQUIRED WITHIN ONE WEEK OF TODAY'S DATE ON
MY PROPERTY, AND NONE OF THESE ITEMS ARE JUNK, I.E.:

- OLD FILING CABINET: A ITEM RECENTLY OBTAINED (7/14/02) FOR
BUSINESS AND IN PROCESS OF BEING MOVED INTO HOME STUDIO. REPLACEMENT
VALUE \$565.00

- CART/TROLLEY - REGULARLY USED TO MOVE HEAVY ITEMS FOR
LANDSCAPING AND MOVING ITEMS IN AND OUT OF HOME. REPLACEMENT VALUE
\$165.00. I HAVE A RIGHT TO USE TOOLS SUCH AS THE CART IN MY
YARD, CONSISTENT WITH MY RIGHTS TO QUIET USE AND ENJOYMENT OF
MY PROPERTY, SUPPORTED BY THE BALANCE OF TORT LAW, WITHOUT
INTERFERENCE AND ABUSE FROM MR. FACKER ON BEHALF OF THE CITY.

- LEAVES - ? NOT THERE

- BROKEN POTS - (NUMBER: 1) EITHER TO BE USED FOR GARDENING AND IN
PROCESS OF BEING REPAIRED - \$115.00

- HOBBY HORSE - GARDEN STATUARY ART WHICH WILL NOT BE REMOVED
FROM YARD AND WHICH HAS A REPLACEMENT VALUE OF \$2500.00

- WOODEN BOX - SQUIRREL FEEDER. REPLACEMENT VALUE \$165.00.

- OTHER ITEMS - ? NO OTHER ITEMS KNOWN OF

PLEASE BE ADVISED THAT ANY STATUARY, ART OR OTHER ITEMS REMOVED
WILL BE CHARGED TO THE CITY INCLUSIVE COSTS FOR MY TIME TO EFFECT
REPLACEMENT, THAT I WOULD OTHERWISE HAVE AVAILABLE FOR MY BUSINESS,
OPUSARTS LLC,.

ISSUANCE OF THE ATTACHED NOTICE ACTION IS SELF EVIDENTLY
RETALIATORY ABUSE OF POWER AND HARASSMENT BY THE CITY, MOTIVATED BY
LONGSTANDING ABUSIVE AND DEHUMANIZING ATTITUDES, RESULTING IN BEHAVIOR
IN THE SAME ILK, TOWARDS ME PERSONALLY. THE ATTITUDES AND BEHAVIOR ARE



MOTIVATED ON THE CITY'S PART BECAUSE I KNOW OF FELONY CRIMINAL CONDUCT ENGAGED IN BY CITY OFFICIALS AND EMPLOYEES FOR WHOM THE CITY IS LIABLE. THE CITY HAVE ONGOING GUILT, AND FEAR OF BEING PENALIZED BY THE LAW, REGARDING CITY INVOLVEMENT IN MY MOTHER'S MURDER; SEE: WWW.MURDERBYDIABETES.ORG. THERE IS A WILLFUL INTENT TO INFLICT EMOTIONAL HARM AND DISCRIMINATE AGAINST MYSELF ON THE BASIS OF AGE, DISABILITY AND INCOME, AND WASTE MY TIME AND THEREBY HARM ME PROFESSIONALLY.

THIS ACTION IS ALSO A CRIMINAL OFFENSE, ABUSE OF AUTHORITY, SEE MINNESOTA STATUTES:

609.43 MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE.

A PUBLIC OFFICER OR EMPLOYEE WHO DOES ANY OF THE FOLLOWING, FOR WHICH NO OTHER SENTENCE IS SPECIFICALLY PROVIDED BY LAW, MAY BE SENTENCED TO IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR TO PAYMENT OF A FINE OF NOT MORE THAN \$3,000, OR BOTH:

- (1) INTENTIONALLY FAILS OR REFUSES TO PERFORM A KNOWN MANDATORY, NONDISCRETIONARY, MINISTERIAL DUTY OF THE OFFICE OR EMPLOYMENT WITHIN THE TIME OR IN THE MANNER REQUIRED BY LAW; OR
- (2) IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, DOES AN ACT KNOWING IT IS IN EXCESS OF LAWFUL AUTHORITY OR KNOWING IT IS FORBIDDEN BY LAW TO BE DONE IN THAT CAPACITY; OR
- (3) UNDER PRETENSE OR COLOR OF OFFICIAL AUTHORITY INTENTIONALLY AND UNLAWFULLY INJURES ANOTHER IN THE OTHER'S PERSON, PROPERTY, OR RIGHTS; OR
- (4) IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, MAKES A RETURN, CERTIFICATE, OFFICIAL REPORT, OR OTHER LIKE DOCUMENT HAVING KNOWLEDGE IT IS FALSE IN ANY MATERIAL RESPECT.

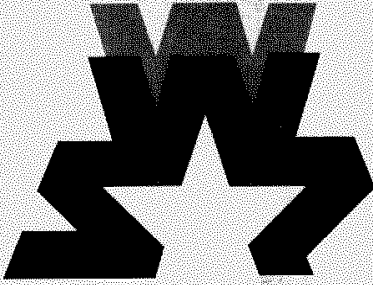
MR. FACKLER ENGAGED IN THREATENING AND ABUSIVE CONDUCT, DIRECTED AT ME PERSONALLY, AS A SINGLE WOMAN, A SENIOR CITIZEN WITH A DISABILITY. WHILE HE WAS PRESENT ON MY PROPERTY. IN FUTURE I REQUIRE WRITTEN NOTICE THAT ANY PERSON FROM THE CITY IS INTENDING TO COME TO MY PROPERTY AND ENGAGE HIMSELF OR HERSELF WITH ME SO THAT I CAN ARRANGE TO HAVE DISABILITY ADVOCATE PRESENT, ADDITIONAL TO TAPING THE CONVERSATION. I RECORDED MOST OF THE "CONVERSATION" BY MR. FACKLER, AS I AM TECHNICALLY MORE AWARE THAN MANY RESIDENTS AND HAVE FACILITIES TO DO SO.

THE POWERS TO ENFORCE LEGITIMATE LAWS AND EFFECT EMERGENCY ABATEMENTS DOES NOT ALLOW OR EXTEND RIGHT TO PUBLIC OFFICERS AND EMPLOYEES TO: ENGAGE IN THEFT, ABUSE OF CITIZEN, OR INFRINGEMENT ON RIGHTS TO LEGITIMATE USE OF PROPERTY.

I HAVE A BEAUTIFUL GARDEN, COMPARABLE TO OTHER SIMILAR GARDENS IN WEST ST. PAUL, ALL BEING PHOTOGRAPHED.

IN THE EVENT THAT NOTIFICATION THAT YOU INTEND TO REMEDY THIS HARASSMENT IS NOT RECEIVED BY FRIDAY THIS WEEK, A FEDERAL TORT LAW SUIT AGAINST ALL PARTIES PERSONALLY AND THE CITY WILL BE FILED. CRIMINAL CHARGES PURSUANT TO: **609.43 MISCONDUCT OF PUBLIC OFFICER OR**

RE: LAWN, KORRINE LAND, 7/16/02, PAGE 2



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100
PARKS/RECREATION 651-552-4150
FAX 651-552-4190

POLICE 651-552-4200
FIRE 651-552-4239
TDD 651-552-4222

TO: Property Owner _____

Address 1144 Ottawa
West St. Paul, Mn 55118

COMPLIANCE LETTER

DATE: 7/15/02

FROM: Don Fackler, Deputy Code Enforcement Officer Terry Maruska, Building Official
 Jim Housley, Asst. Building Official _____

RE: West St. Paul City Code Section 2007.03
Regulating the Unsheltered Storage of Junk in the City

OFFICE USE ONLY
 Posted
 Certified Mail

Property Condition old file cabinet, bottles, styrofoam, cart
brush, hobby horse, wood, brake pat, leaves, wood box
+ other miscellaneous items

Your attention is respectfully directed to the following, Section 2007.03 of the West St. Paul Municipal Code, which prohibits the outdoor storage of unsheltered junk or personal property which is no longer used for the purposes for which it was manufactured or made.

2007.03. Prohibition of Unsheltered Storage. Subdivision 1. No person shall place, permit, store, allow, maintain or leave machinery, implements, equipment, junk or personal property of any kind which is no longer used for purposes for which it was manufactured or made, upon an open space area of any premises located anywhere in the City. Subd. 2. Definition of "Junk." For purposes of this Section "Junk" shall mean worn out or discarded material which is no longer used for the purposes for which it was manufactured or made, including, but not limited to, household appliances or parts thereof, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or property values, health, safety or general welfare of the public. Subd. 3. Violations. A person who creates, maintains or allows to continue a condition on property in violation of Section 2007.03 shall be deemed to have created a Nuisance subject to abatement as provided in Section 2007.05 and subject to penalties described in Section 2007.13.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date, after which a compliance inspection will be performed.

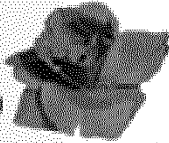
COMPLIANCE DATE: 7/25/02
(10 days from receipt/posting of this notice)

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. I will be happy to assist you.

Failure to comply with this notice within ten (10) days of its receipt or posting may result in the issuance of a misdemeanor citation, requiring a court appearance and the possible imposition of jail and/or fines. In addition, if you do not comply with this notice, the City may perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property. See City Code section 2007.05 - 2007.09.

FACSIMILE TRANSMITTAL SHEET **EXHIBIT 17**

OPUSARTS



PRESIDENT AND OWNER, MARIJAYN DUCHENE BEA

FROM MARIJAYN DUCHENE BEA
BOARD OF GOVERNORS

OPUSARTS LLC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008

E-MAIL: OPUSARTS@AOL.COM + 651-457-4376

Thursday, July 18, 2002

From: 651 457 4376

09:27:45 PM

To: Korrine Land Levander, Gillen and Miller 651450 7384

Page 1 of 3



To <Korrine Land Levander,
Gillen and Miller



651450
7384

Thursday, July 18, 2002

FROM



651 457 4376

09:27:45 PM

Page 2 of 3

OPUSARTS 
PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA
FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS
OPUSARTS LLC.
1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
E-MAIL: OPUSARTS@AOL.COM • 651 457 4376

*and: MJ Duchene BFA, 1144 Ottawa Avenue, Saint Paul,
MN 55118-2008 • 651 457 4376 • E-mail: OpusArts@aol.com*

7/18/02

KORRINE LAND
LEVANDER LAW FIRM
ATTORNEY FOR THE CITY OF WEST ST. PAUL

RE: ATTACHED DEMAND AND NOTICE REGARDING YARD AND GARDENING EQUIPMENT, GARDEN STATUARY AND RECENTLY ACQUIRED BUSINESS FURNITURE, AND OTHER SIMILAR ITEMS; AND YOUR OFFER FOR AN "APPEAL" THROUGH THE EXECUTIVE BRANCH, THE WSP CITY COUNCIL.

DEAR MS. LARSON:

YOU ARE WELL AWARE THAT THERE IS NO BASIS IN LAW FOR ANY COMPLAINT OR CHARGE AGAINST ME, NOR ANY ABATEMENT, THEFT OR OTHER OFFICIAL INVOLVEMENT, FOR ANY OF THE FOLLOWING AND THAT I AM FULLY WITHIN MY RIGHTS TO:

- HAVE WHATEVER STATUARY AND ART I PLEASE IN MY YARD
- KEEP POTS, BROKEN OR NOT IN MY YARD.
- KEEP AND USE A CART, TROLLEY, OR DOLLY TO MOVE ITEMS ON MY PROPERTY.
- BRING PROFESSIONAL EQUIPMENT SUCH AS DRAWING DRAW CABINETS ONTO MY PROPERTY.
- KEEP AND USE CONTAINERS OF WEED KILLER, FOR WEED REMOVAL AND VINEGAR FOR CLEANING ON MY PROPERTY
- KEEP SQUIRREL FEEDER ON MY PROPERTY.
- KEEP AND USE UNSPECIFIED MISCELANEOUS (?) IN MY YARD

ATTEMPTS TO EFFECT ENFORCEMENT OF NONEXISTENT CODES, UNDER THREAT OF ABATEMENT, WITHOUT DUE PROCESS OF LAW; TO ENGAGE IN ACTIVITY ATTEMPTING TO INFLICT PERSONAL OPINIONS OR VIEWS THAT HAVE NO FORCE OF LAW ON ANOTHER; OR TO ENGAGE IN THEFT UNDER COLOR OF LAW ARE WITHIN THE FOLLOWING DEFINITIONS, AND OBVIOUSLY SO:

- IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, DOES AN ACT KNOWING IT IS IN EXCESS OF LAWFUL AUTHORITY OR KNOWING IT IS FORBIDDEN BY LAW TO BE DONE IN THAT CAPACITY
- IN THE CAPACITY OF SUCH OFFICER OR EMPLOYEE, MAKES A RETURN, CERTIFICATE, OFFICIAL REPORT, OR OTHER LIKE DOCUMENT HAVING KNOWLEDGE IT IS FALSE IN ANY MATERIAL RESPECT
- UNDER PRETENSE OR COLOR OF OFFICIAL AUTHORITY

INTENTIONALLY AND UNLAWFULLY INJURES ANOTHER IN THE OTHER'S
PERSON, PROPERTY, OR RIGHTS

ON A WITHOUT PREJUDICE BASIS, I ACCEPT YOUR OFFER FOR AN "APPEAL" -
ALTHOUGH THIS IS NOT A LAWFUL APPEALS PROCESS, SO YOU CANNOT CLAIM ANY
FAILURE ON MY PART, I DO NOT AGREE TO OR ACKNOWLEDGE THAT THE CITY
COUNCIL HAS THE JURISDICTION OF TO ADJUDICATE LAWS THAT DO NOT EXIST, OR
HEAR AN APPEAL REGARDING LAWS THAT DO NOT EXIST.

A CRIMINAL COMPLAINT WILL BE FILED FOR ABUSE OF AUTHORITY
REGARDING THE ABOVE REFERRED MATTER, BY THE CODE OFFICER AND CITY
OFFICIAL AND EMPLOYEES AIDING AND ABETTING AFTER THE FACT, AT NOON
TOMORROW ABSENT YOUR, AND THE CITY OF WEST ST. PAUL'S ABUTMENT OF
THIS SPECIFIC CRIMINAL CONDUCT. IN OTHER WORDS CEASE AND DESIST. THE
FEDERAL SUMMONS AND COMPLAINT WILL ALSO PROCEED TOMORROW ABSENT
NOTIFICATION THAT YOU HAVE AGREED TO CEASE AND DESIST.

PLEASE TAKE NOTICE THAT AFTER NOON TOMORROW, THE VALUE OF MY
TIME AT AN HOURLY RATE WILL BE CLAIMED AS DAMAGED FOR ONGOING
HARASSMENT AND CRIMINAL CONDUCT BY ALL PARTIES IN THIS MATTER, REGARDING
THE ABOVE REFERRED MATTER. I AM EXTREMELY BUSY DEVELOPING MY BUSINESS,
OPUSARTS LLC., AND MY TIME HAS A MARKET RATE/VALUE OF IN EXCESS OF
\$100.00 PER HOUR.

CORDIALLY,



M J DUCHENE BFA

December 13, 2001

Dear IDIOT,

*YOU HAVE GOT TO BE THE RUDEST PIECE OF SHIT WE
KNOW!!!!!!*

*WE (ALL YOUR NEIGHBORS UP TO A BLOCK IN EVERY
DIRECTION!!!) HAVE HAD IT WITH YOUR PIECE OF SHIT DOG.
IF I HEAR ONE MORE FUCKING SOUND AFTER DARK AND
BEFOR SUNRISE, YOU CAN CONSIDER IT AS GOOD AS DEAD.*

*I MEAN IT!! ONE MORE BARK - IT'S TOAST! YOU CAN HEAR
THAT SHIT A BLOCK AWAY. YOUR NEIGHBORS HAVE TO WORK
DURING THE DAY. I AM SICK AND FUCKING TIRED OF BEING
AWAKENED IN THE MIDDLE OF THE NIGHT. I DON'T SLEEP
WELL AS IT IS. SO SHUT THAT FUCKER UP!!! I WILL HAVE NO
PROBLEM KILLING YOUR ANIMAL.*

*REMEMBER ONE THING - IT IS NOT THE DOGS' FAULT - IT IS
YOURS!!!!!! SO WHATEVER HAPPENS - IT IS YOUR FAULT*

DON'T BOTHER CALLING THE COPS - THEY HAVE HAD IT ALSO.

FUCK YOU VERY MUCH!

55118+2008

OCCUPANT
1144 OTTAWA AVE
W. ST. PAUL, MN 55118



Facsimile Transmittal Sheet

MariJayn Duchene BFA

1144 Ottawa Avenue

Saint Paul, MN 55118-2008

651 457 4376 · OpusArts@aol.com

From: 651 457 4376

Friday, January 18, 2002

05:19:11 AM

To: Thomas B. Heffelfinger US Deptment of Justice US Attorney, Minnesota 612664 5787

Page 1 of 10



Mary Jane Duchene BFA
1144 Ottawa Avenue
West Saint Paul, MN 551118-2008
E-mail: marijaynduchene@aol.com

Thomas B. Heffelfinger, United States Attorney
300 South 4th St., 600 U.S. Courthouse, Minneapolis 55415
PHONE: (612) 664-5600 – FAX: (612) 664-5787

January 18, 2001

RE: Terroristic Threats

To whom it may Concern, in the above office:

Herewith attached my communication to the West St. Paul Police Department regarding terroristic threats made against me.

I am concerned at the allegation the writer of the threatening letter makes that the West St. Paul Police essentially support he terrorism, which is why I ma sending this to you.

There has been political friction for a long time regarding past official misconduct, which included but was not limited to a West St. Paul Policeman, as per the attached handout. I am concerned that retaliation for these political and legal views could result, by condoning terroristic conduct against me.

I have reported the matter to the West St. Paul Police in person today and gave them the letter and envelope.

Thank you for your attention to this matter.

M J Duchene


CC: Dr. Thordal, PhD.

MJ Duchene BFA

To Thomas B. Heffelfinger US
Department of Justice US
Attorney, Minnesota



612664 5787Friday, January 18, 2002

FROM  651 457 4376

05:19:11 AM

Page 3 of 10

Facsimile Transmittal Sheet

Mary Jane Duchene BFA

1144 Ottawa Avenue

Saint Paul, MN 55118-2008

651 457 4376 · OpusArts@aol.com

From: 651 457 4376

Wednesday, January 16, 2002

02:58 PM

Page 1 of 6

To:

MJ Duchene BFA

To Thomas B. Heffelfinger US
Deptment of Justice US
Attorney, Minnesota
West St. Paul Police Felony
Investigation



612664 5787 Friday, January 18, 2002

FROM 651 457 4376

05:19:11 AM

Page 4 of 10

*Mary Jane
Duchene BFA*

To



651552 4190 Wednesday, January 16, 2002

FROM 651 457 4376

02:58 PM

Page 2 of 6

Mary Jane Duchene BFA

1144 Ottawa Avenue

West Saint Paul, MN 551118-2008

E-mail: marijaynduchene@aol.com

January 16. 2002

To the West St. Paul Police

COMPLAINT, TERRORISTIC THREATS BY MAIL

BY FAX

Herewith I report the terroristic threat made against me and my dogs, by mail, received today. The front and back of the envelope is also enclosed.

609.713 Terroristic threats.

Subdivision 1. Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. As used in this subdivision, "crime of violence" has the meaning given "violent crime" in section 609.1095, subdivision 1, paragraph (d).

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

Subd. 3. (a) Whoever displays, exhibits, brandishes, or otherwise employs a replica firearm or a BB gun in a threatening manner, may be sentenced to imprisonment for not more than one year and one day or to payment of a fine of not more than

MJ Duchene BFA

*Mary Jane
Duchene BFA*

To Thomas B. Heffelfinger US
Deptment of Justice US
Attorney, Minnesota
West St. Paul Police Felony
Investigation



612664 5787 Friday, January 18, 2002

FROM 651 457 4376



651552 4190 Wednesday, January 16, 2002

FROM 651 457 4376

05:19:11 AM

Page 5 of 10

02:58 PM

Page 3 of 6

\$3,000, or both, if, in doing so, the person either:

(1) causes or attempts to cause terror in another person;
or

(2) acts in reckless disregard of the risk of causing
terror in another person.

(b) For purposes of this subdivision:

(1) "BB gun" means a device that fires or ejects a shot
measuring .18 of an inch or less in diameter; and

(2) "replica firearm" means a device or object that is not
defined as a dangerous weapon, and that is a facsimile or toy
version of, and reasonably appears to be a pistol, revolver,
shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher,
or any other firearm. The term replica firearm includes, but is
not limited to, devices or objects that are designed to fire
only blanks.

HIST: 1971 c 845 s 19; 1988 c 712 s 15; 1990 c 461 s 3; 1993
c326 art 4 s 34; 1994 c 636 art 2 s 45; art 3 s 23; 1995 c 244 s
24,25; 1998 c 367 art 6 s 15

This is clearly printed on an ink jet or laser printer, attached to a computer.

It is not difficult to trace such items on a computer and the residue or files
remains even if the file is erased.

Please inform me, by e-mail, of the results of your investigation,
immediately. If you need the letter for the investigation I will be happy to
bring it in to the WSP police station.

As the letter states, alleges, that the local police support these terroristic
threats; this is also being forwarded to the federal authorities.

M J Duchene

CC: Dr. Thordal, PhD.

MJ Duchene BFA

*Mary Jane
Duchene BFA*

To Thomas B. Heffelfinger US
Department of Justice US
Attorney, Minnesota
West St. Paul Police Felony
Investigation



612664 5787 Friday, January 18, 2002

FROM 651 457 4376



651552 4190 Wednesday, January 16, 2002

FROM 651 457 4376

05:19:11 AM

Page 6 of 10

02:58 PM

Page 4 of 6

December 13, 2001

Dear IDIOT,

***YOU HAVE GOT TO BE THE RUDEST PIECE OF SHIT WE
KNOW!!!!!!***

***WE (ALL YOUR NEIGHBORS UP TO A BLOCK IN EVERY
DIRECTION!!!!) HAVE HAD IT WITH YOUR PIECE OF SHIT DOG.
IF I HEAR ONE MORE FUCKING SOUND AFTER DARK AND
BEFOR SUNRISE, YOU CAN CONSIDER IT AS GOOD AS DEAD.***

***I MEAN IT!! ONE MORE BARK - IT'S TOAST! YOU CAN HEAR
THAT SHIT A BLOCK AWAY. YOUR NEIGHBORS HAVE TO WORK
DURING THE DAY. I AM SICK AND FUCKING TIRED OF BEING
AWAKENED IN THE MIDDLE OF THE NIGHT. I DON'T SLEEP
WELL AS IT IS. SO SHUT THAT FUCKER UP!!! I WILL HAVE NO
PROBLEM KILLING YOUR ANIMAL.***

***REMEMBER ONE THING - IT IS NOT THE DOGS' FAULT - IT IS
YOURS!!!!!! SO WHATEVER HAPPENS - IT IS YOUR FAULT***

DON'T BOTHER CALLING THE COPS - THEY HAVE HAD IT ALSO.

FUCK YOU VERY MUCH!

MJ Duchene BFA

*Mary Jane
Duchene BFA*

To Thomas B. Heffelfinger US
Deptment of Justice US
Attorney, Minnesota
West St. Paul Police Felony
Investigation



612664 5787 Friday, January 18, 2002

FROM 651 457 4376



651552 4190 Wednesday, January 16, 2002

FROM 651 457 4376

05:19:11 AM

Page 7 of 10

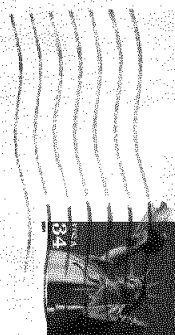
02:58 PM

Page 5 of 6

5511572004



OCCUPANT
1144 OTTAWA AVE
W. ST. PAUL, MN 55118



MJ Duchene BFA

*Mary Jane
Duchene BFA*

To Thomas B. Heffelfinger US
Department of Justice US
Attorney, Minnesota
To West St. Paul Police Felony
Investigation



612664 5787 Friday, January 18, 2002

FROM 651 457 4376



651552 4190 Wednesday, January 16, 2002

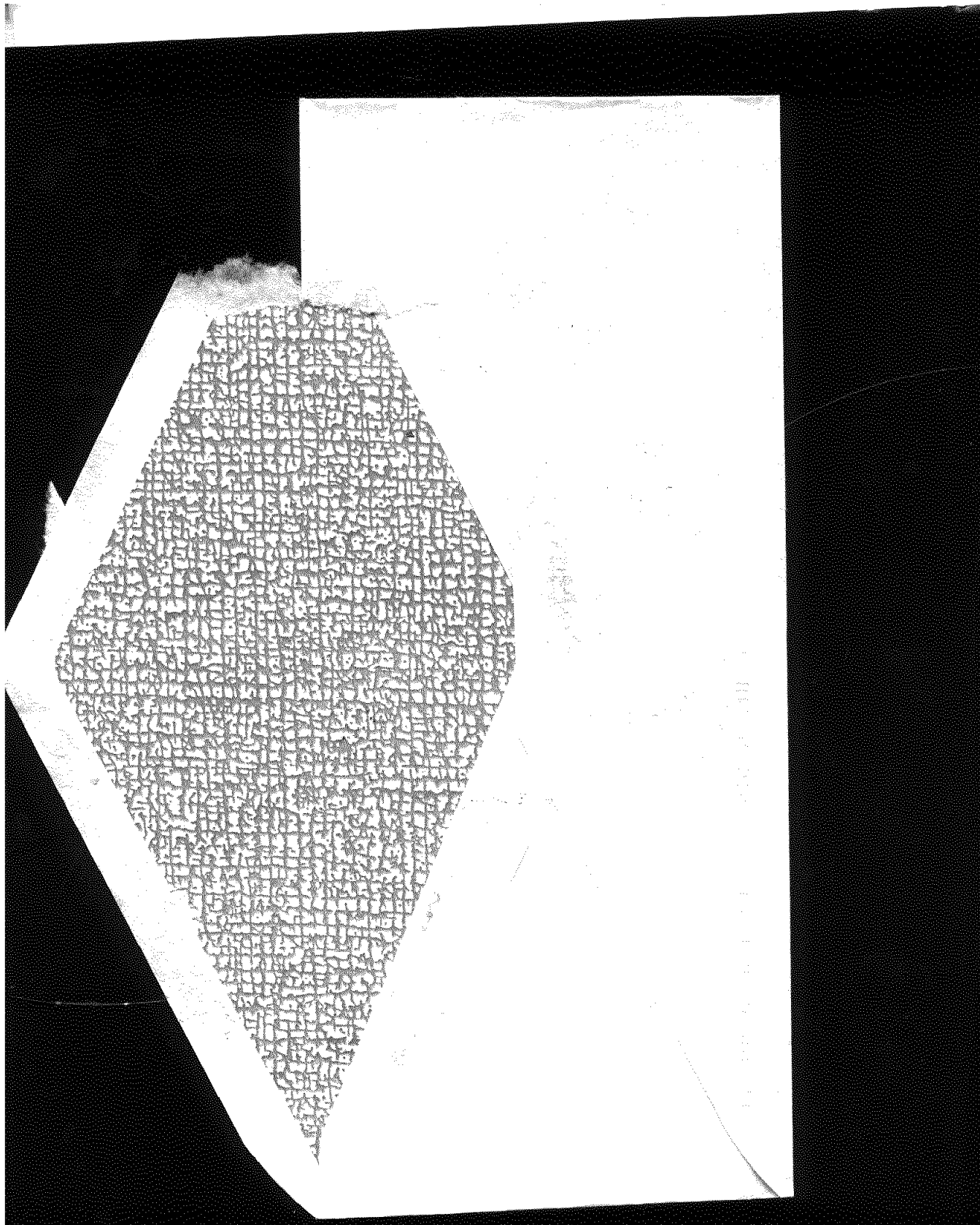
FROM 651 457 4376

05:19:11 AM

Page 8 of 10

02:58 PM

Page 6 of 6





Subj: RE: Case no. 02000495
Date: Thursday, January 17, 2002 07:46:13 PM
From:
To: tom.fangel@ci.west-saint-paul.mn.us
bcc: bruce_thordal@yahoo.com

As per earlier report at WSP police station, 1/17/02, re: threatening letter:

House no. 1155 Ottawa : Has in the past orally abused friend of mine who was working on my car, in the front of my house, apparently about my dogs, around early 1999. This friend told me about this and told the fellow he didn't want to be involved and that this fellow should talk to me directly. I didn't hear this conversation but was told of it. Also became hysterical when stray "shepherd" puppy came into my yard, around same time period. I called police who retrieved puppy that had a collar on. This fellow may be able to see into the area on the side of my house where dogs go out, as his house is higher than mine and he can look down. That area is lit at night. This person has never spoken to me directly and I don't know him or his name. The tone of the letter, in my opinion, seems to me to be impersonal, and objectifies me and the dogs. This person seems to do that.

House no. 1141 Ottawa : Have in the past seen the man from that house going into back of my house via the yard at 1140 Ottawa, and looking or staring at my dog kennel and fenced in area. General comments from the wife of the fellow at this address, in the past, gave indications that this man does not like me. I have not had direct communications with this man.

House no. 1162 Ottawa: Has cats and in the past generally contained about various dogs in the neighborhood. These people know me by name.

My dogs don't go out of the fenced in area, bother cats, or spend any lengthy time outside, especially in winter. They go to the bathroom outside, and come in right away. They are short hair breed and can't endure cold weather. They are indoor dogs.

I don't think Tim Titus at 1150 Ottawa would have sent this letter, or would have used the obscene and objectifying language that was in the letter. He



knows my name and the names of the dogs. Tim and his wife have been quite helpful to me in clearing snow last winter and I don't sense this type of hostility from them.

My impression of the letter is that the writer of the letter, because of the objectification and gratuitous use of offensive language, may have some mental health problems, or be hysterical in some way, which is why I am concerned about the letter. There appears to be a type of mind set, in the letter, similar to, for example: a wife beater, who blames the wife for making him beat her up.

Hope this is helpful.

Thank you for your help. M. J. Duchene, OpusArts LLC.

Facsimile Transmittal Sheet

EXHIBIT 21

Mary Jane Duchene BFA

1144 Ottawa Avenue

Saint Paul, MN 55118-2008

651 457 4376 · OpusArts@aol.com

From: 651 457 4376

Wednesday, January 16, 2002

02:58 PM

Page 1 of 6

To:

Mary Jane
Duchene BFA

To West St. Paul Police Felony
Investigation



651552 4190

Wednesday, January 16, 2002

02:58 PM

FROM 651 457 4376

Page 2 of 6

Mary Jane Duchene BFA
1144 Ottawa Avenue
West Saint Paul, MN 551118-2008
E-mail: *marijaynduchene@aol.com*

January 16, 2002

To the West St. Paul Police

COMPLAINT, TERRORISTIC THREATS BY MAIL

BY FAX

Herewith I report the terroristic threat made against me and my dogs, by mail, received today. The front and back of the envelope is also enclosed.

609.713 Terroristic threats.

Subdivision 1. Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly, vehicle or facility of public transportation or otherwise to cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. As used in this subdivision, "crime of violence" has the meaning given "violent crime" in section 609.1095, subdivision 1, paragraph (d).

Subd. 2. Whoever communicates to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

Subd. 3. (a) Whoever displays, exhibits, brandishes, or otherwise employs a replica firearm or a BB gun in a threatening manner, may be sentenced to imprisonment for not more than one year and one day or to payment of a fine of not more than



\$3,000, or both, if, in doing so, the person either:

(1) causes or attempts to cause terror in another person;
or

(2) acts in reckless disregard of the risk of causing
terror in another person.

(b) For purposes of this subdivision:

(1) "BB gun" means a device that fires or ejects a shot
measuring .18 of an inch or less in diameter; and

(2) "replica firearm" means a device or object that is not
defined as a dangerous weapon, and that is a facsimile or toy
version of, and reasonably appears to be a pistol, revolver,
shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher,
or any other firearm. The term replica firearm includes, but is
not limited to, devices or objects that are designed to fire
only blanks.

HIST: 1971 c 845 s 19; 1988 c 712 s 15; 1990 c 461 s 3; 1993
c326 art 4 s 34; 1994 c 636 art 2 s 45; art 3 s 23; 1995 c 244 s
24,25; 1998 c 367 art 6 s 15

This is clearly printed on an ink jet or laser printer, attached to a computer.

It is not difficult to trace such items on a computer and the residue or files
remains even if the file is erased.

Please inform me, by e-mail, of the results of your investigation,
immediately. If you need the letter for the investigation I will be happy to
bring it in to the WSP police station.

As the letter states, alleges, that the local police support these terroristic
threats; this is also being forwarded to the federal authorities.

M J Duchene

CC: Dr. Thordal, PhD.

Mary Jane
Duchene BFA


To West St. Paul Police Felony
Investigation



651 552 4190

Wednesday, January 16, 2002

02:58 PM

FROM  651 457 4376

Page 4 of 6

December 13, 2001

Dear IDIOT,

*YOU HAVE GOT TO BE THE RUDEST PIECE OF SHIT WE
KNOW!!!!!!*

*WE (ALL YOUR NEIGHBORS UP TO A BLOCK IN EVERY
DIRECTION!!!) HAVE HAD IT WITH YOUR PIECE OF SHIT DOG.
IF I HEAR ONE MORE FUCKING SOUND AFTER DARK AND
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THAT SHIT A BLOCK AWAY. YOUR NEIGHBORS HAVE TO WORK
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YOURS!!!!!!! SO WHATEVER HAPPENS - IT IS YOUR FAULT*

DON'T BOTHER CALLING THE COPS - THEY HAVE HAD IT ALSO.

FUCK YOU VERY MUCH!

Mary Jane
Duchene BFA

To West St. Paul Police Felony
Investigation



651552 4190

Wednesday, January 16, 2002

02:58 PM

FROM 651 457 4376



Page 5 of 6

5311512002

OCCUPANT
1144 OTTAWA AVE
W. ST. PAUL, MN 55118



Mary Jane
Duchene BFA

To West St. Paul Police Felony
Investigation



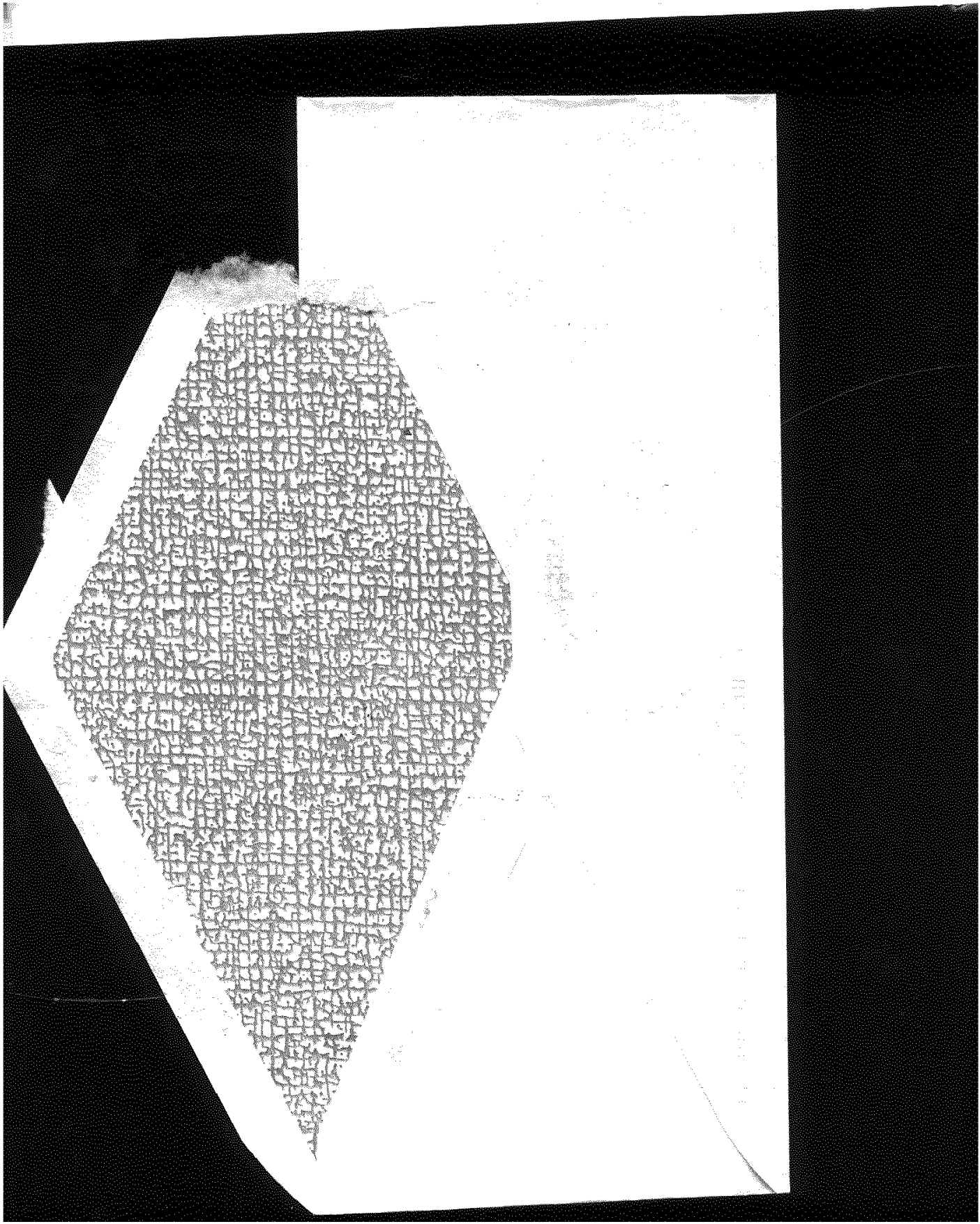
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Wednesday, January 16, 2002

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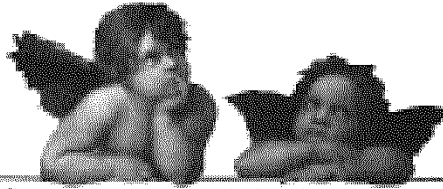
FROM 651 457 4376

Page 6 of 6



Facsimile Transmittal Sheet

EXHIBIT 23



Diabetics/Disabled ANONYMOUS
NON-PROFIT SUPPORT GROUP AND ALLIANCE, INC.

1144 OTTAWA AVENUE
SAINT PAUL, MN 55118-2008
651 457 4376

Thursday, May 02, 2002

From: 651 457 4376

10:14:43 PM

To: West St. Paul Police Thefts 651552 4190

Page 1 of 2



To West St. Paul Police



Thursday, May 02, 2002

10:14:43 PM

From 651 457 4376

Page 2 of 2



Diabetics/Disabled Anonymous
Non-Profit Support Group and Alliance, Inc.

1144 OTTAWA AVENUE, WSP, MN 55118-2008 • V: 651 457 4376

MAY 2, 2002

WEST ST. PAUL POLICE
1616 HUMBOLDT AVENUE
WSP MN 55118-2008

RE: SIGNAGE

WE WISH TO REPORT THAT SIGNAGE, INCLUSIVE THE WOOD FRAME OF THE SIGN, IN THE FRONT YARD OF THE PROPERTY, BELONGING TO OUR ORGANIZATION WAS APPARENTLY STOLEN OVERNIGHT, IN THE EARLY HOURS OF MAY 1, 2002. WE NOTICED IT MISSING ON 5/01/02, AND THAT IT HAD BEEN DUG OUT OF THE GROUND. SPOT LIGHT ON THE SIGN FRAME WERE ALSO DAMAGE, APPARENTLY WHILE THE SIGN WAS BEING STOLEN.

WE HAVE A REPLACEMENT COMPUTERIZED PRINT OF THE ACTUAL SIGN BUT NEED TO REPLACE THE SIGN FRAME.

IT IS UNDERSTOOD THAT THE CITY DOES NOT NECESSARILY LIKE OR AGREE WITH THE POLITICAL CONTENT ON THE SAID SIGN.

DIABETICS/DISABLED ANONYMOUS
NON PROFIT SUPPORT GROUP AND ALLIANCE

EXHIBIT 24

820.07. Removal of Boulevard Trees

Subd. 1. City Removal. The City will remove trees that are determined by the Public Works Director to be diseased, dangerous or a public nuisance according to the following rules:

- a. Removal of trees will not leave the stump above boulevard level.
- b. Removal of any tree is to be approved by the Public Works Director before removal.
- c. When the City removes trees in connection with public improvements, new trees may be planted if the City determines it is practical.

Subd. 2. Resident Requests The owner of property abutting a boulevard may request the removal of a boulevard tree. If deemed necessary by the Public Works Director, the tree will be removed by the City at no cost to the property owner.

810.01 - Weeds

810.03 - Dirt and Rubbish

810.05 - Repairs to Sidewalks

810.07 - Ice and Snow Removal

815.01 - Vacating Public Lands, Streets and Alleys

815.03 - Use of Public Rights of Way

SECTION 800

SURFACING; EXCAVATION

800.01. Sidewalk, Curb, and Blacktop License . No person may engage in the business of laying, relaying, repairing, or constructing concrete sidewalks, gutters, driveways, curbs, or parking lots made of asphalt or other bituminous substances, commonly known as "blacktop," in the City without a license, nor may any person lay, relay, repair, or reconstruct any sidewalk, gutter, driveway, or curb made of concrete or asphalt or other bituminous substances, commonly known as "blacktop" without a license or without complying with the terms of this Section. Licenses must be obtained pursuant to City Code Section 1005.

800.03. Sidewalk, Driveway, and Curb Laying

Subd. 1. Grade. All sidewalks, curbs, driveways or gutters laid, relaid, repaired, or reconstructed must conform to the satisfaction of the City. All work is subject to the supervision and control of the Public Works Director.

Subd. 2. Barricades and Lights. The licensee must erect suitable and proper

barricades, warning signs and lights during the progress of any work. The surface of any street must be restored to its previous condition.

Subd. 3. Standard Plans. All curbs, gutters and driveways must be constructed according to City standard plans.

800.05. Excavation in Streets.

Subd. 1. License and Permit Required. No person may dig into any street, alley, or other public land, or make any subsurface utility connection, without a license and without a specific permit for each job, pursuant to City Code Sections 1005 and 1015, respectively.

Subd. 2. Permits. Each permit applicant must comply with City regulations and provisions of this Code regarding the protection of persons and property and minimizing interference with public use. Permits must be kept at the work site and shown to any City official or police officer on request.

Subd. 3. Blocking Street; Drainage; Barricades. All work must be done so as to cause the least public inconvenience. One-half the street or alley must remain open for traffic. Gutters must remain open so that drainage is uninterrupted. Open holes must be barricaded and marked day and night. Mains and pipes must be protected against freezing.

Subd. 4. Refilling. All excavations must be refilled within ten days of the opening of the excavation. The refilling will be done in the following manner: six inch layers, and compacted with pneumatic or vibratory compactors to a density equal to, or greater than that of the original soil. If the material dug is unsuitable for refilling, the City may require that dry granular material be used for backfill at the expense of whoever is doing the work. All dirt, gravel, or rock surfaces must be replaced with material of like grade and quality. All debris and excess material must be removed from the site promptly. The sidewalks, drives, curbs, gutters and boulevards that may have been damaged must be restored to their original condition or replaced.

Subd. 5. Restoring Surface. The surface of any street where excavation is made must be restored to its previous condition.

Subd. 6. Basement Sewer Connections. No sanitary sewer connections may be made until basements are completely backfilled and covered to prevent stormwater from entering basement drains.

Subd. 7. Work by City. City officials may give notice of noncompliance upon learning of any failure to comply with this Section. If the condition for which notice was given is not corrected within 24 hours, the City may undertake the corrective work itself, at the cost of the person doing the work, which is collectible if necessary from the license bond.

Subd. 8. Exceptions. This Section does not apply to work done by the City, under

contract with the City, or by a franchised utility.

800.07. Petitions for Local Improvements. No petition for street opening, widening, or grading will be accepted by the City Clerk, unless the petition, in addition to grading, includes gravel, blacktop, and curb where deemed necessary.

800.09. Utility Work in Reconstructed Streets. Subd. 1. Notice to Public Utilities. For every street that is going to be reconstructed, the City Engineer will notify in writing each public utility that has public facilities located in a street. The notice will contain the following information:

- a. The street or portion of street to be reconstructed;
 - b. The proposed schedule for the street reconstruction work; and
 - c. That the plans for the street reconstruction are available for inspection in the City Engineer's Office.
- Subd. 2. Coordinate Activities. A public utility with public facilities in a street to be reconstructed must inspect, repair, replace or rehabilitate its facilities located within the street while the street reconstruction is being performed and coordinate the activity with the City Engineer. In the case of a gas utility, the public utility will leak test its facilities just prior to the first course of the permanent street surface being laid.
- Subd. 3. Permit Required. After the date of reconstruction, no public utility may excavate in a reconstructed street without first obtaining a permit from the City Engineer. However, in case of an emergency affecting the public health and safety, the public utility must promptly notify the City Engineer and obtain a permit within two business days following the excavation. The City Engineer may include in the permit any conditions deemed necessary to protect the public health, interest and safety.
- Subd. 4. Fees Required. Except in the case of a new service when none previously existed, the public utility must pay a permit fee as set by City Council resolution.

Section 810 Lot and Sidewalk Maintenance

810.01. Weeds

Subd. 1. General Rule. The owner and occupant of any property are responsible for the maintenance of the grass and grounds of the property. Any weeds, whether noxious or not, growing upon any lot or parcel of land outside the traveled portion of a street or alley, which are greater than eight inches or which have gone

or about to go to seed, are public nuisances.

Subd. 2. Notice. The Weed Inspector will serve notice upon the owner and occupant ordering that the weeds be cut and removed within 48 hours. Notice must be served pursuant to City Code Section 2010.

Subd. 3. Removal and Assessment Following service of the notice, if the owner or occupant fails to comply, the City may remove the nuisance and assess the costs against the current occupant, pursuant to City Code Section 2010.

810.03. Dirt and Rubbish

Subd. 1. General Rule. The owner and occupant of any property adjacent to a public walk must use due diligence to keep the walk free from obstacles and safe for pedestrians. No owner or occupant may allow dirt or rubbish to remain on the walk longer than 12 hours after its deposit. All dirt and rubbish remaining on a public walk more than 12 hours are public nuisances.

Subd. 2. Notice. The City will serve notice upon the owner and occupant ordering that the dirt or rubbish be removed within 24 hours. Notice must be served pursuant to City Code Section 2010.

Subd. 3. Removal and Assessment Following service of the notice, if the owner or occupant fails to comply, the City may remove the nuisance and assess the costs, pursuant to City Code Section 2010.

2005.03. Entering Upon Land

Subd. 1. Consent. It is unlawful for any person to enter upon the land of another without claim of right or the written consent of the owner or of one who has the right to give consent, except in an emergency situation.

Subd. 2. Refusal to Leave. It is unlawful for any person in violation of Subdivision 1 to refuse to leave land upon the order of a police officer, or, if the person is lawfully on the land, to refuse to exhibit the written consent required by Subdivision 1.

MISDEMEANORS

Chapter XX is divided into three parts:

2007.01 - General

2007.03 - Prohibition of Unsheltered Storage

2007.05 - Prohibition of Inoperable or Abandoned
Vehicle

- 2010.01 - Definitions
- 2010.03 - Exceptions
- 2010.05 - Summary Abatement
- 2010.07 - Abatement; Notice
- 2010.09 - Abatement by City
- 2010.11 - Invoice
- 2010.13 - Assessment

Section 2007

Unsheltered Storage of Junk and Inoperable or Abandoned Vehicles

2007.01. General

Subd. 1. Purpose. The purpose of this Section is to declare the unsheltered storage of inoperable, abandoned or junked automobiles and any other vehicles, machinery, implements, equipment, junk or personal property of any kind which is no longer used for the purposes for which it was manufactured or made to be a danger to the public health and safety.

Subd. 2. Declaration. The unsheltered storage of these property items throughout the City tend to impede traffic in the streets, interfere with the enjoyment of and reduce the value of public and private property, invite plundering, create fire hazards and other safety and health hazards to children as well as adults, interfere with the comfort and well-being of the public, and create, extend and aggravate urban blight. The Council declares that, in order to protect the public health, safety and welfare from such conditions, these conditions must be regulated, abated and prohibited.

2007.03. Prohibition of Unsheltered Storage

Subd. 1. General Rule. No person may place, permit, store, allow, maintain or leave machinery, implements, equipment, junk or personal property of any kind, which is no longer used for purposes for which it was manufactured or made, upon an open space area of any premises located anywhere in the City.

Subd. 2. Definition. For purposes of this Section, "Junk" means worn out or discarded material that is no longer used for the purposes for which it was manufactured or made, including but not limited to, household appliances or parts, tools, building materials, tin cans, glass, furniture, mattresses, box springs, crates, cardboard, tires or any other unsightly debris, brush or materials, the accumulation of which may have an adverse effect upon the neighborhood or

property values, health, safety or general welfare of the public.

Subd. 3. Public Nuisance. A person who creates, maintains, permits or allows a condition on property in violation of City Code Section 2007.03 will be deemed to have created a public nuisance subject to abatement as provided in City Code Section 2010 and other penalties described in this Code.

2007.05. Prohibition of Inoperable or Abandoned Vehicle .

Subd. 1. No person may place, park, permit to remain, store or leave upon an open space area of any premises located anywhere in the City any Inoperable or Abandoned Vehicle for more than seven days.

Subd. 2. Exceptions.

a. In a Residential zoned district, Inoperable or Abandoned Vehicles may not be placed, parked, permitted to remain, stored or left for more than seven days unless the vehicle is kept entirely within an enclosed building.

b. In a Business or Industrial zoned district, Inoperable or Abandoned Vehicles may not be placed, parked, permitted to remain, stored or left for more than seven days unless adequately screened. Adequate screening will require the keeping of the vehicles within a building, tight fence at least five feet in height, or within an earth-toned or neutral colored opaque cover that was specifically designed and manufactured for that purpose and which completely encloses such vehicle. Any Inoperable or Abandoned Vehicle legally kept in a Business or Industrial Zoning District for more than seven days must be at least 100 feet from a public highway or residential building.

Subd. 3. Definition. For purposes of this Section, an "Inoperable" or "Abandoned" Vehicle has the following meaning:

a. A vehicle that does not have valid current vehicle license and registration;

b. A vehicle that lacks essential parts that would render it operable; or

c. A vehicle that is in a rusted, wrecked, extensively damaged, partially dismantled or junked condition.

Subd. 4. Notice. If a vehicle fails to meet any of the above requirements, the owner or possessor of the vehicle will be responsible to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten working days of receipt of a written demand by the City. In the event the owner or possessor of the vehicle cannot be located, then it will be the responsibility of

the owner of the premises to remove the vehicle to a duly licensed junkyard or other authorized place of deposit or storage within ten working days of receipt of a written demand by the City.

Subd. 5. Impoundment of Vehicles. The City may take into custody and impound any vehicle or vehicles in violation of City Code Section 2007.11, following the expiration of the ten-day notice pursuant to City Code Section 2007.11 subd. 4.

Subd. 6. Disposition of Impounded Vehicles. In all cases of impoundment described in City Code Section 2007.11 subd. 5, the City will serve a notice on the owner of the property, by registered or certified mail, or by personal service, informing the owner of the right to reclaim the vehicles within fifteen days of the date of the notice, and stating that in the event the owner does not reclaim the vehicle, the City may dispose or sell the vehicle. The owner or lienholder may reclaim the vehicle upon payment of all towing, storage and administrative costs by the City. If the vehicle is not reclaimed, it may be disposed of at auction or sale. The City will be reimbursed for towing, storing and administrative costs from the proceeds of the sale. Any remainder must be held for 90 days and then will be deposited in the City's general fund.

Section 2010

Public Nuisances

2010.01. Definitions. For purposes of this Section, the terms defined have the following meanings.

Subd. 1. Abatement. "Abatement" means the removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.

Subd. 2. Property. "Property" means any real property, premises, structure or location on which a Public Nuisance is alleged to exist.

Subd. 3. Public Nuisance. "Public Nuisance" includes, but is not limited to, the following acts:

a. Engaging in any business or activity which is dangerous, hurtful, unwholesome, offensive or unhealthy to the neighborhood, or which constitutes an annoyance to the persons in the neighborhood, or is detrimental to the property in the neighborhood.

b. Permitting, suffering, maintaining, or failing to remove any offensive, nauseous, hurtful, dangerous or unhealthy condition resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid, or thing upon one's premises, or dropping, discharging, passing, depositing or otherwise delivering the same upon the

premises of another or public property.

c. Constructing, maintaining, permitting or suffering upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate any insulting, profane or abusive emblem, sign, or device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace.

d. Displaying, circulating, issuing or publishing any slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statements.

e. Any fence, wall, shed, deck, house, garage, building, structure, tree, pole, smokestack, excavation, hole, pit, basement, cellar, sidewalk, dock, lot, land, yard, premises or location which by reason of the condition in which it is found or permitted to be or remain, does or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City.

f. Violations of City Code Section 403 (Commercial Properties Section), Section 415 (Sign Section), Section 902 (Vacant and Hazardous Building Section), Section 2007 (Unsheltered Storage of Junk and Inoperable or Abandoned Motor Vehicles Section), Section 2010 (Nuisances; General) or Section 2020 (Graffiti Section) of this Code and any other violations of the City Code or Zoning Ordinance that are a danger to the health, safety and general welfare of the citizens of the City.

g. Any other activity, place or thing that is defined in this Code as a nuisance or Public Nuisance.

Subd. 4. Summary Abatement. "Summary abatement" means the abatement of the nuisance by the City, or a contractor employed by the City, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property except for the notice required by this Code.

2010.03. Exceptions. Activities undertaken by the Economic Development Authority or the City Council under the Quality Housing Program or any other bona-fide redevelopment initiative are not subject to the requirements of this Section.

2010.05. Summary Abatement. Whenever the City is made aware of the existence of a Public Nuisance, the City will cause to be inspected the property on which it is alleged that such a Public Nuisance exists. Should the City determine that a Public Nuisance exists and that the public health, safety or welfare may be in immediate danger, then summary abatement procedures will be implemented and the City may cause the nuisance to be removed or abated. When summary abatement is authorized, notice to the owner, agent or occupant of the property is not required. Following summary abatement, the City will post a notice on the property describing the action taken to abate the nuisance.

2010.07. Abatement; Notice.

Subd. 1. **General Rule.** If, after inspecting the property, the City declares the existence of a Public Nuisance but the nature of the nuisance is not such as to require summary abatement of the nuisance, then regular abatement procedures will be followed.

Subd. 2. **Notice.** In cases where summary abatement of a Public Nuisance is not required, the City will serve a notice on the owner, by registered or certified mail, or by personal service, ordering the owner to remove the Public Nuisance. The Public Nuisance must be removed within 48 hours after the date of receipt of the notice unless another time period is established elsewhere in the notice. The notice will contain the following information:

- a. Description of the property upon which the nuisance is situated;
- b. The nature of the nuisance to be abated;
- c. State that in the event the owner does not comply with the order, the necessary work may be performed by the City at the expense of the owner; and
- d. State that if the owner does not pay for the expense, the cost of the work will be assessed against the property.

If no owner of the property can be found, the notice will be posted on the property for a period of 48 hours, after which period the City may perform any necessary work. Notice by registered or certified mail and notice by posting may be done simultaneously.

2010.09. Abatement by City. If the Public Nuisance is not abated at the expiration of time stated in the notice, the City has the authority to enter upon the property and abate the Public Nuisance. In abating the nuisance, the City may go to whatever extent necessary to complete the abatement of the Public Nuisance.

The City may call upon any of the City departments or divisions for whatever assistance is deemed necessary or may by private contract cause the abatement of the Public Nuisance. If any material derived from the abatement is salvageable, the City may sell the salvaged material at private or public sale with the proceeds from the sale going to the City's General Fund.

2010.11. Invoice. If the City performs the work pursuant to City Code Section 2010.09, the City will maintain a record showing the cost of the work attributable to each separate lot and parcel, including administrative costs. The City will prepare and mail an invoice to the owner setting forth the amount of expenses and charge for such work, which will be due 30 days after notice of billing and payable at the office of the Finance Director.

2010.13. Assessment. The City will list the total unpaid charges for each type of work against each lot or parcel to which the charges are attributable pursuant to City Code Section 2010.11. The Council may then assess the charges against the property benefited as a special assessment, pursuant to statute, for certificate to the County Auditor and collection together with current taxes payable in the following year.

2010.15. Personal Liability of Owner. The person who is the owner of the property at the time the notice of Public Nuisance is posted will be personally liable for the amount of the assessment including all interest, civil penalties and other charges.

2010.17. Overhead Charge; Civil Penalties. Whenever the City abates a Public Nuisance, the amount of expenses and charge to the owner will include an overhead charge of up to 25% for administrative costs. When the City has abated a Public Nuisance maintained by any owner of real property, an additional civil penalty of up to 50% of the cost of abatement will be added to the amount of expenses and charged to the owner for each subsequent nuisance that is abated by the City within two consecutive calendar years concerning real property owned by the same person. The civil penalty will be imposed without regard to whether the nuisances abated by the City involved the same real property or are of the same character.

Picture 1



Picture 2



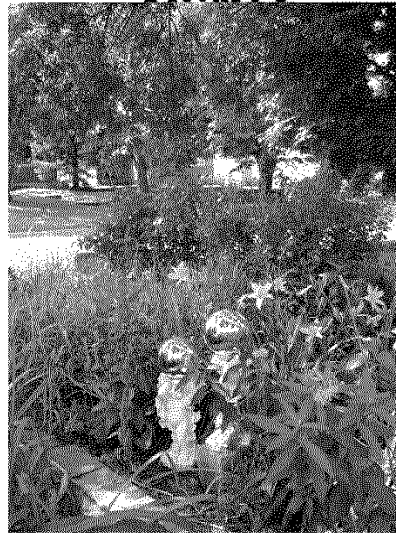
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Picture 4



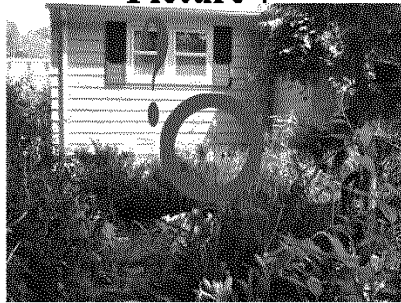
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Picture 6



Picture 7



Picture 8



Picture 9

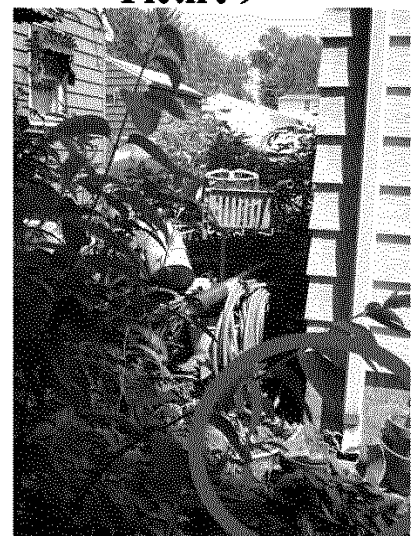
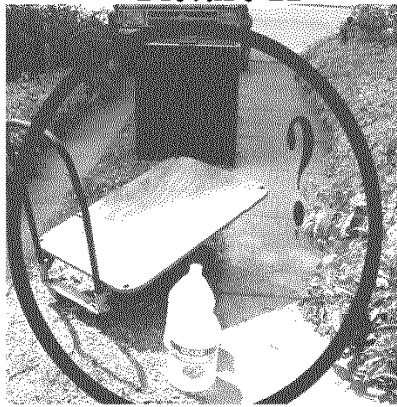


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logo links for color versiona

Picture 10



Picture 11



Picture 12

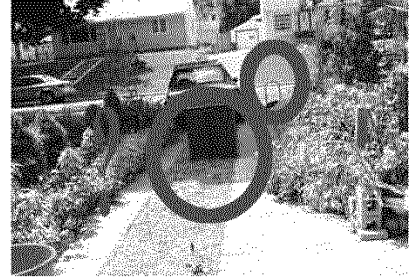
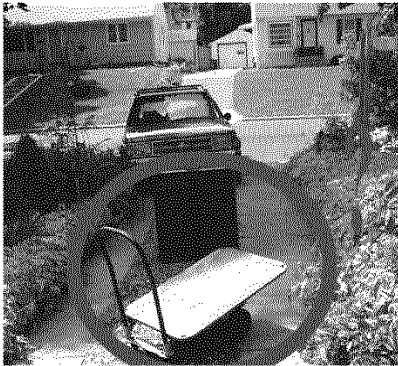


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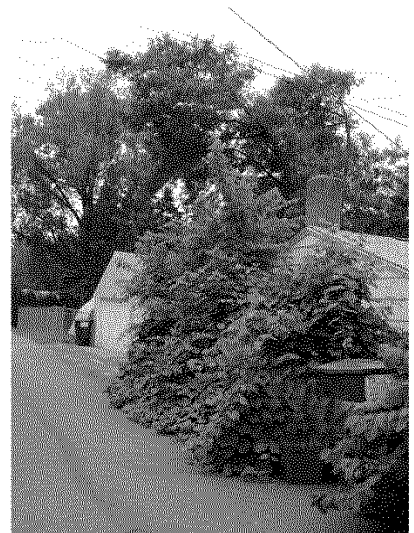
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Picture 14



Picture 15



Picture 16



Picture 17



Picture 18



Picture 19



Picture 20



Picture 21

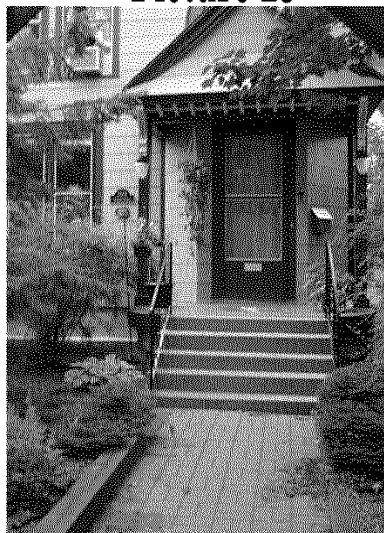


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Picture 23



Picture 24



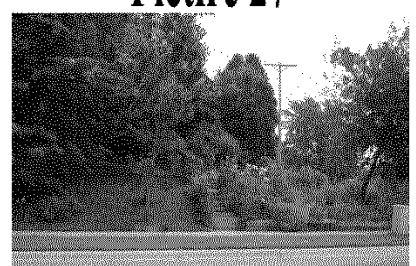
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Picture 26



Picture 27



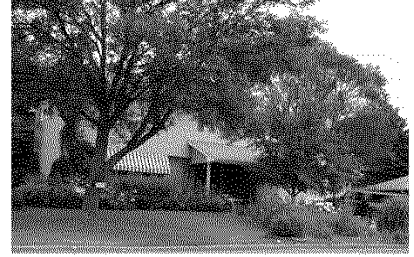
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Picture 29



Picture 30



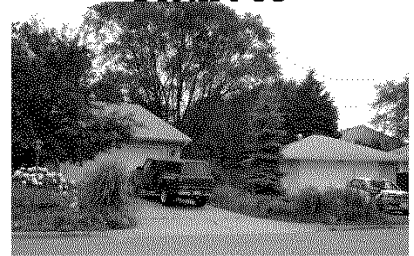
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Picture 32



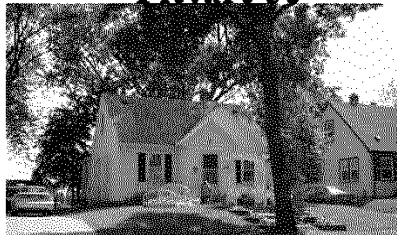
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Picture 34



Picture 35

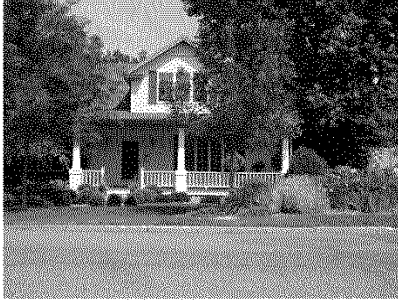


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Picture 38



Picture 39



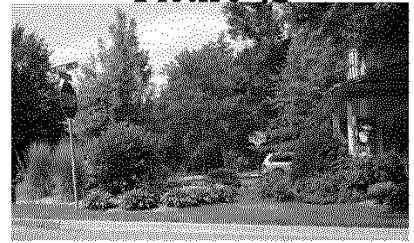
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Picture 41



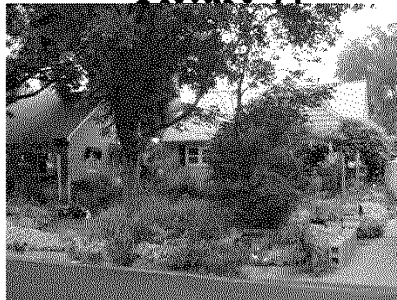
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Picture 43



Picture 44



Picture 45

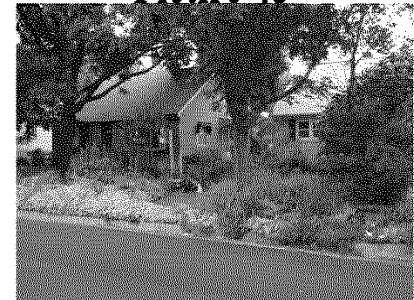


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Picture 46



Picture 47



Picture 48



EXHIBIT 30
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logo links for color version

Picture 49



Picture 50



Picture 51



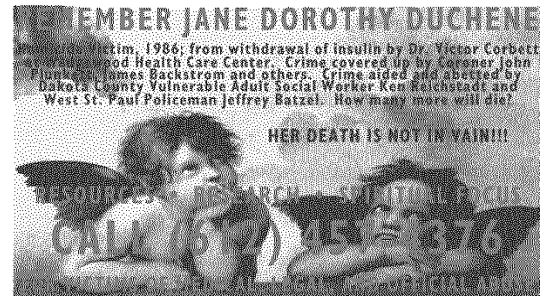
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Picture 53



Picture 54



Picture 55



Picture 56



Picture 57

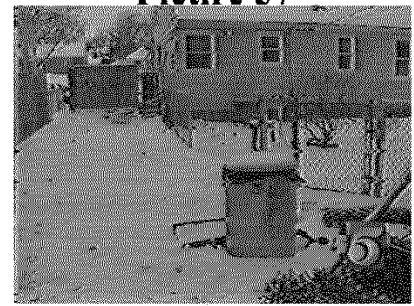


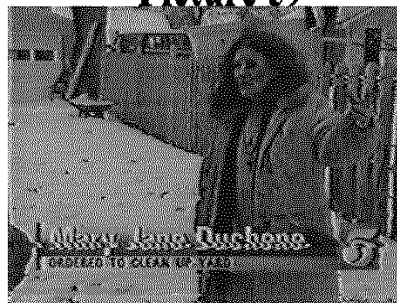
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Picture 58



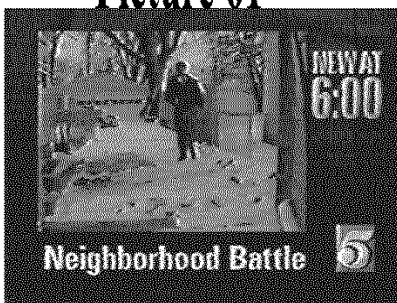
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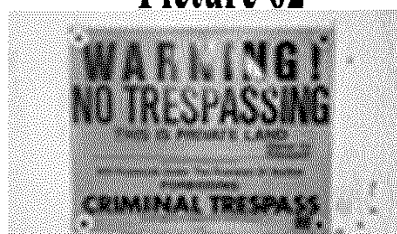
Picture 60



Picture 61



Picture 62



Entry back yard enclosed space

Picture 63



Picture 63 and Exhibit 32 show trimmed hedges, vines and plantings of new raspberries and mint as of Auhust 8, 2002, consistent with other properties.

Picture 64



Picture 65



Picture 66

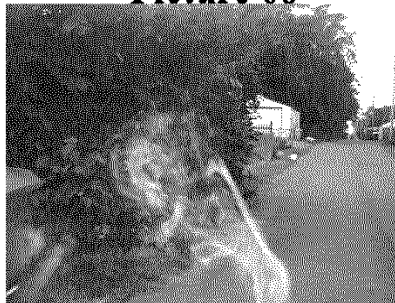


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Picture 67



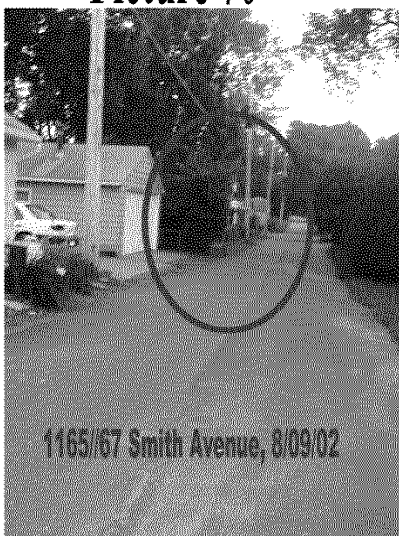
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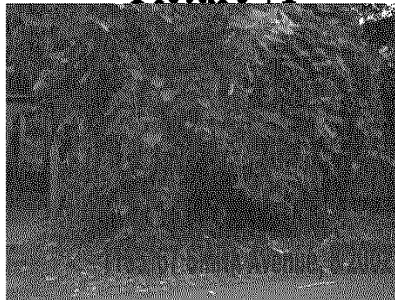
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Picture 70



Picture 71



Picture 72

