


EL PASO COUNTY
COLORADO

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 CRAIG DOSSEY, EXECUTIVE DIRECTOR

To: Board of County Commissioners
 Stan Vanderwerf, Chair

From: Mindy Madden, Strategic Services Manager
 Craig Dossey, Executive Director

Re: APPCE-22-001

Parcel No.: 13000-00-552

Subject: Appeal of a decision made by the Executive Director of the Planning and Community Development Department to issue an executive determination to authorize the Office of the County Attorney to proceed with litigation.

OWNER:	REPRESENTATIVE:
Jares & Associates Inc. P.O. Box 576 Colorado Springs, CO 80901-0576	William Woelk and/or Joe Straziscar 5480 North Yoder Road Colorado Springs, CO 80808

Commissioner District: 4

Issue:

An appeal by Joe Straziscar of a decision made by the Executive Director of the Planning and Community Development Department (PCD) to issue an executive determination authorizing the Office of the County Attorney (OCA) to proceed with litigation pursuant to Section 6 of El Paso County Ordinance No. 18-02: Prohibiting the Accumulation of Rubbish and Section 11.3.2 (A) Enforcement Procedures of the El Paso County Land Development Code. The 40-acre property is zoned A-35 (Agricultural) and is located at the southwest corner of the North Yoder Road and Vorenberg Road intersection.

2880 INTERNATIONAL CIRCLE, SUITE 110
 PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
 FAX: (719) 520-6695

Procedure:

Staff shall first present the item and provide testimony and evidence. The appellant(s) shall then be given an opportunity to address the Board of County Commissioners (“Board”) and present any testimony and/or evidence. The Board may then ask any final questions of staff or the appellant(s) prior to rendering a decision.

The Board, in considering the testimony and evidence presented by both staff and the appellants shall either:

- Move to deny the appeal, thus affirming the decision of the PCD Executive Director; or
- Move to approve the appeal, thus overturning the decision of the PCD Executive Director.

Executive Summary:

On November 21, 2017, and December 12, 2017, the Board approved amendments to Ordinance No. 18-02 and the Land Development Code removing the requirements for show cause hearings before the Board prior to authorizing the OCA to pursue legal action. The amendments instead allow for the PCD Executive Director to issue an executive determination to authorize the OCA to pursue legal action. The amendments provide procedures for appeals of the executive determination to be heard before the Board.

Section 6.5 of the Ordinance states:

The PCD Director shall mail the executive determination to the owner in the same manner as the notice of violation. The executive determination shall specify the nature of the violation and provide ten calendar (10) days after the date of the executive determination for the owner to request an appeal, at no cost to the owner, to the Board prior to the County Attorney’s Office pursuing remedies under Sections 9, 10, or 11 of this Ordinance.

The executive determination shall state that the owner may appeal the Director’s decision to the Board. The owner must submit an appeal in writing to the Director. Any written appeal must be received by the Director within ten (10) calendar days after the date of the executive determination. Any such appeals received beyond ten (10) calendar days shall be deemed untimely.

Section 11.3.2 (A) of the Code states:

The PCD Director shall mail the executive determination to the alleged violator in the same manner as the notice of violation. The executive determination shall specify the nature of the violation and provide ten (10) days after the date of the executive determination for the alleged violator to request an appeal, at no cost to the alleged violator, to the BoCC prior to the OCA pursuing remedies under Parts (D)(2) or (3).

The executive determination shall state that the alleged violator may appeal the PCD Director's decision to the BoCC. The alleged violator must submit an appeal in writing to the PCD Director. Any written appeal must be received by the PCD Director within ten (10) days after the date of the executive determination. Any such appeals received beyond ten (10) days shall be deemed untimely.

Background:

A complaint regarding rubbish and inoperable vehicles was submitted to Code Enforcement on August 25, 2021. An inspection of the property confirmed the complaint, and a notice of violation was issued on December 3, 2021 for accumulation of rubbish, parking and storage of inoperable vehicles in the A-35 zoning district, and unlawful acts which prohibits the use of any property that is not in compliance with the Code. In mid-December, staff received email correspondence from an individual claiming to be counsel for the property owner. The individual, later identified as Dustin Miles, was argumentative and combative and any attempts by staff to discuss the violations were unproductive. Due to the contentious nature of Mr. Miles' emails, staff did not engage in any further communication with him.

On January 14, 2022, an executive determination was issued after an inspection of the property revealed the violations on the property had not been corrected. Within ten (10) days of the date of the executive determination, staff received numerous documents from Mr. Miles and another individual, later identified as Mr. Joe Straziscar. The documents contained a Cease and Desist letter and a motion to strike/dismiss complaint. The documents provided to staff had not been filed with the court. Although the documents did not expressly request an appeal of the executive determination, the documents were accepted as such because they refuted the decision of the Executive Director to issue the executive determination.

On January 24, 2022, staff received a call from William Woelk who represents the property owner, Jares and Associates, Inc. Mr. Woelk provided the identity of the tenant/renter of the property, Mr. Straziscar, and stated that Mr. Miles does have any

ownership or interest in the property, nor does he represent the property owner. Based on this new information, staff contacted Mr. Straziscar to discuss the violations.

Mr. Straziscar disagreed with the violations of parking and storage of inoperable vehicles in the A-35 zoning district. In 2018, the Board approved amendments to the Code removing the allowance for parking and storage of inoperable vehicles in the A-35 zoning district. The amendments do allow for a maximum of ten (10) inoperable vehicles as part of a rural home occupation pursuant to Chapter 5 of the Code. Based on the information received from Mr. Woelk and Mr. Straziscar, there is not a rural home occupation operating on the property that would allow the parking or storage of any inoperable vehicles. Mr. Woelk also claimed that there have been inoperable vehicles on the property for a number of years that may predate the 2018 amendments. Staff reviewed aerial photos of the property for years 1998, 2003, 2007, 2016, 2018, and 2020 and were unable to confirm the presence of inoperable vehicles prior to the 2018 amendments. Mr. Woelk and/or Mr. Straziscar may submit an application to the Planning and Community Development Department for an Administrative Determination if they have information supporting their claim of a legal non-conforming use.

Code Enforcement conducted an inspection of the property on March 2, 2022 and noted minimal progress had been made to remove the rubbish and inoperable vehicles. To date, no application has been received for an Administrative Determination.

Recommendation:

Staff recommends the Board deny the request for an appeal and affirm the decision of the PCD Executive Director to issue an executive determination to authorize the OCA to proceed with litigation.

Attachments:

- Vicinity map
- Executive Determination
- Appeal Request
- Notice of Hearing
- Pictures
- Other

El Paso County Parcel Information

File Name: VICINITY MAP

Zone Map No: --

PARCEL	NAME
1300000552	JARES & ASSOCIATES INC

ADDRESS	CITY	STATE
PO BOX 576	COLORADO SPRINGS	CO

ZIP	ZIPLUS
80901	0576

Date: March 2, 2022



Please report any parcel discrepancies to:
 El Paso County Assessor
 1675 W. Garden of the Gods Rd.
 Colorado Springs, CO 80907
 (919) 520-6600



COPYRIGHT 2018 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of printing. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**EXECUTIVE DETERMINATION
AUTHORIZING LITIGATION**

January 14, 2022

Jares & Associates Inc
P.O. Box 576
Colorado Springs, CO 80901-0576

Current Occupant(s)
5480 North Yoder Road
Colorado Springs, CO 80808

Re: File No. CE-21-931

To Whom it May Concern,

A notice of violation was issued to you by El Paso County Code Enforcement on December 3, 2021 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 5480 North Yoder Road (the "subject property"). It has come to my attention that the violation(s) have not been corrected within fourteen (14) calendar days after the date of the notice of violation and an approved extension of time has not been granted. These violations continue to exist on the subject property. The violation(s) are as follows:

Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish

Section 5: Unlawful Acts: It shall be unlawful for any owner to allow the accumulation of rubbish on any lot, parcel, or tract of land in the County under such owner's control, possession, or ownership, or upon any alley or sidewalk, adjacent to such lot, parcel, or tract of land.

Land Development Code

5.2.42 (B)(2) Inoperable Vehicles and Vehicle Parts: The outdoor storage or parking of any inoperable vehicle or recreational vehicle and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where a maximum of ten (10) inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.

11.3.1: Unlawful Acts: It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in



accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

*****Full text of County Ordinances and LDC provisions is available online at www.elpasoco.com.**

Accordingly, pursuant to Section 6.4 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, be advised I am issuing this executive determination to authorize the El Paso County Attorney's Office to pursue litigation in order to bring the subject property into compliance with Ordinance No.18-02 and 5.2.42 (B)(2) Inoperable Vehicles and Vehicle Parts and 11.3.1 Unlawful Acts of the Land Development Code as provided by Colorado law. Such remedies may include, but are not limited to, El Paso County seeking an administrative entry and seizure warrant to gain entry onto the subject property, abate the violations, and place a lien on the subject property for costs of abatement.

In accord with Section 6.5 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, you have the right to appeal my decision to the El Paso County Board of County Commissioners.

Requests for an appeal hearing before the El Paso County Board of County Commissioners must be received by my department, in writing, within ten (10) calendar days after the date of this executive determination. If a written appeal is not received by the El Paso County Planning and Community Development Department within ten (10) calendar days after the date of this executive determination, then this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

If you wish to appeal this executive determination, you can do so by either emailing or mailing an appeal request to the El Paso County Planning and Community Development Department to the email or address provided below. Please note that failure to appear to the scheduled appeal hearing will be deemed a withdrawal of the request for an appeal, in which this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

Email: appealspcd@elpasoco.com

Mailing Address: Planning and Community Development
Attn: Strategic Services Manager
2880 International Circle, Ste. 110
Colorado Springs, CO 80910

If you have any questions, please contact Mindy Madden, Strategic Services Manager, at 719-520-6304 or at mindymadden@elpasoco.com.

Regards,

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department

CEASE AND DESIST

Nemo me impune lacessit.

PRIVATE THIS IS NOT A PUBLIC COMMUNICATION Notice to agent is Notice to principle Notice to principle is Notice to Agent Applications to all successors and assigns	From: Dustin-Miles; Davis Always retaining all rights. Care of postal service address: 5480 North Yoder Road Calhan Colorado union state USA without USDC Zip exempt, but near 80808
--	---

TO:

To: CRAIG DOSSEY PLANING AND COMMUNITY DEVELOPMENT DEPARTMENT. FILE No CE-21-931	To: Planning and Development ATTN Strategic Services Manage 2880 International Circle, Ste110 Colorado Springs CO 80910
--	---

Attachments:

- 1) Birth certificate.

It is a fact that: I am a natural born State Citizen of Oregon, in its constitutional capacity, as one of the several states of the Union. And I am an inhabitant thereof.

It is a fact that: That my birth certificate is proof that I am a State Citizens. See attached birth certificate.

It is a fact that: That I am not a United States citizen, resident, person, individual or any other legal fiction, nor have I ever been.

It is a fact that: I explicitly reserve all of my rights always and forevermore.

It is a fact that: That the United States, with intent and great deception, uses the term "United States citizen", to deprive the people of their rights, their birth rights, their property and freedom. And further, to relegate the status of the people, to that of livestock.

I owe you nothing nor do you have any jurisdiction over me. Your constant unceasing letters from you and your satellite departments that harass, threatens, attempts at coercion, scare tactics, stalking and all other actions are depriving me of our right to tranquility guaranteed by the preamble of, and the rest of the constitution for the United States of America. You are violating the RICO laws, stocking laws, mail fraud laws, depriving rights under color of law as well as the common law and the constitution. Your actions are also acts of treason and tyranny.

I ORDER YOU TO CEASE AND DESIST ALL ACTIVITIES AGAINST ME!

Dustin Miles Davis

Twenty fourth day of January in the year of our Lord 2021

CEASE AND DESIST

Nemo me impune lacessit.

By:

[Handwritten signature] 

Kaufuss

[Handwritten signature] 

CERTIFICATION OF VITAL RECORD

CERTIFICATE OF LIVE BIRTH
OREGON STATE HEALTH DIVISION
VITAL STATISTICS SECTION

DATE ISSUED
JUNE 4, 1986

BIRTH NUMBER
136-80-44172

1. NAME
DUSTIN MILES DAVIS

2. SEX
MALE

3. BIRTHDATE
DECEMBER 31, 1980

RECORD FILED
FEB 5, 1981

4. BIRTHPLACE
UMATILLA COUNTY

6. MOTHER'S BIRTHPLACE
OREGON

5. MOTHER
RHONDA SUE MARTIN

9. FATHER'S BIRTHPLACE
CALIFORNIA

7. FATHER
LLOYD RICHARD DAVIS

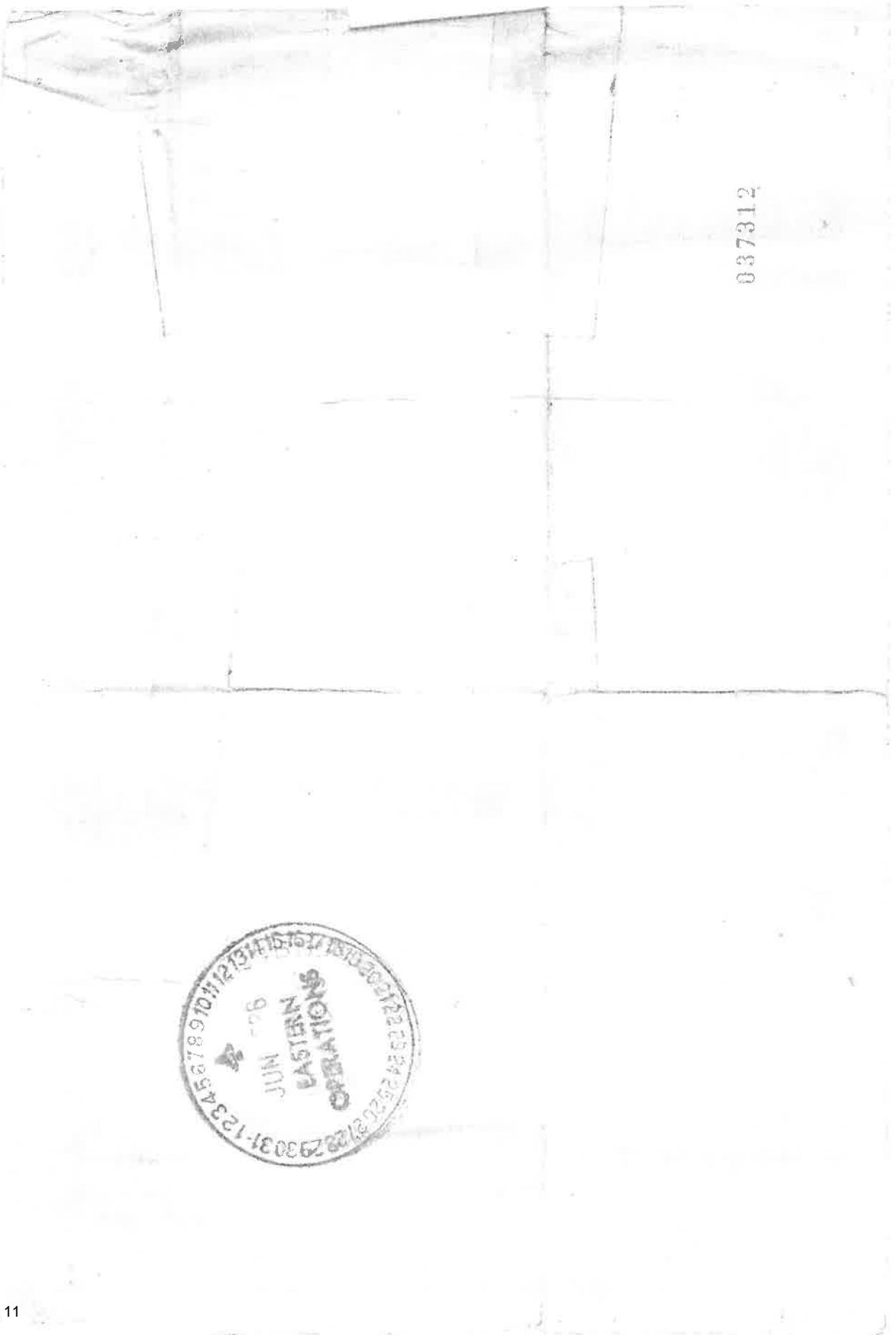


Joseph D. Carney
JOSEPH D. CARNEY
STATE REGISTRAR

THIS IS A TRUE CERTIFICATION OF NAME AND BIRTH
FACTS AS RECORDED IN THIS OFFICE.

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE





037312



Dustin Miles Davis
5480 North Yoder Road
Calhan Colorado

To Be Filed
Dustin Davis



El Paso County Court

"State of Colorado" aka GRAIG DOSSEY)	Case #
plaintiff,)	
vs.)	
Dustin Miles Davis)	Motion to strike/dismiss complaint and request for full finding of fact and conclusions of law
defendant)	

Now Comes Dustin Miles Davis, alleged defendant, by special appearance, not submitting to the court's jurisdiction, participating under threat, duress and coercion, who hereby moves this court to strike/dismiss the complaint filed by GRAIG DOSSEY EXECUTIVE DIRECTOR for failure to present a cause of action or crime. Failure to present the court a case deprives the court of jurisdiction. Grounds are further set forth below. The court is further requested to provide a full-findings of fact and conclusions of law if the court denies this motion. This includes the legal and factual citations to support any claims "This doesn't apply here" made by the assigned judge.

This motion contains civil and criminal citations as some courts are reluctant to disclose the nature of the proceedings. This way both are covered and the court, however it decides the proceedings are, may disregard the citations that are not applicable.

1. No case, crime or cause of action. The foundation for the court's jurisdiction is the purpose of American government itself, this is in the Declaration of Independence of 1776:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — *That to secure these rights, Governments are instituted among Men*, deriving their just powers from the consent of the governed..." (emphasis added).

This is applicable to Colorado governments through the Enabling Act of March 3, 1875 § 4: "not be repugnant to the constitution of the United States and the principles of the declaration of

independence.” This is also shown in several other state constitutions regarding the establishment of American governments: “governments...are established to protect and maintain individual rights.” See Arizona, Washington and Minnesota.

This is why to have a case or cause of action; a plaintiff must plead the violation of a legal right:

“the duty of this court, as of *every judicial tribunal*, is limited to *determining rights* of persons or of property, which are actually controverted in the particular case before it.” Tyler v. Judges of the Court of Registration, 179 U.S. 405, 21 SCt. 206, 208.

The basic elements of a case or cause of action is the violation of a legal right and loss or harm. The alleged plaintiff, a legal fiction at best, ostensibly acting through GRAIG DOSSEY EXECUTIVE DIRECTOR PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT, has not pled any violation of a legal right or harm.

Standing is required because “courts only adjudicate justiciable controversies.” United States v. Interstate Commerce Commission, 337 US 426, 430. This includes proceedings like these allegedly criminal in nature:

"the legislature did not deprive the courts of judicial power which may be defined as the machinery by which persons have their rights determined..." Denver Local Union No. 13, etc. v. Perry Truck Lines, 101 P.2d 436, 447.

“It is a fundamental principle of law that no person be adjudged guilty of a crime until the state has shown that a crime has been committed. The state therefore must show that a harm has been suffered of the type contemplated by the charges (for example, a death in the case of a murder charge or a loss of property in the case of a theft charge), and that such harm was incurred due to the criminal agency of another. Thus, it is sufficient if the elements of the underlying crime are proven rather than those of the particular degree or variation of that crime which may be charged.” State v. Allen, 335 So. 2d 823,825 (1976).

Even if the absurd claim is made harm is not a necessary element of a real crime, the complaint is still fatally flawed as there is no accusation alleged defendant violated any one’s legal rights.

If there were a true adversary against alleged defendant, it would be laughable to even try to discuss causation because Dustin Miles Davis is not accused of causing anything, real or *imagined*.

2. No corpus delicti. The corpus delicti is the “body of the crime” itself. Virtually every American jurisdiction agrees it’s an absolutely essential element of any crime and is consistent with the stated purpose of American governments:

"the corpus delicti of a crime minimally requires two elements: "(1) An injury which is penally proscribed...and (2) The unlawfulness of some person's conduct in causing that injury." People of the State of Colorado v. Smith, 510 P.2d 893, 182 Colo. 31.

"Generally, to subject a person to criminal liability, there must be concurrence of the actus reus, an unlawful act, and the mens rea, a culpable mental state." Gorman v. State, 19 P.3d 662.

"The corpus delicti ordinarily consists of a penally proscribed injury...and unlawful conduct causing the injury." People v. Trujillo, 860 P.2d 542, 545.

"The corpus delicti, or the fact that a crime occurred, must be proved in every case." People v. Quinn, 794 P.2d 1066, 1068.

“The corpus delicti of a crime consists of two elements: (1) the fact of the injury or loss or harm, and (2) the existence of a criminal agency as its cause [citations omitted] there must be sufficient proof of both elements of the corpus delicti beyond a reasonable doubt.” 29A American Jurisprudence Second Ed., Evidence § 1476.

This is not the same as the “corpus delicti rule” which is not an *element* of the alleged crime, but a procedural rule.

There is no corpus delicti pled in the complaint. Without a corpus delicti there is no crime:

“Component parts of every crime are the occurrence of a specific kind of injury or loss, somebody’s criminality as source of the loss, and the accused’s identity as the doer of the crime; the first two elements are what constitutes the concept of “corpus delicti.” U.S. v. Shunk, 881 F.2d 917, 919 C.A. 10 (Utah).

3. Lack of jurisdiction. Because there is no case, cause of action or corpus delicti, there is no crime: “Standing represents a jurisdictional requirement which remains open to review at all stages of the litigation.” National Organization for Women, Inc., v. Scheidler, 510 US 249.

Because there is no corpus delicti, there is no crime. Yes, there may be a so-called “crime” alleged on paper, but the allegation fails to meet every legal standard of what a crime is. Also, because American governments are established for the sole purpose of protecting rights, a true crime requires

the violation of a legal right. Alleged defendant is not accused of violating anyone's legal rights, therefore, there is no crime/case or cause of action pled and the court has no jurisdiction.

4. The complaint is "unfit for adjudication". Because American courts are adversary systems, the complaint is "unfit for adjudication":

"The [Supreme] Court has found unfit for adjudication any cause that "is not in any real sense adversary," that "does not assume the 'honest and actual antagonistic assertion of rights' to be adjudicated..." Poe v. Ullman, 367 U.S. 497, 505 (1961).

Even if the phrase corpus delicti is not used, there is no doubt this is not an adversary proceeding as there are no allegations I violated any legal rights.

5. No evidence of presence within State and laws applicable. There are no facts pled to prove my presence within the plaintiff State of Colorado and the laws of the state are applicable to me. Such evidence is essential to prove jurisdiction.

Mere geographic location is not evidence of presence within the alleged plaintiff, State of Colorado. It's impossible to prove my presence within the alleged plaintiff beyond a reasonable doubt or a preponderance of evidence. The State of Colorado, while obviously not geographic, is at best political as it did not exist prior to August 1, 1876.

The phrase State of Colorado appears to be not much more than a dba or pseudonym for lawyers police, municipalities, and county officers. This will be shown if a state lawyer responds to this motion. They will write things such as: "The State objects...", "The "State appears by and through it's attorney..."

As the laws of the state only apply within the state, there is no evidence, and nothing alleged, the law of the state apply to me.

If this is a criminal proceeding, then the assigned judge is obligated to presume my innocence until it is proven beyond a reasonable doubt. The judge may not assume the law is applicable now because it is an essential element of the alleged crime.

Last, the argument the laws apply to me just because I'm physically in Colorado has no factual support. All the court has at this point is an allegation I violated the laws of the "state", that allegation is not evidence the laws apply because I am physically in Colorado. At best, all the prosecution may do is offer more argument and opinion, no facts proving the laws of the "state" apply to me just because I am physically in Colorado.

6. Court's jurisdiction not enlarged by police authority. The jurisdiction of the court is limited to protecting rights; this is not enlarged by alleging the police have authority to issue tickets. Such authority does not work to trump fundamental limitations on the courts.

No amount of police authority may enlarge the limits of the adversary system. Adversary systems require true adversaries, this requires the allegation and proof of injury. The plaintiff has failed to make such allegations. Yes, police may have authority to issue tickets, they must still allege injury for the court to proceed with jurisdiction.

Conclusion

Because the plaintiff has failed to allege the required elements of a cause of action/crime and there is no corpus delicti, the Court has no jurisdiction. As such, the court should strike the complaint filed against alleged defendant or dismiss it.

Submitted this 24th day of January 2021.

Dustin Miles Davis

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**EXECUTIVE DETERMINATION
AUTHORIZING LITIGATION**

January 14, 2022

Jares & Associates Inc
P.O. Box 576
Colorado Springs, CO 80901-0576

Current Occupant(s)
5480 North Yoder Road
Colorado Springs, CO 80808

Re: File No. CE-21-931

To Whom it May Concern,

A notice of violation was issued to you by El Paso County Code Enforcement on December 3, 2021 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 5480 North Yoder Road (the "subject property"). It has come to my attention that the violation(s) have not been corrected within fourteen (14) calendar days after the date of the notice of violation and an approved extension of time has not been granted. These violations continue to exist on the subject property. The violation(s) are as follows:

Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish

Section 5: Unlawful Acts: It shall be unlawful for any owner to allow the accumulation of rubbish on any lot, parcel, or tract of land in the County under such owner's control, possession, or ownership, or upon any alley or sidewalk, adjacent to such lot, parcel, or tract of land.

Land Development Code

5.2.42 (B)(2) Inoperable Vehicles and Vehicle Parts: The outdoor storage or parking of any inoperable vehicle or recreational vehicle and the outdoor storage of any vehicles parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where a maximum of ten (10) inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.

11.3.1: Unlawful Acts: It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in



accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

*****Full text of County Ordinances and LDC provisions is available online at www.elpasoco.com.**

Accordingly, pursuant to Section 6.4 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, be advised I am issuing this executive determination to authorize the El Paso County Attorney's Office to pursue litigation in order to bring the subject property into compliance with Ordinance No.18-02 and 5.2.42 (B)(2) Inoperable Vehicles and Vehicle Parts and 11.3.1 Unlawful Acts of the Land Development Code as provided by Colorado law. Such remedies may include, but are not limited to, El Paso County seeking an administrative entry and seizure warrant to gain entry onto the subject property, abate the violations, and place a lien on the subject property for costs of abatement.

In accord with Section 6.5 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, you have the right to appeal my decision to the El Paso County Board of County Commissioners.

Requests for an appeal hearing before the El Paso County Board of County Commissioners must be received by my department, in writing, within ten (10) calendar days after the date of this executive determination. If a written appeal is not received by the El Paso County Planning and Community Development Department within ten (10) calendar days after the date of this executive determination, then this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

If you wish to appeal this executive determination, you can do so by either emailing or mailing an appeal request to the El Paso County Planning and Community Development Department to the email or address provided below. Please note that failure to appear to the scheduled appeal hearing will be deemed a withdrawal of the request for an appeal, in which this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

Email: appealspcd@elpasoco.com

Mailing Address: Planning and Community Development
Attn: Strategic Services Manager
2880 International Circle, Ste. 110
Colorado Springs, CO 80910

If you have any questions, please contact Mindy Madden, Strategic Services Manager, at 719-520-6304 or at mindymadden@elpasoco.com.

Regards,


Craig Dossey (Jan 12, 2022 1:03 MST)

Craig Dossey
Executive Director
El Paso County Planning and Community Development Department

EL PASO  **COUNTY**
COLORADO

COMMISSIONERS:
STAN VANDERWERF (CHAIR)
CAMI BREMER (VICE-CHAIR)

LONGINOS GONZALEZ, JR.
HOLLY WILLIAMS
CARRIE GEITNER

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
CRAIG DOSSEY, EXECUTIVE DIRECTOR

March 7, 2022

Jares and Associates Inc
P.O. Box 576
Colorado Springs, CO 80901-0576

Joe Straziscar
5480 N. Yoder Road
Calhan, CO 80808

Re: APPCE-22-001

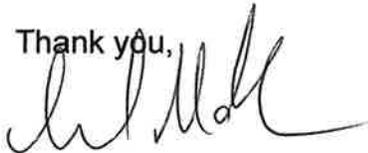
To Whom It May Concern,

This letter confirms your request for a hearing before the Board of County Commissioners to appeal a decision by the Executive Director of the Planning and Community Development Department to issue an executive determination authorizing the Office of the County Attorney to proceed with litigation pursuant to Section 6 of El Paso County Ordinance No. 18-02 and Section 11.3.2 (A) of the El Paso County Land Development Code.

The appeal hearing is scheduled for the March 15, 2022 Board of County Commissioners meeting. The meeting starts at 1:00pm at Centennial Hall which is located at 200 South Cascade Avenue in Suite 150. Please note that failure to appear at the scheduled hearing will be deemed a withdrawal of the request for an appeal.

If you have any questions, please contact me at 719-520-6304 or mindymadden@elpasoco.com.

Thank you,

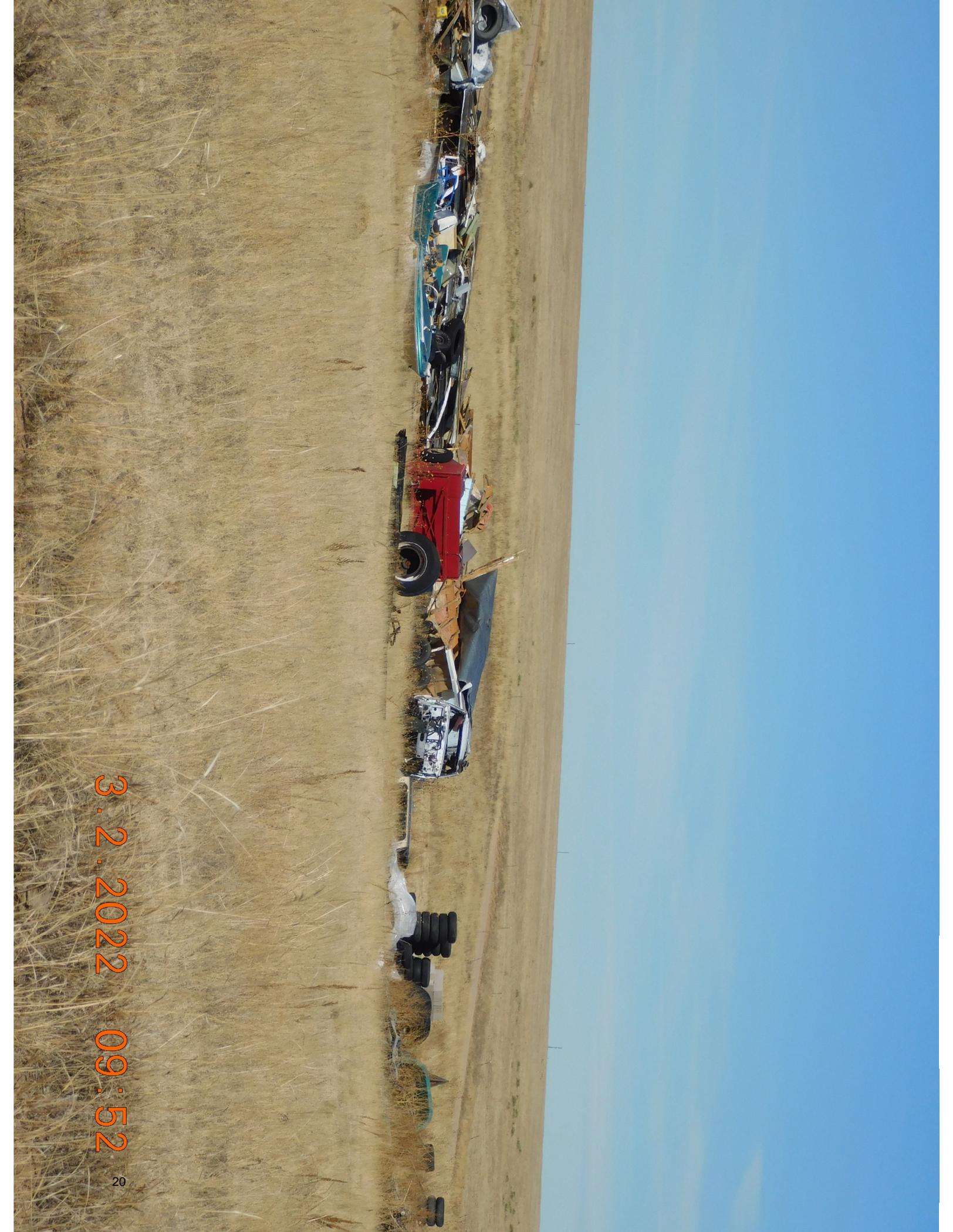


Mindy Madden
El Paso County
Strategic Services Manager

2880 INTERNATIONAL CIRCLE, SUITE 110
PHONE: (719) 520-6300



COLORADO SPRINGS, CO 80910-3127
FAX: (719) 520-6695



3.2.2022 09:52



3:2:2022 09:52



3.2.2022 09:52



3.2.2022 09:59



3.2.2022 09:59

Charles Carlisle

From: Mindy Madden
Sent: Wednesday, December 22, 2021 7:11 AM
To: Charles Carlisle
Subject: FW: Objectionable claims

Thank you,

Mindy Madden
Strategic Services Manager
Planning and Community Development

Office Hours
Monday-Thursday
7:00am-5:30pm

From: Dustin Davis <dustindavisusmc@yahoo.com>
Sent: Thursday, December 16, 2021 8:01 AM
To: Mindy Madden <MindyMadden@elpasoco.com>
Subject: Re: Objectionable claims

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

I have no misinformation. Thank you for confirmation Code enforcement has no say on private property. I will be sending you and code endorsement a bill for my time.
Gunny Davis

Sent from my iPhone

On Dec 15, 2021, at 14:03, Mindy Madden <MindyMadden@elpasoco.com> wrote:

Mr. Davis,

Thank you for your response.

You are misinterpreting Section 1.9.6 of the Land Development Code. This section is not referring to an actual contract between you and the County regarding the applicability of the Code.

Code Enforcement conducts its inspections from the road and no entry is made or will be made to private property without prior permission.

We will continue to follow the enforcement process in this matter due to the violations identified on the property. After the 14 days of the Notice of Violation expires, an Executive Determination will be issued. There is an opportunity to appeal the Executive Determination to the Board of County Commissioners if the request for an appeal is received within 10 days of that letter.

I am happy to discuss further if the conversation is respectful and productive. Thanks!

Thank you,

Mindy Madden
Strategic Services Manager
Planning and Community Development

Office Hours
Monday-Thursday
7:00am-5:30pm

From: Dustin Davis <dustindavisusmc@yahoo.com>
Sent: Wednesday, December 15, 2021 10:56 AM
To: Mindy Madden <MindyMadden@elpasoco.com>
Subject: Re: Objectionable claims

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

If you are not familiar with the Supreme Court maybe you should make yourself. The Supreme Court has ruled unanimously on no less than 10 cases in about 250 years that geographical location does not dictate jurisdiction. I could give a fuck about some ordinance passed by someone that lives 100 miles away. I will tell you the same fuck off. Mindy Madden you are now on warning. I did not agree or contract you to rule over my personal affairs. Show me know what contract I have signed with you in such matters. If you cannot produce one I will consider this subject closed. Unless you personally and commercially want to be liable for your statements? If your intentions are to personally claim authority please state so now and produce a contract that I agreed to you in my life

Gunny Davis

Be advised DO NOT TRESPASS ON MY LAND. YOU NOR YOUR AGENTS ARE ALLOWED TO SET FOOT ON MY PROPERTY. IT IS PRIVATE LAND AND THIS SUBJECT IS CLOSED FOR DEBATE. YOU HAVE NO AUTHORITY TO NEGOTIATE. PISS OFF

On Dec 15, 2021, at 10:28, Mindy Madden <MindyMadden@elpasoco.com> wrote:
Good morning Mr. Miles!

The property located at 5480 N. Yoder Road is located within unincorporated El Paso County and is therefore subject to the rules and regulations of the El Paso County Land Development Code and El Paso County Ordinances. Based on the inspection conducted

by Code Enforcement Officer Carlisle, this property is in violation of the Land Development Code and Ordinance No. 18-02.

By your email, it is unclear whether or not you are the owner/renter/or occupant of this property. If you are one of those, I would be happy to discuss this case further with you.

Thank you,

Mindy Madden
Strategic Services Manager
Planning and Community Development

Office Hours
Monday-Thursday
7:00am-5:30pm

From: Charles Carlisle <CharlesCarlisle@elpasoco.com>
Sent: Tuesday, December 14, 2021 7:09 AM
To: Mindy Madden <MindyMadden@elpasoco.com>
Subject: FW: Objectionable claims

From: Dustin Davis <dustindavisusmc@yahoo.com>
Sent: Monday, December 13, 2021 8:53 PM
To: Charles Carlisle <CharlesCarlisle@elpasoco.com>
Subject: Objectionable claims

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

In Reference to File number CE21931, alleged violation, property 5480 N Yoder Rd.
Assessor's Parcel #'s 1300000552

To Code Enforcement Officer Charles Carlisle,

My name is Dustin Miles Sargent-Davis. I have been retained as the above property owner(s) council in regard to your imagined violation, accusation, enforcement, jurisdiction or interest in such a claim or property. I personally have a security interest in said property. I don't recall having ever seen your name or the county of El Paso on such a contract. The fact that said violation mentions "Alleged Violators" as "Current Occupants" would lead one to believe that you Charles Carlisle and those you claim to represent have never had an interest in the above-named property. I give this warning to you and those you represent only this one time, as all future interaction will be met with a Fee Schedule.

Per your own claimed documents of authority,

"1.9.6. Conflict with Private Agreements and Covenants

This Code is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship otherwise in conformance with it, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than said easement, covenant, private agreement or legal relationship, these Code provisions will control to the extent that these provisions may be imposed without resulting in a breach or abrogation of the easement, covenant, private agreement or legal relationship. “

You nor El Paso County was present at the time this agreement was signed. Any future claim that was imagined has never been presented to me personally nor do I have a wet ink signed agreement to such a violation of rights. The only way that such rights would have been given by said parties would have been through contract. If you have such a contract, I DEMAND you present it. However, as stated above you have no interest in MY property as you know not even the residing individual.

Lastly, I demand that you remove any such imagined violations from any and all public record. I have never nor had the parties of interest entered into an agreement that involved any regulation by you or your claimed party of interest. Do not tread on this warning lightly, I will hold you and any involved personally and commercially liable. I want nothing to do with this game. I require that you respond to this notice in writing within 72 hours of receipt, as to your intentions. If I do not receive an affidavit notarized by witnessing authority or a wet ink document with your signature stating your intentions. I will consider this matter closed. My address is 4555 S Calhan Hwy, Calhan Colo. or a scanned original sent to dustindavisusmc@yahoo.com

The very idea that you or those you represent have some say in my private agreements constitutes violation of the private agreement. If you wish to discuss this matter any further, please feel free to set an appointment with my secretary and place a deposit. If you wish to receive a fee schedule please email dustindavisusmc@yahoo.com and one will be sent to you within 48 hrs. of receipt of this email, at no charge. If the response is beyond the 48-hour time limit a daily fee of \$50 will be assessed. I however do not accept FRN; USPS Money order, US Treasury notes, bitcoin, gold, silver or other precious metal will be accepted based on daily commodities closing value of the day and time the request is received.

Semper FI

GUNNY DAVIS

Furthermore, I don't appreciate the fictitious act of authority or involvement in my private business. I can imagine that you manage to pull this act over on the old and unsuspecting. You are now on notice consider yourself warned that this behavior will not be tolerated and I will hold you personally accountable for any loss of revenue this may create.

Dustin Davis