COORDINATION AND REVIEW
CIVIL RIGHTS DIVISION
2009 MAY 22 PM 12: 08

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section

COMPLAINT FORM

The purpose of this form is to assist you in filing a complaint with the Coordination and Review Section. You are not required to use this form; a letter with the same information is sufficient. However, the information requested in the items marked with a star (*) must be provided, whether or not the form is used.

1.* State your name and address.

Name: [redacted]

Address: [redacted]

[redacted], [redacted] Zip [redacted]

Telephone No: Home: ([redacted] Work: ([redacted]

2.* Person(s) discriminated against, if different from above:

Name: _____
Address: _____ Zip_____
Telephone: Home:(_____)_____ Work:(_____)_____

Please explain your relationship to this person(s).

_____

3.* Agency and department or program that discriminated:

Name: STATE OF OREGON, LAND USE BOARD OF APPEAL (LUBA)
Any individual if known: MICHAEL A. HOLSTUN, et al
Address: 550 CAPITOL STREET, NE, SUITE 235
SALEM, OR Zip 97301-2552
Telephone No:(503) 373-1265

OMB No. 1190-0008
Expires: 07/31/2010

171-6-0

DEPARTMENT OF JUSTICE
May 22, 2009
RAO
CIVIL RIGHTS DIVISION

4A.* Non-employment: Does your complaint concern discrimination in the delivery of services or in other discriminatory actions of the department or agency in its treatment of you or others? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

_X_ Race/Ethnicity: CAUSASIAN

____ National origin: CITIZENS OF USA

____ Sex: MAIL AND FEMALE

____ Religion: _____

____ Age: 56 and 57

____ Disability: [redacted]

4B.* Employment: Does your complaint concern discrimination in employment by the department or agency? If so, please indicate below the base(s) on which you believe these discriminatory actions were taken.

____ Race/Ethnicity: N/A

____ National origin: _____

____ Sex: _____

____ Religion: _____

____ Age: _____

____ Disability: _____

5. What is the most convenient time and place for us to contact you about this complaint?

6:00 p.m. PACIFIC / YOU CAN CALL [redacted]

BETWEEN 8:40 a.m. and 4:30 p.m. MONDAY THROUGH FRIDAY (EXCLUDING 12:00 p.m. TO 1:00 p.m.

6. If we will not be able to reach you directly, you may wish to give us the name and phone number of a person who can tell us how to reach you and/or provide information about your complaint:

Name: _____
Telephone No:(_____)_____

7. If you have an attorney representing you concerning the matters raised in this complaint, please provide the following:

Name: NONE - CANNOT AFFORD ONE
Address: _____
_____ Zip _____
Telephone No: (_____)_____

8.* To your best recollection, on what date(s) did the alleged discrimination take place?

Earliest date of discrimination: NOVEMBER 2007
Most recent date of discrimination: FEBRUARY 27, 2009

9. Complaints of discrimination must generally be filed within 180 days of the alleged discrimination. If the most recent date of discrimination, listed above, is more than 180 days ago, you may request a waiver of the filing requirement. If you wish to request a waiver, please explain why you waited until now to file your complaint.

NOT APPLICABLE

10.* Please explain as clearly as possible what happened, why you believe it happened, and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. (Please use additional sheets if necessary and attach a copy of written materials pertaining to your case.)

(SEE ATTACHMENT)

(ATTACHED SHEET)

11. The laws we enforce prohibit recipients of Department of Justice funds from intimidating or retaliating against anyone because he or she has either taken action or participated in action to secure rights protected by these laws. If you believe that you have been retaliated against (separate from the discrimination alleged in #10), please explain the circumstances below. Be sure to explain what actions you took which you believe were the basis for the alleged retaliation.

NONE TAKEN BY THE LAND USE BOARD OF APPEALS, BUT THE COUNTY AND CITY IN WHICH WE LIVE FAIL TO ALSO PROVIDE EQUAL PROTECTIONS BY OUR LAWS.

12. Please list below any persons (witnesses, fellow employees, supervisors, or others), if known, whom we may contact for additional information to support or clarify your complaint.

Name	Address	Area Code/Telephone
FRANK HAMMOND, ~~ALLIE O'CONNOR, JACKSON COUNTY COUNSEL BOTH OF~~	JACKSON COUNTY COUNSEL AND 10 SOUTH OAKDALE, MEDFORD, OR 97501 (ROOM 118A)	(541) 774-6160
SUSAN LEE, JACKSON COUNTY PLANNING	10 SOUTH OAKDALE, MEDFORD, OR 97501	(541) 774-6907

13. Do you have any other information that you think is relevant to our investigation of your allegations?

BOTH JACKSON COUNTY AND THE CITY OF ROGUE RIVER HAVE FAILED TO REQUIRE PERMITS BY THE APPLICANT BOTH PRIOR AND DURING BOTH APPEALS

14. What remedy are you seeking for the alleged discrimination?

OUR MONEY BACK FROM LUBA AND THE ENFORCEMENT OF THE LAWS OF OUR STATE. THE LAND USE BOARD OF APPEALS SHOULD HAVE EQUAL REPRESENTATION FOR THE CITIZENS OF OUR STATE BESIDES THOSE THAT ARE PRO-DEVELOPMENT WHO ARE JUDGING LUBA APPEALS. ~~LUBA NEEDS A~~ CHECK AND BALANCE SYSTEM FOR COUNTIES THAT DO NOT FILE BRIEFS ~~TO ENSURE EQUAL PROTECTION OF OUR LAWS.~~ FINALLY, FOR LUBA TO REMOVE FROM THE WEB/INTERNET THE SECOND LUBA APPEAL # 2008-205 AS IT IS A LIE. VALUE LOST ON OUR HOUSE TO MOVE.

15. Have you (or the person discriminated against) filed the same or any other complaints with other offices of the Department of Justice (including the Office of Justice Programs, Federal Bureau of Investigation, etc.)?

Yes ____ No ____

If so, do you remember the Complaint Number?

NOT DURING APPEAL, BUT WE DID AS WE THOUGHT THERE WAS A MEASURE 37 CLAIM AND MAYBE THAT WAS WHY NOBODY WAS ENFORCING THE LAWS OF OUR STATE. WE RECEIVED A LETTER FROM DOJ THAT IT WAS NOT A MEASURE 37 CLAIM AND NO ACTION WAS TAKEN BY THEM.
(case number unknown)

Against what agency and department or program was it filed?

(SEE ATTACHED E-MAIL TO DOJ DATED 8/25/07)

Address: _____

_____ Zip _____

Telephone No: (____)_____
Date of Filing: 8/2007 DOJ Agency: OREGON

Briefly, what was the complaint about?

THE SAME ISSUES AS RELATED IN OUR PETITION FOR REVIEW FILED WITH THE LAND USE BOARD OF APPEALS. THE FIRST APPEAL WAS REMANDED, THE SECOND APPEAL WAS AFFIRMED IN JACKSON COUNTY'S FAVOR, WHILE THERE WERE DOCUMENTED CODE VIOLATIONS.

What was the result?

NO ACTION TAKEN BY DOJ

16. Have you filed or do you intend to file a charge or complaint concerning the matters raised in this complaint with any of the following? NO USE IN DOING SO.

NO U.S. Equal Employment Opportunity Commission

NO Federal or State Court

NO Your State or local Human Relations/Rights Commission

NO Grievance or complaint office

17. If you have already filed a charge or complaint with an agency indicated in #16, above, please provide the following information (attach additional pages if necessary):

Agency: NO/NONE

Date filed: _____

Case or Docket Number: _____

Date of Trial/Hearing: _____

Location of Agency/Court: (NONE FILED YET)

Name of Investigator: _____

Status of Case: _____

Comments:

_____

_____

_____

18. While it is not necessary for you to know about aid that the agency or institution you are filing against receives from the Federal government, if you know of any Department of Justice funds or assistance received by the program or department in which the alleged discrimination occurred, please provide that information below.

UNKNOWN

_____

_____

19.* We cannot accept a complaint if it has not been signed. Please sign and date this complaint form below.

[redacted] 5/18/09

5/18/09
(Date)

Please feel free to add additional sheets to explain the present situation to us.

We will need your consent to disclose your name, if necessary, in the course of any investigation. Therefore, we will need a signed Consent Form from you. (If you are filing this complaint for a person whom you allege has been discriminated against, we will in most instances need a signed Consent Form from that person.) See the "Notice about Investigatory Uses of Personal Information" for information about the Consent Form. Please mail the completed, signed Discrimination Complaint Form and the signed Consent Form (please make one copy of each for your records) to:

United States Department of Justice
Civil Rights Division
Coordination and Review Section - NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Toll-free Voice and TDD: (888) 848-5306
Voice: (202) 307-2222
TDD: (202) 307-2678

20. How did you learn that you could file this complaint?
INTERNET SEARCH ENGINE BROUGHT IT UP.

21. If your complaint has already been assigned a DOJ complaint number, please list it here: NONE

If a currently valid OMB control number is not displayed on the first page, you are not required to fill out this complaint form unless the Department of Justice has begun an administrative investigation into this complaint.

SUPPLEMENT TO QUESTION #10:

THE 14TH AMENDMENT TO OUR CONSTITUTION STATES:

"1. ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES, AND SUBJECT TO THE JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED STATES AND OF THE [illegible] STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW: NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

COMPLAINANTS FEEL THEY HAVE BEEN DEPRIVED OF THE EQUAL PROTECTION OF OUR LAWS.

CASE FACTS ARE AS FOLLOWS:

ON FEBRUARY 27, 2009, THE LAND USE BOARD OF APPEALS AFFIRMED JACKSON COUNTY'S DECISION AND FINAL ORDER AS FILED BY DONALD RUBENSTEIN, HEARINGS OFFICER FOR JACKSON COUNTY.

THAT WHILE THIS APPEAL WAS PENDING, THERE WERE DOCUMENTED CODE ENFORCEMENT VIOLATIONS POSTED TO THE INTERNET BY JACKSON COUNTY DATED 11/10/2008 FOR "CLEARED RIPARIAN HABITAT WITHOUT APPROVAL. FILL AND GRADING WITHOUT PERMITS".

THAT DURING THIS APPEAL AND PRIOR APPEAL, JACKSON COUNTY FAILED TO FILE A BRIEF WITH THE LAND USE BOARD OF APPEALS TO DEFEND DONALD RUBENSTEIN'S DECISION AND FINAL ORDER. THAT BECAUSE OF JACKSON COUNTY'S FAILURE TO FILE A BRIEF WITH LUBA, THEY WERE UNABLE TO PARTAKE IN ORAL ARGUMENT WITH LUBA. THAT DURING THIS TIME, LUBA FAILED TO CHECK TO SEE IF THERE WERE IN FACT CODE VIOLATIONS, AND PLACED THE BURDEN ON COMPLAINTS. THAT LUBA WAS NOTIFIED THAT COMPLAINANTS HAD A DEATH IN THE FAMILY AND WERE UNABLE TO PARTICIPATE IN ORAL ARGUMENT, BUT COMPLAINANTS FILED A "WRITTEN ARGUMENT IN LIEU OF ORAL ARGUMENT.

THE CONCLUSION IS: AT ALL TIMES DURING BOTH APPEALS ACTIONS HAD BEEN TAKEN ON THE APPLICANTS PROPERTY THAT WAS IN VIOLATION OF STATE LAWS AND ORDINANCES AND WAS PROHIBITED AS A MATTER OF LAW.

THE LAND USE BOARD OF APPEALS ASSUMED THINGS AND ADDED A MAP THAT WAS NOT PART OF DONALD RUBENSTEINS ORDER AND FINAL DECISION. THAT IN ITSELF, TOOK AWAY COMPLAINANTS SUBSTANTIAL RIGHTS AND WAS A VIOLATIONS OF COMPLAINTS EQUAL RIGHTS.

THAT COMPLAINANTS SUBSEQUENTLY FILED A MOTION FOR LUBA TO RECONSIDER ITS DECISION AS IT WAS UNLAWFUL IN SUBSTANCE. LUBA ANSWERED IT ON MARCH 27, 2009, FURTHER VIOLATING COMPLAINANTS RIGHTS AS THEY HAD MISSED THEIR SUPREME COURT APPEAL TIME. AS YOU CAN READ IN LUBA ORDER, "LUBA DETERMINED LONG AGO THAT IT LACKS AUTHORITY TO RECONSIDER ITS FINAL OPINIONS AND ORDERS

2. (CONTINUED)

AFTER THEY ARE ISSUED AND BECOME SUBJECT TO APPEAL TO THE COURT OF APPEALS UNDER ORS 197.850."

HAD LUBA NOTIFIED COMPLAINANTS SOON, A SUPREME COURT APPEAL WOULD HAVE BEEN FILED.

LUBA PLACED THE BURDEN OF COMPLIANCE ON COMPLAINANTS & ASSUMED JACKSON COUNTY'S POSITION ON ALL MATTERS AND ADDED THE MAP TO THEIR ORDER.

COMPLAINANTS ASSERT THAT BY JACKSON COUNTY FAILING TO FILE A BRIEF IN THE MATTER AND KEEPING THEIR MOUTH CLOSED ABOUT THE CODE VIOLATIONS, THEY CAN INSTANTLY "WIN", WITHOUT ANY ACTION ON THEIR PART TO DEFEND THEIR ACTIONS.

THAT NO LAND USE APPROVAL ARE SUPPOSED TO BE APPROVED WITH DOCUMENTED CODE VIOLATIONS ON THE PROPERTIES. THAT IN THIS CASE THE STATE OF OREGON DEPARTMENT OF STATE LANDS HAD ISSUED A "CEASE AND DESIST ORDER".

ACCORDING TO THE STATE OF OREGON LEGISLATIVE FINDINGS:

"197.005, LEGISLATIVE FINDINGS: THE LEGISLATIVE ASSEMBLY FINDS THAT:

01. UNCOORDINATED USE OF THE LANDS WITHIN THIS STATE THREATEN THE ORDERLY DEVELOPMENT AND THE ENVIRONMENT OF THIS STATE AS WELL AS THE HEALTH, SAFETY, ORDER, CONVENIENCE, PROSPERITY, AND WELFARE OF THE PEOPLE OF THIS STATE...."

LUBA AND JACKSON COUNTY HAVE ALLOWED APPROVAL WHEREBY PLACING THOSE OF US LIVING IN UNMAPPED FLOODWAYS IN DANGER OF FLOODING AND REWARDING PEOPLE BREAKING THE LAW APPROVAL.

LUBA AND JACKSON COUNTY HAVE DEPRIVED US OF DUE PROCESS OF LAW AND EQUAL PROTECTION BY OUR LAWS. THERE ARE MORE LAWS TO PROTECT THE ENDANGERED SPECIES THAN THERE ARE LAWS TO PROTECT PEOPLE.

OREGON HAS "LIFE SAFETY" MEASURES REGARDING GRADING WHICH WERE ALSO NOT FOLLOWED. THEY HAVE ESSENTIALLY TOOK VALUE FROM OUR PROPERTY BY ALLOWING GRADING AND FILL WITHOUT PERMITS AND PLACING US IN DANGER. A TAKING CLAIM, BUT THEY DENIED THAT TOO, UNDER THE FIFTH AMENDMENT OF THE CONSTITUTION. [redacted]