

OPUSARTS

PRESIDENT AND OWNER, MARIJAYN DUCHENE BFA

FROM MARIJAYN DUCHENE BFA
BOARD OF GOVERNORS

OPUSARTS LLC.
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AUGUST 17, 2002

RE: YOURS OF 8/13/02

TO: MS. LARSON LAND PP. HERSELF; LEVANDER, GILLEN AND MILLER;
WEST ST. PAUL CITY COUNCIL MEMBERS; WEST ST. PAUL MAYOR;
AND WEST ST. PAUL COMMUNITY DEVELOPMENT AGENCY, INCLUSIVE
ALL RELEVANT EMPLOYEES, PERSONALLY AND PROFESSIONALLY:

NOTICE AND RESPONSE TO LETTER OF 8/13/02:

1) YOUR LETTER APPEARS TO BE A STATEMENT THAT ALL ADDRESSED INTEND TO COMMIT THEFT AND CONVERSION, WITH INTENT TO PERMANENTLY DEPRIVE ME OF SERVICEABLE ITEMS, IN TAKING THE SQUIRREL FEEDERS (EXHIBIT 4) AND STATUARY (EXHIBIT 5), ASSISTIVE TECHNOLOGY, A CART (EXHIBITS 7 AND 8) AND POSSIBLY OTHER ITEMS.

- IN THE EVENT YOU ARE REFERRING TO SOMETHING ELSE PLEASE SEND PHOTOGRAPHS WHICH SHOW WHAT YOU MEAN BY, FOR EXAMPLE, BOXES.
- IT APPEARS YOU HAVE IGNORED THE EXHIBITS PRESENTED ON THE SITES:
[HTTP://WWW..ANGELFIRE.COM/MN3/ABUSEOFPOWER/INDEX.HTML](http://www..angelfire.com/mn3/abuseofpower/index.html)
AND
[HTTP://WWW..ANGELFIRE.COM/MN3/ABUSEOFPOWER/AUGUST2002ALLEY.HTML](http://www..angelfire.com/mn3/abuseofpower/august2002alley.html); WHICH SHOW THE STATUS OF THE PROPERTY ON AUGUST 8. 2002; THE CITY HAS FAILED TO SHOW JUSTIFICATION FOR INTERFERING WITH LEGAL USE OF MY PROPERTY, SUCH AS DOLLYS AND CARTS (EXHIBITS ARE NOT STORED IN OPEN SPACE, AND VERIFYING THAT THE CITY IS AT GREAT EXPENSE TO ME, WHEN I AM USING SUCH EQUIPMENT AND HARASSING ME FOR USE OF SUCH ITEMS.
- THE CITY HAS FAILED TO SHOW JUSTIFICATION FOR BOTHERING AND HARASSING ME WITH COMPLAINTS REGARDING ITEMS THAT ARE SERVICEABLE AND WHICH DO NOT FALL WITHIN THE DEFINITION OF:
“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 TAKE NOTICE THAT A CIVIL SUIT AND LIEN FOR THE COST OF ANY ASSESSMENT MADE IN THIS RESPECT AND THE VALUE OF ITEMS TAKEN BY THE CITY WILL FOLLOW ANY UNLAWFUL ABATEMENT CONDUCTED BY THE CITY.
- PLEASE TAKE NOTICE THAT ANY CRIMINAL CHARGES FILED FOR THIS

- ALLEGED "JUNK" MATTER WILL BE REMOVED TO FEDERAL COURT.
- PLEASE TAKE NOTICE THAT CRIMINAL CHARGES, STATE AND FEDERAL, HAVE BEEN FILED REGARDING THE ABOVE, BEFORE THE CITY BOARD MEETING, AND THAT YOU WERE INFORMED OF THE FACT PRIOR TO THE COUNCIL MEETING ON THE 12TH INSTANT.

2) YOUR LETTER APPEARS TO BE DEFINING:

- ITEMS THAT ARE NOT WEEDS "WEEDS" AS PER EXHIBITS 1, 2 AND 3 ATTACHED, AND ON WEB SITE:
HTTP://WWW.ANGELFIRE.COM/MN3/ABUSEOFPOWER/AUGUST17QUERRY.HTML THEREFORE, PLEASE SEND A COPY OF THE ATTACHED EXHIBITS BACK AND MARK THE ITEMS YOU ALLEGE ARE WEEDS BY CIRCLING THESE WITH A RED PEN, BEFORE AUGUST 26, 2002.
- SHRUBS THAT ARE NOT INVADING THE ALLEY "INVASIVE" AS PER EXHIBITS 1, 2 AND 3 ATTACHED, AND ON WEB SITE:
HTTP://WWW.ANGELFIRE.COM/MN3/ABUSEOFPOWER/AUGUST17QUERRY.HTML THEREFORE, PLEASE SEND A COPY OF THE ATTACHED EXHIBITS BACK AND MARK THE ITEMS YOU ALLEGE ARE INVADING RIGHT OF WAY BY CIRCLING THESE WITH A RED PEN, AND INDICATING PRECISELY, AND EXPLICITLY WHAT YOU BELIEVE THE LAW DEMANDS BE DONE, SUCH AS TRIMMING, BEFORE AUGUST 26, 2002. THE DEMANDS OF THE CITY OR UNFATHOMABLE AND ABSURD AND REQUIRE THE IMPOSSIBLE, THAT IS REMOVAL OF WEEDS THAT ARE NOT THERE. THE LAW DOES NOT REQUIRE ANYONE TO COMPLY WITH UNREASONABLE DEMANDS THAT ARE IMPOSSIBLE TO ACCOMPLISH/SATISFY.
- AS YOU WELL KNOW, THE CITY ORDINANCE YOU QUOTE REFERS ONLY TO WEEDS, IN A MANNER THAT IS NOT ARBITRARY, AND DOES NOT INCLUDE TREE, SHRUBS OR VINES, AND WOULD NEED TO SPECIFICALLY STATE THIS IN THE EVENT THAT INCLUSION OF THOSE TERMS WAS MEANT, AS FOLLOWS:
 - 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.
- AS YOU WELL KNOW, TREES ARE ADDRESS UNDER THE FOLLOWING CITY ORDINANCE:
 - 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:
 - Removal of trees will not leave the stump above boulevard level.
 - Removal of any tree is to be approved by the Public Works Director before removal.
 - 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.
- PLEASE TAKE NOTICE THAT A CIVIL SUIT AND LIEN FOR THE COST OF ANY ASSESSMENT MADE IN THIS RESPECT AND THE VALUE OF PLANTS DESTROYED BY THE CITY WILL FOLLOW ANY UNLAWFUL

2, CITY OF WEST ST. PAUL ET AL.

ABATEMENT CONDUCTED BY THE CITY.

- PLEASE TAKE NOTICE THAT ANY CRIMINAL CHARGES FILED FOR THIS ALLEGED “WEED” MATTER WILL BE REMOVED TO FEDERAL COURT.
- PLEASE TAKE NOTICE THAT CRIMINAL CHARGES , STATE AND FEDERAL, HAVE BEEN FILED REGARDING THE ABOVE, BEFORE THE CITY BOARD MEETING, AND THAT YOU WERE INFORMED OF THE FACT PRIOR TO THE COUNCIL MEETING ON THE 12TH INSTANT .

3) YOUR LETTER APPEARS TO BE MAKING THE STATEMENT AND TAKING A POSITION THAT THE CITY OF WEST ST. PAUL REFUSES TO ACCOMMODATE DISABLED PERSONS IN THE COMMUNITY BE RESPECTING THE RIGHTS OF DISABLED PERSONS TO USE ASSISTIVE TECHNOLOGY, WHICH IN MY CASE IS A CART, SEE EXHIBITS 7 AND 8, TO ACCOMMODATE DISABILITIES FROM A DAMAGED KNEE AND FOOT.

- PLEASE TAKE NOTICE THAT A CIVIL SUIT AND LIEN FOR THE COST OF ANY ASSESSMENT MADE/THEFT COMMITTED BY THE CITY OR IT'S AGENTS IN THIS RESPECT (THAT IS THE VALUE OF CART TAKEN AND COSTS) WILL FOLLOW ANY UNLAWFUL ABATEMENT CONDUCTED BY THE CITY.
- PLEASE TAKE NOTICE THAT ANY CRIMINAL CHARGES FILED FOR THIS ALLEGED “CART” MATTER WILL BE REMOVED TO FEDERAL COURT.
- PLEASE TAKE NOTICE THAT CRIMINAL CHARGES , STATE AND FEDERAL, HAVE BEEN FILED REGARDING THE ABOVE, BEFORE THE CITY BOARD MEETING, AND THAT YOU WERE INFORMED OF THE FACT PRIOR TO THE COUNCIL MEETING ON THE 12TH INSTANT .
- PLEASE TAKE NOTICE THAT CRIMINAL CHARGES , FOR REFUSING TO MAKE REASONABLE ACCOMMODATION FOR MY DISABILITY PURSUANT TO THE ADA, AND ARE THEREBY DISCRIMINATING ON THE BASIS OF DISABILITY, ARE CURRENTLY BEING FILED, CONCURRENT TO THIS LETTER, ADDITIONAL TO OTHER CHARGES FILED.

4) YOUR ACTIONS, AND THAT OF THE CITY, IN ACTING TO AVOID RECEIPT OF INFORMATION BY INTERNET, E-MAIL AND FAX IS MISCONDUCT IN VIOLATION OF MN. STATUTES 609.43. REVIEW OF THE COLOR PHOTOGRAPHS ON THE WEB SITE PROVIDED IS THE ONLY COST EFFECTIVE METHOD AVAILABLE, THE ALTERNATIVE BEING PROVISION OF THE TEN COPIES REQUESTED BY RICK JOPKE, IN HIS LETTER.

5) YOUR ACTIONS, AND THAT OF THE CITY, IN FAILING TO COMMUNICATE IN ADVANCE, AN FAILING TO FORMALLY IMPLEMENT BY ORDINANCE OR STATUTE, REQUIREMENTS FOR ATTENDANCE AT ANY CITY APPEAL, AND OTHER RULES OR PROCEDURAL REGULATIONS, AND GIVING MISLEADING INFORMATION ABOUT THE APPEALS PROCESS IS MISCONDUCT IN VIOLATION OF MN. STATUTES 609.43.

7) THE UNDERSIGNED DID NOT AND DOES NOT ACKNOWLEDGE THE CITY'S RIGHT TO ACT AS A JUDICIAL BODY IN RESPECT TO ANY OF THE ABOVE HARASSMENT OF THE UNDERSIGNED, NOR IN EFFECTING UNLAWFUL ABATEMENTS,

WITHOUT JUDICIAL APPROVAL, FROM A COURT OF LAW, NOT FROM AN EXECUTIVE COURT WHICH IS VIOLATING THE CONSTITUTIONS PROVISIONS THAT REQUIRE SEPARATION OF POWERS AND DUE PROCESS OF LAW. THE CONDUCT OF YOU AND THE CITY COUNCIL ON 8/12/02, IS OBVIOUSLY RETALIATORY BECAUSE YOU HAD NOTICE THAT CRIMINAL CHARGES FOR VIOLATION OF STATE LAW AND FEDERAL CIVIL RIGHTS LAW HAD BEEN FILED AGAINST YOU AND THE CITY.

PLEASE NOTE THE ATTACHED AMENDED INVOICE.

PLEASE TAKE NOTICE MS. LARSON LAND THAT YOU AND YOUR LAW FIRM HAVE EXCEPTIONAL CULPABILITY IN THIS MATTER IN A PATTERN OF HARASSMENT, AND MISCONDUCT, WHICH YOU HAVE BEEN SEVERELY REPRIMANDED FOR IN THE PAST, BY DAKOTA COUNTY DISTRICT COURT JUDGE HARVIS. DON'T YOU LEARN FROM SUCH EVENTS?

THIS LETTER AND ALL EXHIBITS, AND OTHER RELEVANT IS ONLINE AT:

<http://www.angelfire.com/mn3/abuseofpower/AUGUST17query.html>

HOME PAGE:

<http://www.angelfire.com/mn3/abuseofpower/index.html>



MJ DUCHENE, BFA