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**ORDER DENYING PETITION TO TRANSFER,
INDIANA SUPREME COURT
(JUNE 19, 2024)**

IN THE INDIANA SUPREME COURT

DOUGLAS ALAN DYSON,

Appellant(s),

v.

WHITLEY COUNTY REGIONAL WATER &
SEWER; INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,

Appellee(s).

Court of Appeals Case No. 23A-MI-02465

Trial Court Case No. 92C01-2210-MI-884

Before: Loretta H. RUSH,
Chief Justice of Indiana.

ORDER

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction, filed pursuant to Indiana Appellate Rules 56(B) and 57, following the issuance of a decision by the Court of Appeals. The Court has reviewed the decision of the Court of Appeals, and the submitted record on appeal, all briefs filed in the Court of Appeals, and all materials filed in connection with the request to transfer juris-

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diction have been made available to the Court for review. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices, and each participating member of the Court has voted on the petition.

Being duly advised, the Court DENIES the petition to transfer.

Done at Indianapolis, Indiana, on 6/19/2024

/s/ Loretta H. Rush
Chief Justice of Indiana

All Justices concur, except Goff, J., who did not participate in the decision of this matter.

**MEMORANDUM DECISION,
COURT OF APPEALS OF INDIANA
(MARCH 26, 2024)**

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D),
this Memorandum Decision is not binding
precedent for any court and may be cited only
for persuasive value or to establish res judicata,
collateral estoppel, or law of the case.

IN THE COURT OF APPEALS OF INDIANA

DOUGLAS ALAN DYSON,

Appellant-Plaintiff,

v.

**WHITLEY COUNTY REGIONAL WATER &
SEWER DISTRICT, AND INDIANA DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,**

Appellees-Respondents.

March 26, 2024

Court of Appeals Case No. 23A-MI-2465

Appeal from the Whitley Circuit Court
The Honorable Matthew J. Rentschler, Judge

Trial Court Cause No. 92C01-2210-MI-884

Before: VAIDIK, MAY
and KENWORTHY, Judges.

Memorandum Decision by Judge Vaidik
Judges May and Kenworthy concur

Vaidik, Judge.

[1] The Indiana Department of Environmental Management (IDEM) issued a sanitary sewer construction permit to the Whitley County Regional Water and Sewer District. Douglas Alan Dyson sought review by the Office of Environmental Adjudication, and an environmental law judge upheld the permit. Dyson then filed a petition for judicial review, which the trial court denied. Dyson now appeals, pro se. We conclude that Dyson waived his arguments by failing to comply with the Indiana Rules of Appellate Procedure.

[2] To begin, Dyson's Statement of Case and Statement of Facts do not make clear what was at issue at the administrative level and in the trial court or what is at issue in this appeal. Appellate Rule 46(A)(5) provides that an appellant's Statement of Case "shall briefly describe the nature of the case, the course of the proceedings relevant to the issues presented for review, and the disposition of these issues by the trial court or Administrative Agency." Dyson's Statement of Case tells us that IDEM issued a sanitary sewer construction permit, that an environmental law judge issued "Findings of Fact, Conclusions of Law and Final Order," and that the trial court issued "Amended Findings of Fact, Conclusions of Law, and Order." Appellant's Br. pp. 7-9. He doesn't say who received the permit, who the parties were at the administrative level and in the trial court, or what the ultimate ruling was at each stage.

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[3] Dyson's Statement of Facts is even less helpful. Appellate Rule 46(A)(6) provides that an appellant's Statement of Facts "shall describe the facts relevant to the issues presented for review," "stated in accordance with the standard of review appropriate to the judgment or order being appealed," and "in narrative form[.]" Dyson's statement isn't a narrative recounting of relevant facts. Instead, it starts with criticism of the environmental law judge and the trial court judge, turns to a discussion of recent decisions by the U.S. Supreme Court, and ends with a lengthy, contextless block quote from the transcript of an unspecified hearing. Appellant's Br. pp. 9-13.

[4] But the biggest problems are in the Argument section of Dyson's brief. Appellate Rule 46(A)(8) provides that an appellant's argument must contain, among other things, "the contentions of the appellant on the issues presented," supported by "cogent reasoning" and "citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on," and "a brief statement of the procedural and substantive facts necessary for consideration of the issues presented on appeal, including a statement of how the issues relevant to the appeal were raised and resolved by any Administrative Agency or trial court." Dyson's arguments don't come close to satisfying these requirements.

[5] He cites the Northwest Ordinance of 1787 for the proposition that he was entitled to "trial by jury" and "judicial proceedings according to the course of the common law," Appellant's Br. p. 17, but he cites no caselaw applying these provisions and doesn't explain what he thinks the latter phrase means, why the right to jury trial should extend to a petition for judicial

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review of an agency decision, or why we should find these provisions to be judicially enforceable. He argues that Whitley County was an “improper venue,” *id.* at 23, but he doesn’t explain what would have been a proper venue or why he filed his petition in Whitley County if he believed it was an improper venue. He argues that the environmental law judge’s order was “void, a sham a scam, and unconstitutional” because she had not taken an oath of office, *id.* at 25, but he cites no authority requiring an environmental law judge—an employee of an administrative agency—to take an oath. He argues that the trial court “had no jurisdictional authority to repudiate my constitutional right to the free exercise clause of the First Amendment,” *id.* at 26, but he offers no First Amendment analysis. And he argues that the trial court “had NO jurisdictional authority to control my right to contract,” *id.* at 30, but he cites no evidence that he has been ordered to enter into a contract or barred from entering into a contract.

[6] Given the lack of cogent argument and the other significant rule violations, Dyson has waived appellate review. *See Perry v. Anonymous Physician 1*, 25 N.E.3d 103, 105 n.1 (Ind. Ct. App. 2014) (“While we prefer to decide cases on their merits, alleged errors are waived where an appellant’s noncompliance with the rules of appellate procedure is so substantial it impedes our appellate consideration of the errors.”), *trans. denied*. We therefore affirm the trial court’s denial of Dyson’s petition for judicial review.

[7] Affirmed.

May, J., and Kenworthy, J., concur.

APPELLANT, PRO SE

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**ORDER DENYING AFFIDAVIT OF MOTION,
WHITLEY CIRCUIT COURT
(SEPTEMBER 18, 2023)**

State of Indiana) SS:
County of Whitley)

IN THE WHITLEY CIRCUIT COURT

DOUGLAS A. DYSON, ET AL.,

Plaintiff,

v.

WHITLEY COUNTY REGIONAL WATER &
SEWER and INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,

Respondents.

CAUSE NO. 92001-2210-MI-884

Before: Matthew J. RENTSCHLER, Judge.

STATE OF INDIANA
COUNTY OF WHITLEY

**ORDER DENYING AFFIDAVIT OF
MOTION TO CORRECT ERRORS,
TO TAKE JUDICIAL NOTICE,
FOR A HEARING, FOR TRUE FINDINGS
OF FACT AND CONCLUSIONS OF LAW**

Plaintiff, Douglas A. Dyson, pro se, files Affidavit
of Motion to Correct Errors to Take Judicial Notice,

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for a Hearing, For True Findings of Fact and Conclusions of Law on September 8, 2023. Motion denied.

SO ORDERED this 18th day of September, 2023.

/s/ Matthew J. Rentschler
Judge, Whitley Circuit Court

**AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER,
WHITLEY CIRCUIT COURT
(AUGUST 15, 2023)**

State of Indiana) SS:
County of Whitley)

IN THE WHITLEY CIRCUIT COURT
CAUSE NO. 92001-2210-MI-884

DOUGLAS ALAN DYSON,

Petitioner,

v.

WHITLEY COUNTY REGIONAL WATER &
SEWER and INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,

Respondents.

Before: Matthew J. RENTSCHLER, Judge.

**AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER**

This matter came before the court on Petitioner's Verified Petition for Judicial Review. The Court, having reviewed the Petition, the agency record, and the briefs submitted by the parties, hereby finds, concludes, and orders as follows:

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1. On March 21, 2022, the Whitley County Regional Water & Sewer District submitted an Application for Sanitary Sewer Construction Permit (Final Order, ¶ 1).
2. April 27, 2022, IDEM issued the 327 IAC 3 Sanitary Sewer Construction SRF Project Permit Approval No. L-0659 and granted Whitley's variance request. (*Id.* ¶ 2).
3. Between May 4 and June 6, 2022, 38 individuals filed with OEA identical Notices of Appeal, No Trespass and Notice to Cease and Desist. OEA deemed the notices complied with 315 IAC 1-3-2 and assigned a cause number. (*Id.* ¶ 3).
4. On May 12, 2022, IDEM issued a 327 IAC 3 Construction Permit Application Sanitary Sewers and Lift Station Micro-Pulse Lift Station & Force Main Improvements Permit Approval No. 24519 to Aqua Indiana, Inc. The approval of this permit was not appealed. (*Id.* ¶ 4).
5. On July 18, 2022, Petitioner filed a Verified Protest with Motion to Amend and Mandate for Revocation of Variance. Several Petitioners followed suit with identical motions or signed on to Petitioner Dyson's motion. (*Id.* ¶ 7).
6. Eight days later, IDEM filed its Joint Motion to Dismiss and Motion for Summary Judgment. Whitley County Regional Water & Sewer District joined the motions, which were addressed separately by the Environmental Law Judge ("ELJ"). (*Id.* ¶ 8).
7. On August 23, 2022, Petitioner Dyson filed a Praeclipe with Supporting Facts and Law to Revoke as

a response to IDEM's motions to dismiss and for summary judgment. (*Id.* ¶ 10).

8. On September 8, 2022, Petitioner Dyson filed a document titled "Judicial Notice." The court informed Petitioner that an ELJ may take official notice, but not judicial notice. On the same day, IDEM filed a reply brief in support of the motions to dismiss and for summary judgment. (*Id.* ¶¶ 16-17).

9. On September 27, 2022, ELJ Lori Kyle Endris issued a Final Order granting IDEM's Motion for Summary Judgment, dismissing the petitions for administrative review. (*Id.* pg. 15).

10. On September 27, 2022—the same day that the Final Order was issued—Mr. Dyson filed with Whitley County Recorder and the OEA an "Official Notice" which set out for the first time Mr. Dyson's claim of religious exemption. Said Official Notice was not acted upon by the ELJ.

11. On October 26, 2022, Petitioner filed his Verified Petition for Judicial Review in this Court seeking judicial review of the ELJ's Final Order.

12. The Petitioner is captioned in the Petition as "Douglas Alan Dyson, et al," and other person are named in the Petition as "parties to this action," but Douglas Dyson is the only individual who signed the pleading and is therefore the only Petitioner recognized by this Court. See, Indiana Rule of Trial Procedure Rule 11(A) ("A party who is not represented by an attorney shall sign his pleading . . .").

13. Following a hearing on the Whitley County Regional Water and Sewer District's motion to dismiss, this Court denied the motion to dismiss and subse-

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quently set a briefing schedule to ensure the parties could thoroughly brief the issues.

14. On October 26, 2022, Petitioner Dyson filed his Affidavit of Brief in Support of Petition for Judicial Review.

15. On July 7, 2023, IDEM filed its Brief in Opposition to Judicial Review, which was joined via motion by the Whitley County Regional Water & Sewer District.

16. On July 21, 2023, Petitioner Dyson filed an Affidavit in Objection to Respondent's Brief in Opposition to Judicial Review, concluding the briefing stage of this judicial review.

17. The Petition was filed pursuant to Indiana Code § 4-21.5 *et seq*, otherwise known as the Administrative Orders and Procedure Act ("AOPA").

18. Under AOPA, a court may grant relief from an administrative determination only if the determination is: "(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority or limitations, or short of statutory right; (4) without observance of procedure required by law; or (5) unsupported by substantial evidence." Ind. Code§ 4-21.5-5-14(d).

19. A petitioner in a judicial review action bears the burden of demonstrating that the agency's action is invalid." *Metropolitan School Dist. Of Southwest Allen County v. Allen County*, 753 N.E.2d 59, 62-63 (Ind. Ct. App. 2001).

20. The Court pays “due deference” to the agency’s decisions because the agency has “expertise in its given area.” *Ballard v. Book Heating & Cooling, Inc.*, 696 N.E.2d 55, 56 (Ind. Ct. App. 1998).

21. An interpretation of statutes and regulations by the administrative agency charged with the duty of enforcing those regulations and statutes is entitled to great weight unless the interpretation is inconsistent with the law itself. *LTV Steel Co. v. Griffin*, 730 N.E.2d 1251, 1257 (Ind. 2000).

22. Accordingly, a “court must review the record of proceedings in the light most favorable to the administrative proceeding,” *Zeller Elevator Co. v. Slygh*, 796 N.E.2d 1198, 1206 (Ind. Ct. App. 2003) (stating that “we consider the evidence most favorable to [the agency’s] findings”). “If there is any substantial evidence to support the finding of the board or agency, the court may not disturb the board’s or agency’s determination.” *Medical Licensing Bd. Of Ind. v. Robertson*, 563 N.E.2d 168, 173 (Ind. Ct. App. 1990) (quoting *Indiana Educational Employment Relations Bd. v. Baugo Community Schools*, 377 N.E.2d 414, 416 (Ind. Ct. App. 1978)).

23. IDEM is authorized to implement and enforce Indiana environmental statutes and rules promulgated relevant to those statutes. *See* Ind. Code § 13-13 et seq. and Ind. Code § 13-14-1-11.5.

24. IDEM is authorized to determine whether a permit should be issued by applying relevant statutes and regulations relating to permits and can only consider the relevant statutes and regulations when deciding whether to issue permits. *American Suburban Utilities*, 2019 OEA 48, 53.

25. The only claim made in Petitioner's Petition for Review is that his constitutional and statutory right to the free exercise of religion is being infringed by the administrative ruling in this matter. To put it in his own words:

The enforcement of the ordinance interferes with the conscience of my most solemn religious beliefs of those in the Bible. . . . The removal of human excreta via the mandated sewer system violates [my] solemn religious beliefs instead of the dictates by the Holy Scriptures that dictates that I remove human excreta through my own toil just as I have always done." *Official Notice filed with OEM on 9/27/22 and appended to Petition for Review, p.2.*

26. Petitioner cites Deuteronomy 23:12-14:

Designate a place outside the camp where you can go to relieve yourself. As part of your equipment have something to dig with, and when you relieve yourself, dig a hole and cover up your excrement. For the Lord your God moves about in your camp to protect you and deliver your enemies to you. Your camp must be holy, so that he will not see among you anything indecent and turn away from you. *Id. (The accuracy of Petitioner's Bible quotation has not been reviewed.)*

27. Petitioner points to Indiana's Religious Freedom Restoration Act, IC 34-13-9 et al. ("RFRA") as well as the First Amendment to the United States Constitution (protecting the free exercise of religion) and Article 1, Section 2 of the Indiana Constitution

(securing Hoosiers' rights to free exercise and enjoyment of religious opinions) and asserts that the ruling against him violates his constitutional and statutory rights.

28. A recent United States Supreme Court case is also referenced. *Mast v. Fillmore County, Minnesota*, 594 U.S. ____ (2021). The *Mast* case references a Minnesota county policy which required the Amish to have modern septic systems for the disposal of gray water. The Amish objected and asserted that their religion forbade the use of such technology. The United States Supreme Court vacated the lower court ruling in favor of the county in light of an unrelated religious freedom case, but there were only two justices who saw fit to write an opinion. Justice Alito and Justice Gorsuch each wrote an opinion concurring in the result, but those opinions were not joined by any other justices and thus cannot be cited as controlling law.

29. The claim of violation of religious rights was not made at the EOJ level. It is presented by the Petitioner for the first time to this Court.

30. The Amish lead very different lives than most United States citizens because of their religious beliefs. They have distinct religious rules related to technology and modern conveniences. The use of modern plumbing is a legitimate matter of dispute and conscience in their community. See, *Mast*, p.2 (Gorsuch concurring)

31. In contrast, the only evidence that Petitioner has religious convictions relating to sewage is his bare assertion made for the first time on 9/27/22 and only after the ELJ had issued its Final Order. Petitioner is

able to tie this belief only to a unique and unconventional interpretation of this obscure Deuteronomy passage. There is no evidence or context suggesting that Petitioner formed this belief or even thought about the issue in a religious context before he was made aware that he was going to be forced to contribute financially to the communal sewer construction project.

32. This Court now takes judicial notice of other matters in this Court involving Petitioner. Specifically, Petitioner habitually objects to his responsibility to pay his property taxes and this Court has been forced to repeatedly designate his property for tax sale before he eventually redeems his property. *See, 92C01-1810-TS-338, 92C01-2009,-TS-696, and 92C01-2109-TS-845.* Petitioner has voiced his opinion that government should not be able to levy tax on his property:

If the state can tax all property then is we not surfs, or slaves a more appropriate term, forced to be held hostage; and pay the king's/ State's ransom on peoples' personal use of private property, with no (due process), or our property is stolen and sold; so the king/State gets its ransom/extortion, even when under recorded and certified Federal Land Patent numbers 6743 & 6747, that is to its heirs and assigns FOREVER? Under these conditions there is no right to life, liberty, and the pursuit of happiness; there is only pay the king/State or be robbed. *Motion to Take Judicial Notice filed by Petitioner on 10/11/18 in 92C01-1810-TS-338, p. 5 (all grammatical deviations verbatim from the original).*

In an appeal of that matter, the Indiana Court of Appeals found that Petitioner's arguments against his

property being properly taxed were “nonsensical, incomprehensible, and unsupported by legal authority.” *Dyson v. Whitley County Treasurer*, 18A-TS-2858 (2019) (unpublished).

33. This Court is of the opinion that Petitioner does not actually have a religious belief that he must take care of his own excrement. Rather, Petitioner has found an obscure provision of the Old Testament which encourages the followers of God to be clean and decent and transmogrified this fragment of Deuteronomy into a convenient basis for exempting himself from a communal financial obligation determined and imposed by our elected leaders and duly enacted government.

34. Petitioner has not met his burden of showing that his newly-stated religious belief about sewage handling is anything more than an afterthought to take advantage of our country’s deference to religious faith so as to avoid taxation. Accordingly, this Court findings that it cannot treat him differently than everyone else who is facing this government mandated sewage project. This matter does not require consideration of RFRA, the First Amendment, or the Indiana Constitution.

35. IDEM’s issuance of the permit was in accordance with law and does not prejudice or deny Petitioner’s constitutional or statutory rights.

36. The Final Order was issued after exhaustive briefing by both sides at the administrative level.

37. The Final Order does not address the free exercise of religion issue, because no party made that argument prior to the issuance of the order.

38. The Final Order addresses issues raised in the original petition, issues that were newly raised in the amended petitions, and issues newly raised in the responses to the petitions. Each issue was discussed in-depth and properly disposed of in the Final Order.

39. For the foregoing reasons, the Court concludes that the Final Order at issue was not arbitrary and capricious; an abuse of discretion; contrary to law; without observance of procedures required by law; or Unsupported by the substantial evidence produced in the agency proceedings.

40. IDEM's issuance of the Sanitary Sewer Construction permit to Whitley County Regional Water & Sewer District was in accordance with applicable laws and regulations.

ENTRY OF JUDGMENT

The Court, being duly advised in the premises and having found and concluded the above, now ORDERS that petitioner's Verified Petition for Judicial Review is hereby DENIED in its entirety.

SO ORDERED, this 15th day of August, 2023.

/s/ Matthew J. Rentschler

Judge, Whitley County Circuit Court

Distribution:

All counsel of record.

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**ORDER DENYING VERIFIED MOTION,
WHITLEY CIRCUIT COURT
(MAY 3, 2023)**

IN THE WHITLEY CIRCUIT COURT

DOUGLAS A. DYSON, ET AL.,

Plaintiff,

v.

WHITLEY COUNTY REGIONAL WATER &
SEWER and INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,

Respondents.

CAUSE NO. 92C01-2210-MI-884

Before: Matthew J. RENTSCHLER, Judge.

STATE OF INDIANA
COUNTY OF WHITLEY

**ORDER DENYING VERIFIED MOTION FOR
CHANGE OF VENUE AND OBJECTION TO
THE ORDER ON HEARING**

Plaintiff, Douglas A. Dyson, pro se, files Motion for Change of Venue and Objection to the Order on Hearing on May 1, 2023. Motion denied.

SO ORDERED this 3rd day of May, 2023.

/s/ Matthew J. Rentschler
Judge, Whitley Circuit Court

**ORDER ON HEARING,
WHITLEY CIRCUIT COURT
(APRIL 27, 2023)**

IN THE WHITLEY CIRCUIT COURT

DOUGLAS A. DYSON, ET AL.,

Plaintiff,

v.

**WHITLEY COUNTY REGIONAL WATER &
SEWER and INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT,**

Respondents.

CAUSE NO. 92C01-2210-MI-884

Before: Matthew J. RENTSCHLER, Judge.

**STATE OF INDIANA
COUNTY OF WHITLEY**

ORDER ON HEARING

The Court held a hearing where the Petitioner Douglas Dyson was present in person and pro se, the Indiana Department of Environmental Management (IDEM) was present by counsel Bingxin Lu, and Whitley County Regional Water and Sewer (WCRWS) was present by counsel Matthew Shipman. The Court now makes the following findings and orders:

1. WCRWS asks this Court to Dismiss this Petition because it does not “allege facts sufficient to demonstrate the invalidity of the agency action and does not comply with IC 4-21.5-5-14(d) by articulating a valid rationale for the agency action to be set aside and/or remanded.”
2. While the Court is sympathetic to counsel’s difficulty in discerning the meaning of the pro se Petitioner, the Court finds that the Petitioner sufficiently alleges that agency action was contrary to his constitutional rights. The Court declines to dismiss this matter at this stage.
3. While not scheduled to be heard at this hearing, Petitioner insists that this Court rule on his November 28, 2022 request that this Court “take Judicial Notice and Findings of Fact with Conclusions.” As the Court understands it, Petitioner’s Motion asks this Court to take judicial notice of the Judge’s own oath, certain documentation regarding the Petitioner’s citizenship, certain portions of the United State Constitution, certain portions of the Bible, a restating of the thesis of his Petition, certain Indiana statutes, an International Covenant, and a United States Supreme Court case. The court assures the parties that it will account for any and all applicable law in its eventual ruling in this case, but declines to take judicial notice of any of these matters at this stage. Petitioner is directed to cite any relevant matters or law

in his brief, which the Court now proceeds to schedule.

4. The briefing schedule shall be as follows:
 - a. Petitioner shall file his Brief in Support of Petition for Judicial Review on or before June 5, 2023.
 - b. Both IDEM and WCRWS shall file their Briefs in Opposition to Petition for Judicial Review on or before July 7, 2023.
 - c. Petitioner shall file his Reply Brief, if any, on or before July 24, 2023.
5. The parties are requested to file proposed findings of fact and conclusions of law on or before July 31, 2023. The Respondents may choose to submit separate or a joint proposed findings of fact and conclusions of law.

SO ORDERED this 27th day of April, 2023.

/s/ Matthew J. Rentschler
Judge, Whitley Circuit Court

**FINDING OF FACTS,
INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION
(SEPTEMBER 27, 2022)**

State of Indiana) SS:
County of Marion)

**BEFORE THE INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION**

**IN THE MATTER OF:
OBJECTION TO ISSUANCE OF 327 IAC 3 CONSTRUCTION
PERMIT APPLICATION SRF PROJECT PERMIT APPROVAL
No. L-0659 STABLE ACRES SERVICE AREA SANITARY
SEWER — SEPTIC ELIMINATION PROJECT COLUMBIA
CITY, WHITLEY COUNTY, INDIANA.**

DOUGLAS ALAN DYSON, ET AL.,

Petitioners,

v.

WHITLEY CO. REGIONAL WATER & SEWER,

Permittee/Respondent.

**INDIANA DEPT. OF ENVIRONMENTAL
MANAGEMENT,**

Respondent,

CAUSE NO. 22-W-J-5197

BEFORE THE INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION

Before: Lori KYLE ENDRIS,
Environmental Law Judge

STATE OF INDIANA
COUNTY OF MARION

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND FINAL ORDER ON RESPONDENTS'
MOTION FOR SUMMARY JUDGMENT**

This matter came before the Office of Environmental Adjudication (OEA or Court) on Respondent, Indiana Department of Environmental Management's (IDEM) and Permittee/Respondent Whitley Co. Regional Water & Sewer District's (Permittee or District) Motion for Summary Judgment, filed July 26, 2022, which pleadings are part of OEA's record. Having read and considered the motions and briefs, the presiding Environmental Law Judge makes the following Findings of Fact, Conclusions of Law and enters the Final Order:

FINDINGS OF FACT

1. On March 21, 2022, the Whitley County Regional Water & Sewer District (Permittee) submitted an Application for Sanitary Sewer Construction Permit, State Form 53159 (CR7 / 2-20). (Application). Attached to the Application was a list of potentially affected persons to be notified of the issuance of the Permit.
2. On April 27, 2022, IDEM issued the 327 IAC 3 Sanitary Sewer Construction SRF Project Permit

Approval No. L-0659 (Permit) and granted Permittee's Variance request (Variance).

3. Between May 4, 2022 and June 6, 2022 thirty-eight (38) *pro se* individuals (Petitioners) filed with OEA identical Notices of Appeal, No Trespass and Notice to Cease and Desist to appeal IDEM's issuance of Permit Approval No. L-0659. OEA deemed the Notices complied with 315 JAC 1-3-2 (collectively Petition) and assigned Cause No. 22-W-J-5197.

4. On May 12, 2022, IDEM issued a 327 IAC 3 Construction Permit Application Sanitary Sewers and Lift Station Micro-Pulse Lift Station & Force Main Improvements Permit Approval No. 24519 to Aqua Indiana, Inc. IDEM Ex. E. This Permit Approval was not appealed.

5. On May 25, 2022, Sierra L. Alberts, Esq. entered her appearance on behalf of IDEM. On June 1, 2022, Brooke Werstler, Esq. entered her appearance on behalf of IDEM. On June 2, 2022, Matthew R. Shipman, Esq. entered his appearance on behalf of the Permittee. On June 20, 2022, Nicholas J. Hursh, Esq. entered his appearance on behalf of Petitioner, Susan Vervalin.

6. On June 20, 2022, the parties participated in a video/telephonic Prehearing Conference. Denita Patrick attended the Prehearing Conference but did not file a Petition for Administrative Review. Ms. Patrick was told she would be kept informed of the proceedings but could not participate as a petitioner because she did not file a timely petition for administrative review.

7. On July 18, 2022 Petitioner Dyson filed a Verified Protest with Motion to Amend and Mandate for Revocation of Variance (Amended Petition). On July 20, 2022, Petitioners Arntz, Beers, Bernard, Brinne-

man, Broyles, Carnahan, Dean, Evans, Heintzelman, Henry, Johnson, Jorgenson, Kelley, Nicodemus, Ormsby, Parr, Plasterer, Platt, Reed, Thompson, Vervalin, Wagers, Zinn, filed the same Motion as Petitioner Dyson. Petitioner Bernard signed the Amended Petition but raised three (3) additional issues (Bernard Amended Petition). In addition to signing the Amended Petition, Petitioner Vervalin, by counsel, filed a separate Amended Petition (Vervalin Amended Petition).

Although they did not file Petitions, Chad Bower, Virginia Carnahan, Kaitlyn Johnson, Steven Ziko, Denita Patrick and Zachary Crebb also signed the Amended Petition.

8. On July 26, 2022 IDEM filed its Joint Motion to Dismiss and Motion for Summary Judgment,¹ and Permittee filed its Motion to Join IDEM's Motions.

9. On August 8, 2022, the presiding Environmental Law Judge (ELJ) issued a Notice of Proposed Dismissal as to Chad Bower, Virginia Carnahan, Kaitlyn Johnson, Steven Ziko, Denita Patrick, David Platt, and Zachary Crebb for failing to comply with Ind. Code § 4-21.5-7(a)(3)(A) (LC.) and I.C. § 4-21.5-3-2(a).

10. On August 23, 2022, Petitioner Dyson filed a Praecepice with Supporting Facts and Law to Revoke (Response to IDEM's Motion to Dismiss and Motion to Summary or Response), in this document, Petitioner Dyson cited I.C. § 1-1-2-1, the Confirmatio Cartarum, the Magna Carta, Affidavit of Citizenship Evidence Notice, the United States Constitution Article VI, and

¹ The presiding ELJ addressed the Motion to Dismiss separately from the Motion for Summary Judgment.

Merrion v. Jicarilla Apache Tribe, 455 U.S. 130, 131 (1982) (Severance tax imposed on oil and gas removed from Indian reservation, authorized by Tribe's inherent authority to tax as part of its power of self-government, did not violate the commerce clause under Art I, § 8, cl 3) to argue DEA does not have jurisdiction over IDEM's issuance of Permit Approval No. L-0659 under 327 IAC 3.

11. On August 24, 2022, via email on behalf of other Petitioners, Petitioner Dyson filed a Motion with Supporting Facts and Law to Revoke Permit NO. L-0659 which adopted Petitioner Dyson's Response. The document stated *in toto*,

We, the undersigned aggrieved people of Stable Acres, hereby joins [sic] in the Praecipe with Supporting Facts and Law to Revoke filed by Douglas Alan Dyson, and request that the Court to Revoke permit NO. L-0659 for lack of subject matter, personal and *In rem* jurisdiction, for incorrect venue and failure to state a claim upon which relief can be lawfully granted.

I certify under the laws of the United States of America that this Motion with Supporting Facts and Law to Revoke Permit NO. L-0659 is true and correct under the pains and penalties for perjury to the best of my knowledge and belief.

This document neither addressed the Court's Proposed Notice of Dismissal nor responded to IDEM's Motion to Dismiss. Petitioners' Motion did not proffer "Supporting Facts and Law."

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12. All seven (7) individuals² that were named in the August 8, 2022 Proposed Notice of Dismissal signed the Response and two (2) additional individuals³ who had not previously Participated in any part of the appeal of the Permit also signed the Response. For clarity:

Active

Petition Recv'd	Last Name	First Name	Amendment Recv'd	Praecipe to Revoke Recv'd
5.5.22	Dyson	Douglas	7.18.22	8.23.22
5.5.22	Bernard	Caril	none	8.25.22
5.5.22	Bernard	Johan	7.20.22	8.25.22
5.6.22	Vervalin	Susan	7.20.22	8.25.22
5.9.22	Beers	Steven	none	8.25.22
5.13.22	Beers	Julie	7.20.22	none
5.9.22	Henry	Shane	7.20.22	8.25.22
5.9.22	Henry	Sheila	none	8.25.22
5.9.22	Reed	Deborah	7.20.22	8.25.22
5.10.22	Arntz	Jesse	7.20.22	8.25.22
5.10.22	Heintzelman	Rozena	7.20.22	none
5.10.22	Thompson	Ernest	7.20.22	8.25.22

² Chad Bower, Virginia Carnahan, Kaitlyn Johnson, Steven Ziko, Denita Patrick and Zachary Crebb.

³ Dave Huffman and Michael Reed.

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5.11.22	Bower	Erica	none	none
5.11.22	Kelley	Hannelore	7.20.22	8.25.22
5.11.22	Nicodemus	Jerry	7.20.22	8.25.22
5.11.22	Wagers	Cheryl	7.20.22	8.25.22
5.12.22	Brinneman	Holly Patton	7.20.22	none
5.12.22	Broyles	Carl	7.20.22	8.25.22
5.12.22	Broyles	Marsha	none	none
5.12.22	Carnahan	James	7.20.22	none
5.12.22	Dean	Rita	7.20.22	8.25.22
5.12.22	Evans	Chris	7.20.22	none
5.12.22	Hochstetler	Stan	none	none
5.12.22	Huffman	Mitzi	none	8.25.22
5.12.22	Johnson	Samuel	none	8.25.22
5.12.22	Kellam	Alexander	none	none
5.12.22	Landers	Joni	none	none
5.12.22	Ormsby	Brock	7.20.22	none
5.12.22	Parr	Keith	7.20.22	8.25.22
5.12.22	Plasterer	Thomas	7.20.22	8.25.22
5.12.22	Turner	Beth	none	8.25.22
5.12.22	Turner	Scott	7.20.22	8.25.22
5.12.22	Ziko	Abby	none	none
5.12.22	Zinn	Jeanette	7.20.22	none
5.12.22	Jorgenson	Jesse	7.20.22	8.25.22

Dismissed

none	Bower	Chad	7.20.22	8.25.22
none	Carnahan	Virginia	7.20.22	8.25.22
none	Crebb	Zachary	7.20.22	none
none	Huffman	Dave	none	8.25.22
none	Johnson	Kaitlyn	7.20.22	none
none	Patrick	Denita	7.20.22	8.25.22
6.8.22	Platt	David	7.20.22	8.25.22
none	Reed	Michael	none	8.25.22
none	Ziko	Steven	7.20.22	8.25.22

13. On August 25, 2022, Petitioner Vervalin, by counsel, filed “Plaintiff Susan Vervalin’s, Memorandum In Opposition To Motion To Dismiss And Motion For Summary Judgment.”

14. On August 26, 2022, the presiding ELJ issued a Supplemental Notice of Proposed Dismissal as to Dave Huffman and Michael Reed.

15. On September 6, 2022, the Court issued Findings of Fact, Conclusions of Law and a Final Order of Dismissal as to Chad Bower, Virginia Carnahan, Kaitlyn Johnson, Steven Ziko, David Platt, Denita Patrick and Zachary Crebb for failing to comply with I.C. § 4-21.5-7(a)(3)(A) and I.C. § 4-21.5-3-2(a).

16. On September 8, 2022, Petitioner Douglas Alan Dyson filed a document titled “Judicial Notice.” The Court informed Petitioners that pursuant to I.C. § 4-21.5-3-26(f), an Environmental Law Judge may take “official notice” but not judicial notice. Official Notice may be taken once the record is opened and

after a piece of evidence qualifies for admission. Petitioner Dyson's eligibility to participate in this proceeding is not affected by his citizenship status. Petitioner Dyson's Judicial Notice was The marked and placed in the case file for Cause No. 22-W-J-5197.

17. On the same date, IDEM filed a Reply Memorandum of Law In Support of It's [sic] Motion to Dismiss and Motion for Summary Judgment.

18. On September 22, 2022, the Court issued Findings of Fact, Conclusions of Law and a Final Order of Dismissal as to Dave Huffman and Michael Reed for failing to comply with I.C. § 4-21.5-7(a)(3)(A) and I.C. § 4-21.5-3-2(a).

CONCLUSIONS OF LAW

1. This is a Final Order issued pursuant to I.C. § 4-21.5-3-23. Findings of Fact that may be construed as Conclusions of Law and Conclusions of Law that may be construed as Findings of Fact are so deemed.

2. IDEM is authorized to implement and enforce Indiana environmental statutes and rules promulgated relevant to those statutes. *See* I.C. § 13-13 et seq. and I.C. § 13-14-1-11.5. IDEM is authorized to determine whether a permit should be issued by applying the relevant statutes and regulations pertaining to permits and can only consider the relevant statutes and regulations when deciding whether to issue the permit. *American Suburban Utilities*, 2019 OEA 48, 53.

3. OEA has jurisdiction over the decisions of the Commissioner of IDEM and the parties to the controversy pursuant to I.C. § 4-21.5-7-3(a). OEA's jurisdiction is limited to and cannot be extended beyond those

matters over which the General Assembly has determined that it may exert subject matter jurisdiction. *Alcoa, Inc.*, 2004 OEA 30, 33 (2004); *LTV Steel Company v. Griffin*, 730 N.E.2d 1251, 1257 (Ind. 2000). In addition to I.C. § 4-21.5, OEA is governed by 315 IAC 1 *et seq.*

4. The OEA must apply a de novo standard of review to this proceeding when determining the facts at issue. *Indiana Dep't of Natural Resources v. United Refuse Co., Inc.*, 615 N.E.2d 100 (Ind. 1993). Findings of fact must be based exclusively on the evidence presented to the ELJ, and deference to the agency's initial factual determination is not allowed. *Id.*; I.C. § 4-21.5-3-27(d). OEA is required to base its factual findings on substantial evidence. *Huffman v. Office of Envtl. Adjud.*, 811 N.E.2d 806 (Ind. 2004).

5. The OEA considers a motion for summary judgment "as would a court that is considering a motion for summary judgment filed under Ind. Trial Rule 56." Ind. Code § 4-21.5-3-23(b). Citing Ind. Tr. R. 56(C), the Indiana Supreme Court stated, "[d]rawing all reasonable inference in favor of . . . the non-moving parties, summary judgment is appropriate 'if the designated evidentiary matter shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.' *Hughley v. State*, 15 N.E.3d 1000, 1003. "A fact is 'material' if its resolution would affect the outcome of the case, and an issue is 'genuine' if a trier of fact is required to resolve the parties' differing accounts of the truth, or if the undisputed material facts support conflicting reasonable inferences." *Id.*

6. The moving party bears the initial burden to establish the absence of any genuine issue of material

fact. *Hughley*, 15 N.E.3d at 1003. Once established, the burden shifts to the non-moving party to “come forward with contrary evidence” showing an issue for the trier of fact.” *Id.* Summary judgment is particularly appropriate where the relevant facts are undisputed and pure legal questions of statutory interpretation are presented. *Kluger v. J.J.P Enterprises, Inc.*, 159 N.E.3d 82, 87 (Ind. Ct. App. 2020). All rational assertions of fact and reasonable inferences are deemed to be true and are viewed in the non-movant’s favor. *Lindsey v. DeGroot*, 898 N.E.2d 1251, 1256 (Ind. Ct. App. 2009).

7. Whenever a permit is required by any rule of the Environmental Rules Board under I.C. § 13-15-1 for the construction, installation, operation, or modification of any facility, equipment, or device, the permit may be issued only after the department staff has: (1) approved the plans and specifications; and (2) determined that the facility, equipment or device meets the requirements of the rule. I.C. § 13-15-3-5.

8. 315 IAC 1-3-2(b)(4)(A) requires a petitioner in a case involving an appeal of a permit to state with particularity and identify:

- (i) Environmental concerns or technical deficiencies related to the action of the commissioner that is the subject of the petition.
- (ii) Permit terms and conditions that the petitioner contends would be appropriate to comply with the law applicable to the contested permit.

9. To prevail on their appeal of the issuance of the 327 IAC 3 construction permit, Petitioners must show that the Permittee did not meet the requirements

of 327 IAC 3. OEA's review is limited to determining whether IDEM complied with applicable statutes and regulations. I.C. § 4-213-7-3; *Blue River Valley*, 2005 OEA 1, 11. OEA does not have authority to address any other issues.

Issue raised only in the Petition:

10. Petitioners contend that the District's Board of Trustees do not represent the Petitioners' best interests. Under the Petition's "Background and History" section, Petitioners reference in support of their contention:

A letter dated March 28, 2022 signed by Trustee/President Chad Nix was mailed to all property Owners of Stable Acres stating that we the people . . . have a legal obligation to connect to the new system . . . together with a signing a Right of Entry Agreement provided therein stating we the people of Stable Acres will provide electrical service to the grinder pump station, operate and maintain the grinder station lateral lines and pay the required inspection fees.

Petitioners filed a No Trespass and Notice to Cease and Desist with the Whitley County Recorder on April 13, 2022, number 2022-040207, referencing the March 28, 2022 letter "was found to be threatening [sic] and intimidating, with fear of retaliation for not signing the "RIGHT OF ENTRY AGREEMENT" and for [the District) to cease and desist from making application . . . "

Petition, p. 6. Under the Petition's "Reasons for Administrative Review" section, Petitioners state,

Indiana Constitution Article 1, section 1, it was declared that all power is inherent in the people; and that all free governments are, and of right out to be, founded on their authority and instituted for their peace, safety, and well-being. No one on the board represents the best interest of the people of Stable Acres . . .

Id., p. 7. Petitioners' contention does not identify, with particularity, environmental concerns or technical deficiencies related to IDEM's issuance of the Permit or provide permit terms and conditions that Petitioners contend would be appropriate to comply with 327 IAC 3 and thus does not meet the requirement of 315 IAC 1-3-2(b)(4)(A). IDEM has no regulatory authority to determine whether the District's Board of Trustees represents owners' best interests. OEA's review is limited to determining whether IDEM complied with 327 IAC 3 to issue the Permit. I.C. § 4-21.5-7-3; *Blue River Valley*, 2005 OEA 1, 11.

Issues raised in both the Petition and Amended Petition:

11. Petitioners contend the sewer system is not feasible, wanted, affordable or acceptable. Under the Petition's "Legal Issues Proposed" section, Petitioners state:

534 of 79 homeowners in Stable Acres objected to the unfounded, baseless, and

⁴ In the Petition's "Background and History" section, Petitioners claimed the No Trespass and Notice to Cease and Desist was

meritless statement made by Trustee/President Chad Nix that there was Not Sufficient Objection Not to Proceed on with the Sewer Project. The implied acceptance of this sewer project is not feasible, not wanted, not affordable and is not acceptable. This scam and sham perpetrated by [Permitted] JPR⁵ and Aqua of Indiana [sic] is by misrepresentation and failure to disclose the truth to not only we the people but permitting agencies, the State Revolving Fund, other government grants and funding agency(s) [sic] to cover their self-serving inconsistencies of government runaway waste spending . . .

Petition, p. 7. Under the Petition's "Technical Deficiencies of the Permit" section, Petitioners state

The majority of the people herein Stable Acres do not want and do not need the elimination of our septic systems for a bill that we are stressed to pay for the runaway spending [of the District] . . . [We] oppose the trading of [our] biological intellectual birth bond property to raise funding of this project.

Id. Petitioners further state that the issuance of the Permit "is against the majority of the will of the people." Amended Petition, p. 6. Petitioners' contentions neither constitute environmental/technical deficiencies nor provide permit terms and conditions that would

"supported by 57 signatures with support that this proposed sewer project is not feasible, not wanted, not affordable and is not acceptable."

⁵ "JPR" is Petitioners' acronym for Jones Petrie Rafinski Engineering.

be appropriate to comply with 327 IAC 3 as required by 315 IAC 1-3-2(b)(4)(A). Moreover, 327 IAC 3 does not authorize IDEM to consider whether the system is feasible, wanted, affordable, acceptable or against the will of the property owners before issuing a construction permit.

12. Petitioners contend “the mandatory signing of the Right of Entry Agreement breaches Article 1, Section 24 of the Indiana Constitution and Article 1 Section 10 of the U.S. Constitution, leaving the RDS⁶ [sic] in breach of 327 IAC 3-2-2(e) for compliance of ongoing maintenance.” Amended Petition, p. 7.

Petitioners state that they do not want the system and will not consent to the “Right of Entry Agreement.” Petition, pp. 6 – 8. Petitioners contend that because they will not accept the ongoing maintenance, Permittee has failed to comply with 327 IAC 3-2-2(e)(5). Petition, pp. 6 – 8; Amended Petition, p. 7. 327 IAC 3-2-2(e)(5) requires “construction applications proposing the installation of a grinder pump or pumps to be used on low pressure sanitary sewer collection systems [to] submit evidence of responsibility for ongoing maintenance.”

Under 327 IAC 3, a permittee is not required to garner property owners’ acceptance of ongoing maintenance *prior to IDEM’s issuance* of a construction permit. Under the terms of the Permit, any consent required from a property owner has to be attained *prior to its construction*. IDEM Ex. A, p. 3. (Emphasis added). Moreover, the application submitted by the Permittee contained the information regarding res-

⁶ ”RDS” is one of the acronyms Petitioners used to identify the Whitley County Regional Water and Sewer District.

ponsibility for ongoing maintenance to meet 327 IAC 3-2-2(e)(5). The Permittee identified that “[m]aintenance after completion will be provided by Grinder Stations — Property Owners.” IDEM Ex. B, p. 2. The Permittee clarified this identification in its April 8, 2022 response to IDEM’s Deficiency Notice for Construction Permit Application. IDEM Ex. C. The engineer consultant wrote, “[f]ollowing construction, the grinder pump stations will be turned over to the individual property owners to be privately owned and maintained.” *Id.*, p. 2.

Lastly, the Permit identifies the information submitted to meet 327 IAC 3-2-2(e)(5) and states, “[t]he individual property owners will be responsible for maintaining the simplex grinder pump stations and associated service lines up to the connection with the public sewer main at the right-of-way line after completion of construction.” IDEM Ex. A, p. 2.

Issues newly raised in the Amended Petition:

13. Petitioners contend “the Prehearing conference notice failed to provide compliance with IC 4-21.5-3-18(d)(6) . . .” Amended Petition, p. 1. Petitioners are correct that the Order scheduling the Prehearing Conference did not contain a statement of the legal authority and jurisdiction under which the prehearing conference is held. Notwithstanding the omission, OEA has the authority and jurisdiction to hear an appeal of a 327 IAC 3 permit.⁷ I.C. § 4-21.5-7-3(a).

⁷ The lack of the statement in the Prehearing Conference Order also has no bearing on whether IDEM properly issued the permit.

14. Petitioners claim that OEA failed to comply with I.C. § 4-21.5-3-20(c)(5). I.C. § 4-21.5-3-20 sets forth the requirements for "hearing; time and place; notice" which requires the notice for *the hearing* to "include a copy of any prehearing order rendered in the matter." I.C. § 4-21.5-3-20(b). (Emphasis added). This notice for hearing, like the notice of prehearing conference, I.C. § 4-21.5-3-18(d)(6), requires "a statement of the legal authority and jurisdiction under which the hearing is to be held." I.C. § 4-21.5-3-20(c)(5). Because no hearing has been set or scheduled for this Cause, I.C. § 4-21.5-3-20(c)(5) has not been violated.

15. Petitioners contend that the Permittee did not comply with 327 IAC 3-2-2(e)(5) because it did not provide evidence of ongoing maintenance for the pumps used on the low-pressure sanitary sewer collection system. The language necessary to comply with 327 IAC 3-2-2(e)(5) was provided to IDEM. IDEM Ex. B, p. 2; Ex. C, p. 2. The language then became part of the permit. IDEM Ex. A, p. 2.

Petitioners further argue that due to the Permittee's noncompliance with 327 IAC 3-2-2(e)(5), the Permittee has provided false information in violation of the certifications required by 327 IAC 3-6-4. Amended Petition, pp. 5 - 6. Petitioners did not proffer any documentary evidence to support their argument. 327 IAC 3-6-4 requires certifications from a professional engineer or registered land surveyor and the authorized representative having jurisdiction over the proposed collection system and requires the professional to include the following language in his or her submission:

I certify under penalty of law that the design of this project will be performed under my

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direction or supervision to assure conformance with 327 IAC 3 and that the plans and specifications will require the construction of said project to be performed in conformance with 327 IAC 3-6. I certify that the peak daily flow rates, in accordance with 327 IAC 3-6-11 generated in the area that will be collected by the proposed collection system that is the subject of the application, plans, and specifications, will not cause overflowing or bypassing in the same subject proposed collection system from locations other than NPDES authorized discharge points. I certify that the proposed collection system does not include new combined sewers or a combined sewer extension to existing combined sewers. I certify that the ability for this collection system to comply with 327 IAC 3 is not contingent on water pollution treatment/control facility construction that has not been completed and put into operation. I certify that the design of the proposed project will meet all local rules, laws, regulations, and ordinances. The information submitted is true, accurate, and complete to the best of my knowledge and belief. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

327 IAC 3-6-4(b) and (c). This language was included in the professional engineer's submission. IDEM Ex. B, p. 4.

In the absence of documentary evidence to support Petitioners' argument that any of the signatories provided false information, Petitioners' argument constitutes supposition and conjecture. "Guesses, supposition and conjecture are not sufficient to create a genuine issue of material fact to defeat summary judgment." *Beatty v. LaFountaine*, 896 N.E.2d 18, 20 (Ind. Ct. App. 2008) (citing *Midwestern Indem. Co. v. Sys. Builders, Inc.*, 801 N.E.2d 661, 666 (Ind. Ct. App. 2004)).

Issues newly raised in Petitioner Bernard's Amended Petition:

16. In his Amended Petition, Petitioner Bernard cites the July 1, 2019 Sewer Ban Early Warning issued to Aqua America, Inc. and contends,

[I]t is my belief that Chronic hydraulic and organic overload could exist causing a contribution to by[-]passing or the discharge of insufficiently treated sewage failing to meet the standards set out in 327 IAC, causing major problems in adjoining Whitley County for me herein Stable Acres when in fact my septic system is in good working condition.

Bernard Amended Petition, p. 6. In the absence of documentary evidence to support his "belief that Chronic hydraulic and organic overload could exist" Petitioner Bernard's belief is speculative. Assertions, beliefs, opinions or conclusions cannot create a genuine issue of material fact to preclude summary judgment. *Sanchez v. Hamara*, 534 N.E.2d 756, 759 (Ind. Ct. App. 1989), *trans. denied*.

Moreover, on April 27, 2022, the potential issue raised by the Sewer Ban Early Warning was resolved

when IDEM granted the Permittee's request for a Variance to approve the construction of the sewer project prior to the completion of downstream facilities. IDEM Ex. D, p. 1. Under the Variance a new sewer is being constructed downstream via a separate project. *Id.* The Variance specifically states, "no new connections will be made to the proposed system until all downstream utility improvements are permitted, constructed, tested and started up." *Id.*

The Issued Variance was subject to administrative review under I.C. § 4-21-5-3-7 and 315 IAC 1-3-2. A petition seeking administrative review of the variance would have to have been filed on or before May 16, 2022.⁸ I.C. § 4-21.5-7(a)(3)(A); I.C. § 4-21.5-3-2(a). The timing requirements to file a petition for administrative review are mandatory for a court to acquire jurisdiction where the review is sought from an administrative determination. *State v. Van Ulzen*, 456 N.E.2d 459, 464 (Ind. Ct. App. 1983). *See also*, *City of North Vernon v. Funkhouser*, 725 N.E.2d 898, 904 (Ind. Ct. App. 2000) (Jurisdiction may not be invoked until the individual seeking review has complied with the statutorily prescribed procedures); *Wayne Metal Prods. Co. v. Indiana Dep't of Envtl Mgmt.*, 721 N.E.2d 316, 319 (Ind. Ct. App. 1991) *trans. denied* (Ind. 2000). Because none of the Petitioners appealed the variance, OEA cannot acquire jurisdiction with respect to any perceived issue(s) with the Variance here.

⁸ The eighteenth day after issuance was technically May 15, 2022, but because it fell on a Sunday, the petition for administrative review needed to be filed on or before May 16, 2022.

17. Petitioner Bernard contends “[t]he best interests of the public will be served by denial of this permit, for lack of sufficient compliance with 327 IAC 3-6-7 and not being consistent with applicable law.” Bernard Amended Petition, p. 7. 327 IAC 3-6-7 sets forth the issuance requirements for sanitary sewer construction permits including peak daily flow rate, sufficient capacity, compliance with applicable NPDES permit effluent limitations, and connection to a completed water treatment/control facility. In the absence of documentary evidence to support his contention that the Permittee did not comply with 327 IAC 3-6-7, Petitioner’s contention is speculative and does not create a genuine issue of material fact to preclude summary judgment. *Beatty*, *supra* at 20; *Sanchez, supra*, at 759. Permittee’s application identifies every requirement prescribed by 327 IAC 3-6-7.

18. Petitioner Bernard contends,

My septic system works just fine and the issuance of this permit is contrary to the New Green Deal⁹ because with this new proposed system, with the proposed grinder pumps, I HAVE TO PROVIDE ADDITIONAL ELECTRICITY TO POWER THE PUMPS FOR TREATMENT AND THERE HAS BEEN NO OPTION TO POWER THE

⁹ The 2019 United States congressional resolution recognizing the duty of the federal government to create a Green New Deal was introduced by Rep. Alexandria Ocasio-Cortez and Sen. Ed Markey. The text of the resolution detailed how climate change affects the economy, the environment, and national security, and outlined goals and projects for a 10-year national mobilization. The resolution was not formally adopted in the United States.

**PUMPS WITH SOLAR OR WIND OR EVEN
THE METHANE PRODUCED BY SEWAGE.**

Bernard Amended Petition, p. 7. (Emphasis original). Petitioner Bernard's contention neither constitutes environmental/technical deficiencies nor provides permit terms and conditions that would be appropriate to comply with 327 IAC 3 as required by 315 IAC 1-3-2(b)(4)(A). Moreover, 327 IAC 3 does not authorize IDEM to consider whether the existing septic systems work or whether the issuance of the Permit is contrary to the New Green Deal.

**Issues newly raised in Petitioner Vervalin's
Amended Petition:**

19. Petitioner Vervalin contends that the Permit failed to meet regulatory requirements in compliance with Indiana Law. Vervalin Amended Petition, p. 5. Petitioner's reliance upon I.C. § 13-15-2-1 and I.C. § 13-15-2-2 is misplaced as these statutes apply to IDEM's Environmental Board (the Board) duties in establishing rules for the issuance of permits. The Board adopted 327 IAC 3 as the rules applicable to the issuance of construction permits in compliance with I.C. § 13-15-2-1 and 2.

20. Petitioner contends she and the other property owners "did not receive information or adequate documentation as part of the Permit Application,"¹⁰ but the Petitions filed in this Cause belie this contention. Here, the signed Petitions reflect that the homeowners, Including Petitioner Vervalin, have had detailed information of the District's Board of Trustee meetings discussing the District's Permit from April

¹⁰ Vervalin Amended Petition, p. 6.

16, 2019 to March 16, 2022, Petition, pp. 1 — 6. Petitioners also received a letter along with a March 28, 2022 Right of Entry Agreement which informed the property owners about their obligation to connect to the new system and explained it was the owner's responsibility to provide electrical service to the grinder pump station, operate and maintain the grinder station lateral lines, and pay the required inspection fees. *Id.* at p. 6. Lastly, Petitioners filed a No Trespass and Notice to Cease and Desist with the Whitley County Recorder on April 26, 2022 to prevent the project. *Id.* Petitioner Vervalin's contention regarding the inadequacy of the information and documentation is without merit.

21. Petitioner Vervalin contends the Permittee did not comply with 327 IAC 3-2-2(e)(6) which requires an application for a construction permit to include identification of affected persons, along with mailing labels, for affording notice of the permit once issued. Vervalin Amended Petition, p. 5. The Permittee included this required information in its Identification of Potentially Affected Persons and attached mailing labels. IDEM Ex. B, p. 8. Additionally, the required notice was sent to all of the Petitioners once the Permit was issued. The Permittee complied with 327 IAC 3-2-2(e)(6).

22. Petitioner Vervalin contends the Application "failed to produce sufficient information to support that the affordability of the permit or necessary financing being secured to meet all requirements of the permit and project for Stable Acres." Vervalin Amended Petition, p. 6. Petitioner Vervalin's contention neither constitutes environmental concerns nor technical deficiencies or provides permit terms and

conditions that the Petitioner Vervalin contends would be appropriate to comply with 327 IAC 3 as required by 315 IAC 1-3-2(b)(4)(A). Moreover, 327 IAC 3 does not authorize IDEM to consider the “affordability of the permit or necessary financing being secured to meet all requirements of the permit.”

23. Petitioner Vervalin contends

The Application submitted includes on page 2 of 6 ‘Grinder Stations — Property Owners; Pressure Sewers — Aqua Indiana,’ but on the first page of the Application identifies the Source of Funding to be ‘IFA’s Wastewater State Revolving Fund Loan Program’ without identifying or including Private Funds or Other There has not been adequate or sufficient information . . . regarding this discrepancy in funding and obligations identified on the Permit submitted and approved.

Vervalin Amended Petition, p. 6.

The Application’s pages are not contradictory. Financing for the construction of the wastewater treatment plant, assuming approval from the Indiana Finance Authority (IFA), will be sourced from IFA’s Wastewater State Revolving Fund Loan program. The inspection/Maintenance section accurately reflects what was stated by the Permittee’s engineer in response to IDEM’s Deficiency Notice for Construction Permit Application: *“Following construction, the grinder pump stations will be turned over to the individual property owners to be privately owned and maintained.”* IDEM Ex. C, p. 2. (Emphasis original). Petitioners will not be funding the construction.

Petitioners were provided information regarding their responsibilities. Each property owner's Petition stated that prior to the issuance of the Permit,

[a] letter dated March 28, 2022 signed by Trustee/President Chad Nix was mailed to all property Owners of Stable Acres stating that we the people . . . have a legal obligation to connect to the new system . . . together with a signing a Right of Entry Agreement provided therein stating we the people of Stable Acres will provide electrical service to the grinder pump station, operate and maintain the grinder station lateral lines and pay the required inspection fees.

Petition, p. 6. Petitioner Vervalin's contention is not supported by the documentary evidence.

24. Petitioner Vervalin contends

The Stable Acres Project Permit Application No. L-0659 failed to produce the necessary ground water testing requirements that is a required component of the purpose of the Indiana Department of Environmental Management with effectuating its purpose within Indiana.

Vervalin Amended Petition, p. 7. 327 IAC 3 does not require IDEM to conduct ground water testing for issuing a permit for the construction of a wastewater treatment facility.

Issues newly raised in Petitioners' Response

25. Petitioners seemingly contend that because the Court did not have "[a] statement of the legal

authority and jurisdiction under which the prehearing conference . . . [is] to be held,”¹¹ that OEA has no jurisdiction over the subject matter. Citing *United States v. Will*, 449 U.S. 200, 216 (1980) and *Cohens v. Virginia*, 19 U.S. 264, 404 (1821),¹² Petitioners stated “[w]henever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason.” The absence of a statement of the legal authority and jurisdiction under which the prehearing conference is held in an Order Scheduling Prehearing Conference does not void OEA’s jurisdiction over the decisions of the Commissioner of IDEM and the parties to the controversy pursuant to I.C. § 4-21.5-7-3. Petitioners’ contention is without merit.

26. Petitioners contend that Indiana Constitution¹³ art. 15, § 4 was violated because OEA did not provide Petitioner Dyson a copy of the ELJ’s oath of office he sought through a request for public records under I.C. § 5-14-3-3(a)(2). Response, p. 3. OEA does

11 I.C. § 4-21.5-3-18(d)(6).

12 *United States v. Will* raised the issue of whether under the Compensation Clause, Art. III, § 1, Congress may repeal or modify a statutorily defined formula for annual cost-of-living increases in the compensation of federal judges, and, if so, whether it must act before the particular increases take effect. *Cohens v. Virginia* raised the issue of whether a Judgment of the Court of Hustings, Borough of Norfolk (Virginia) finding Virginia statute prohibiting sale of lottery tickets was valid despite statute passed by Congress authorizing the sale of lottery tickets in Washington, D.C.

13 Section 4. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office.

not have a copy of the ELJ's oath of office because the ELJ is neither elected nor appointed. As a state employee, she is not required to sign an oath. No such document exists.

Issues newly raised in Petitioner Vervalin's Memorandum in Opposition to Motion to Dismiss and Motion for Summary Judgment

27. Petitioner Vervalin, by counsel, stated, “[t]his Court should deny the Motion to Dismiss and Motion for Summary Judgment as there are genuine issues of material fact that preclude judgment as a matter of law.” The Orders to Dismiss are independent of IDEM's Motion for Summary Judgment because the dismissals were based on the fact that certain individuals were attempting to participate in the Cause as Petitioners without having filed a petition for administrative review, and for one, failure to file a timely petition for administrative review. All of the remaining averments in the Memorandum parroted Petitioner Vervalin's Amended Petition and were discussed above.

FINAL ORDER

For all of the foregoing reasons, IT IS ORDERED, ADJUDGED AND DECREED that the Indiana Department of Environmental Management's Motion for Summary Judgment is GRANTED. The Petitions for Administrative Review are DISMISSED.

You are further notified that pursuant to provisions of I.C. § 4-21, 5-7-5, OEA serves as the ultimate authority in administrative review of decisions of the Commissioner of the Indiana Department of Environmental Management. This is a Final Order

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subject to Judicial Review consistent with applicable provisions of I.C. § 4-21.5. Pursuant to I.C. § 4-21.5-5-5, a Petition for Judicial Review of this Final Order is timely only if it is filed with a civil court of competent jurisdiction within thirty (30) days after the date this notice is served.

IT IS SO ORDERED this 27th day of September, 2022, in Indianapolis, IN.

/s/ Hon. Lori Kyle Endris
Environmental Law Judge
frontdesk@oea.IN.gov

**TRANSCRIPT OF PROCEEDINGS
(OCTOBER 23, 2023)**

APPEALATE NO: 23A-MI-02465

IN THE WHITLEY CIRCUIT COURT

DOUGLAS ALAN DYSON,

Appellant/Plaintiff,

v.

WHITLEY CO. REGIONAL WATER & SEWER
INDIANA DEPT. OF ENVIRONMENTAL MGMT,

Appellee/Respondent.

TRIAL NO: 92C01-2210-MI-884

Appeal From the Whitley Circuit Court

Before: Matthew J. RENTSCHLER, Judge.

The following is an excerpt of Hearing from the bench held on January 20, 2023, and Hearing on Motion to Dismiss held on April 27, 2023, in the Whitley Circuit Court. Present: The Honorable Judge Matthew J. Rentschler; Petitioner appears pro se; Respondent Whitley County Regional Water & Sewer appears by Attorney Matthew R. Shipman; and Respondent Indiana Department of Environmental Management appears by Attorney Bingxin E. Lu.

JANUARY 20, 2023 - HEARING

COURT: This is 92C01-2210-MI-884. A case captioned Douglas Dyson and others versus the Whitley County Regional Water and Sewer, and the Indiana Department of Environmental Management. Present for today's hearing are the following persons, tell me your name sir?

PETITIONER: Douglas Allen Dyson.

COURT: Thank you. And the Court shows that the Whitley County Regional Water and Sewer is represented today by counsel Mr. Shipman. And the Indiana Department of Environmental Management is present today by, ma'am, you must be Ms. Lu, is that correct?

MS. LU: Yes your Honor, thank you.

COURT: All right, thank you. We'll show all those persons present for today's hearing. The Court set today's hearing after receiving a number of filings, first the Verified Petition for Review filed by Mr. Dyson in October of last year. Both the Indiana Department of Environmental Management and the Regional Water and Sewer District filed responses. The Regional Water and Sewer District also filed a Motion to Dismiss Pursuant to Rule 12(B)(6), and to gain maybe a grasp on where we are and where we need to go with this case, the Court set today's hearing. Um, Mr. Dyson I'm going to start with you. I have read your complaint, there are over a thousand pages that were attached to it. I can tell you that I have not read all of those pages, I have done my best to glean what I can from them, um, can you tell me briefly what order exists that aggrieves you and

how it aggrieves you, and I'm going to give you just a minute or two to tell me that. Go ahead sir.

PETITIONER: Yeah, what happened is this violates is my religious belief, as I set that quote forth in my official notice-

COURT: What violates your religious beliefs? What did they do?

PETITIONER: This particular, the granting this because of-

COURT: The granting of what? What did they do?

PETITIONER: The granting of the permit.

COURT: Permit for construction? Do I understand that correctly?

PETITIONER: It, that is correct because-

COURT: They issued a construction permit to allow the building of this sewer-

PETITIONER: And that is because of-

COURT: -facility.

PETITIONER: -that is because of the ordinance that they Whitley County Sewer Board has passed regarding mandate of a connection to the sewer system.

COURT: All right, is this-

PETITIONER: And so what happen-

COURT: -all right. Let me interrupt you because I'm trying to understand.

PETITIONER: So-

COURT: You talk about an ordinance, is the ordinance contained in your filings?

PETITIONER: Pardon?

COURT: You said they passed an ordinance, is that ordinance contained in your filing?

PETITIONER: Yes it is, it's in my official notice, in which was brought to Judge Endris. But the key factor here today is that Judge Endris, Judge Endris did not rule upon that, that official notice.

COURT: Judge who?

PETITIONER: Endris, from the Office of Environmental Management.

COURT: So the administrative law judge?

PETITIONER: Exactly. And so this needs to be remanded back to her so she can rule on my official notice.

COURT: So it is the, well strike that, I think I've learned all I'm going to learn. Um, So you have set out your complaint and described it to me, I'm going to ask counsel now from, for IDEM and the Water and Sewer District how they believe I should proceed. You got a Motion to Dismiss on file Mr. Shipman. I don't know if IDEM joins in that or what preferred course of action you might suggest or prefer.

MR. SHIPMAN. I would be happy to go first your Honor.

COURT: Go ahead.

MR. SHIPMAN: And if you're okay with that, I could frame kind of what you were asking, is that ultimately-

COURT: It might be helpful.

MR. SHIPMAN: -what, what we're here for just so and for Mr. Dyson's benefit as well, is the, the permit was issued by IDEM, okay? And the, an appeal was initiated as to whether that permit was properly issued. Uh, the arguments that Mr. Dyson's making have nothing to do with whether the permit was issued. He has arguments. The forum is just not the IDEM construction permit. And that's, and that's ultimately what the AOJ found is that the, that the permit was properly issued. And so, and that's the reason why I filed the Motion to Dismiss because the Petition and the thousand pages of documents have to do with Mr. Dyson's firm belief that this Court does not necessarily have jurisdiction over him and/or that his religious beliefs make it so he should not have to connect the sewer. That has nothing to do with this case. This case is about whether if key, whether or not a permit was properly issued. That's, that's the whole case. And the AOJ found, rightly, that the permit was properly issued. There's very very very narrow reasons that a permit would not be properly issued, and none of those were even articulated, and so as a result the case got dismissed.

PETITIONER: I object to that your Honor.

COURT: What's your objection?

PETITIONER: My objection is the fact that they stated in their Motion to Dismiss, they quoted the

Indiana Code that said that there's a constitutional issue, and that's the very constitutional issue which I stated in my, in my paperwork.

COURT: I'll give you a chance to respond when the attorneys are done.

PETITIONER: Okay.

COURT: You'll be given full opportunity. Go ahead Mr. Shipman. MR. SHIPMAN: The only other thing, and Judge I'm, we talked about this before, are we having a full-blown hearing today or is this scheduled?

COURT: No. This is my opportunity to get a grasp of what's going on-

MR. SHIPMAN: Okay.

COURT: -and the various parties' positions. And if we need to set evidentiary hearings in the future, we can. But this is not that.

MR. SHIPMAN: Okay, and I just, and I have, and I can talk for an hour, I just wasn't sure if that's what you were asking. The only other thing that I would ask Judge, procedurally, is that Mr. Dyson has filed this Petition purportedly on behalf of a group of thirty plus people who he's listed. He is not an attorney. Um, and as a result it is improper without a signature from those other people-

PETITIONER: Objection again your Honor.

MR. SHIPMAN: -for-

COURT: I'll give you a chance to respond. Go ahead.

MR. SHIPMAN: -for him to assert representation of other people who have not signed the Petition. So, we believe it is appropriate at this point, and it doesn't matter, only one person needs to appeal and be found proper, so whether there's thirty or one, but, but just from moving forward to standpoint, this appeal should be between Mr. Dyson, and these two parties. Not the thirty other people who he claims to represent which is improper.

COURT: Let me ask a question to see if I can get some more information. So, there's been an order that's been issued, and that order is, or a permit rather, that permits the construction of septic or sewer type devices of some sort. Has Mr. Dyson or anyone else been ordered to hook up or to pay some fee to hook up to this device yet?

MR. SHIPMAN: Not yet.

COURT: And that may occur in the future?

MR. SHIPMAN: Correct.

COURT: And I think what you're telling me is that he might have a legitimate, he might have an argument then, and a legitimate forum to claim that that order would violate his rights, but this order which, or this permit rather, which allows for the construction of a device that he may or may not be ordered to hook up to, is, it's premature for him to make this argument because he's not been, it's not affecting him at this point? Until he's been ordered to hook up to it or to pay some fee or tax regarding it, uh, he doesn't really have standing to approach the issue. Do I summarize you correctly?

MR. SHIPMAN: Uh, for the most part your Honor. I don't think, I don't think it's a, I don't think it's a standing issue, I think that his appeal is just, he's not appealing the right thing. I mean so, he had standing to appeal the order, but it was based on the validity of the permit, not on the grounds in which he's trying to do it.

PETITIONER: And I object to that too.

COURT: I'll give you a chance to respond Mr. Dyson.

PETITIONER: It-

COURT: In a second I said. Anything else Mr. Shipman?

MR. SHIPMAN: I have a lot more, but if today is not a substantive hearing, I'll save it for that time.

COURT: All right. Ms. Lu, anything you can say to help elucidate the situation?

MS. LU: Yes.

COURT: Yes.

MS. LU: Thank you your Honor. Um, so we only filed a response so far because we feel for (inaudible) for the Petitioner, and we want to get moving of the case. But what we have here you Honor is a judicial review petition, and that's very different in nature of the other kind of civil actions here. Uh, first of all for judicial review of petition, we have a lot of procedural requirements on the side of the Petitioner, such as Petitioner has to file a timely petition to begin, begin with. And the waiting is thirty days of receiving of agency notice. The Petitioner has the responsibility to timely file an agency record or timely request to

extension of time to file an agency record with the court, which Mr. Dyson failed to do so here. We have not draft a Motion to Dismiss as (inaudible) getting some preliminary issues here. That is a (inaudible) in Indiana Courts. Uh, we have (inaudible) set before, so things, Mr. Dyson has passed that deadline, we will file a Motion to Dismiss before we get into any substance and (inaudible) in the case.

COURT: Okay. So you intend to file a Motion to Dismiss in this matter that probably doesn't mirror Mr. Shipman's, but can be considered along side Mr. Shipman's Motion, yes?

MS. LU: Yes. But we will not touch on the merits, but we will focus on the procedural requirements that are very clear in Indiana that every judicial review petition has to fulfill that requirements in order for the court to consider the merits of judicial review petition.

COURT: If I gave you thirty days to file that Motion to Dismiss, is that sufficient time?

MS. LU: Well that would be way more sufficient. Thank you your Honor.

COURT: All right. Mr. Dyson, I told you I would give you the opportunity to respond. This is your opportunity, go ahead sir.

PETITIONER: Thank you. Yes. There has been several letters that have been sent from Mr. Shipman's office to each of us at the Stable Acres. And first of all, I do not represent anybody that is in Stable Acres. And second of all, all the people that have been carried forward in this suit, is because they

were on the appeal down at the administrative, through the administrative law judge, okay? So that's why they were included in that. Now as far as this goes, we even got here on, this is, uh, this is from Ms. Lu here, and she says under the AOPA, a Court may grant relief from an agency only if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law, contrary to constitution right, privilege, power, privilege, or immunity, in excess of statutory authority, authority or limitations, or short of statutory right, without observance of procedure required by law, or unsupported by substantial evidence. Well my whole key is that I made an official notice to the Administrative Law Judge, which she completely ignored. And she did not rule upon that. And so procedurally why this Court needs to remand it back to the Administrative Law Judge and tell her to rule upon that official notice. And upon her rule on that official notice we will proceed from there. And you know it's very simple that if you read this case right here, this is a Supreme Court case that was out, that was published in July, uh, of 2021, it clearly state's, "I hope the lower courts and local authorities will take advantage of this opportunity for further consideration, Lawrence vs. Chater, and bring this matter to a swift conclusion. In the country, neither the Amish nor anyone else should have to choose between their farms and their faith." This is a recent Supreme Court case. Now I've, I've submitted in my official notice that there was constitutional violations under the Freedom of Religion Restoration Act, and that she has ignored that, and she has not ruled upon

that. And the Administrative Law Judge needs to rule on that so we have a complete record, so I can appeal this if necessary to the Supreme Court of the United States. And just to whitewash this with a procedural, uh, issue with Ms. Lu and Mr. Shipman, is not, all the issues are not decided from the Administrative Law Judge. So it needs to be remanded back there, tell her to rule on upon that official notice and Statute 30 states that the court shall not hear this (inaudible). So you can't hear it from the beginning, you're the over, you're to observe the procedure errors and send it back. So I have on standing, it's on file, it's in the file, my official notice that she has not ruled on it. And it needs to be remanded back to her and then she needs to rule upon that and then we'll proceed after that time.

COURT: All right. Thank you Mr. Dyson. Uh, contrary to what you said, procedure does matter, uh, and I'm hearing from Ms. Lu that there may be some procedural impediments to proceeding in this case. So here's what I'm going to, I'm going to give the parties, the Defendant's in this case I guess you would call them, or Respondents, an opportunity to file any Motions to Dismiss or Dispositive Motions that they may want the Court to consider, I've already gotten one from Mr. Shipman and Ms. Lu apparently wants to file one. I'm going to give you an opportunity to respond to that. So I'm going to give them thirty days to file it and I'm going to give you thirty days to respond. Once we have your response, the Court will make a decision regarding those particular Motions, and we'll see where we are then. If we need to proceed fur-

ther we can pursue the merits of the case at that time, but it's important to give the parties the opportunity to utilize the Rules of Trial Procedures, to help winnow this case down to what it should be. So you have thirty days to file those dispositive motions and thirty days to respond and then the Court will rule.

PETITIONER: Okay. But-

COURT: What else you want to say Mr. Dyson?

PETITIONER: The other thing is that I make this motion to set this hearing for to take judicial notice which I appreciate it and thank you for doing that, but within that, you know, Rules of Evidence 201, requires that when the information is provided, you shall take judicial notice. So I need this Court to take judicial notice of what I have submitted and also-

COURT: Mr. Dyson, as I said earlier, this is not an evidentiary hearing. If you want me to take judicial notice of something eventually at an evidentiary hearing, I will consider that. But it's premature to do that until we reach a stage in this case where the Court is considering evidence. Right now, we're in the procedural stage and I will be glad to refer to and review your Motion for Judicial Notice at that time.

PETITIONER: Okay. But-

COURT: Anything else sir?

PETITIONER: Yes, Rule 201 says that you shall take judicial notice at any —

COURT: Rule 201 refers to evidentiary hearings which we are not having right now. So when we get to an evidentiary hearing, remind me of Rule 201.

PETITIONER: We can't get there if we don't have all the evidence from the ruling from the Administrative Law Judge. It needs to be remanded to her to rule upon that. And it appears at this time that the Court is not willing to do that.

COURT: I'm not saying that at all. I'm saying that we're not at the point where we are addressing the merits of the case yet. We are still at the procedural stage. Do you have anything else today sir?

PETITIONER: No.

COURT: All right.

PETITIONER: (Inaudible).

COURT: Anything else from counsel?

MR. SHIPMAN: I just have one clarification your Honor, and this is just really for purposes of certificate of service when we file these pleadings. Should we assume, based upon Mr. Dyson's statement that there is one petitioner and for that, for purposes of serving copies of documents that only one, in other words Mr. Dyson should be served as the petitioner.

COURT: And Mr. Dyson, you're not, I think what you said is that you are, you're not representing anyone else, you are, you mention the names in your petition because these are people who are similarly situation, but you have no-

PETITIONER: No.

COURT: -but you have not, you have not spoken with them, and they have not agreed to have you represent them at-

PETITIONER: No, they, that's correct. See they were on the appeal to the Administrative Law Judge.

COURT: Right.

PETITIONER: So they were brought forth when, when this appeal, when this Petition for Review was filed.

COURT: To answer your question Mr. Shipman the answer is yes, the Court will consider Mr. Dyson to be the only petitioner in this case and service will be accomplished by simply serving him.

MR. SHIPMAN: Thank you your Honor. It just saves a lot of postage.

COURT: Understood. Anything else today?

MS. LU: Uh your Honor, I have show the (inaudible) record. Mr. Shipman kind of like direct it to me on November 7, Mr. Dyson filed a document, documents regarding this whole AOJ rulings and all the records that we have. I have yet confirmed with my client whether this is the full record and I have not confirmed with my client that whether an extension (inaudible) is sufficient for zero requirements. So I appreciate you giving me thirty days to, in order for me to figure this out, we may or may not file a Motion to Dismiss eventually, but I'm hoping to use this time to whether we really have the procedural (inaudible).

COURT: Okay.

MS. LU: Thank you Honor.

COURT: I'll be glad to receive any motions I receive in the next thirty days.

PETITIONER: Yeah. And I'll be filing a Motion to Remand.

COURT: Thank you very much.

PETITIONER: And then on the to Supreme Court if necessary.

COURT: We are adjourned, thank you.

PETITIONER: Thank you. Court adjourned

APRIL 27, 2023 –

HEARING ON MOTION TO DISMISS

COURT: This is 92C01-2210-MI-884. A case captioned Douglas Alan Dyson and others, versus Whitley County Regional Water and Sewer and the Indiana Department of Environmental Management. The following persons are present. The Court notes that Mr. Dyson is present today and in person. On behalf of the Department of Environment, Ms. Lu is present.

MS. LU: Thank you, your Honor.

COURT: And Mr. Shipman is here on behalf of the Whitley County Regional Water and Sewer. We're here today for a hearing on the disposition, I guess it's only one disposition motion that was filed, that was being a Motion to Dismiss that Mr. Shipman filed, uh, back in, back in the former year I think. So we're going to have a hearing on that issue. And then the Department of Environment Management has also requested a briefing

schedule. I will, well presuming that the disposition, disposition motion is unsuccessful, if it is not, we'll go ahead and set a review schedule before we leave here today. Mr. Shipman-

PETITIONER: (Inaudible).

COURT: Yes sir, how may I help you?

PETITIONER: Well I have a judicial notice that's in the Court, it's been since last November I think it was. And it's never been ruled on. And –

COURT: What do you think a judicial notice is?

PETITIONER: Given you notice of what the law is.

COURT: Okay.

PETITIONER: I mean-

COURT: How does that affect what I do here today sir?

PETITIONER: Well if you follow the law, you'll follow my judicial notice.

COURT: I'm going to give you a chance to be heard on your argument today. But first we're hearing Mr. Shipman's argument, this is his, his Motion, and he will be heard first and then I'll give you a chance to respond Mr. Dyson. Mr. Shipman.

MR. SHIPMAN: Thank you, your Honor. Um, procedurally, and, and I, I won't, I don't want to speak for the State, um, for IDEM and so Ms. Lu will have to address that, but in discussing this with her, I don't believe from the State's perspective that they feel like the Motion to Dismiss would apply to them, and um, so, by way of procedural history your Honor, um, this was an

appeal of a permit that was issued, a construction permit issued by IDEM. Um, that appeal went through the administrative law process and the administrative law court said ultimately that the permit was properly granted, okay? And then a judicial review was initiated, um, where really the IDEM is the party, is the appropriate respondent. We're almost like an interested party. Okay? We're, it is our permit and so obviously we want the permit to be upheld and likely will continue to participate in some way in these proceedings because it's our permit and we want to make sure, but ultimately the action itself is, is challenging whether or not that administrative law judge appropriately dismissed the challenge to the appeal of the permit. So I, you know, and if I misstated that wrong because I'm not the ALJ expert, or the, and you know I did speak a little bit when I said I wasn't too for IDEM, and so, so the reason that I filed the Motion to Dismiss and the argument that I would make is really contained within the brief. In our opinion this isn't the appropriate venue and like similar other pleadings that have been filed in this Court and on other related matters, were not related, property tax and other issues, the, um, the opinion, in my opinion, the, the Petition for Judicial Review doesn't meet the test of a making a logical and cogent argument that should been as a result require the parties to, um, expend extensive legal resources, and otherwise to defend them. So that's why I filed the Motion to Dismiss. Um, my intent at the time was to dismiss the entire thing. Um, I guess I would still ask that it be dismissed with respect to the Regional Sewer District, but

if you dismiss me as a party, I may ask to still participate as an interested person because it is our appeal, or it is our permit that is ultimately that is subject to this appeal. Um, so that's the basis of the argument your Honor. There is some 12(B)(6) language in there and it is, it is based really on that standard of what is appropriate and what is, um, what the burden for a party seeking judicial review has to articulate to a court for the court to take it any further. And, um, I believe that's where we're at. I know Mr. Dyson disagrees with me because he and I have talked about it on multiple occasions, but that is my argument. That is I think again that is where we are at. I think that's frankly what the ALJ found with the case. It's a very, very, very narrow, um, way which you can appeal the issue in some of, the instruction permit in these types of cases and um, there was a lawyer who tried to do it for another party and that lawyer was also unsuccessful because the confines under which that can be challenged and those are all in the pleadings that have been filed in the request for judicial review, are so narrow that in essence this is a waste of the Court's time and we believe as a result it should be dismissed at this point.

COURT: Let me ask you a question Mr. Shipman. One of the uh, one of the arguments I believe Mr. Dyson is making is that his religious rights are violated by the issuance of this permit. If you understand the argument, is, if, if that is in fact his argument, is that one of the permissible grounds on which he may raise that issue at this point in this Court?

MR. SHIPMAN: It is my argument that it is absolutely not your Honor. There is a time and a place for him to assert that argument, but it is not in an appeal of the construction permit. The construction permit does not even really, um-

PETITIONER: I object to that.

MR. SHIPMAN: -give us any rights to do anything on Mr. Dyson's ground. It allows us to build the project, primarily in the right of way, and then if and when an individual person grants a right of entry, which Mr. Dyson has refused to do, it would encroach onto their property. And so as a result, his religious freedoms, whatever they begin, there is an Amish case from northern-

PETITIONER: Mast versus Filmore County.

MR. SHIPMAN: -all right. Is, has nothing to do with this construction appeal or this construction permit appeal. And maybe would have a time and place in front of this Court or otherwise, but will not apply because –

PETITIONER: I object to this.

MR. SHIPMAN: - until the point that I file a petition and ask you to make him connect, then at that point, it probably is a cogent argument at least that his religious beliefs protect him from having to force that connection.

COURT: Okay.

MR. SHIPMAN: But not today.

COURT: Thank you Mr. Shipman, you answered my question. Mr. Dyson, this is your opportunity to respond. You may proceed.

PETITIONER: Uh yes. Ms. Lu had filed a Response to Verified Petition for Judicial Review. And on page 2, you will see out of the AOPA, a court may grant relief from agency action only if it is arbitrary, capricious, abuse of discretion, or otherwise not in accordance with the law, contrary to constitutional right, power, privilege, or immunity, in excess of statutory jurisdiction or authority, or limitations, or short of statutory right, without observance of procedural, uh, required by law, or unsupported by substantial evidence. So as she quoted in 4-21.5-5-14 on page 2. If you would like to see that I would be more than happy to show that.

COURT: I got it here in front of me.

PETITIONER: All right. So now, we start in-

COURT: How does that, how does that affect what, what your argument. What are you arguing based on what she cited there?

PETITIONER: Well I have a constitutional right to my religious beliefs. This, this permit violates my religious beliefs.

COURT: So you think subsection 2 which, allows you to-

PETITIONER: It allows me to-

COURT: -protest because it's contrary to your constitutional right.

PETITIONER: Yes because it is.

COURT: - and that's what you're proceeding under, is that correct?

PETITIONER: And this-

COURT: Is that the only one of those five your proceedings under?

PETITIONER: No, I, right here.

COURT: Go ahead.

PETITIONER: Okay. First, first of all, you know, uh, um, first of all the Court ruled on January 20, that they would file for any dispositive motions. Neither one of them filed a dispositive motion. And so I filed a response to it, my objection, along with an affidavit which Mr. Shipman's Motion to Dismiss not supported by any evidence or, uh, affidavits, either one. So the, actually they concluded with me on that issue there. And uh, then also, I made a Motion for a Venue, the very cornerstone of our constitution was built on the Enabling Act of Indiana. And that Enabling Act said that when formed a constitution for the state, that uh, it would be built upon the principles of the ordinance of 1787, which shall be remain irrevocable, uh, or in (inaudible) I think it says, forever. And you know, I made a Motion for a Change of Venue, to venue that to a judicial proceeding according to court's common law to be heard by a jury of my peers. And so, we have a venue issue beside the constitutional, uh –

COURT: Let me-

PETITIONER: - we also-

COURT: -interrupt you sir. To be specific, what your, what your heading of your motion is a Motion to Dismiss for a Lack of Jurisdiction and Incorrect Venue. You have not made a Motion to Change

Venue, you made a Motion to Dismiss based on lack of venue, is that correct?

PETITIONER: Yeah. And the venue should be-

COURT: Okay.

PETITIONER: -with, uh, you know, judicial procedure, it says provided, the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinances of the 13th of July, 1787, which are declared to be irrevocable between the original states, and the people and states of the territory northwest of the river of Ohio. Article 2 of the ordinance of the 13th day of July, 1787. That's the very cornerstone of the, of the rule of law. And then it comes and it says, the inhabitants of the said territory shall aways be entitled to writ habeas corpus and the of the trial by jury, of proportionate representation of the people in legislature, and of judicial proceedings according to the course of common law. And it says no man shall be deprived of his liberty or property, but by judgment of his peers or the law of the land. And so, you know, the venue issues or issue, the religious belief of the Religious Freedom and Restoration Act, and then, uh, when you go on down, I mean if you look and you read the scripture as I'm sure you do, uh, Judge, but Deuteronomy, uh, 23:12-14 states, "Designate a place outside your camp where you can go to relieve yourself. As part of your equipment have something to dig with, and when you relieve yourself, dig a hole and cover up your excrement. For the Lord your God moves about in your camp to protect you and to deliver your enemies to you. Your camp must be holy, so that he will not see

among you anything indecent and turn away from you." That's the same thing that the Amishman Mr. Amos Mast said of the case that went before the Supreme Court of the United States, July 21, 2021, and they stated in that particular case and I'm sure you read it to, that it said no amishman or anyone else should ever have to sacrifice their religious beliefs for their farm. And so we have an issue of religious belief. We have it with, with the document that Ms. Lu has, has presented here and she quoted the Indiana Code 4-21-5-5-1 and uh, you know, we have to get down to the supreme cause, cause, and you know and I'm sure that Article VI section 2 of the constitution, this constitution law shall be made and all the treaties made or which shall be made, uh, shall be the supreme Law of the Land and the Judges in every State shall be bound thereby, anything in the contrary notwithstanding. That's Article VI, Section 2 of the United State's Constitution. Well if you follow (inaudible) it's an universal of declaration rights of human rights and they're matched up to civil and political rights, I have a right to effect the remedy by a national tribunals for their acts violating the fundamental rights guaranteed by the constitution and law. Right to be entitled in full equality to a fair and public hearing by an independent and impartial tribunal. The right not to be subjected me to arbitrary interference with my privacy, family home and correspondence. And the right to my nationality and the right to change my nationality. The right to freedom of thought, conscience and religion, including the right to change religion or belief. Now, when they

had this hearing before the administrative law judge down there, I had prior to her ruling on that made an official notice. And she give no determination as to this, this official notice. So it's almost like she excluded that from the whole proceedings which, so it's a half-baked cake basically because she's not ruled on it, it's never been ruled on. So my theory is with finding the Enabling Act of Indiana, and (inaudible) and concurrence with the ordinance of 1787, this Court needs to set the, a judicial proceeding according to court's common law and have a jury of my peers determine what this needs to be. And so, in a nutshell, that's virtually what my argument is here today and there again, you know, I give them notice that, uh, you know, I left the plantation back in August of last year, I'm no longer a 14th Amendment U.S. citizen as defined by Title 28 3002, Section 15, a federal corporation. And so, uh, I do believe that it my intentions and I declared it, uh, I give up the privileges of (inaudible) for my God given (inaudible) rights. And that's why we're here today. So that's basically my argument is, this whole mess is.

COURT: All right. Let me go back, I want to correct something that I have said, you have not filed a Motion for Dismissal, what you filed was an objection to their Motion for Dismissal-

PETITIONER: Right.

COURT: -and the reason that you're giving is incorrect, you're objection to their Motion for incorrect venue. You believe that this Court does have venue, correct? Or incorrect.

PETITIONER: No. It should be to a, a, a court of Rule 75, I stated it in my objection your Honor. I can read it for you.

COURT: So, so they're asking me to dismiss this case and you want me to dismiss this case, am I correct about that?

PETITIONER: Either that or transfer it to, uh, a court that has jurisdiction so that we can get a ruling regarding my constitutional rights. If you dismiss this, you throw my under the bus as to my, as to my religious belief.

COURT: So you don't want me to dismiss it?

PETITIONER: I want you to transfer it to a, to a judicial proceeding accordance of courts of common law under, under, uh, uh, Rule 75.

COURT: What court might that be?

PETITIONER: Pardon?

COURT: What court might that be?

PETITIONER: A judicial proceeding according to courts of common law.

COURT: I don't know what that means. Can you tell me what you think that means?

PETITIONER: What that means is that that office if vacant right now, you'll have to contact the Governor and have him appoint the justices for that court. So it complies with the ordinance of 1787.

COURT: All right.

PETITIONER: It's up to the judge, or it's up to the Governor to appoint him.

COURT: All right. Thank you Mr. Dyson. Ms. Lu, do you want to be heard today?

MS. LU: No your Honor, besides the schedule for the briefing.

COURT: All right. Here's what I'm going to do. I'm going to take under object, under advisement the Motion to Dismiss filed by the Department of, or excuse me, the Whitley County Regional Water and Sewer, uh, and I'm going to have a ruling on that sometime soon, maybe even yet this week. And we're going to set a briefing schedule, uh, Mr. Dyson this is your brief, you get to file the first brief in support of your petition. I'm going to suggest, I would like to set a deadline for that of June 1, 2023. That gives you a little more than thirty days to get that done. Is that sufficient time for you sir?

PETITIONER: I would like to have more time if I could.

COURT: I'll give you to June 5, that's gives you another weekend-

PETITIONER: Could you do it the 20th?

COURT: No, we're going to do June 5. June 5, 2023.

PETITIONER: Okay. And where do I stand regarding-

COURT: Hold on sir, I'm not done.

PETITIONER: Okay.

COURT: I'll give you another chance here in a second. Uh, IDEM and the Department of the Whitley County Regional Water and Sewer Development, or Department, excuse me, will have until July 1, well strike that, that's not quite thirty days, let's

give you a little bit more, give you to July 7, yes, that's right, July 7, 2023, to file a brief in opposition to that petition that Mr. Dyson is going to file. And then Mr. Dyson you get to have the last word, you'll have fifteen days after receiving their motions, or actually after July 7 to file a, a reply brief.

PETITIONER: And if I-

COURT: And I'll determine whether at that time if oral argument is appropriate and if so I will schedule that. If not I will make a ruling based on the documents that I received. What did you want to say Mr. Dyson?

PETITIONER: Well I had filed a Request for Review, so I don't know if that goes back to my Request for Review when it first started in October I think it was the 26th?

COURT: Right.

PETITIONER: So and then also, uh, I made the objection too. So are you going to rule these today or?

COURT: I don't, I don't understand the documents that you're filing sufficient to make a ruling on them. In my interpretation of your documents, you filed a petition. I haven't had a ruling on that yet. I'm giving you the opportunity to submit a brief explaining to me why you think I should grant your petition. I'm giving them the opportunity to file a reply explaining why they think I should not grant it. And then you get to rebut their briefs by giving me one more reason why they're wrong and you're right. So ultimately I am going to make a decision on your petition,

assuming that I deny the Motion to Dismiss filed here today. Um, but there is nothing before the Court that you have filed which I understand to require a ruling before the ultimate ruling on your petition in this case. You've said repeatedly that you've filed a judicial notice. I, when I, a judicial notice is a verb to me. You think it's a noun, okay? A judicial notice is something that a court does. I take notice of certain undisputable facts. Or something that's already established in the law. Um, when you request a judicial notice or you make, you want me to make a ruling on a judicial notice, I don't know what that means, that's now how I was trained, okay? So if you have a petition for a ruling of some fashion that you've filed and that you're waiting-

PETITIONER: Okay.

COURT: -to hear from me on, you're going to keep waiting because I don't understand-

PETITIONER: Well-

COURT: -the verbiage that you used to request that kind of, of ruling. That having been said, we're at the point now where you, we're going to have the ultimate decision made. You get to file a brief in support of your petition, they get to reply, you get the last word and then you're going to get a final decision.

PETITIONER: Well I take exception to that because Rules of Evidence 201, being said, that the Court shall take judicial notice when requested. I requested it and-

COURT: Judicial notice of what?

PETITIONER: Well read the rule if you like.

COURT: I know what the rule says. What fact do you want me to judicially notice?

PETITIONER: The facts that I put in my Motion to Take Judicial Notice.

COURT: Are they undisputable facts sir?

PETITIONER: Yeah. Let's go down through it.

COURT: Well, rather than spend time today figuring that out. You can ask me in the brief to judicially notice any facts that you believe that I should notice that are in support of your petition. I don't think that a pre, this is not the stage today for the Court to make a ruling on judicial notice, if there are facts that you would like me to judicially notice or take into account, put them in your brief and I will consider that and I will make a ruling in my final decision in this case.

PETITIONER: I take exception to that, but.

COURT: Well, you're welcome to take exception. Do you have anything else today sir?

PETITIONER: Yeah, I mean the, the judicial notice should have been taken, just as it says, it should be, at least you should rule on it, if you don't, you know, it's been filed more than thirty days, it should be ruled on. And instead of putting it off until June the 5th or whenever you want to put it off to. It should be ruled on now, so we know where the Court stands.

COURT: Well, tell me what you want me to take judicial notice of.

PETITIONER: Well I'll get it out and I'll-

COURT: And explain to me why. I don't understand why, I don't understand why at this particular point in time it's helpful to anybody to do that, to you or to the Court or to anyone else.

PETITIONER: Because I know the Court has noticed it. Let me get that document and let's go through it.

MR. SHIPMAN: Your Honor, while he's looking for it, can I briefly respond to it, assuming that Mr. Dyson is referring to the September 27, 2022, document titled "Official Notice".

COURT: Go ahead sir.

MR. SHIPMAN: It is, it is argument, and, um, you know, he is making arguments in here and then attempting to backdoor his case by having you take judicial notice of his arguments. That is not what Rule 201 says.

PETITIONER: I object to that too. Because here is the –

COURT: Hold on sir, I'll tell you when you can respond. Go ahead Mr. Shipman.

MR. SHIPMAN: So, I mean that was my point your Honor and just for purposes of clarification is that the, um, is, as your Honor knows we can ask the court to take judicial notice of a ruling in another case of the law, but you don't need to do that. You just put it into your petition and cite the law. You don't need the court to take judicial notice of it. To the extent that this judicial notice, I mean, there's a lot of arguments that he's been wrongfully deprived of his rights and things like that, that's not an appropriate way to ask for judicial notice. That's an argument. And he can make those argu-

ments in the petitions that you're allowing him to file, but he can't ask you to take judicial notice. That is your opinion, opinions are not judicial notice. And judicial, as the rule reads obviously, so.

COURT: Can you tell me the date of the document that you are referring to?

MR. SHIPMAN: I think it's, the one that he recorded in the recorder's office, is that what you're talking about?

PETITIONER: Well yeah, that, that went down to the, to the A, what's it called, the (inaudible)?

COURT: The Court of Appeals?

PETITIONER: No. The-

MR. SHIPMAN: The Administrative Appeals.

PETITIONER: Administrative, which there's that one, but then there's this one here. Do you want to look at it?

COURT: What date was it filed?

PETITIONER: It would have been filed on 11/28.

COURT: 11/28. Okay. On December, I guess it is November 28.

PETITIONER: Yeah, this is-

COURT: It is a Motion to Set Hearing and Take Judicial Notice and Findings of Fact with Conclusions. All right. And what facts, I've heard Mr. Shipman now, what facts do you want me to take judicial notice of –

PETITIONER: I want you to take judicial notice-

COURT: -and how will they help me, how will they help us ultimately resolve this issue?

PETITIONER: Well the way it resolves the issue is if you take judicial notice of the fact that I have a right to religious beliefs, not to have to sign up to this sewer or be subject to this permit, then that's one, I mention that in there. I mean each individual paragraph in here, uh, you know, it's just like an, it's just like International Covenant on Civil and Political Rights. It says each party to the present covenant undertakes a respect and to ensure to all individuals within the territory and subject to its jurisdiction the rights recognized in the present covenant without distinction of any kind, such as race, colour, sex, language, religion, political, or other opinion, nation, or social origin, property, birth, or other status.

COURT: So what you're doing is you're citing the law as you understand it.

PETITIONER: And I want you to take-

COURT: Correct?

PETITIONER: -judicial notice of it.

COURT: Well, and perhaps I will find it to be influential or not in my ultimate decision, but this is an inappropriate stage of the proceedings to decide what law applies, what law does not apply, and how to interpret that law. So, to the extent that you're looking for a ruling, at this time I'll deny your request to take judicial notice of the items requested in your November petition. Feel free to cite them in your brief to the Court and I will decide at that point whether they are in fact the law,

whether or not they have any application to this law, how they should be interpreted, and whether they lead to the result that you request of the Court.

PETITIONER: And for the record I would like that put on record that I object to that and take exception so that if necessary appeal, why then it's preserved.

COURT: Everything, everything that we are doing is being recorded. Your objection is noted sir.

PETITIONER: Thank you sir.

COURT: Anything else for today?

PETITIONER: Pardon?

COURT: Anything else for today?

PETITIONER: Uh, uh, I would request a hearing once the briefing is done.

COURT: I'll decide whether or not we have a hearing once the briefs are in sir. Anything else?

PETITIONER: That's all for me.

COURT: All right. Anything else from the Department?

MS. LU: No your Honor, thank you.

COURT: Anything else Mr. Shipman?

MR. SHIPMAN: No your Honor.

COURT: Thank you, we're adjourned. You'll see my order soon.

PETITIONER: Pardon?

COURT: You'll see my order soon is what I said.

PETITIONER: Okay.

Court adjourned

**AFFIDAVIT OF MOTION TO CORRECT
ERRORS, TO TAKE JUDICIAL NOTICE, FOR A
HEARING, FOR TRUE FINDINGS OF FACT
AND CONCLUSIONS OF LAW
(SEPTEMBER 8, 2023)**

Case number 92C01-2210-MI-000884

WHITLEY COUNTY CIRCUIT COURT
WHITLEY COUNTY COURTHOUSE
COLUMBIA CITY, INDIANA

OBJECTION TO ISSUANCE OF 327 IAC 3 CONSTRUCTION
PERMIT APPLICATION SRF PROJECT PERMIT APPROVAL
No. L-0659 STABLE ACRES SERVICE AREA SANITARY
SEWER — SEPTIC ELIMINATION PROJECT COLUMBIA
CITY, WHITLEY COUNTY, INDIANA.

DOUGLAS ALAN DYSON, ET AL.,

Petitioner/Appellants/Affiant,

v.

WHITLEY CO. REGIONAL WATER & SEWER,

Permittee/Respondent below,

INDIANA DEPARTMENT
OF ENVIRONMENTAL MGMT.,

Respondent below.

Cause number 22-W-J-5197
Indiana Office of Environmental Adjudication

**AFFIDAVIT OF MOTION TO CORRECT
ERRORS, TO TAKE JUDICIAL NOTICE, FOR A
HEARING, FOR TRUE FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

I, Douglas Alan Dyson, a man, one of we the people, a declared and recorded non citizen national, the undersigned Petitioner/Appellants/Affiant, and herein after "Affiant", domiciled at 3630 East State Road 14 Columbia City, Indiana, hereby make this Affidavit of Motion to Correct Errors, to Take Judicial Notice, for a Hearing. For True Findings of Fact and Conclusions of Law, of my own free will, and hereby affirm, declare and swear, under my oath, under the laws of the United States of America that I am of legal age and of sound mind and hereby attest that the information contained in this Affidavit of Motion to Correct Errors, to Take Judicial Notice, for a Hearing, For True Findings of Fact and Conclusions of Law is true and correct establishing the grounds for relief. Judge Matthew Rentschler's rebellious, deleterious actions, and blatant disregard for the Constitution of the United States, Indiana Constitution and International Covenant of Civil and Political Rights for his or/and the Office of Judicial Administration's Amended Findings of Fact, Conclusions of Law, and Order, hereinafter "Order", puts into question the ink that was spilled upon the document of a non-legible, signature stating; "Judge, Whitley County Circuit Court", without being clear and concise to know if it is in fact that of Matthew Rentschler or who the Judge even is that signed it. Perhaps a come to Jesus meeting is

necessary to consider the oath of Office, ending in so help me God, in light of Commandment number nine, "Thou shalt not bear false witness", together with the Indiana Code of Judicial Conduct, R. 1.1, Compliance with the Law and R. 1.2 Promote Confidence in the Judiciary. There needs to be repentance, correction of errors, and weigh all the facts, law and evidence provided by this "Affiant" in his Affidavit of Brief in Support of Petition for Judicial Review and Affidavit in Objection to Respondent's Brief in Opposition of the following to-wit:

1. The "Order" does not support and uphold the national and state Constitutions but rather opposes and violates them by the oath first mandated by the Indiana Rules for Admission to the Bar and the Discipline of Attorneys in Rule 22 to swear or affirm to support the Constitution of the United States "Article VI paragraph 3", "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.", and the Constitution of the State of Indiana, "Article 15, Section 4", "Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also an oath of office." See attached exhibit "A": *Pattison v. Hogston* 157 N.E. 450 (Ind. Ct. App. 1927) Cited 4 times. The one who originally presumed to act was not a de facto judge, it is now held, without holding that

he was a de facto judge, that his acts should be given as much consideration as a de facto judge. But, as it appears to me, this is but an attempt to dodge the issue. If the one who presumed to act was not a de facto judge, he could not be authorized to imitate one. The fact still remains that he had been excluded from all jurisdiction and authority, and his attempted rulings were absolutely void. This is the safe course for our courts to pursue, if they want to hold the confidence and respect of the people.

2. The "Order" does not support and uphold the national and state Constitutions but rather opposes and violates the Constitution of the United States, Article VI, paragraph 2, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

3. The "Order" does not support and uphold the national and state Constitutions but rather opposes and violates the hierarchy of the law that the State of Indiana Code 1-1-2-1 to be;

First. The Constitution of the United States and of this state.

Second. All statutes of the general assembly of the state in force, and not inconsistent with such constitutions.

Third. All statutes of the United States in force and relating to subjects over which congress has power to legislate for the states,

and not inconsistent with the Constitution of the United States.

Fourth. The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.

4. The "Order" gives a blind eye and a deaf ear and NO weight to the Findings of Fact, Conclusions of Law and Final Order on Respondent's Motion for Summary Judgment by the "ELJ" that states in paragraph 26 that Judge Lori Kyle Endris has NO Oath of Office; which is contrary to the rule of law. To affirm and support a final order from an Administrative Law Judge that has NO oath of office opposes and violates Article VI of the United States Constitution, to invoke the self-execution Sections of 3 & 4 of the 14th Amendment, by which the errant public officers immediately vacate their offices, upon commission of their crimes, and can no longer hold public office and forfeit all benefits thereof, including salary and pension, for their rebellion against the Constitution. See attached exhibit "8" *State v. Richardson* 637 So. 2d 709 (La. Ct. App. 1994) Cited 17 times The trial court had no authority to sit as a judge in this case because the trial judge was .not a duly elected and commissioned judge pursuant to state or federal law, and See attached exhibit "C" *Miller v. State* 866 S.W.2d 243 (Tex. Crim.

App. 1993) Cited 16 times. 48A C.J.S. Judges § 63 4981) A de facto judge is a judge acting under color of authority and who is regarded as exercising the functions of the judicial office he or she assumes. *id.* § 2b. A de facto judge requires acquiescence. *Id.* A de facto judge must also take the oath of office prescribed by the Indiana Constitution. See attached exhibit "D" *French v. State*, 572 S.W.2d 934. 939 (Tex. Crim. App. 1978) (op. on 2nd reh'g).

5. The "Order" gives a blind eye and a deaf ear and NO weight to the Affidavits filed in this case by the "Affiant," ruling with the Respondents that submitted NO Affidavit's or case law to support this "Order" with truth, case law, and evidence, contrary to Code of Judicial Conduct R. 22, "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially".

6. See attached exhibit "E": *Marbury v Madison* 5 U.S. 137, "Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? If it is closed upon him and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe or take this oath becomes equally a crime. It is also not entirely unworthy of observation, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank. Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and

that courts, as well as other departments, are bound by that instrument.

7. The finding of fact, conclusions of law, and order filed in this case is believed to be drafted by the Office of Judicial Administration, just needing a signature, and on their website, <https://www.in.gov/courts/admin/>, states: General Counsel, "Provides legal services to Supreme Court staff, agencies, and trial courts; oversees ADA accommodation and language access; and serves as liaison with the Attorney General on litigation involving the courts as a party." Just adding a signature to an opinion of Office of Judicial Administration is contrary to Code of Judicial Conduct, R. 23, Bias, Prejudice and Harassment, showing bias, prejudice and harassment concerning my fundamental natural human rights; freedoms, conscience, liberty and property.

8. The Order on Hearing on the 27th day of April 2023, signed by Matthew J. Rentschler Judge, Whitley Circuit Court found; "While the Court is sympathetic to counsel's difficulty in discerning the meaning of pro se petitioner, the Court finds that the Petitioner sufficiently alleges that agency action was contrary to his constitutional rights".

9. To transgress God's law, (you know the plea in ending your oath of office, so help me God.), whether it be physical, mental, or moral is to place one's self out of harmony with the universe to invite discord, anarchy and ruin, resulting in religious persecution of my beliefs and conscience, assaulting my religious freedoms protected by the Constitution of the United States, Amendment 1; "Congress shall make no law respecting an establishment of the press; or the right of the people peaceably to assemble, and to petition the gov-

ernment for a redress of grievances", the Indiana Constitution, Article 1 Section 2, "All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences", Indiana Constitution, Article 1 Section 3, "No shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience, and the International Covenant on Civil and Political Rights, See attached exhibit "F": Article 18, "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

10. My most solemn religious belief concerning the issues here in this case is Deuteronomy 23:12-14 (NIV) which states: "12 Designate a place outside the camp where you can go to relieve yourself. 13 As part of your equipment have something to dig with, and when you relieve yourself, dig a hole and cover up your excrement. 14 For the Lord your God moves about in your camp to protect you and deliver your enemies to you. Your camp must be holy, so that he will not see among you anything indecent and turn away from you."

11. The claim of violation of religious rights was ignored by ELJ, having received my "Official Notice" prior in the day before issuing its Findings of Fact, Conclusion of Law and Final Order, to ignore, is to deny my Freedom of Religion and Conscience.

12. The denial of this Affidavit of Motion to Correct Errors, to Take Judicial Notice, for a Hearing, For

True Findings of Fact and Conclusions of Law is discriminatory against me and my conscience and in direct conflict with, see attached exhibit "G": *Amos Mast, et. v. Fillmore County, Minnesota, et. al.* wherein the Court remanded to the Court of Appeals of Minnesota for further consideration in light of, see attached exhibit "H": *Fulton v. Philadelphia*, 593 U.S. ____ (2021) and stating on the last page by Justice Gorsuch, "Now that this Court has vacated the decision below, I hope the lower courts and local authorities will take advantage of this "opportunity for further consideration," see attached exhibit "I": *Lawrence v. Chater*, 516 U.S. 163, 167 (1996) (per curiam), and bring this matter to a swift conclusion. In this country, neither Amish nor anyone else should have to choose between their farms and their faith.

13. The Amended Findings of Fact, Conclusion of Law and Order is not in harmony with protecting my fundamental natural human rights, freedoms, conscience, liberty and property, to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; to ensure that the competent authorities shall enforce such remedies and when granted, in compliance with the International Covenant on Civil and Political Rights.

14. State Employees Judge Matthew Rentschler or/and Judge Lori Kyle Endris are NOT jurors of my peers, acted with bias and prejudice, against the required fundamental justice to be executed as the rule of law, as set out in the 1816 Enabling Act Passed

at the First Session of the Fourteenth Congress of the United States, U.S. Statutes at Large III, 289-291: Provided, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, and Article the Second. "The inhabitants of the said territory shall always be entitled to the benefits of . . . of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law; . . .

15. The Amended Findings of Fact, Conclusion of Law and Order violates the International Covenant on Civil and Political Rights is that Article 1.2 states that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

16. The Amended Findings of Fact, Conclusion of Law and Order disregarded and ignored, see attached exhibit "J":

I.C. § 34-37-1-5; Certificates or instruments, either printed or written, purporting to be:

- (1) the official act of a notary public of this state, of the District of Columbia, or of any other state or territory of the United States; and
- (2) under the seal and signature of a notary public;

shall be received as presumptive evidence of the official character of the instrument and of the facts set forth in the instrument,”

that “Affiant’s” Brief and Reply Brief was affirmed under the penalties for perjury under that hand and seal of a notary but was not received as presumptive evidence of the official character of the instrument and of the facts set forth in the instrument.

17. The Amended Findings of Fact, Conclusion of Law and Order violates my fundamental human rights of the international Covenant on Civil and Political Rights, Article 17 “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.’

18. The Amended Findings of Fact, Conclusion of Law and Order, violates my fundamental human rights of the International Covenant on Civil and Political Rights, Article” 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.” and “2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”

19. The unverified Amended Findings of Fact, Conclusion of Law and Order is just a speculative opinion without any verified evidence from the Respondents, to support this finding regarding my fundamental natural human rights, religious rights, freedoms, conscience, liberty and property, protected by the United

States and Indiana Constitutions, International Covenant on Civil and Political Rights and Indiana's Religious Freedom Restoration Act.

20. Amended Findings of Fact, Conclusion of Law and Order is arbitrary, capricious, an abuse of discretion, not in accordance with law; and contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, limitations, and short of statutory right; without observance of procedure required by law; and unsupported by substantial evidence in blatant disregard for the Constitution of the United States, Article VI, "supremacy clause," "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding."

21. The unverified Amended Findings of Fact, Conclusion of Law and Order, went on the record to assassinate the character of this "Affiant" regarding my fundamental natural human rights, freedoms, religious rights, conscience, liberty and property, to State: "being forced to contribute financially to the communal sewer construction project," then went outside the record to dedicate Paragraph 32. to take Judicial Notice of property tax cases without addressing the items requested by the 'Affiant' to take judicial notice of, without a hearing or specific findings to show bias, prejudice and harassment against "Affiant" the Code of Judicial Conduct, to affirm a judgment from the ELJ that is absent an Oath of Office required by the Constitutions, then in double talk in paragraph

37 states: "The Final Order does not address the free exercise of religious issue," which would have been made an issue if the ELJ had taken Official Notice as requested all which is not in compliance with the "Affiant's" right of due process secured by the constitution.

CONCLUSION

WHEREFORE, if Judge Matthew Rentschler did in fact put signature upon the "Order" by this Affidavit of Motion to Correct Errors, to Take Judicial Notice, for a Hearing, For True Findings of Fact and Conclusions of Law, motions for repentance, correct of errors, take judicial notice, for a hearing, for true findings of fact and conclusions of law, weighing all the facts, law and evidence provided by this "Affiant" in this Affidavit of Brief in Support of Petition for Judicial Review and Affidavit in Objection to Respondent's Brief in Opposition, for further proceedings determined by a competent judicial proceeding, in compliance with Article VI paragraph 2, of the "supremacy clause" to develop the possibilities of lawful Judicial Remedy in compliance with the International Covenant on Civil and Political Rights, therefore this Court should vacate and set aside the "Order", based on the following three reasons,

1. Through admissions of the ELJ's own writings, she had NO oath of office to sit as a judge and therefore is an imposter impersonating an officer of the court.
2. Judge Rentschler has no authority to aid and abet an imposter impersonating an officer of the court and affirming her order. The affirmation of the ELJ's order violates the guar-

antees of rights and immunities that ensures the privilege and immunities judicially declared and protected, see 16A C.J.S. Constitutional law § 1207 Fourteenth Amendment Corpus Juris Secundum 2021. Without an oath of office Lori Kyle Endris cannot lawfully be considered a judge de facto nor judge de jure.

3. The ELJ did not comply with the United States and Indiana Constitutions, on an oath of Office, she could not sit as an ELJ, leaving all her orders a sham and scam.

/s/ Douglas Alan Dyson
c/o 3630 East State Road 14
Columbia City, Indiana 46725
doug@silverlakein.com
260-212-2279

**AFFIDAVIT OF BRIEF IN SUPPORT OF
PETITION FOR JUDICIAL REVIEW
(OCTOBER 26, 2022)**

WHITLEY COUNTY CIRCUIT COURT
WHITELY COUNTY COURTHOUSE
COLUMBIA CITY, INDIANA

DOUGLAS ALAN DYSON, ET. AL.,

Petitioner/ Appellants,

v.

WHITLEY CO. REGIONAL WATER & SEWER,

*Permittee/ Respondent
below,*

INDIANA DEPARTMENT OF
ENVIRONMENTAL MGMT.,

Respondent below.

Case number 92C01-2210-MI-000884

Cause number 22-W-J-5197

Indiana Office of Environmental Adjudication

Objection to Issuance of
327 IAC 3 Construction Permit Application
SRF Project Permit Approval NO. L-0659
Stable Acres Service Area
Sanitary Sewer—Septic Elimination Project
Columbia City, Whitley County, Indiana

**Affidavit of Brief in Support
of Petition for Judicial Review**

I, Douglas Alan Dyson, a man, the undersigned and herein after Affiant domiciled at 3630 East State Road 14 Columbia City, Indiana hereby make this Affidavit of Brief in Support of Petition for Judicial Review, of my own free will, and hereby affirm, declare and swear, under my oath, that I am of legal age and of sound mind and hereby attest that the information contained in this Affidavit of Brief in Support of Petition for Judicial Review is true and correct to the best of my knowledge.

This Affidavit of Brief in Support of Petition for Judicial Review is filed in the above captioned cause and with Judge Matthew Rentschler in his capacity as Judge of the Whitley County Circuit Court, against the unconstitutional actions committed by Judge Lori Kyle Endris and the Board members of the Whitley County Water and Sewer District, in their official capacities.

**Basis of Law and Facts in this Affidavit of Brief
in Support of Petition for Judicial Review**

1. The Constitution for the United States of America is the Supreme Law of the Land and supersedes all other lesser law, statutes, codes, regulations, and State Constitution.
2. What is written in the national Constitution is valid, authorized, and enforceable. What is not written in the national Constitution is prohibited by that Constitution.

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3. Article 1, Section 1 of the national Constitution vests all Legislative power in the Congress. The Constitution does not authorize legislative power in any form to the Executive and Judicial Branches.

4. When the State Legislature creates law for the people, that law must be constitutionally compliant specific to the Bill of Rights or it is not valid law binding upon the people.

5. A law must be valid to exist and must exist to be lawfully enforced.

6. All elected and appointed public officials who serve the people, including you, Judge Matthew Rentschler, Judge Lori Kyle Endris and the Board members of the Whitley County Water and Sewer District are required to take an Oath of Office to support and defend the Constitution before assuming office.

7. Any act passed by any legislature and any actions committed by any public officer either supports and upholds the Constitutions, national and state, or opposes and violates them. No public officer has constitutional authority or any other form of valid, lawful authority to oppose and violate the very documents to which s/he swore or affirmed his or her oath.

8. Any unconstitutional actions committed by Judge Lori Kyle Endris and the Board members of the Whitley County Water and Sewer District including you Judge Matthew Rentschler, invoke the self-execution Sections of 3 & 4 of the 14th Amendment, by which the errant public officers immediately vacate their offices, upon commission of their crimes, can no longer hold public office and forfeit all benefits thereof, including salary and pension.

9. Executive orders are not authorized in the national Constitutions, therefore are prohibited by the national Constitutions.

Facts of this Case

The Affiant has previously sent and served a copy of my recorded Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights upon Attorney General Todd Rokita at the Office of the Attorney General, 302 W. Washington Street, 5th Floor, Indianapolis, Indiana 46204 via FedEx 7721 6907 4543, which was delivered May 18, 2023, requiring notification to me should he dispute it within 10 days which has passed and by his acquiescence, he has agreed to my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights. *See: Connally v. General Construction Co.* 269 U.S. 385, 391. Notification of legal responsibility is “the first essential of due process of law.” *See: U.S. v. Tweel*, 550 F.2d 297. “Silence can only be equated with fraud where there is a legal or moral duty to speak or where an injury left unanswered would be intentionally misleading.”

Affiant is aggrieved, and adversely affected by the Indiana Office of Environmental Adjudication’s, hereinafter “OEA,” unconstitutional, void, and incompetent Findings of Fact, Conclusion of Law and Final Order on Respondents’ Motion for Summary Judgment, and referred to as the “Order”. The blatant “Order” states therein in paragraph 26 that Judge Lori Kyle Endris has NO Oath of Office which is contrary to the rule of law.

This Judicial Review is for the prejudice and arbitrary denial of my constitutional rights securing my fundamental natural human rights, freedoms, conscience, liberty and property, caused by the issuance of 327 IAC 3 Construction Application SRF Project Permit Approval No. L-0659, Stable Acres Service Area, Sanitary Sewer — Elimination Project, Columbia City, Whitley County, Indiana, contrary to Article VI section 2 of the Constitution of the United States supremacy clause, to respect and ensure my rights set forth in the International Covenant on Civil and Political Rights. This Supreme law of the land is that the Judges are to be bound thereby, with any Thing to the contrary in the Constitution or laws of any State to the Contrary notwithstanding. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; to ensure that the competent authorities shall enforce such remedies and when granted, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

A judgment in favor of I, Douglas Alan Dyson, a man, vacating and denying Whitley County Water and Sewer District's issuance of 327 IAC 3 Construction Application SRF Project Permit Approval No. L-0659, Stable Acres Service Area, Sanitary Sewer—Elimination Project, Columbia City, Whitley County, Indiana, would substantially eliminate and redress the prejudice caused by the final "Order" of the "OEA". (I.C. § 4-21.5-5-3 (b) (4)) and when enforced, follows compli-

ance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

Each person who was a party to the proceeding before the "OEA" is a party to the petition for review, (I.C. § 4-21.5-5-6).

By the controlling rule of law, Judge Matthew Rentschler must ensure a remedy determined by competent judicial, administrative, or legislative authorities, or by any other competent authority provided for by the legal system of the State, and develop the possibilities of judicial remedy, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

Should it be necessary to sue State Employees Judge Matthew Rentschler or/and Judge Lori Kyle Endris, pursuant to I.C. § 33-23-13-3 the Attorney General shall defend the Judges which creates a breach, and conflicts with Indiana Code of Judicial Conduct Rules, for a judge to rule on a case that he or she could be later represented by the one he judged.

Indiana Code of Judicial Conduct, Rule 2.3 (A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice, requiring fundamental justice be executed as the rule of law, as set out in the 1816 Enabling Act Passed at the First Session of the Fourteenth Congress of the United States, U.S. Statutes at Large III, 289 — 291: Provided, That the same , whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July one thousand seven hundred and eighty-seven. which are declared to be

irrevocable between the original states, and Article the Second, "The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law; . . . No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same; . . .", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

State Employees Judge Matthew Rentschler or/and Judge Lori Kyle Endris refuse to take "Judicial Notice" and "Official Notice", neither are they jurors of my peers, nor have they done their administrative duties to accommodate setting the court for a judicial proceeding according to the course of the common law.

The issuance of 327 IAC 3 Construction Application SRF Project Permit Approval No. L-0659, Stable Acres Service Area, Sanitary Sewer — Elimination Project, Columbia City, Whitley County, Indiana arbitrarily prejudices my fundamental natural human rights, freedom of religion, though, conscience, liberty and property in breach of the Constitution of the United States, Amendment 1; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances", in breach of the

Indiana Constitution, Article 1 Section 2, "All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences", in breach of Indiana Constitution, Article 1 Section 3, "No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience, in breach of the "Religious Freedom Restoration Act" ("RFRA"), Indiana Code 34-1-9 et. al. seq., in breach of the International Covenant on Civil and Political Rights, Article 18, and, in breach of The Supreme Court of the United States case, *Amos Mast, et. al. v. Fillmore County, Minnesota, et. al.* wherein the Court remanded to the Court of Appeals of Minnesota for further consideration in light of *Fulton v. Philadelphia*, 593 U.S. (2021) and stating on the last page by Justice Gorsuch, "Now that this Court has vacated the decision below, I hope the lower courts and local authorities will take advantage of this "opportunity for further consideration," *Lawrence v. Chater*, 516 U.S. 163, 167 (1996) (per curiam), and bring this matter to a swift conclusion. In this country, neither Amish nor anyone else should have to choose between their farms and their faith. This permit was sought without the furtherance of a compelling governmental interest and without the least restrictive means of furthering that compelling governmental interest.

Whitley County Water and Sewer District's MISSION STATEMENT is; The mission of the Whitley County Regional Water and Sewer District is the provision of safe potable water and the reduction of pollution of the environment by elimination of inadequate septic systems through the construction of cost effective sanitary sewer collection systems for

unincorporated and otherwise not serviced areas of Whitley County, Indiana. It is the intent of the Board of Trustees to not move forward with septic elimination or potable water projects in communities in where less than 50% of the collected surveyed responses are in favor of the estimated total and monthly cost to each homeowner exceeds regional standards for similar organizations.

The October 4, 2020 signed Eight-hundred thousand dollar (\$800,000.00) AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES, Attached as Exhibit "A" and hereinafter "Agreement", lists Whitley County Regional Water and Sewer District as the hereinafter "Owner" and Jones Petrie Rafinski Corp. as hereinafter "Engineer". Section 6.07 (C) (2) of the "Agreement" states; "All duties and responsibilities undertaken pursuant to this "Agreement" will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party."

Attached as Exhibit "B" is the recorded NOTICE OF OBJECTION TO WHITLEY COUNTY REGIONAL WATER AND SEWER DISTRICT'S BREACH OF TRUST recorded May 13, 2021 with 53 homeowners in objection to this project all contrary to the mission of the Whitley County Regional Water and Sewer District and my fundamental natural human rights, freedoms, conscience, liberty, and property. At a Sewer Board meeting after recording the objection and making service upon the Whitley County Water and Sewer Board District's President Chad Nix, he responded that there was not enough opposition to not move forward with the project.

To muster enough homeowners to equal 50% County Attorney Matthew Shipman has sent multiple threatening and intimidating letters that if we do not sign the Right of Entry Agreement, attached as Exhibit "C", herein after "REA", we will still get a monthly bill for the service that we will not be receiving and if we fail to pay the bill a lien would be filed against our property and in other letters and at the meeting, we have been threatened with being sued.

Attached as Exhibit "D" is the Six-hundred-thousand-dollar (\$600,000.00) GRANT AGREEMENT wherein APPENDIX A provides funding for Stable Acres for Construction of Approximately 7,750 feet of conventional gravity sanitary sewer main, coupled with approximately 67 lateral connections. Additionally, the construction of 12 grinder pump stations with approximately 1700 feet of small diameter low pressure main to serve PSA 6 Stable Acres. The proposed system does not mention the grinder pumps being owned, installed, powered, and maintained by the homeowner.

The new collection system will discharge to the existing Aqua Indiana wastewater facilities for treatment. The Grant Agreement stipulates in Article II G. that; "The Participant will own and operate and maintain (in good condition) the project for its useful life (or cause it to be operated and maintained), not the homeowners as the Whitley County Water and Sewer District are trying to force upon them.

Attached to the County Attorney letter is the "REA", putting the burden of installation, operation and maintenance is upon the homeowner with a clause for the destruction of my adequate septic system, which

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is against my fundamental natural human rights, freedoms, conscience, liberty, and property.

Attached as exhibit "E" is the DEVELOPER AGREEMENT FOR WASTWATER TREATMENT AND DISPOSAL for service of 79 lots stated in Exhibit B and under Exhibit D at a cost of Nineteen-hundred twenty-four dollars and twenty cents, (\$1,924.20) shall be per wastewater tap/connections (for Customers who actually begin to receive and pay the Service in the Service Area) with Advance reimbursements to the district.

I, Douglas Alan Dyson am prejudiced, aggrieved, and adversely affected by the unconstitutional final action of the Indiana Office of Environmental Adjudication, 100 North Senate Avenue, Suite N103, Indianapolis, Indiana 46204, hereinafter "OEA", cause number 22-WJ-5197, which was done under the color of law to cause the deprivation of my fundamental natural human rights, freedoms, conscience, liberty, and property.

The "Order" was issued by the "OEA" on the afternoon after my "Official Notice" that was filed in the morning of 9/27/22 at 11:27 a.m. on that same day, certified by the attached Exhibit "F" Certified Copies of Requested Documents by Legal Administrator Sara C. Blainbridge of the Indiana Office of Environmental Adjudication.

Judge Lori Kyle Endris arbitrarily prejudiced and aggrieved my fundamental natural human rights, freedoms, conscience, liberty, and property by giving NO consideration or weight to my "Official Notice" contrary to the rule of law, causing the obstruction of dialogue and trespass upon my fundamental natural

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human rights, freedoms, conscience, liberty, and property enumerated in the International Covenant on Civil and Political Rights, contrary to and in breach of Article VI section 2 supreme law of the land of the Constitution of the United States.

I, Douglas Alan Dyson, a man is the lawful owner of and domiciled at the real property identified by County of Whitley as ID number 92-10-08-101-076.000-006 at Stable Acres Addition and have NEVER been cited by the Whitley County Health Department for an inadequate septic violation, see above what (Whitley County Water and Sewer District's MISSION STATEMENT is), nor does my septic system present a health or safety threat to anyone or the public at large.

Whitley County Water and Sewer District has informed I, Douglas Alan Dyson that unless I am afforded an exemption I must provide an easement, for free, for the placement of a grinder pump, with such other components, maintain the equipment, supply power to operate the grinder pump, destroy my current adequate working septic system and connect to third-party provider Aqua of Indiana or incur substantially higher cost to connect to the system once being forced to hook up, or be subject to additional litigation brought by the County Attorney and be subject to a lien against my property, for non-compliance.

Payments are to be made to third party, Aqua of Indiana, with NO other known options that have ever been available nor was there competitive bidding for the third-party provider's services.

Motion to take Judicial Notice

Affiant pursuant to the rule of law motion Judge Matthew Rentschler to take mandatory Judicial Notice of this Affidavit of Brief in Support of Petition for Judicial Review together with all attached documents, to set a hearing on this Judicial Notice, and for a specific finding of fact and conclusion of law.

1. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights, is in accord with my religious belief and my fundamental natural human rights, freedoms, conscience, liberty, and property of the command found in Revelation 18 verse 3; "Come out of her, my people, that ye be not partakers of her sins.

2. I.C. § 1-1-2.5-2 is the general assembly of Indiana's declaration: "(1) The Tenth Amendment to the Constitution of the United States provides that the only powers that the federal government may exercise are those that have been delegated to the federal government in the Constitution of the United States, and (2) The Ninth Amendment to the Constitution of the United States guarantees to the people rights not enumerated in the Constitution and reserves to the people of Indiana those rights", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

3. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that I, Douglas Alan Dyson was born a living man with Natural rights and freedoms. These said fundamental rights and freedoms are flowing from the Constitution of the United States

through Article VI Section 2, Supremacy Clause by the International Covenant on Civil and Political Rights to produce an obligation upon the executive and judicial branches of this state not to limit or abridge these rights, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

4. The Supremacy Clause stated Article VI section 2 of the Constitution of the United States, "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

5. Whereas Black's Law Dictionary, 9th edition, defines "claim" as follows; "A claim is a set of operative facts creating a right enforceable in court.", also called a claim of relief; assertion of an existing right; any right to payment or to an equitable remedy, even if contingent or provisional;

6. U.S. reservations, declarations, and understandings, International Covenant on Civil and Political Rights, 138 Cong. Rec. S4781-01, II (5) "That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that

state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

7. Whereas it is my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that Article 1.2 states that all peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

8. Whereas it is my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights, that I have no obligation to contribute any resources to the economic, social or cultural development of any province or the development of the United States, State of Indiana or any municipal body. The executive powers of the United States cannot force me to contribute for there is no provision to force contributions in the covenant.

9. The U.S. reservations, declarations, and understandings, International Covenant on Civil and Political Rights, 138 Cong. Rec. S4781-01, III (1) "That the United States declares that the provisions of Articles 1 through 27 of the Covenant are not self-executing.", and I hereby GIVE NOTICE OF UNDERSTANDING OF MY RIGHT AND INTENT to execute

all my individual fundamental natural human rights and freedoms set forth in the International Covenant on Civil and Political Rights, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

10. The Supremacy Clause in the Constitution of the United States provide the measure and the operation of law for me to express my Natural rights and my full legal capacity despite public law, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

11. Natural law- A physical law of nature. A philosophical system of legal and moral principles purportedly deriving from a universalized conception of human nature or divine justice rather than from legislative or judicial action;

12. Natural right. A right that is conceived as part of natural law and that is therefore thought to exist independently of rights created by government or society, such as the right to life, liberty, and property. See NATURAL LAW.

13. Inalienable right- A right that cannot be transferred or surrendered, a natural right such as the right to own property.

14. Absolute right. 1. A right that belongs to every human being, such as the right of personal liberty; a natural right.

15. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that I claim my fundamental

rights and freedoms, my natural rights as found in the Constitution of the United States that are NOT self-executing rights and GIVE MY NOTICE AND INTENT TO EXECUTE THEM, EXERCISE THEM AND TO USE THEM ACCORDINGLY.

16. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is of Article 1, “1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”, “2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.”, “3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”

17. Article IV section 1, of the Constitution of the United States, states; “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof,” and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

18. Article IV section 4, of the Constitution of the United States, states; "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

19. I.C. § 34-37-1-5;

Certificates or instruments, either printed or written, purporting to be: (1) the official act of a notary public of this state, of the District of Columbia, or of any other state or territory of the United States; and (2) under the seal and signature of a notary public; shall be received as presumptive evidence of the official character of the instrument and of the facts set forth in the instrument,"

and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

20. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that of Article 2, "1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.", "2. Where not already provided

for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.", "3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.

21. I.C. § 34-38-4-1; "Every court in Indiana shall take judicial notice of the common law and statutes of every state, territory, and other jurisdiction of the United States" and Indiana Rules of Evidence 201, "(c) The court: "(2) must take judicial notice if a party request it and the court is supplied with the necessary information", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

22. I.C. § 34-38-1-1, "The printed statute books of:
(1) Indiana;

- (2) the late Territory of the United States North West of the River Ohio; and
- (3) the territories of Indiana and Illinois; purporting to be printed under the authority of the state or territory is evidence in all courts and places of the acts contained in the statute books."

and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

23. A republican form of government and a judicial proceeding according to the course of the common law is declared to be irrevocable; by the First Session of the Fourteenth Congress of the United States, 59-61; U.S Statutes at Large III, 289-291. "The Enabling Act, of 1816" (Indiana), Sec.4 . . . Provided, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, and the people and states of the territory northwest of the river Ohio, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

24. A judicial proceeding according to the course of common law, trial by jury and guarantee not to be deprived of liberty or property but by the judgment of my peers or law of the land was enacted in Article 2 of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven; "The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial

by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law; . . . No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same . . . ", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

25. Trial Rule 75, (A) Venue. Any case may be venued, commenced and decided in any court in any county, except, that upon the filing of a pleading or a motion to dismiss allowed by Rule 12(B)(3), the court, from allegations of the complaint or after hearing evidence thereon or considering affidavits or documentary evidence filed with the motion or in opposition to it, shall order the case transferred to a county or court selected by the party first properly filing such motion or pleading if the court determines that the county or court where the action was filed does not meet preferred venue requirements or is not authorized to decide the case and that the court or county selected has preferred venue and is authorized to decide the case. Preferred venue lies in: "(8) the county where a claim in the plaintiffs complaint may be commenced under any statute recognizing or creating a special or general remedy or proceeding." (B) (1) Whenever a claim or proceeding is filed which should properly have been filed in another court of this state, and proper objection is made, the court in which such action is filed shall not then dismiss the action, but shall order the action transferred to the

court in which it should have been filed, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

26. I.C. § 1-1-2-1 the law governing the State of Indiana that is declared to be;

First. The Constitution of the United States and of this state.

Second. All statutes of the general assembly of the state in force, and not inconsistent with such constitutions.

Third. All statutes of the United States in force, and relating to subjects over which congress has power to legislate for the states, and not inconsistent with the Constitution of the United States.

Fourth. The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section,

and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

27. Types of elections are codified in I.C. § 3-5-1-2; "(5) Special election, which is conducted for a special

purpose as provided by law," and My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that the justice(s) to fill the local office for a judicial proceeding according to the course of the common law is vacant and should be filled by Indiana Code 3-10-8-1, "A special election shall be held in the following cases: (4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law" and shall be filled in accord with Indiana Code IC 3-10-8-2, "A vacancy in a local office to be filled under this chapter shall be filled for the unexpired term unless prohibited by the Constitution of the State of Indiana", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

28. I.C. § 3-10-8-3, (a) "The governor, court, or state recount commission shall order a special election under this chapter by issuing a writ of election directed to the circuit court clerk of each county located wholly or partially within the election district.", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

29. Indiana Constitution, Article 6 Section 3, "Such other county and township officers as maybe necessary, shall be elected, or appointed, in such manner as may be prescribed by law, " applicable to Indiana Constitution Article 5 Section 18, "When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State

office, or in the office of Judge of any Court; the Governor shall fill such vacancy, by appointment, which shall expire, when a successor shall have been elected and qualified”,, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

30. I.C. § 34-6-2-64, “In good faith”, for purposes of IC 34-13-3 and IC 34-30-15, refers to an act taken:

- (1) without malice;
- (2) after a reasonable effort to obtain the facts of the matter; and
- (3) in the reasonable belief that the action taken is warranted by the facts known.

and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

31. I.C. § 34-8-1-4, “Other Indiana courts may establish rules for their own government, supplementary to and not conflicting with the rules prescribed by the supreme court or any statute.”, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights, for a court of a judicial proceeding according to the course of common law recognized by the general assembly by Indiana Code.

32. I.C. § 34-8-2-1; The general assembly of the state of Indiana affirms the inherent power of the supreme court of Indiana to adopt, amend, and rescind rules of court affecting matters of procedure, and the general assembly reaffirms the power given to the

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supreme court to adopt, amend, and rescind rules of court, including the rules of court adopted in this chapter, as set forth by IC 34-8-1-1. However, the power of the supreme court to adopt, amend, and rescind rules of court does not preclude the creation, by statute, of alternatives to the change of venue., is my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights regarding the inherent power of the supreme court of alternatives to change venue, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

33. Indiana Constitution Article 7 Section 4; "The Supreme Court shall have no original jurisdiction except in admission to the practice of law; discipline or disbarment of those admitted; the unauthorized practice of law; discipline, removal and retirement of justices and judges; supervision of the exercise of jurisdiction by the other courts of the State; and issuance of writs necessary or appropriate in aid of its jurisdiction. The Supreme Court shall exercise appellate jurisdiction under such terms and conditions as specified by rules except that appeals from a judgment imposing a sentence of death shall be taken directly to the Supreme Court. The Supreme Court shall have, in all appeals of criminal cases, the power to review all questions of law and to review and revise the sentence imposed., and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

34. My Claim of Recognition and Notice of Understanding is; "The fundamental rights and freedoms

that I am standing under are drawn out from my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights and enumerated therein. The United States and the State of Indiana have the obligation to not take any actions aimed at the destruction of my fundamental rights and freedoms or to limit or abridge them to a greater degree than the covenant allows when I seek to execute them.

35. Whereas my Claim of Recognition and Notice of Understanding of International Covenant on Civil and Political Rights, Article 5, is; “1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.” and “2 There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”

36. My Claim of Recognition and Notice of Understanding gives notice that; “the fundamental rights and freedoms that I will be executing are enumerated and contained within my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights, the Constitution for the United States, and the Constitution of Indiana.

37. I claim the right to have the remedy produced on my behalf through whatever measures are avail-

able as indicated and required by my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

38. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 8, “1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.” and “2. No one shall be held in servitude.”

39. Through the Fourteenth Amendment to the Constitution of the United States, I am being placed into servitude to the executive and judicial powers of the United States and State of Indiana. This is contrary to the expression of my fundamental rights and freedoms as brought forth in my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights, Article 8.2.

40. United States Constitution Amendment Thirteen; “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

41. Indiana Constitution Article 1 section 37; “There shall be neither slavery, nor involuntary servitude, within the State, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted”, and when enforced, follows compliance with my Claim of Recognition and Notice of

Understanding of the International Covenant on Civil and Political Rights.

42. A citizen is a class of persons created by law and given certain legal rights and freedoms of a human being.

43. "artificial person" An entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being.

44. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that I have the right not to be considered as a subject or servant to any powers of the United States and the State of Indiana and I have the right to define myself and not be designated by others without my consent.

45. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that the Human being and the juridical personality are not one and the same. There is a distinction being expressed between the Human and what the Human possesses, the juridical personality. A Statutory creature is not one and the same when compared to a living human being.

46. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is a juridical personality is an artificial person. An entity, such as a corporation, created by law and given certain legal rights and duties of a human being; a being, real or imaginary, who for the purpose of legal reasoning is treated more or less as a human being.

47. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is a citizen is a class of persons created by law and given certain legal rights and freedoms of a human being.

48. The privileges and immunities [civil rights] of the 14th Amendment citizens were derived [taken] from the United States Constitution, but are not identical to those referred to in Article IV, sect. 2 of the Constitution [which recognizes the existence of state Citizens who were not citizens of the United States because there was no such animal in 1787]. Plainly spoken, RIGHTS considered to be grants from our creator are clearly different from the “civil rights” that were granted by Congress to its own brand of franchised citizen in the 14th Amendment of the United States Constitution.

49. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 12 “1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” and “2. Everyone shall be free to leave any country, including his own.” and “3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.”

50. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is Article 13, “An alien lawfully in the territory of a State Party to the present Covenant may

be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.”

51. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 16, “Everyone shall have the right to recognition everywhere as a person before the law.

52. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that a citizen is a class of person created by legislators and given certain rights and freedoms of a human being.

53. Whereas the following definitions are from Black's Law dictionary, 7th edit.:

Class, n. (3) A group of people, things, qualities, or activities that have common characteristics or attributes;

subject, n. 1. One who owes allegiance to a sovereign and is governed by that sovereign's laws subjects;

citizen, n. (1) A person who, by either birth or naturalization, is a member of a political community, owing allegiance to the community and being entitled to enjoy all its civil rights and protections;

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54. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that Everyone (Human Being) can take recognition as a person before the law. This is an ability that a Human being possesses however there is no obligation for the Human being to enter into said recognition.

55. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that I am not created by law but born into existence. I do not possess certain rights and freedoms of a human being, I am a Human being. My fundamental rights and freedoms operate by and through the law of the land, not a legal capacity given to me, but I was born with my fundamental rights and freedoms.

56. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that no one has the right to limit my full legal capacity, my natural rights and freedoms as it pertains to life, liberty, and property.

57. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that no one can force me into recognition as a statutory creature before the law, a right creates a choice not an obligation.

58. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is the right to access any services provided by the United States and State of Indiana as required by necessity without the creation of joinder with any corporate or legal entity, or the erosion of my status as a Human Being, and, I claim the right to refuse

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recognition as the legal entity/artificial person, as I am not the originator of that entity, regardless of the situation or what words I choose to use or neglect to use and it cannot be inferred that I have accepted recognition through act or omission on my part other than a statement in writing bearing my autograph, under oath and properly notarized.

59. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that the executive and judicial powers of the United States and State of Indiana are under obligation not to take actions aimed at the destruction of my full legal capacity, my fundamental rights, and freedoms.

60. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that I am not resident or citizen of the corporation designated United States, Title 28 USC 3002 (15) a Federal corporation.

61. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is that the executive and judicial powers of the United States and State of Indiana have the obligation to respect my fundamental Human rights and freedoms. I am not to be considered incorporated into this body corporate.

62. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 17, “1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.” and “2.

Everyone has the right to the protection of the law against such interference or attacks.”

63. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 18, “1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.” and “2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”

64. Whereas, “Religious Freedom Restoration Act” (“RFRA”), Indiana Code 34-1-9-1. “This chapter applies to all governmental entity statutes, ordinances, resolutions, executive or administrative orders, regulations, customs, and usages, including the implementation or application thereof, regardless of whether they were enacted, adopted, or initiated before, on, or after July 1, 2015” and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

65. Whereas, “Religious Freedom Restoration Act” (“RFRA”), I.C. § 34-1-9-8. “Except as provided in subsection (b), a governmental entity may not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability. (b) A governmental entity may substantially burden a person’s exercise of religion only if the governmental entity demonstrates that application of the burden to the person: (1) is in furtherance of a compel-

ling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest”, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

66. Whereas, “Religious Freedom Restoration Act” (“RFRA”), I.C. § 34-1-9-9. “A person whose exercise of religion has been substantially burdened, or is likely to be substantially burdened, by a violation of this chapter may assert the violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or any other governmental entity is a party to the proceeding. If the relevant governmental entity is not a party to the proceeding, the governmental entity has an unconditional right to intervene in order to respond to the person’s invocation of this chapter, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

67. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 19, “1. Everyone shall have the right to hold opinions without interference.,” and “2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

68. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 21, “The right of peaceful

assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

69. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 22, “1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.”

70. My Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights is, Article 47, “Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.”

71. All executive powers whether state or federal are subjected to the Constitution of the United States under the Supremacy Clause Article VI. Paragraph 2 of the United States Constitution, takes precedence over state laws, and even state constitutions, and binds the Judges in every State thereby and any Thing in the Constitution or Laws to the Contrary notwithstanding, by default the rights and freedoms enumerated, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

72. Magna Carta, chapter 40, “To none will we sell, to none deny or delay, right or justice”, and when

enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

73. Indiana Code of Judicial Conduct, Rule 1.1, “A Judge shall comply with the law, including the Code of Judicial Conduct.,” and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

74. Indiana Code of Judicial Conduct defines “Law” encompasses court rules as well as statutes, Constitutional provisions, and decisional law.,” and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

75. Indiana Code of Judicial Conduct, Rule 2.2, “A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard,” and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

76. Indiana Code of Judicial Conduct, Rule 2.5, (A) A judge shall perform judicial and administrative duties competently, diligently, and promptly. (B) A judge shall cooperate with other judges and court officials in the administration of court business, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

77. I.C. § 4-21.5-14, Burden of proof; standards of review Sec. 14. (a) The burden of demonstrating the invalidity of agency action is on the party to the judicial review proceeding asserting invalidity. (b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken. (c) The court shall make findings of fact on each material issue on which the court's decision is based. (d) The court shall grant relief under section 15 of this chapter only if it determines that a person seeking judicial relief has been prejudiced by an agency action that is: (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (2) contrary to constitutional right, power, privilege, or immunity; (3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; (4) without observance of procedure required by law; or (5) unsupported by substantial evidence, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

78. Article VI section 3 of the Constitution of the United States, "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States," and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

79. My recorded Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights, is attached hereto as Exhibit "G."

80. I.C. § 33-28-1-3, The judge of a circuit court, within the judge's district, shall take all necessary recognizances to keep the peace, or to answer any criminal charge, or offense, in the court having jurisdiction, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

81. I.C. § 33-28-1-4, If there is a process for which a form is not prescribed by law, a circuit court shall frame a new writ in conformity with the principles of the process, and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

82. I.C. § 33-28-1-5, A circuit court may do the following:

- (1) Issue and direct all processes necessary to the regular execution of the law to the following:
 - (A) A court of inferior jurisdiction.
 - (B) A corporation.
 - (C) An individual.
- (2) Make all proper judgments, sentences, decrees, orders, and injunctions, issue all processes, and do other acts as may be proper to carry into effect the same, in

conformity with Indiana laws and Constitution of the State of Indiana.

- (3) Administer all necessary oaths.
- (4) Punish, by fine or imprisonment, or both, all contempts of the court's authority.
- (5) Proceed in any matter before the court, or in any matter in which the proceedings of the court, or the due course of justice, is interrupted.
- (6) Grant commissions for the examination of witnesses according to the regulations of law,

and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

ARGUMENT

Judge Matthew Rentschler of this court, under Article VI section 3 of the Constitution of the United States shall be bound by Oath or Affirmation, to support this Constitution; and Judge Lori Kyle Endris is absent an oath of office by her signed "Order" that was stated in paragraph 26 rendering her and her judgments void, unconstitutional, and incompetent.

I Douglas Alan Dyson have been aggrieved, and adversely affected by the prejudiced breaches of; the right of self-determination, to freely dispose of my natural wealth and resources without prejudice to any obligation arising out of international economic co-operation, based on the principle of mutual benefit, the right not to be held in servitude, the right to be equal before the courts and tribunals in a suit at law to a fair and

public hearing by a competent, independent and impartial tribunal established by law, the right to recognition everywhere as a person before the law, the right to the protection of the law against arbitrary and unlawful interference with my privacy, family, home, correspondence and attacks on my honour and reputation, the right to freedom of thought, conscience and religion, the right to freedom of expression, the right to equality before the law and entitled without any discrimination to the equal protection of the law, and the inherent right to enjoy and utilize fully and freely my natural wealth and resources, all secured by Article VI section 2 of the Constitution of the United States under the supremacy clause that; "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges, in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding", and when enforced, follows compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights.

Marbury v. Madison, 5 U.S. 137, Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government? If it is closed upon him and cannot be inspected by him? If such be the real state of things, this is worse than solemn mockery. To prescribe or take this oath becomes equally a crime. It is also not entirely unworthy of observation, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and

not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank. Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument. The rule must be discharged.

CONCLUSION

This Affidavit of Brief in Support of Petition for Judicial Review, by the rule of law, the judgment of the "OEA" must be vacated, set aside, and a new writ for enforcement of compliance with my Claim of Recognition and Notice of Understanding of the International Covenant on Civil and Political Rights be issued for further proceedings determined by a competent judicial proceeding to develop the possibilities of Judicial Remedy.

I, Douglas Alan Dyson require a judicial remedy in compliance with the International Covenant on Civil and Political Rights and the authority listed above in the Motion to take Judicial Notice, and for findings of fact on each material issue on which the court's decision is based. That you Judge Matthew Rentschler, be bound by your oath to support and defend the Constitution of the United States, not giving aid or comfort to the enemies engaged in insurrection against the same, that are absent an oath to the Constitution of the United States, mentioned herein this brief, and being ever so mindful of the self-execution Sections of 3 & 4 of the 14th Amendment upon your conscience.

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/s/ Douglas Alan Dyson
c/o 3630 East State Road 14
Columbia City, Indiana 46725
doug@silverlakein.com
260-212-2279

JURAT

Indiana state

ss:

Whitley county

Signed and sworn to before me on this 2nd day of June 2023, by Douglas Alan Dyson.

/s/ Illegible;

signature and seal of Notary Republic as Jurat.

My Commission Expires: 3-20-26 My County of Residence is: Wabash

Permittee:

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Indianapolis, Indiana 46204

**VERIFIED MOTION FOR CHANGE
OF VENUE AND OBJECTION
TO THE ORDER ON HEARING
(MAY 1, 2023)**

WHITLEY COUNTY CIRCUIT COURT
WHITLEY COUNTY COURTHOUSE
COLUMBIA CITY, INDIANA
Case number 92C01-2210-MI-000884

DOUGLAS ALAN DYSON, ET. AL.,

Petitioner / Appellants,

v.

WHITLEY CO. REGIONAL WATER & SEWER,

Permittee / Respondent below,

INDIANA DEPARTMENT OF
ENVIRONMENTAL MGMT.,

Respondent below.

Cause number 22-W-J-5197

Indiana Office of Environmental Adjudication

Objection to Issuance of
327 IAC 3 Construction Permit Application
SRF Project Permit Approval NO. L-0659
Stable Acres Service Area

Sanitary Sewer—Septic Elimination Project
Columbia City, Whitley County, Indiana

**VERIFIED MOTION FOR
CHANGE OF VENUE AND OBJECTION TO
THE ORDER ON HEARING**

I, Douglas Alan Dyson, a declared, noticed and recorded non-citizen national, Motion “The Person” Judge Matthew Rentschler,¹ under Trial Rule 75, for a judicial proceeding according to the course of the common law and a trial by jury; of a proportionate representation of the people in the legislature and Object to the Order on the Hearing, executed 27th day of April, 2023, upon the following to-wit:

1. My most solemn religious beliefs and conscience is to follow the command recorded in the Bible, Revelation 18 verse 4; “Come out of her, my people, that ye be not partakers of her sins, and that ye receive not of her plagues.” Obedience to JEHOVAH² prompted my declaration, notice and recording of my Affidavit of Citizenship Evidence Notice, Memorandum of Law Supporting Douglas Alan Dyson’s Affidavit of Citizenship Evidence Notice and Oath of Allegiance with letter to U.S. Department of State giving * * * Legal Lawful Notice * * * that I Douglas Alan Dyson has declared under oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty,

¹ A brand of franchised citizen granted by Congress in the 14th Amendment of the Constitution of the United States

² Psalms 83 verse 18; That men may know that thou, whose name alone is JEHOVAH, art the most high over all the earth.

and particularly to the “United States” as defined in Title 28 United States Code 3002, (15) (a Federal corporation) of which I have heretofore been a person as defined by Title 28 United States Codes 3002, (10), subject to the jurisdiction thereof and citizen of the United States residing thereto, as defined by Title 28 United States Code 3002, (14); and that I will support and defend the Constitution for the United States for America and law of Indiana Republic against all enemies, foreign and domestic; bearing true faith and allegiance to the same.

2. My right to freedom of religious beliefs and conscience is protected by the First Amendment to the United States Constitution,³ Article I, Section 2 of the Indiana Constitution⁴, the “Religious Freedom Restoration Act” (“RFRA”), Article I, Section 3 of the Indiana Constitution⁵, Universal Declaration of Human Rights⁶, International Covenant on Civil and Political Rights, hereinafter (“ICCPR”)⁷ and U.S. reservations. Decla-

³ “Congress shall make NO law prohibiting the free exercise of religion”.

⁴ “All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences.”

⁵ “No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.”

⁶ 18, “right to freedom of thought, conscience and religion”, including the right to change religion or belief.

⁷ 18, 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private,

rations, and understandings, International Covenant on Civil and Political Rights, 138 Cong. S4781-01, H. 5.8

3. The statute recognizing or creating a special or general remedy or proceeding for a judicial proceedings according to the course of the common law and judgement of my peers, is Indiana's 1816 Enabling act, an act to enable the people of the Indiana Territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states; Provided, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, and the people and states of the territory northwest of the river Ohio. Article 2 of the ordinance of the thirteenth of July, one thousand

to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

8 (5) That the United States understands that this Covenant shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered therein, and otherwise by the state and local governments; to the extent that state and local governments exercise jurisdiction over such matters, the Federal Government shall take measures appropriate to the Federal system to the end that the competent authorities of the state or local governments may take appropriate measures for the fulfillment of the Covenant.

seven hundred and eighty-seven states; "The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law; . . . No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. Preferred venue lies in Trial Rule 75, "(8) the county where a claim in the plaintiff's complaint may be commenced under any statute recognizing or creating a special or general remedy or proceeding;" and that statute recognizing and creating a special proceeding was passed at the First Session of the Fourteenth Congress of the United States, 59-61; U.S Statutes at Large III, 289-291. The law governing this state is declared to be in Indiana Code 1-1-2-1.⁹

9 First. The Constitution of the United States and of this state.

Second. All statutes of the general assembly of the state in force, and not inconsistent with such constitutions. Third. All statutes of the United States in force, and relating to subjects over which congress has power to legislate for the states, and not inconsistent with the Constitution of the United States.

Fourth. The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.

4. Objection is hereby made to the presentment Order on the Hearing, executed 27th day of April, 2023 by "The Person" Judge Matthew Rentschler on the grounds that this order is not an order from a judicial proceeding according to the course of the common law, nor from a jury of my peers.

5. I require "The Person" Judge Matthew Rentschler to venue this matter cognizable at law for a judicial proceeding according to the course of the common law and should the Office(s) be vacant, then I require that the office(s) be declared vacant. Please take Judicial Notice of the authority for setting this court in the following authority; Indiana Code 3-5-1-2 (5)¹⁰, Indiana Code 3-10-8-111, Indiana Code IC 3-10-8-2¹², Indiana Code 3-10-8-3¹³, Indiana Constitution Article 6 Section 3¹⁴, Indiana Constitution Article 5

10 "Sec. 2. The types of elections to which this title applies are classified as follows: (5) Special election, which is conducted for a special purpose as provided by law."

11 "Sec. 1. A special election shall be held in the following cases: (4) Whenever a vacancy occurs in any local office the filling of which is not otherwise provided by law.

12 "Sec. 2. A vacancy in a local office to be filled under this chapter shall be filled for the unexpired term unless prohibited by the Constitution of the State of Indiana.

13 "Sec. 3. (a) The governor, court, or state recount commission shall order a special election under this chapter by issuing a writ of election directed to the circuit court clerk of each county located wholly or partially within the election district.

14 "Sec. 3. Such other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law".

section 18¹⁵, for a special election or appointment by the Governor to fill the vacancy, U.S. reservations. Declarations, and understandings, International Covenant on Civil and Political Rights, 138 Cong. S4781-01, II, see foot note 5, Universal Declaration of Human Rights, Article 8¹⁶, and ("ICCPR"), Article 2¹⁷

15 "Sec. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any Court; the Governor shall fill such vacancy, by appointment, which shall expire, when a successor shall have been elected and qualified.

16 "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law".

17 "1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent

6. "The person" Judge Matthew Rentschler is a State employee Judge sitting in the Whitley County Circuit Court in suits cognizable of statutory origin with jurisdiction over those that are likewise a brand of franchised citizen(s) granted by Congress in the 14th Amendment of the Constitution of the United States, with privileges and immunities, deriving his sole authority from the Indiana Legislature and he is to be bound by Article 6 section 2 of the Constitution of the United States.¹⁸ and Magna Carta, chapter 40, "To none will we sell, to none deny or delay, right or justice".

7. I Douglas Alan Dyson require "The Person" Judge Matthew Rentschler to do his administrative and ministerial duties in accord with Indiana Code of Judicial Conduct, Rule 1.1¹⁹ and "Law" encompasses court rules as well as statutes, constitutional provisions, and decisional law. Indiana Constitution Article 1 section 12; "All courts shall be open; and every person, for injury done to him in his person,

judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

¹⁸ "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

¹⁹ "A judge shall comply with the law, including the Code of Judicial Conduct."

property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay." (Emphasis added). Indiana Code of Judicial Conduct, Rule 2.2, "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard." and Indiana Code of Judicial Conduct, Rule 2.5, (A) A judge shall perform judicial and administrative duties competently, diligently, and promptly. (B) A judge shall cooperate with other judges and court officials in the administration of court business. Indiana Trial Rule 1, states; "Except as otherwise provided, these rules govern the procedure and practice in all courts of the state of Indiana in all suits of a civil nature whether cognizable as cases at law, in equity, or of statutory origin. They shall be construed to secure the just, speedy and inexpensive determination of every action.

8. The privileges and immunities [civil rights] of the 14th Amendment citizens were derived [taken] from . . . the United States Constitution, but are not identical to those referred to in Article IV, sect. 2 of the Constitution [which recognizes the existence of state Citizens who were not citizens of the United States because there was no such animal in 1787]. Plainly spoken, RIGHTS considered to be grants from our creator are clearly different from the "civil rights" that were granted by Congress to its own brand of franchised citizen in the 14th Amendment of the United States Constitution. "The Person" Judge Matthew

Rentschler is not competent to render lawful jurisdiction or lawful judgment against I, Douglas Alan Dyson, a declared, recorded and noticed non citizen national, a people and member of we the people.

9. Upon the United States becoming a United Nations member State, the Universal Declaration of Human Rights became the “supreme law of the land” under the Supremacy Clause of the United States Constitution, Article 6, paragraph 2, which gives ratified treaties the status of federal law and it bound “The Person” Judge Matthew Rentschler to its Articles.²⁰

10. The United States ratified the International Covenant on Civil and Political Rights, hereinafter (“ICCPR”) in 1992 and upon ratification, the “ICCPR” became the “supreme law of the land” under the Supremacy Clause of the United States Constitution, Article 6, paragraph 2, which gives ratified treaties the status of federal law and bound “The Person” Judge Matthew Rentschler to the following “ICCPR” Articles;

1, 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely

20 8, “right to an effective remedy by the national tribunals for their acts violating the fundamental rights granted by the constitution and law”.

10, “right to be entitled in full equality to a fair and public hearing by an independent and impartial tribunal”.

12, “subjected me to arbitrary interference with my privacy, family, home and correspondence”.

15, “right to my nationality and right to change nationality”.

18, “right to freedom of thought, conscience and religion”, including the right to change religion or belief”.

pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

2, 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be

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necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;"
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

17, 1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

18. 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions

2. Everyone has the right to the protection of the law against such interference or attacks.

26, All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

WHEREFORE, I, Douglas Alan Dyson, a declared, recorded and noticed non citizen national Motion for Change of Venue and Objection to the Order on Hearing and direct "The Person" (Judge Matthew Rentschler), to do his administrative and ministerial lawful duties to venue this matter to a judicial pro-

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ceeding according to the course of the common law, be heard by a jury of my peers and show my objection to this Hearing Order for the reasons stated herein.

/s/ Douglas Alan Dyson
c/o 3630 East State Road 14
Columbia City, Indiana 46725
doug@silverlakein.com
260-212-2279

Permittee:

Matthew R. Shipman, Esq.
Bloom Gates Shipman & Whiteleather, LLP
119 South Main Street
Columbia City, Indiana 46725
Attorney for the Whitley County Regional Water
& Sewer District

Bingxin (Emily) LU
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Indiana Government Center S., 5th FL
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Chairman Jim Jordan
House of Representatives Judiciary Committee
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FedEx # 7720 0665 2787

Respondent:

Sierra L. Alberts, Esq.
Brooke Werstler, Esq.
Office of Legal Counsel Indiana Dept. Environmental Management

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Secretary Antony Blinken
US Department of State
2201 C ST. NW
Washington, DC 20520
FedEx # 7720 0673 8580

/s/ Douglas Alan Dyson
c/o 3630 East State Road 14
Columbia City, Indiana 46725

**CERTIFIED COPIES OF
REQUESTED DOCUMENTS
(SEPTEMBER 29, 2022)**

State of Indiana) SS:
County of Marion)

IN THE MATTER OF
OBJECTION TO ISSUANCE OF 327 IAC 3 CONSTRUCTION
PERMIT APPLICATION SRF PROJECT PERMIT APPROVAL
NO. L-0659 STABLE ACRES SERVICE AREA SANITARY
SEWER — SEPTIC ELIMINATION PROJECT COLUMBIA
CITY, WHITLEY COUNTY, INDIANA.,

BEFORE THE INDIANA OFFICE OF
ENVIRONMENTAL ADJUDICATION

CAUSE NO. 22-W-J-5197

DOUGLAS ALAN DYSON, ET AL.,

Petitioners,

v.

WHITLEY CO. REGIONAL WATER & SEWER,

Permittee/Respondent.

INDIANA DEPT. OF ENVIRONMENTAL
MANAGEMENT,

Respondent,

**CERTIFIED COPIES OF
REQUESTED DOCUMENTS**

I, Sara C. Blainbridge, Legal Administrator for the Indiana Office of Environmental Adjudication, hereby certify the requested documents itemized below. The requesting party, Dougl Dyson, is hereby notified that a true and accurate copy of the requested items are prepared. Attached hereto is a true and correct copy of:

1. Copy of the "Official Notice" submitted on 9/27/22 via email at 11:27 a.m. prior to the rendering of the court's findings of facts, conclusions of law and final order on respondents' motion to dismiss served in the afternoon of 9/27/22, in case number 22-W-J-5197 file stamped and certified.
2. Copy of the email on 9/27/22 submitting the order of the court's findings of facts, conclusions of law and final order on respondents' motion to dismiss, rendering the service of all parties, certified.

I HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING STATEMENT IS TRUE AND CORRECT.

/s/ Sara C. Blainbridge
Legal Administrator, OEA
frontdesk@oea.IN.gov

**NOTICE OF BOARD OF COMMISSIONERS
OF WHITLEY COUNTY
(SEPTEMBER 27, 2022)**

Official Notice

Whitley County Regional Water & Sewer District
220 West Van Buren Street
Columbia City, Indiana 46725

FedEx #7700 4350 2266

The Board of Commissioners of Whitley County
220 W. Van Buren Street
Columbia City, Indiana 46725

FedEx #7700 4352 8634

I, Douglas Alan Dyson, a declared non citizen national, with reservation of all rights and "Without Prejudice" gives "Official Notice" upon oath under the laws of the United States of America subject to the pains and penalties for bearing false witness declare to be true and correct to the best of my knowledge and belief to-wit:

1. I, Douglas Alan Dyson, a declared non citizen national is the lawful owner of and domiciled at the real property identified by County of Whitley as ID number 92-10-08-101-076.000-006 at Stable Acres Addition.

2. The actions of Whitley County Regional Water & Sewer District and The Board of Commissioners of Whitley County, it's officers, agents, employees and trustees, (hereinafter "The Trespassers") have under the color of law caused the deprivation of religious

beliefs upon the conscience of I, Douglas Alan Dyson, a declared non citizen national.

3. "The Trespassers" have informed I, Douglas Alan Dyson that unless I am afforded an exemption I must provide an easement, for free, for the placement of a grinder pump and other such components and connect to the Stable Acres Sewer Project or incur substantially higher cost to connect to the system and be subject to a lien against my property for non-compliance.

4. The enforcement of the Whitley County Sanitary Sewer Ordinance #2022-05 interferes with the conscience of my most solemn religious beliefs of those in the Holy Bible, without the establishment of a compelling state interest and the least restrictive means available.

5. I, Douglas Alan Dyson own and maintain my septic system which is in good working condition and stand ready to repair it, if necessary, just as the Amish do utilizing a safe, secure outdoor privy for human waste.

6. The First Amendment to the United States Constitution states in part "Congress shall make NO law . . . prohibiting the free exercise of religion.

7. Article I, Section 2 of the Indiana Constitution states, "All people shall be secured in the natural right to worship ALMIGHTY GOD, according to the dictates of their own consciences."

8. Article I, Section 3 of the Indiana Constitution states, "No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience."

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9. I, Douglas Alan Dyson, like all people of Indiana enjoy these Constitutional rights under Indiana and American law to freely practice my religion according to my beliefs and conscience.

10. Deuteronomy 23:12-14 (NIV) states:

“12 Designate a place outside the camp where you can go to relieve yourself. 13 As part of your equipment have something to dig with, and when you relieve yourself, dig a hole and cover up your excrement. 14 For the Lord your God moves about in your camp to protect you and deliver your enemies to you. Your camp must be holy, so that he will not see among you anything indecent and turn away from you.”

11. I, Douglas Alan Dyson has never been cited by the Whitley County Health Department for a septic violation, my system is sufficient and does not present a health or safety threat to anyone or the public at large.

12. The mandate of forced connection violates the religious beliefs and conscience of I, Douglas Alan Dyson which is wholly unnecessary.

13. The removal of human excreta via the mandated sewer system violates I, Douglas Alan Dyson's solemn religious beliefs instead of the dictates by the Holy Scriptures that dictates that I remove the human excreta through my own toil just as I have always done.

14. To the extent the “Trespassers” have a compelling state interest in this forced connection to the Stable Acres Sewer Project, it is an attack upon the

religiously mandated and non-harmful methods by which I have chosen for sewage disposal and is not the least restrictive means of enforcing the laws or of protecting the public.

15. "The Trespassers" have failed to consider my religious objections to connecting to the Stable Acres Sewer System in lieu of continuing to make disposal as I currently do.

16. A regulation that burdens my religious belief or conduct is invalid under Article 1, Section 2 and 3 of the Indiana Constitution as applied unless a compelling state interest justifies the burden and there is no less obtrusive form of regulation available to the state.

17. In 2015, Indiana passed IC 34-13-9 et. al., commonly referred to as the "Religious Freedom Restoration Act" ("RFRA") with the stated purpose of protecting the people the right to exercise of their religion.

18. Section 8 of the "RFRA" states in full as follows:

Sec. 8. (a) Except as provided in subsection (b), a governmental entity may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability.

(b) A governmental entity may substantially burden a person's exercise of religion only if the governmental entity demonstrates that application of the burden to the person:

(1) is in furtherance of a compelling governmental interest; and

- (2) is the least restrictive means of furthering that compelling governmental interest.
- 19. The people enjoy the protection of the “RFRA”
- 20. The enforcement of the mandate to connect to the Stable Acres sewer project violates and substantially burdens the exercise of my religion, in violation of Section 8(a) of the “RFRA” and does not further a compelling governmental interest and is not the least restrictive means of furthering such interest, which are both required by Section 8(b) of the “RFRA”.
- 21. “The Trespassers” herein are in violation of the “RFRA”
- 22. Indiana Constitution Article 15, section 4 and Indiana Code 5-4-1-1 mandates taking an oath to support the Constitution of the United States and the Constitution of the State of Indiana to faithfully discharge the duties of such office.
- 23. Indiana Code 1-1-2-1 gives the hierarchy of law and in part states; Sec. 1 The law governing this state is declared to be: First. The Constitution of the United States and of this state. Second. All statutes of the general assembly of the state in force, and not inconsistent with such constitutions.
- 24. United States Constitution Article 6, paragraph 2,

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall

be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

25. The United States ratified the international Covenant on Civil and Political Rights, hereinafter ("ICCPR") in 1992 and upon ratification, the "ICCPR" became the "supreme law of the land" under the Supremacy Clause of the United States Constitution, which gives ratified treaties the status of federal law.

26. "ICCPR" Article 1 Section 3 states,

1. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with

the provisions of the Charter of the United Nations.

27. "ICCPR" Article 2 states,
 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.
 3. Each State Party to the present Covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;"
 - (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities,

or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

- (c) To ensure that the competent authorities shall enforce such remedies when granted.

28. "ICCPR" Article 3 states,

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

29. "ICCPR" Article 5 states,

- 1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.
- 2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

30. "ICCPR" Article 17 states,

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1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.
31. "ICCPR" Article 18 states,
 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.
32. "ICCPR" Article 26 states,

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

33. "The Trespassers" herein are in violation of the "ICCPR".

/s/ Douglas Alan Dyson
c/o 3630 East State Road 14
Columbia City, Indiana 46725

Indiana state

Whitley county

In witnessed hereof, Douglas Alan Dyson, in whom is known to me, affirmed to be true, to the best of his knowledge and belief under the laws of the United States of America, this "Official Notice" on this 27th day of September 2022.

/s/ Illegible

Signature and seal of Notary Public as Jurat.

Residence County of Wabash

My Commission Expires 03/20/2024

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I, Douglas Alan Dyson prepared this document
and I have taken reasonable care to redact all
complete social security numbers.

By,

/s/ Douglas Alan Dyson