

Criminal Complaint

Regarding: "Immigration Reform Rally" at Jacobson Park
Lexington, Kentucky April 29th, 2007

Illegal Activity: 1) Unlawful political activity at a park
 2) Assistance to illegal immigrants
 from foreign countries
 3) The assistance of Parks and
 Recreation contrary to Municipal Code

Laws violated: Include local, state, and federal laws

Persons or organizations involved:

LFUCG Parks and Recreation
KCIRR
CIRNOW.org
Numerous speakers
Vendors

Submitted by: Douglas M. Roy
 Lexington resident and citizen of
 Kentucky and the U.S. of A.

Submitted to: Lexington Mayor Jim Newberry

Date: May 1st, 2007

April 30th, 2007

Douglas M. Roy
137B Delmont Dr.
Lexington, KY 40504

Mayor Jim Newberry
LFUCG Center
Lexington, KY

Dear Mayor,

I am lodging a formal complaint to you as the chief executive officer of the Lexington Fayette Urban County Government in regards to an "Immigration Reform Rally" held at Jacobson Park this past Sunday, April 29th. My complaint is twofold, directed at the organization sponsoring the rally known as KCIRR (Kentucky Coalition for Immigrant and Refugee Reform) and the Division of Parks and Recreation and specifically all the people responsible within that division for allowing this rally to take place.

The basis of my complaint is the Municipal Code, Section 14-52, which reads as follows:

Sec. 14-52. Same--Political speeches therein.

It shall be unlawful for any person to make a political speech or hold a political gathering or distribute political cards, placards, propaganda or literature, or to tack cards, posters or placards on the trees or buildings, in any public parks.

Any person violating this section shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or shall be imprisoned for not less than ten (10) days nor more than thirty (30) days for each offense.

Note that this ordinance implies that such violations can occur in a completely unauthorized fashion by any group or persons. The violations we are talking about include a decision by city officials to allow a rally of political nature by permit, and thus, aforethought and scrutiny by said officials to willfully violate said ordinance.

Mr. Mayor, I heard of this gathering through a friend and hardly believed it, so I went to Jacobson Park last Sunday at around 12pm to see if it was true. I took my camera, which also takes video, and recorded the setting of this rally, the political signs, and a speech of one of the guest. I also met Rudy Cruse who introduced leaders of the rally to me when I complained to him that such a gathering for political purposes was against county ordinance. I had a short conversation with Corey Hash, the attorney who said she represented KCIRR. I was given a copy of the permit while discussing the matter with the two police officers there on duty.

I observed a sign offering memberships to the Coalition for \$25 and t-shirts for \$12 dollars and assumed that monies were being collected on the site, which I learned later from the permit, was not permitted: "4. No money or tickets can be exchanged or collected on premises..." I believe food items were also being sold.

The person I heard speaking on the platform spoke in both English and Spanish and part of the speech I heard was regarding the limited number of green cards and the need for reform of immigration laws, clearly a political speech. There were many, many signs posted on the "showmobile" provided by Parks and Recs, as can be seen on my videos, and also posted on the covered seating area as shown in several photographs, along with many other signs placed around the perimeter of the area along with American flags. Two of the tables I went up to had literature of a political nature and I was asked if I wanted to buy a t-shirt for \$12.

The violations of section 14-52 were clearly numerous: "in a public park..."

1. A political speech was being made. I heard others were made later that afternoon.
2. This was clearly a political gathering with an agenda and not simply a family entertainment or "celebration."
3. Political placards and posters were tacked to the buildings.
4. Propaganda was being distributed for a certain political cause.

Violations of the permit rules were also taking place:

1. Money was being collected/exchanged on the premises.

Dubious practices can also be seen just by who received the permit and who was in charge for Parks and Recs. Mr. Rudy Cruse, an employee of Parks and Recs and also a member of KCIRR was the man who requested the permit. The permit was authorized by J. Hancock, a superior of Mr. Cruse, who also placed Mr. Cruse as the person in charge for Parks and Recs, as noted in the "Special requirements" section. This was clearly a conflict of interest, Mr. Cruse wearing two hats, so to speak, the user of the facilities and the overseer of Parks and Recs, basically policing his own organization. Clearly Mr. Cruse did not abide by the rules of the permit, nor did KCIRR. According to rule number "9. Any groups who abuse the facility or violate rules and regulations will not be issued any future permits, and charges for damages will be assessed."

Also I must note that Mr. Hancock, as superintendent of this division, was surely aware and responsible to obey section 14-52 of the Municipal Code. With the "Purpose or nature of meeting" being listed plainly on the permit as "Public Rally for Immigration Reform," Mr. Hancock must have been aware of the political nature of such a rally and in order to obey the Municipal Code for which he was an overseer in whom the trust of the public had been placed, should have denied the request for this permit. Clearly this did not occur and the rally took place. Parks and Recs collected monies as noted at the bottom of the permit to the tune of \$1,227. The Applicant signature was not on the copy that I received, but was surely on the official document, as the permit notes at the bottom,

"sign and return white copy within 10 days of above date or event will be cancelled and space released."

Mr. Mayor, as no official method of filing a complaint was pointed out to me, bare with me as I also point out the potential state violations brought to my attention and found in Kentucky State Law:

522.010 Definitions.

The following definitions apply in this chapter, unless the context otherwise requires:

(1) "Public servant" means:

(a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state; or

(b) Any person exercising the functions of any such public officer or employee; or

(c) Any person participating as advisor, consultant or otherwise in performing a governmental function, but not including witnesses; or

(d) Any person elected, appointed or designated to become a public servant although not yet occupying that position.

(2) "Benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary.

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 186, effective January 1, 1975.

522.020 Official misconduct in the first degree.

(1) A public servant is guilty of official misconduct in the first degree when, with intent to obtain or confer a benefit or to injure another person or to deprive another person of a benefit, he knowingly:

(a) Commits an act relating to his office which constitutes an unauthorized exercise of his official functions; or

(b) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or

(c) Violates any statute or lawfully adopted rule or regulation relating to his office.

(2) Official misconduct in the first degree is a Class A misdemeanor.

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 187, effective January 1, 1975.

522.030 Official misconduct in the second degree.

(1) A public servant is guilty of official misconduct in the second degree when he knowingly:

(a) Commits an act relating to his office which constitutes an unauthorized exercise of his official functions; or

(b) Refrains from performing a duty imposed upon him by law or clearly inherent in the nature of his office; or

(c) Violates any statute or lawfully adopted rule or regulation relating to his office.

(2) Official misconduct in the second degree is a Class B misdemeanor.

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 188, effective January 1, 1975.

There may also be other city ordinances that have been violated which you are surely aware of.

Sir, I am including in this documentation a CD with all my pictures and video. I am enclosing a copy of the Permit by Parks and Recs, and also a web link that has most of this information, along with pictures and video alluded to earlier. There is also a composite video with pictures and sound that summarizes the alleged violations in about 1.5 minutes. The copy of the permit is also at that link:
<http://dougroy.us/IllegalRally/IllegalRally4-29-07.htm>

I would very much like to be informed in writing of your recommendations and actions concerning this matter. Thank you so much for your time.

Yours for better government and equality under the law,
Sincerely,

Douglas M. Roy 859-312-9421 dmr2701@insightbb.com

p.s. Note copies may be provided to other officials to whom this information may be relevant, including the State Attorney General.

Addendum to criminal complaint submitted by Douglas Roy, Lexington citizen.

Mr. Mayor,

I have added copies of the front pages of the two organizations that posted the illegal posters at Jacobson Park, KCIRR.org and CIRNOW.org. According to the law, they are in violation and should be fined accordingly to the number of signs that were posted in the park. Each person that gave a "political speech" should be fined. I have heard that former vice mayor Scanlon was one of them. Those that sold items, each vendor should be fined.

In addition to these misdemeanors, because immigrants were involved, legal and illegal in these proceedings, additional federal laws of a more serious nature were violated. Any person working as an agent or representative of people of foreign countries must be registered as such. The organizers of the meeting were working for people of foreign countries and were definitely not having this meeting for Americans or even for legal immigrants, but for the purpose of changing current immigration law for the benefit of those here in our city illegally from foreign countries. This is a crime at a different magnitude above the standard political meeting for American candidates or other American laws, local, state, or federal. It is clearly a felony by federal statute to aid or abet illegal aliens to obtain housing or jobs or evade authorities. There is a legal process for people to come to this country and most of these people this meeting was addressing and attracting were illegal aliens. It was even noted on their web site that legal counsel was freely available to those requesting it at the meeting. It is my opinion that federal I.C.E. or F.B.I. agents should be notified of this activity that is clearly outside the bounds of normal American political activity when the benefit is primarily for those among us who are here illegally, already in violation of the law.

Sincerely,

Douglas Roy

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