

The seeds for this book took root in engineering school, as I accepted the responsibility to help protect the public and the environment. Years later, when friends asked for help fighting unreasonable traffic tickets, homeowner's associations, or the IRS, I realized I had a considerable collection of success stories - enough for a book.



My training includes a BA in Psychology from University of the Pacific and a BS in Mechanical Engineering from Cal Poly Pomona. Personally, my wife and I live in northern California with our 15 month old son who already has issues with the homeowners' association.

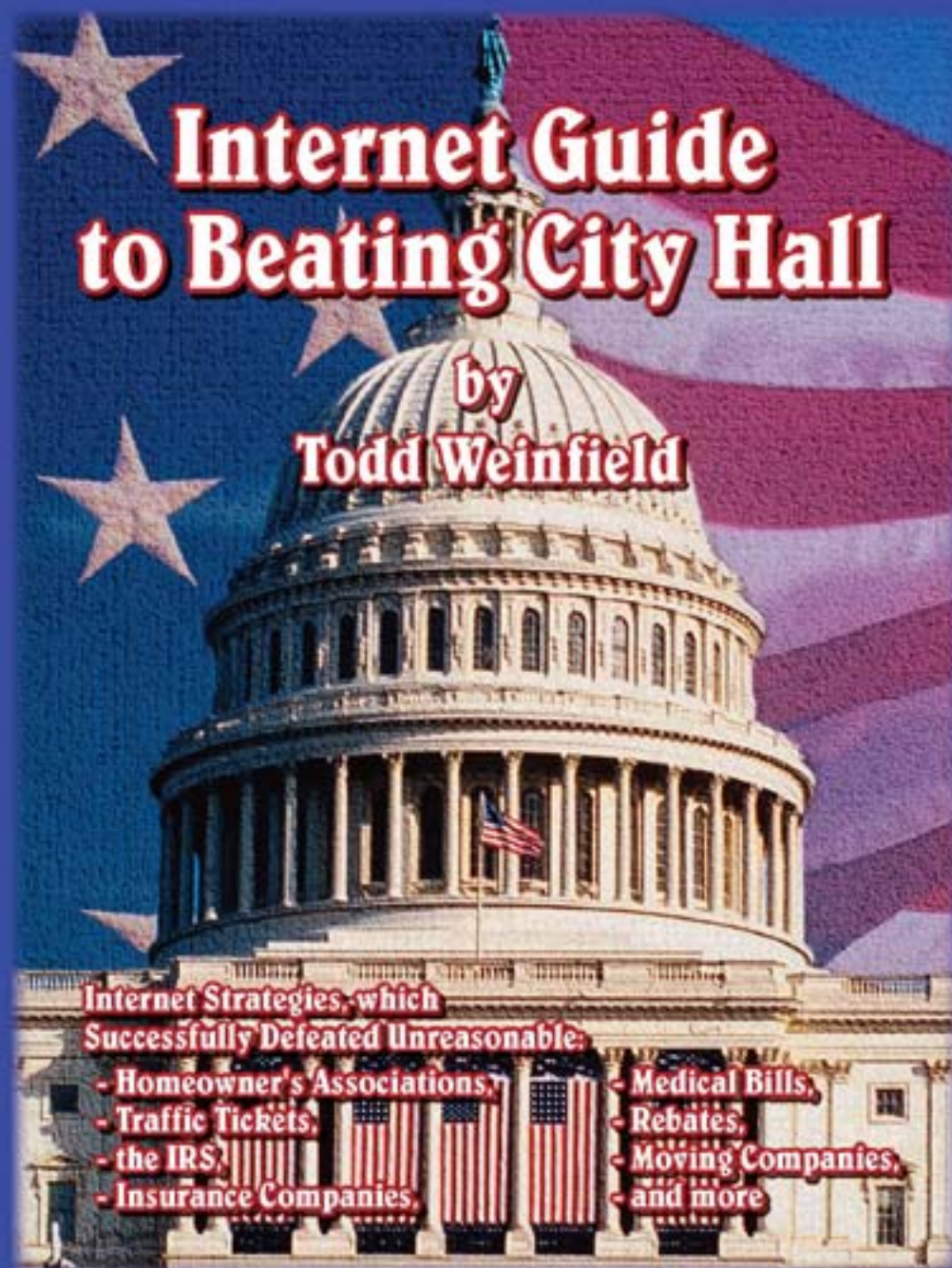
Internet Guide to Beating City Hall is a collection of Internet strategies used by ordinary people (non lawyers) in successfully asserting their legal rights in battling unreasonable bureaucracies. The work:

- Identifies strategies to resolve each issue in your favor
- Breaks the strategies down into executable topics
- Identifies web sites with the information which support each strategy
- Determines what power we do have
- Illustrates by example the process to exercise this power

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Todd Weinfield • Internet Guide to Beating City Hall



Internet Guide to Beating City Hall

by
Todd Weinfield

**Internet Strategies, which
Successfully Defeated Unreasonable:**

- Homeowner's Associations,
- Traffic Tickets,
- the IRS,
- Insurance Companies,
- Medical Bills,
- Rebates,
- Moving Companies,
- and more



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Table of Contents

Introduction	9
Background	9
Chapter 1 Traffic Tickets	17
1. Carpool Lane Violation	19
2. Parking Ticket.....	26
3. Passing Violation	31
4. Strategies for Fighting Questionable Moving Violations	33
Chapter 2 Vehicle Issues.....	36
1. Faulty Vehicle Design.....	36
2. Automotive Insurance Fraud	45
3. Insurance Company Stalling Payment of Claim	55
4. Automotive Repair Damage.....	57
Chapter 3 Consumer Issues	59
1. Moving Company to Pay Claim	59
2. Free Computer Repair Out of Warranty.....	62
3. Mail-In Rebates.....	65
Chapter 4 Medical Issues.....	71
1. Botched Medical Exam.....	71
2. Health Insurance Company to Pay Claims	75
3. Right to Purchase Contact Lenses from Any Third Party	78
Chapter 5 Government and Taxes	84
1. Homeowner’s Associations	84
2. IRS	113

Todd Weinfield

3. State Income Tax (Franchise Tax Board - FTB).....128
Chapter 6 Conclusion and Vision137
Appendix I Web Site References For all 50 States142

To my wife for being all my reasons, to our son for being here,
to my father who kept a “Books to Write” file of social, legal, and
political injustice,
to my brother who taught me how to focus my passion,
to my mother and sister, and
to my college professors who encouraged me to question authority.

**Internet Strategies which Successfully Defeated
Unreasonable Homeowner's Associations, Traffic Tickets,
the IRS, Insurance Companies, Medical Bills, Rebates,
Moving Companies, and more**



Introduction

This book is a collection of Internet strategies used by ordinary people (non lawyers) in successfully asserting their legal rights in battling unreasonable traffic tickets, the IRS, homeowner's associations, insurance companies, consumer issues, and more. Written in playful tongue-in-cheek humor, the background and theme for the book is using the Internet as a resource of information to learn about and enforce constitutional and legal rights to help tip the balance of power back in the direction this country's founding fathers had intended.

Think of this book as Dorothy's glass slippers in the Wizard of Oz. She had the power (to return to Kansas) all along. She just didn't know it.

The bad news is, I am not a lawyer - so by law I am not allowed to give legal advice. But the good news is, I am not a lawyer - so by example, I can tell you what I did and how I did it in nonprofessional terms. This book is written from the perspective of the lay person: simple, practical, non-legalese common sense Internet based approach to standing up for your rights. Since the author's home state is California, many of the Internet references apply to that state. For non-Californians, each California reference is footnoted, referring to the Appendix that lists the relevant web site for each state in the country.

Background

Both state and federal government are bound by the U.S. Constitution. The Constitution guarantees certain rights and freedom to the people protecting us from a potentially abusive government. Businesses are guided by the laws created by government. These laws must not violate citizen's constitutional rights and since both business

and government are supported by the general population, both are accountable to the people.

Unfortunately, the evolution of government and business over time has caused them to lose sight of these rights, which erodes individual freedom. Fundamental rights have not changed. What has changed is their perception. Government and business need to be reminded to respect these rights, and the Internet is perhaps the most powerful instrument of our time to help enforce this end.

Surprisingly few people know their rights, and even fewer know how to assert them (even lawyers!). This book illustrates how to use the Internet to discover individual rights, and how to apply them to decrease the erosion of freedom, and to help government and business keep their commitment.

As an example, the reverse side of a traffic ticket stated that:

"If you fail to respond within 10 days after the due date below, you will be charged and additional assessment. Pursuant to sec 1214.1 of the penal code, and may be subject to your drivers license being withheld or suspended by DMV. The civil money assessment under 1214.1 penal code may be collected by attachment of your wages, your spouse's wages, other property, and can intercept any tax refunds. The civil assessment remains in effect for 10 years or until paid."

Geez guys, this is just a traffic ticket. The above quotation was copied from the back of a moving violation (traffic ticket) given a few years ago in San Jose, California. Whereas that citation was successfully protested and the bail refunded (see Chapter I Parking and Moving Violations), the harsh tone and freedom limiting nature of the language has resonated for years, and on some level has encouraged the writing of this book.

Compare this language with a quotation written by Thomas Jefferson from the Declaration of Independence:

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

Internet Guide to Beating City Hall

of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

Also compare the citation statement to Article 2 Section 1 of California's State Constitution (copied and pasted from <http://www.leginfo.ca.gov/const.html>):

"All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require." Most State Constitutions are similar in nature⁴.

Thomas Jefferson wrote the Declaration of Independence over 200 years ago. California's Constitution was written over 150 years ago. The balance of power seems to have shifted from the people to the government and business over this time. **Or has it?** American's fundamental rights are still guaranteed by the same Constitution. What has changed, is the **perceived** balance of power. Government and business try to intimidate us into believing that we have fewer rights than the Constitution and law guarantee. Ever receive a registered letter from the IRS? Intimidating, isn't it? No wonder so few taxpayers appeal their audits.

Unfortunately, there are no constitutional rights police. Writing to your state attorney general's office,² the Better Business Bureau (bbb.org), the American Civil Liberties Union (ACLU.org), Consumer's Union (cu.org), or Center for Constitutional Rights (ccrny.org/v2/home.asp) will not solve your problem even if your rights are being violated or laws are being broken. Long term, however, if these organizations receive enough complaints, they may act - so it's good idea to copy them and your elected representatives with your correspondence^{5,6,9}.

Within this system of government and business, citizens' access to the courts (and therefore legal rights) is extremely limited without an attorney. Therefore, the level of enforcement of individual rights is restricted by how much people are able and willing to pay - which unto itself is unconstitutional because it limits constitutional rights. Class action suits, self help legal guides have helped push back to

some extent, but the real leverage comes from putting the power in the hands of each citizen.

In other words, the U.S. system of government and business establish fundamental rights for citizens, however, without any mechanism for enforcement. In other words, no one will stand up for your rights the way the IRS supports the government's tax collection efforts, or the courts' enforcement of traffic tickets. However, using the power of the Internet, understanding and enforcing your rights just became several orders of magnitude easier.

Before continuing, it should be mentioned that the intent of this book is to adjust the balance of power back in the direction envisioned by the Constitution. The purpose is not to provide the tools to abuse the system at the expense of others. There are many dedicated state and federal civil servants who battle a corrupt and inefficient system every day in an effort to make the country a better place. If exploitation is your intention, I would prefer not to be a part of your enterprise and will happily refund the purchase price of the book plus shipping. Please send your copy to:

Exploitation Refund
Internet Guide to Beating City Hall
P.O. Box 117700
Burlingame, CA 94011-7700

with your original receipt dated within 10 days of the postmark. This book is not for you.

To exercise our freedom, the first step is to determine what power we do have. The second step is to determine the process by which to exercise this power. The third step is to execute these rights. Personal computers and the Internet are perhaps the most powerful instruments of our time: allowing audible, graphic, and written communication; providing access to vast amounts of easily searchable information; allowing assembly of like minded people to share information; and they enable downloading of information for later searching.

The book identifies the strategy for each approach, regardless of issue, breaks the strategy down into four executable topics, and includes them at the beginning of each section:

Internet Guide to Beating City Hall

- Power: Rights guaranteed in the U.S. Constitution
- Process: Research the law, determine which rights are being violated
- Execution: Write to the court, politely ask for clarification
- Leverage: Hold the court accountable to the U.S. Constitution
- Internet References (Appendix I): #3, 4, 8

The United States' system of government was designed to delegate and limit control, to instill checks and balances into the system, holding each other accountable, so that no one person nor division has absolute power. After all, "Power corrupts, and absolute power corrupts absolutely." In government, power is balanced among the Executive, Legislative, and Judicial branches, with the media holding all three branches in check. Businesses are structured similarly, with executives accountable to their board of directors, board of directors accountable to the share holders, the media and to government regulators.

Fundamental to every law in the U.S. is the Constitution. Whereas businesses are not bound by the Constitution the same way government is, businesses may be held accountable in other ways (to their senior executives, the board of directors, the courts, government regulators, and the media).

Checks and balances also mean accountability. If businesses and government are accountable only to themselves, they have no incentive to accommodate. Holding them accountable to each other, the law, or the media gives them that incentive. Moreover, customer service representatives usually do not have the authority to make things happen your way. Chief executives do. Be sure to copy the CEO of the company with whom you are having a dispute and see what happens (names and addresses of the senior executives of public companies are available from [http://www.yahoo.com/finance/stock symbol/](http://www.yahoo.com/finance/stock_symbol/) profiles or Google search for company or governmental body and their web site). See Chapter III Consumer Issues. Below is an excellent example of the how media can hold government officials accountable:

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Description of the Issue

Chronicle Watch

Chronicle Watch Working for a better Bay Area

What's not working

Faded street-cleaning signs in San Francisco: Getting your street cleaned regularly is great, but not so great when you can't tell what the schedule is and you end up with a \$35 ticket on your car. Recently, ChronicleWatch received complaints from tipsters in the city's Anza Vista neighborhood about several extremely faded and illegible street-cleaning signs near the intersection of Baker and Turk streets. One tipster said it is "unconscionable" for the city to continue collecting revenue from tickets while not maintaining the signs. Two of the signs on Baker are completely blank due to age or covered with dirt, so they are very difficult to read. On Turk, another badly faded street-cleaning sign is posted at the bus stop. Worn but still



readable are the signs attached to the illegible signs and facing the other direction. But visitors to the area would have to check both sides to get the information they need to avoid getting a ticket. Our tipster noted that unwary visitors would only pass the readable signs when they're on their way back to their cars. Meanwhile, the two-hour parking signs posted beneath the obscured street-cleaning signs are bright and clear, making it more difficult to tell which sign holds sway. We contacted the Department of Parking and Transportation about the signs and spokesperson Maggie Lynch said the situation is being checked out.

ON THE WATCH LIST

DAY 375 New chairlift in at Berkeley Warm Pool. Relocation of additional lift in the works.

Who's responsible: Marc Seleznow, Berkeley parks and waterfront director; (510) 981-6700; parks@ci.berkeley.ca.us

DAY 588 Upgrades on Oakland's Mandela Parkway to be done by July.

Who's responsible: Bijan Sartipi, Caltrans District 4 director; (510) 286-5900; bijan_sartipi@dot.ca.gov

Who's responsible: Bond Yee, executive director of San Francisco's Parking and Traffic Department, (415) 554-9811; bond_yee@ci.sf.ca.us

Is something broken in your neighborhood? Call us at (415) 777-7170 or e-mail us at chroniclewatch@sfgate.com. To follow items featured in ChronicleWatch, go to www.sfgate.com

of Days on List

Who's Responsible

Businesses, by their nature, are like government since they attempt to dominate their market instead of favoring a competitive marketplace. To help accomplish this end, businesses donate heavily to influence government officials who are then obligated to make laws that favor their businesses, instead of consumers. For example, the federal government hasn't raised the fleet mileage requirement for automobiles for years - a move which benefits vehicle manufacturers (less research and development costs) at the expense of consumers (higher fuel costs).

But U.S. Government statistics (irs.gov) indicate that sixty-seven percent of the U.S. economy is consumer spending. Eighty percent of economic growth comes from the consumer sector. Seventy-five percent of all taxes are paid by individuals, *not* corporations. And the constitution requires that government is instituted for the people and derives its power from those governed. Then the people should have the power. Whereas it doesn't seem like it, that's only a perception. The reality is, people *do* have the power. Government and businesses by their nature try to intimidate us into believing otherwise. Truth is, too few of us exercise our rights. Fewer than 3% of accused traffic offenders protest their tickets every year. More than 97% of all taxpayers, audited by the IRS, pay the full amount of the additional taxes without appealing.

Internet Guide to Beating City Hall

Perhaps government will take away as much freedom as they are allowed to do so. As much as government and business would sometimes like otherwise, we still have freedom of speech in this country. We have the right to disagree. If we choose not to voice our disagreement, we have that freedom too, however, if we are silent, some may interpret that as consent.

The following verse was written in response to Nazi invasions during WWII and is an excellent example of how silence gives its consent:

*First they came for the Jews
and I did not speak out
because I was not a Jew.
Then they came for the Communists
and I did not speak out
because I was not a Communist.
Then they came for the trade unionists
and I did not speak out
because I was not a trade unionist.
Then they came for me
and there was no one left
to speak out for me.
Pastor Martin Niemüller*

Moreover, let us not forget the lessons of the Abeline Paradox in which four people, none of whom really wanted to travel the 50+ miles from Coleman to Abeline, Texas in 104 degree heat in a car without air conditioning. But travel they did because everyone thought they were the only one who didn't want to go. Another excellent example how silence gives its consent.

It has been said, "It's a good thing the government is as inefficient as they are. If the government were any more efficient, they would legislate away every freedom that we have."

The Patriot Act is a good example of legislation that attempts to legislate away freedom. The attacks of September 11, 2001 gave the Bush Administration a rare opportunity to prey on the fear and responsibility of Congress to act. According the American Civil Liberties Union (www.aclu.org):

"Just 45 days after the September 11 attacks, with virtually no debate, Congress passed the USA PATRIOT Act. Many parts of this

Todd Weinfield

sweeping legislation take away checks on law enforcement and threaten the very rights and freedoms that we are struggling to protect. For example, without a warrant and without probable cause, the FBI now has the power to access your most private medical records, your library records, and your student records... and can prevent anyone from telling you it was done."

However, according to Article V of the U.S. Constitution, Congress may propose amendments to the Constitution, but the legislatures in 3/4 of the states (38 out of 50) must ratify each amendment. For this reason, many portions of the Patriot Act are unconstitutional and may be challenged through the courts:

"NEW YORK - Saying that "democracy abhors undue secrecy," a federal court today (September 29, 2004) struck down an entire Patriot Act provision that gives the government unchecked authority to issue "National Security Letters" to obtain sensitive customer records from Internet Service Providers and other businesses without judicial oversight. The court also found a broad gag provision in the law to be an "unconstitutional prior restraint" on free speech."

Congress needed an amendment to the Constitution for the Patriot Act to constitutionally become law, not simply a bill pushed through Congress. Perhaps the purpose of the Patriot Act was to give the appearance of power instead of actually having the law to support the government's actions. The government is no stranger to using intimidation or fear to coerce citizens into compliance. A return receipt requested letter from the IRS can feel pretty intimidating, even if their interpretation of the law is incorrect (see Chapter V Government and Taxes).

Congress cannot take away our rights with the Patriot Act without an amendment to the Constitution, by simply passage of an unread bill. Fundamental to all of our laws, is that they are enacted for our benefit, protection, and happiness - both at the state and federal levels. This means that the government cannot violate our rights, laws, or the spirit of the federal or any state constitution. This is the basis by which we can push back - an action that will not make us popular with business nor government (they will try to intimidate us into compliance) - just respected and accommodated. Should you feel similarly, please see my web site www.igtbch.org and send an e-mail so you may be added to our crew.