


Parking Tickets and the “Consent of the Governed”

Part 3

 freekeene.com/2009/05/06/parking-tickets-and-the-%E2%80%9Cconsent-of-the-governed%E2%80%9D-part-3/

Ian Freeman

Longtime readers of this blog may recall that springtime of last year my car was [ticketed for an expired parking meter](#). I [wrote a letter to the Keene PD](#) expressing my willingness to pay the fine if they could show me the proof of the obligation they were alleging I have to follow their statutes and ordinances. Weeks later, Captain Kenneth Meola [wrote me back this letter](#), claiming the ticket had been paid and citing a bunch of their laws, then claiming I have an obligation to obey without providing evidence as I requested. I let that letter go unanswered, as he claimed the matter had been paid, which I certainly did not do, and I'm not sure who did. Perhaps they just marked it paid, or perhaps some anonymous observer of this blog went and paid it for me. I did post the ticket number last time, so that's a possibility.



Flash forward to April 14th when my lady Julia parked the car in the road out front of my house because our tenants were blocking her side of the garage. She forgot to move the car and left it overnight. In the morning she found a \$15 parking citation had been left on the car for “NIGHT TIME PARKING”. Here in Keene, there is some ordinance that says no street parking after 1am between November 1st and May 1st. The reason for the ordinance is so plows can get down a street during snow nights. The dates are arbitrary, of course, and so even though there was no way accumulating snow was going to happen in the middle of April, the cops were out ticketing people.

I'd understand this if it were the middle of Winter, but it's the middle of Spring. Since I am not a voluntary revenue source for the violent monopoly, I am resuming my discussion with Captain Meola. Posted below is the text of a NOTICE OF DISCUSSION I hand delivered to the Keene Police Department this afternoon. The lady behind the window did not look pleased when I asked her to give this to “officer Meola”, and she said back, “Captain Meola”. Of course, all of them are officers of the state, so my statement was accurate.

*May 06, 2009
Kenneth Meola
KEENE POLICE DEPARTMENT
Division of Administrative Services
400 Marlboro Street
Keene, NH 03431-4336*

Mr. Meola,

You wrote me over a year ago in reply to a letter I'd sent about a parking ticket. I didn't bother to write back, as it appeared you had appropriately discharged the matter. Thank you for that.

I appreciate your attention to my notice last year. You seem to be sincere and I imagine your intentions are good. I'm sorry to say another of your agents is attempting to initiate

conflict with me. As you may recall, I'm not interested in conflicting with you or your agency. I'm writing in response to a "First Notice" I received in regards to a parking citation, number XXXXXX.

I am a peaceful man and will do no harm. I honor my agreements, and to that end I would like to readdress a point that had been left unresolved in our last correspondence. In your last letter to me, you wrote the following:

I'm confused by your request for "evidence of the valid original contract with my signature binding me to said obligation". While in the State of New Hampshire or City of Keene, you are bound to abide by the laws or ordinances regulating conduct, behavior, vehicle movement, etc... As noted above, the State grants this authority to the City to regulate as deemed appropriate. Common sense dictates that regardless of the State or Country you find yourself in, you're obligated to abide by their laws without any contractual process taking place.

While what you have stated may be commonly believed, it is not sensible. To me, common sense would dictate that men and women who claim they are owed money for services rendered should show upon demand, the proof of their claim, particularly in the form of the signed instrument (contract) that binds them to the obligation that is being claimed. I believe the UCC (which is part of your organization's own statutes) makes this pretty clear. Aside from that, while I appreciate you taking the time to respond, I did not request your interpretation of common sense. Nor did I request you to cite to me your organization's statutes. Neither of those things is a proof of obligation. You claim,

While in the State of New Hampshire or City of Keene, you are bound to abide by the laws or ordinances regulating conduct, behavior, vehicle movement, etc...

I have some questions about your claim:

1. Factually, what are the "State of New Hampshire" and the "City of Keene"?
2. What evidence do you have that I am in them?
3. By what method or instrument am I bound to your laws or ordinances?
4. How can I be bound to your statutes without my consent?

Also, in regards to this specific ticket, if you can answer those questions or prove my obligation, I'd also like to know the following:

It is my understanding that the rule you allege was broken has to do with keeping the streets clear for plows. Were it actually anywhere close to a time when an overnight accumulation of snow was possible, as opposed to April 14th, the date of issue of your citation, I could understand your position. It is not my intention to be a nuisance to my neighbors or to obstruct a legitimate process like clearing the streets. It seems that the enforcement of this rule in this case is either about collecting revenue, extracting mindless obedience, or both. Will you clarify your agency's intentions in this matter?

If you would prefer to answer these questions in person, I know that there are many other people who would be very interested in hearing your responses and also engaging in this discussion. We could have a public discussion that would be recorded on video and distributed for the world to see. If you'd like to take that route, I leave that choice in your hands.

Also in your hands is your choice of how to respond. Will you continue to attempt to initiate conflict with me or will you do the honorable thing and discharge this matter?

Of course, you're also still welcome to prove your claim that I am bound to obey the arbitrary dictates of the people calling themselves the city council or the state legislature. If you can prove your claim of my obligation I'll happily pay your fine. Feel free to pass this up the chain as necessary, so I can actually get some answers. Citing more of your rules will be deemed as non-responsive.

Please note that any correspondence is subject to being posted on the blog at FreeKeene.com

Sincerely and with a full reservation of rights,

More as it develops here at FreeKeene.com.