

THIS IS A COPY OF THE OFFICIAL COMPLAINT FILED OVER THE INTERNET WITH THE CITY OF AURORA.

Complaint Information

How Received: Online

Received By: System **Date/Time Received:** 08/15/2007 13:14:43

Tracking Number: 2007-196

Name: James Burneson

I am a(n): Citizen

Date of Birth:

Home Address: 12641 E Bates Cir **Home Phone:** 303-750-1500

City: Aurora **ST:** CO **Zip:** 80014

Occupation:

Work Address: 12641 E Bates Cir **Work Phone:** 303-750-1500

City: Aurora **ST:** CO **Zip:** 80014

Other Phone: 303-750-1500

Email Address: burnesonj@msn.com

Gender:

Ethnicity:

Police Employee First

Name:

Tom

Police Employee Last

Name:

Muldoon

Police Employee ID

Number:

refused by Lt. Smith

Police Employee

Badge Number:

refused by Lt. Smith

Additional Police

Employee First Name:

Lt

Additional Police

Employee Last Name:

Smith

Additional Police

Date And Time of

Occurrence:

9/14/2007 Between 8:00 AM and

Location: By Phone from Officer Muldoon to Mr. Jim Burneson

Summary of

Complaint:

The following is a copy of a complaint filed by Mr. Jim Burneson against an Officer of the Aurora Police Department.

Officer Muldoon called Jim Burneson at round 8:00 am identified himself and asked if it was Jim Burneson was on the line. He answered yes and then Officer Muldoon asked if Mr. Burneson knew he was under a Permenate Protection Order and he answer yes. With this understanding Office Muldoon advice Mr. Burneson he was not to attend that nights meeting of the Dam East Homeowner Association Meeting. And if he did attend Officer Muldoon would arrest Mr. Burneson for violation of the PPO. Mr. Burneson responded that the PPO doesn't prevent him from attending any meetings and has been doing so for the last many years while the PPO was in effect. Officer Muldoon refused this advice as he was instructed by an attorney that the PPO did restrict his attendance. Mr. Burneson stated the Judge Cross in court transcript advised the defendants that Mr. Burneson under the Freedom of Speech Amendment has the right to attend the board meetings and speak at the board meetings and write letters to the board. That's why on the original PPO all paragraphs are X out. Office Muldoon was advised he must check with his Sergeant before he proceeds take any action. At this point Officer Muldoon stated this conversation is over and he hung up. At this point Mr. Burneson concluded Officer had received a false complaint against him from the lawyer President of the Association **Jake Hummel Esq. He also believes a Mr. Jeffrey Lane of Patterson, Nuss & Seymour, P.C.** was involved in this false police complaint. (IT IS AGAINST THE LAW TO FILE A FALSE POLICE REPORT) I want the City District Attorney to file charges against Mr. Jake Hummel and Mr. Jeffrey Lane if either or both of them had a part in filing a false police report of what the PPO coverage included knowing about the rights of Mr. Burneson's freedom of speech which has allowed him to attend all the past meetings and speak at those meetings and write letter and email to the Board of Directors. The transcript with Judge Cross's statement will be provided upon request of the DA.

Mr. Burneson in the past was advised that his address and file at the Aurora Police Department would have a red flag on it with the requirement that if a Police Officer is called upon to contact Mr. Burneson for any reason that Officer must clear it with his Sergeant before any action is taken. Officer Muldoon refused to contact his Sergeant and proceeded on a false arrest based on a lawyer's misrepresentation of a PPO. I never received a second phone call from Officer Muldoon.

Mr. Burneson began checking who Officer Muldoon reported to and after sometime was referred to Lt. Smith. A phone conversation was held and Lt. Smith said he would get back to Mr. Burneson after he investigated the problem. After several phone calls that day Lt. Smith called Mr. Burneson about 4:30 pm and stated he was unable to confirm the coverage of the PPO and it was his advices Mr. Burneson not attend the meeting because if the PPO is found to restrict his attendance then he will be arrested for the violation. Fat chance.

Mr. Burneson stated he was going to attend the meeting and requested Lt. Smith to make a complete investigation of the PPO and the results from the court must be in writing not verbal. This seemed to surprise Lt Smith as he said most of the time verbal would be sufficient. Mr. Burneson told Lt. Smith Judge Cross hates him because the judge was caught in grounds for a mistrial and had to recuse himself from the case. A second judge was appointed from Denver (no Judge in County Court of 18th District will hear a case against Jim Burneson.) The second Judge Ettenberg rescued himself and a third Judge was appointed from Denver. All of these judges must continue Judge Cross's testimony that Mr. Burneson has his Constitutional Rights of Freedom of Speech.

Mr. Burneson demands Officer Muldoon be suspended from being the Par Officer for this area until this matter is investigated and the PPO is proven to have been misrepresented by Jake Hummel a lawyer and possibly Jeffrey Lane of Patterson, Nuss & Seymour, P.C. Mr. Burneson doesn't feel safe with an Officer who is a servant to a lawyer who will intentionally misrepresent the facts of a PPO. This officer was willing to do the bidding of that lawyer without question.

Upon the conclusion of the investigation it will be proven Mr. Burneson was wrongfully threatened by Officer Muldoon as a result of not following procedure and checking with his Sergeant before threatening Mr. Burneson with being arrested. This type of action cannot be allowed in any Police force where Lawyers can get a citizen arrested under false police reports all for his personal benefit as President of an HOA.

I want an immediate response to this complaint and please be advised it is not a complaint to get lost in the Internal Affairs Division. Also be aware I Jim Burneson was the cause of this complaint form being offered on the Internet by City of Aurora.

This Complaint will be filed on the Internet at www.court-house.com for public review. City Counsel and the City Manager's Office will also be advised of this complaint.

This complaint finally reach Chief Oats of the Aurora Police Department. Mr. Burneson had a brief phone conversation with Chief Oats who stated he would review the file and get back to him. After several days with no response Mr. Burneson called Chief Oats for a response and got the following: "Mr. Burneson I will not continue this complaint and I'm not going to respond to it from now on." He hung up and that's how a citizens complaint is handled by the last person in the chain of command of the Aurora Police Department.

Mr. Burneson the called the City Attorney to file a complaint and his complaint was refused and told he could file it with whom ever he wanted to but the City of Aurora would not prosecute this complaint.

WELL FOLKS HERE WE ARE WITH A POLICE DEPARTMENT OF A LOCAL CITY THAT HAS NO METHOD OF HANDLING CITIZENS COMPLAINTS. ALL

COMPLAINTS WILL BE DISMISSED BY THE CHIEF OF POLICE AND OUR CITY COUNSEL AND CITY MANAGER KNOWS THEY DON'T RUN THE CITY THE CITY IS RUN BY THE POLICE DEPARTMENT OF AURORA.

COPY OF A LETTER TO THE MAYOR TAUER AND CITY COUNSEL MANAGER

August 28, 2007

To Mayor Tauer and City Council

Re: Since when does a Chief of Police have the authority to deny a complaint out of hand without cause?

Just received Chief Oats response to my complaint. He refused to investigate the complaint. That means the complaint is true. If a complaint is false the Chief can investigate and deny it. The trouble lies with a complaint that is true.

True complaints are denied out of hand without any investigation which would prove them to be true. Elected officials of Aurora you don't represent the citizens of Aurora you represent the Police Force of Aurora. This is who you are protecting against the citizens of Aurora. The Public does not get representation by the Aurora government it's the Police Officers who need protection for their actions against the citizens. That's what we call a Police State. .

Since when does a Police Chief have the authority to deny investigating a complaint from a citizen? Mayor Tauer and City Manager needs to answer this question. A complaint from a citizen must be answered even if the answer is a lie. This kind of answer runs a risk of being proven a lie then things turn worse for City Government and the Police. I want an answer in writing from both Mayor and City Manager.

Mayor Tauer under the Open Records Act I request the record of all complaints filed against the Aurora Police Department that proved successful in the last 15 years. I'll bet you can't find two complaints in 15 years. Never mind the complaints that were dismissed as not being valid since no records were kept of verbal complaints.

I will contact the City Attorney as instructed by Chief Oats but it will not change anything and I will then have to go the Attorney General with my complaint. Meanwhile this issue of not being able to file a complaint against the Aurora Police Department is now an election issue that needs to be resolved. The public must be given the

opportunity to vote for a civil commission to review all complaints from citizens against the Police Department. There are plenty of examples of other cities being ordered to install an effective Police Civil Commission to review all complaints before the police receive the complaint.

The nice compliant forms listed on the Internet which I caused to happen need to be assigned serial numbers in sequence so we don't lose a complaint here and there.

Chief Oats needs to be fired. Whatever he is paid is too much for his actions of dodging this complaint and the lack of services received from him in protecting the Citizens of Aurora. It is true Commander Ricky is the Chief of Police and his method of handling this complaint smells of the past procedures.

This issue will not go away it will fester until a commission is installed.

Jim Burneson
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Aurora, CO 80014
303-750-1500
burnesonj@msn.com

TO DATE THERE HAS BEEN NO RESPONSE TO THIS COMPLAINT FROM ANYONE IN CITY GOVERNMENT OF AURORA.