

**THE**

# **REBEL**



**HOW TO**

**Rebel Before The System  
OVERWHELMS YOU**

**Paul Rinzler**

# The Rebel

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By Paul Bezaire

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Paul Bezaire  
First Edition

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[paul@rebel101.com](mailto:paul@rebel101.com)

[www.rebel101.com](http://www.rebel101.com)

Edited by Evelyn Alemanni [www.allea.com](http://www.allea.com)

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## ***Dedication***

To all persons who believe they can make a difference by rebelling against the system while staying within the framework of the law.

Although all stories in this book are based on true events, the names of some people and places have been changed.

***Other Writings by Paul Bezaire***

How I Sued PayPal and Won

The Man Who Sued God

The Cybernetic Athlete Golf Edition

The Cybernetic Athlete Bowling Edition

Pay No More Parking Tickets

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## ***About Rebelling***

History is brimming with acts of rebellion. For various reasons, many dissatisfied individuals or groups of people have rebelled against the status quo.

The United States was founded by rebels. While it may be difficult to point to any one single event that led to the American Revolution, undoubtedly the American colonists felt they were entitled to the full democratic rights of Englishmen. On the other hand, the British viewed the Thirteen Colonies as possessions, and its inhabitants as subjects to be exploited in whichever ways best suited Great Britain. These conflicting views made rebellion inevitable.

Rosa Parks, a black woman who became known as the "mother of the civil rights movement" was an American rebel of another sort. Rosa worked as a seamstress at a local department store in Montgomery, Alabama. On her way home from work one day in 1955, she refused to give up her seat on a bus to a white man. This simple act of defiance helped galvanize the civil rights movement, and changed the course of US history.

If Rosa Parks was the mother of the civil rights movement, Dr. Martin Luther King Jr. was the father of the struggle for racial equality. He once said, "There is a great day ahead. The future is on its side. It's going now through the wilderness, but the Promised Land is ahead." Both Rosa Parks and Dr. King rebelled against a system that was both unjust and illegitimate.

"The system" as I refer to it in this book, applies to any set of values, methods, rules, regulations, or laws intended to control or govern behavior. All systems are constantly subject to change, and therefore can be modified, and possibly transformed. In fact, even the most entrenched systems – be they political, social, religious, cultural, bureaucratic, corporate, or legal – are open to change.

Rebels attack prevailing systems in which they find themselves by challenging conventional ideas, institutions and laws. In effect,

they challenge old customs, habits, regulations, and laws that no longer have merit – if they ever did.

The rebel may be someone who is part of a larger social movement, or simply the lone individual who decides to fight city hall.

Or, they may be an employee who spots corruption and decides to blow the whistle.

Rob Miller was one such person. Rob was a young law student working his way through school as a benefits analyst with MediCal, California's Medicaid program. He discovered that most of his case load of 500 involved fraud, and decided to go public with this information on the Roger Hedgecock talk show on radio station KSDO AM, in San Diego. This resulted in the discovery of millions of dollars worth of MediCal fraud.

David Sossaman blew the whistle on Aid to Families with Dependant Children (AFDC), a MediCal program. He asserted that sixty percent of the claims were fraudulent, amounting to \$200 million dollars per year. Single-handedly, he brought about a grand jury investigation that resulted in the firing of the chief of the welfare department.

Most people have heard of Mothers Against Drunk Driving (MADD). Candy Lightner of Sacramento, whose daughter was killed by an impaired driver, formed the organization in 1980. Eventually, MADD helped toughen laws against drunk driving throughout the United States – and beyond. MADD is now one of the leading victims' rights organizations in the world. If she can do that, imagine what you can do to effect positive change.

Muriel Watson was solely responsible for having lights mounted on the border between Mexico and California. As the widow of a border patrol agent, Muriel was somewhat apprehensive at first. Today, she is not afraid of a system that gave her so much trouble at first. She is no longer frustrated because she

knows that with perseverance, it is possible to fight and win, and that the system can be made to work.

In my own small way, I have also rebelled. In the process, I have learned that by rebelling against what seems like a small, insignificant annoyance, you can later bring about substantial change.

In this book, I demonstrate how, with determination, I rebelled against lawyers, politicians and bureaucrats. Some of the stories are so bizarre that I could not have made them up if I had tried—and yet each case is absolutely true, and a matter of public record.

A note of caution: This book does not endorse any particular political position or philosophical stance. Indeed, the political pendulum swings back and forth, people and institutions change, and power continually shifts. What this book does do is celebrate and encourage acts of lawful rebellion, including my own—in the face of incompetence, injustice and deceit.

These stories are not intended to be lessons on how to conduct protests or how to rebel against the system, but to demonstrate that acts of lawful rebellion are possible.

\* \* \*

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## ***Introduction***

At the age of twelve, I had already become a rebel. I never knew what I was rebelling against, or even why. To this day, I do not know what brought about my rebellious nature.

Mostly, I rebelled against many of the laws of the Catholic Church that I could not accept. I ate meat on Friday; missed Sunday mass on occasion; worked on Sundays; attended religious services in my friend's church; and rebelled against many other church laws. I was constantly questioning the legitimacy of these statutes, and asking how they can be changed. I was rebelling against a set of arbitrary rules and a coercive authority that I felt lacked legitimacy.

My rebellious nature came into play when I took my car back to the automobile dealership for repair. The car would sometimes not start. When I took it in, and having been in the electrical business, I recommended that they first test the battery. When the car was picked up they charged me five-hundred dollars for a new trip minder that was available on some model cars. (A trip minder was simply a device that kept track of how many miles to empty on gasoline, how many miles to destination, how much time left before you reach your destination and several others factors.) My common sense told me that there was no way a trip minder would cost five-hundred dollars let alone be the cause of the car not starting every time.

The car was driven out of the dealership but went dead very quickly. I took it back to the dealership and asked to speak to the person who tested the battery. The repair records failed to show who worked on it.

By that time I realized I was dealing with an agency so dumb that they would give seminars on how to siphon gasoline while smoking.

Going to the parts department I got the old trip minder and had it tested. I called the factory and spoke with an engineer who verified my belief that there was no way a trip minder could cause the car not to start.

I went back to the agency and told them I wanted the old trip minder replaced and to charge the battery.

I soon realized they were stalling me for no other reason than to aggravate me. I kept checking but nobody was working on my car.

So again I did a bit of self help. On a piece of cardboard I wrote the following message: "Don't let them gyp you in this dealership like they tried with me." I then stood near the line of cars waiting to be checked in. When asked, I explained how they tried to sell me something I didn't need.

It's really amazing how fast they can work when it is to their benefit. In about 2 minutes the owner of the agency approached me and told me in no uncertain words to get my ass out of there and never come back. "Why would I want to deal with a chiseler?" I said.

Another time, I also used a cardboard sign to get store "A" to do justice. I had purchased a videotape recorder and three days later I left for Europe only to return one day after their return policy had expired. They refused to accept the return on the recorder in spite of the fact that the box had never been opened.

Recalling my experience with the dealership and my trip minder, I made a sign that read: Store "B" (their competitor) sells for much less. Standing at the store entrance of store "A" I displayed the sign to customers entering the store. In a few minutes the manager told the cashier to return my money for the recorder.

My rebellious nature was nothing compared to demonstrations by students on campuses throughout the nation in 1968. Protests against the war in Vietnam were in full swing across

the country. Students clashed with police at San Francisco State College; others, at Colorado State University barricaded themselves on the third floor of the agricultural building, in an attempt to block Dow Chemical Co. job interviews; twenty black students seized a building at the University of California at Santa Barbara while making demands of the administration; and students at New York University occupied two campus buildings. Nineteen-sixty-eight was truly a year of civil disobedience and confrontation with civil authority. Students were confronting authority by physical and disruptive means.

While discussing civil disobedience in philosophy class that year, I took the position that, with time and patience, changes in rules and regulations could be achieved while staying within the framework of the law. Sometimes, these discussions became quite heated, as some of my younger colleagues adopted a more militant stance. But I firmly believed that changes achieved through lawful means would be more enduring than victories achieved through disorderly methods.

Around this time, I also noticed that the law of rebellion is like a game in which one team tries to dominate the other. The truth is, I had always enjoyed playing games; not physical games, but mind games. In grade school, I got into the political game, acting as campaign manager for Betty Roland who ran for the position of May Queen. She won. I was also my sister's manager when she ran for the position of Monterey Park Rose Bowl Queen. She also won.

When I was ten years old, my uncle Bert taught me how to play chess. I tried many times to beat him. Then one day, a spark went off in my head and I finally figured out the right moves to win. Unbeknown to me at the time, I was honing my skills at playing mental games.

When I was twenty-four, I bought some insulation for my home. After noticing how little time it had taken for the company

to install it, I went up to the attic only to find many areas that were not insulated. So when it came time to pay, I refused. A “poker game” ensued – with the cost of the insulation in the pot. The insulation company “bet” by telling me the job was done correctly.

I called their “bet” and raised the pot by telling them to come and inspect the job.

They countered by sending someone out to inspect and found that the job was “basically” installed correctly.

I told them to sue me.

They did. They went all in as the poker saying goes. They took me to court.

This was my first lesson in playing legal games, so not surprisingly, I lost. They took me to court and scared me into paying them by telling me all the expenses I would incur if the court said I would have to pay.

I met someone at the courthouse and gave him payment. But I also learned a valuable lesson: namely, not to let the legal system scare me.

Instead, my interest in the legal system was aroused. An attorney friend gave me his old copies of the *Daily Journal*, a legal newspaper. I read the summations of various cases, how they were decided, and the legal theories involved. From then on, I decided that no one was going to pull that legal trickery on me again.

As the years passed, I grew wiser in the ways of the law. I also realized that there are many types of laws that I disliked. To name a few: there are laws that cannot be understood; laws that are unfair; laws that are unreasonable; laws that compensate for more than legitimate injury; laws that do not address the concerns of citizens; laws that emerge from other than the legislative process. *There are also laws that are written for the sole benefit of lawyers, politicians, and bureaucrats.*

I began to challenge laws and regulations that I did not agree with. As my crusade gathered momentum, I was often tempted to

use illegal means to change things I did not like. But for me the rule of law has always been very important, and so I have always stayed within the framework of the law. As the late Associate Justice of the United States Supreme Court, Abe Fortus, stated in his book, *Concerning Dissent and Civil Disobedience*:

*...good actions do not excuse you to do anything that will injure others. Your personal conscience does not give you the right to indulge your convictions without regard to the rights of others.*

*You may speak out in public places... You may print and circulate pamphlets and organize mass meetings. You may picket for your cause. You may denounce the city fathers as dunces, corrupt tools of the landlords, or potential murderers of innocent people.*

*You may even be able to call upon the courts to compel the government to act as you think it should be. Our system provides a uniquely wide range of remedies in the courts which you may invoke against the government.*

*Eventually, you and others may vote the government out of office.*

Fortus went on to say that the right to dissent ends when it affects the rights of others:

*But—and here is the point—you may not use means of advancing your program which, under the circumstances will cause physical injury to others or unreasonably interfere with them.*

*Speech, including symbolic speech such as picketing, never exists in limbo. It always occurs in a particular place and in particular circumstances. Even if what is said does not create a "clear and present*

*danger" of physical injury to others, the place where the speech is uttered, the size of the crowd, and the circumstances may convert the lawful into the unlawful.*

*For example, if you unlawfully prevent the movement of traffic or if you unlawfully and needlessly trespass on private property, the fact that your speech is constitutionally protected will not necessarily shield you from arrest for the traffic violation or the trespass. The words may not occasion punishment, but the attendant circumstances may.*

*A violation of law is excused only if the law which is violated (such as segregating a public library)—only if that law itself is unconstitutional or invalid.*

The purpose of this book is to illustrate how it is possible to rebel against the system while staying within the framework of the law.

\* \* \*

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# 1

## *When is a Fire Hydrant Not a Fire Hydrant?*

From where I was standing on the construction site, I could see the delivery truck unloading a bright new yellow fire hydrant. I've always been in favor of using yellow fire hydrants. That way, you can't tell when dogs come by. I watched as the truck driver placed it on the parkway right next to where my black pickup truck was parked.

The hotel I was working on was so big that the city required a fire hydrant to be installed in the parkway in front of the building. At ten o'clock the lunch truck drove up and parked about ten feet from my truck. Workmen came out from all parts of the building and headed for their morning coffee. It was a clear and sunny day as the men gathered around and boasted about their "conquests" the previous night.

Just as we all made a move to get back to work, a meter maid in a little white golf cart showed up and parked next to my truck. I didn't think anything about it until she took out her book and started writing. Even then nobody was suspicious. No one was speeding and everyone had parked in the same places for the past several months.

"Good morning," I said with a smile as I approached her. "What's happening?"

"Is this your truck?" she asked.

"Sure is. Is anything wrong?"

## When is a Fire Hydrant Not a Fire Hydrant?

Without looking up she said, “You are parked within fifteen feet of this fire hydrant in violation of the Motor Vehicle Code.”

I smiled and rocked the hydrant showing her that it was just sitting there unattached. “Got you this time! It’s not even connected...in fact the closest water is in the lobby.”

She didn’t even crack a smile. She just kept writing in that book.

“Look,” I said, playing to the small crowd of workers that were watching us, “If you’re making out a grocery list, I need a quart of milk and a loaf of bread. How about picking them up for me?”

She ignored my comment and said, “The code does not require that the hydrant needs to be connected. You are still parked within fifteen feet of this hydrant.”

“I can’t believe you’re serious. When I parked here this morning there was no fire hydrant. This thing was delivered less than an hour ago. Maybe I should just pick it up and move it over there,” I gestured vaguely down the road.

“It’s here now and this is when I am writing the ticket,” she snapped.

“But it’s not even hooked up. It can be moved anywhere and when I parked here this morning it wasn’t here,” I persisted

At that, she just handed me the ticket, and said, “And when an officer writes you a speeding ticket, your car is completely stopped, but that doesn’t matter. You were still speeding when he observed the violation. You are parked in front of a hydrant now. Whether you were here this morning and whether you move your truck or the hydrant later doesn’t matter. And that is why you are getting this ticket.”

I immediately tore it up and threw at her feet. “Where’d you get your training, at the Police Dog Academy?” I snarled.

“Watch that mouth of yours before I call for back up and have you arrested.”

By now, the workmen were laughing and making their own remarks. Bill, a roofer, said, "Tough break, Paul, maybe she got up on the wrong side of the bed."

Larry, one of the plumbers, chimed in with, "And the sad thing about that is that her bed is against the wall!"

So everybody was having a good time...except me. I couldn't let her have the last word. "Go ahead, call for backup," I sneered as I pushed the hydrant over on its side. "Explain to a real officer why you're giving me a ticket for parking next to a phony hydrant. If brains were dynamite, you wouldn't have enough to blow your nose."

She never responded. She climbed back into her golf cart and drove off.

Bill asked me why I was so sure she would not call for backup.

"First off," I said, "I don't think she has the brains to work her radio. And second, I don't think she needed to look like a fool in front of anybody else!"

Everyone went back to work except me. As the foreman of the electrical crew I could be away from the job, sometimes for hours on end, without having to explain myself. It's kind of like being a Congressman in a hard hat.

So I took the liberty of going to City Hall to investigate how to fight the ticket. I knew there was no way a court would find me guilty of illegally parking next to a fire hydrant that was not even connected. That would be like giving a guy a parking ticket for parking next to a vacant lot because the city might build a fire station there next year!

I thought I would bring up another defense to my ticket, too. Where I was parked there was no curb; it had been removed so the driveway to the hotel could eventually be installed. With that in mind, I filed some papers requesting that the city provide me with

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someone who could testify about their curb painting regulations during my hearing.

Reading the California Motor Vehicle Code is not the most exciting way to spend an evening, unless you're the type who would memorize the Dewey Decimal System for fun. But I had to do it. I found where the Code stated that no person can park within fifteen feet of a fire hydrant "*...unless the agency having jurisdiction has reduced the fifteen foot requirement.*" Cities often want to create more parking, so they paint the curbs red to allow closer parking than the fifteen foot limit. When they paint the curbs red, they no longer use the standard fifteen foot requirement; parking is permitted anywhere that is not in the red zone.

There was no red marking on the curb, because there was no curb! That was the second argument I wanted to present to the court. On the day of the hearing, I arrived in the courthouse cafeteria at 8:45. I met the representative from the city there and discussed my theory.

"If you can park within the fifteen foot limit as long as the curb isn't painted red, how close can I park to a hydrant that has no red zone at all?" I asked him.

"Well, that wouldn't happen. All the hydrants have red zones in front of them. Some are a few feet long and some are the full thirty feet long," he methodically explained to me.

"Well, I have to disagree with you there," I said. "The hydrant I parked in front of had no red zone at all. In fact, it had no curb at all."

"Now, that makes no sense," he started to get patronizing. "You have to have a curb in order to install and mark the hydrant properly."

"Oh, the hydrant wasn't installed properly, it wasn't installed at all. It was just sitting there. So, how close could I park to it according to your curb painting regulations?" I asked.

"Uh," he stammered, "I don't think that would happen."

“Here’s the ticket,” I offered it for his inspection.

“Gee, the curb painting regulations only apply to painted curbs, so if there’s no curb it can’t get painted. And if it’s not painted then the curb painting regulations don’t apply....” his eyes glazed over as he went into overload. “And the regulations about parking in front of a hydrant would only apply if the hydrant was at a curb and so if there’s no curb, then there’s no way for me to know what the regulations would be....” His voice kind of faded out. I had clearly pushed him beyond his capacity to understand the regulations. I had to feel bad about being the person who showed him just how tough and complicated his job was: curbs, paint, hydrants, it was some baffling stuff. I wondered for a minute that if he ever got promoted, he would surely have a breakdown. I wondered briefly if he had a sister who was a meter maid.

He was still mumbling quietly to himself when we entered the courtroom at nine o’clock. We waited for my case to be called. While other cases were heard, the curb expert desperately studied the code, trying to understand the impossible. I couldn’t help thinking that if there was a half-wits Hall of Fame, he would be a charter member. After two and a half hours, my case was finally called.

“Number 3687 State of California versus Paul Bezaire,” announced the judge.

I walked to the podium and introduced myself, “I am Paul Bezaire, your honor.”

The judge read the accusation against me. “You are charged with parking within fifteen feet of a fire hydrant in violation of the California Vehicle code.”

My heart was beating faster than the time I dreamed about Dolly Parton on a trampoline, but I was eager to state my position.

The judge continued. “You are very fortunate Mr. Bezaire. I must dismiss this matter. The officer who wrote this citation is not present today.”

## When is a Fire Hydrant Not a Fire Hydrant?

I heard a loud sigh of relief escape from the curb painting guy. Undaunted, I responded, “I object to the dismissal of this case. I demand that it be heard.”

This caught the judge completely off guard. “Did I hear you correctly? You object to a dismissal?”

“Yes, your honor. We don’t need the officer who wrote the ticket. I admit that I was parked dead center in front of a fire hydrant. Please continue the matter and order the citing officer to appear. I insist on my right to a hearing.”

“In fifteen years on the bench I have never heard anyone object to a matter being dropped and demand that it be heard.”

“This may be the first time but I still want the citing officer to appear and testify against me.”

“I can’t do that. As intriguing as your reaction is, I have no choice but to dismiss this citation.”

I was as mad as a mosquito on a mannequin. I was never going to get the question resolved about the fifteen foot requirement. “Your honor, may I tell the court why the officer is not here today?”

“Go ahead Mr. Bezaire, but make it quick.” I think his curiosity got the best of him.

“She’s not here because she doesn’t want to explain why she gave me a ticket for parking in front of a phony fire hydrant next to an invisible curb,” I said with a straight face. After that, he had to hear the whole story. I think he wanted to find out whether I was a danger to society or just harmlessly crazy. By the time I finished my story, he couldn’t conceal his smile.

“Mr. Bezaire, I must say I can’t remember when I’ve been more amused by a routine parking violation. I’ve heard some wild stories, but yours is so crazy, I know it’s true. I am pleased to dismiss this ticket,” he said, as he lifted his gavel.

“But I still ask that this matter be continued and that the citing officer be ordered to appear to tell her story,” I pleaded.

“As entertaining as that would be for all of us, I have no choice but to dismiss the matter,” he insisted.

So I walked out of the courtroom, still unsatisfied. I’d had my day in court and I had prevailed but I didn’t get the satisfaction of seeing the meter maid and the curb expert explain their jobs. When I got to my truck, I didn’t immediately notice the brightly colored ticket under my wiper blade. I looked at the posted sign and saw that there was a three-hour parking limit in front of the courthouse. Then, I noticed a familiar little golf cart putting down the street. While I was telling the judge why the annoying meter maid was too embarrassed to show up, she had been patiently watching the clock!

I won’t repeat what I yelled as she looked back and waved when she turned the corner....

\* \* \*

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## 2

### *Can That Trash*

Have you ever considered going into a business you know nothing about? Actually, it's not that uncommon. Hundreds of people are doing it every day, and in fact, are totally unqualified for their jobs; some are called lawyers while some others are called politicians. But this isn't about some of those pea-brains-on-the-Potomac called Congress. This is about me.

I had just turned twenty years old when I got my first lesson about going into a business I knew nothing about. I got into the business of collecting rubbish in a small community. I guess I must have been pretty naïve to think I could get away with it. I bought an old truck and got my business license. I'll never forget opening my first insurance bill that was horribly expensive. I asked myself, "Is this a bill, or a ransom note??" But nevertheless I was in the trash collection business; at least for a few short weeks.

I spent some time soliciting customers and was able to cut down on the fees I would charge. I thought the fees being charged were outrageously high. I mean, for what some trash collectors charged to haul away that ratty-looking chair, you could have had it reupholstered in fine, Corinthian leather... three times!

On the day I started my collections, I got into my truck, picked up a good load of trash and headed for the dump. This is where I got my first lesson concerning trash collections. I was met

at the gate by the man who collected the dumping fees as customers drove up. Since I knew a driver from another established company, I had a pretty good idea of what my fees *should* be. We had beers at the local bar and talked about the collection business. He had no idea what I was about to get myself into.

When I was at the gate about to pay my fees, I found them to be twice as much as the other company was paying. I got a real good lesson about how dirty the collection business can be.

Many dumps are privately owned and can collect whatever fees they set. How lucrative can this be? Well, so lucrative it's not hard to imagine this scene: three young people come out of an attorney's office, looking mad enough to eat a bowl of nails a la mode. They're followed by a young man with a broad smile on his face. The attorney's secretary sees all this, and asks the young man, "Say, I know you were all here for the reading of your father's will. How did that go?"

"Well, my brothers and sister aren't too happy. But I sure am!"

"And why is that?" the secretary asks.

"Because my brother was left my father's house in Beverly Hills, and a million dollars."

"My sister was left his Rolls-Royce, his three Mercedes, and a million dollars."

"And my other brother was left my father's mansion on the French Riviera and a million dollars."

"But," the young man said, beaming, "Dad left me the dump!"

So these high fees at these privately-owned dumps are often used to drive collectors like me out of business, leaving the business to "established" collectors. Besides the normal smell of a dump, I could smell how much the whole collection business stinks.

## Can That Trash

I sold my truck and got out of the business real quick. But, at the same time, I developed a deep dislike for trash collectors.

Fast forward now to about ten years later when I had moved to another city and bought a house. And my dislike for trash collectors moved along with me. Hey, I'm not saying I hold grudges for a long time—just against trash collectors. Well, okay.... I AM still upset at whoever decided to cancel “Bonanza” on television.

The city had a contract with a trash collector to collect all the trash and garbage from residential locations. The commercial pickup up was left up to the individual establishments needing regular service.

After cleaning up my garage, I put a lot of trash into a 30 gallon barrel and carried it to the curbside where it would be picked up. When I got home from work the barrel was left uncollected. I immediately called the city and asked them to have the collector return to pick it up. The city called back and told me they had a report that the barrel weighed more than the fifty-pound limit. In the seven years I lived at this location I had never seen the collector with a scale. I got my bathroom scale and discovered that the trash weighed 51 pounds; just one pound over the limit. When I reported this to the city they immediately sent the collector to pick up my trash. I was waiting for him. The guy was a real animal—he looked like Cheetah in overalls.

“So are you the guy who, just by lifting the barrel, could tell my trash was a measly pound overweight?”

“Yeah, Mac,” he said in a surly tone. “It was me... what about it??”

“That’s totally amazing,” I said.

“Oh, you think so, huh? You don’t think I got the talent to lift a barrel??”

“No,” I said, “I didn’t figure you had the brains to count past 50!”

Fortunately, Cheetah couldn't run as fast as his namesake. I was back in the house before he could get his furry fingers around my throat.

But this stirred up old feelings I had about trash collectors. I figured that if they want to be so damn particular about one pound I will play their game about rules and regulations. I would make sure the trash can would weigh less than the 50 pound limit.

I called the city and asked how many trash cans I can put at the curb at the same time on collection day. The reply was that I could put out as many as I wanted so long as each weighed less than 50 pounds.

The following Tuesday, the regular collection day, the trash collector saw 30 small trash cans by my curb. I had collected soup cans, coffee cans, baby food cans, and any other small cans from my neighbors. In each of my "trash cans" I placed a small amount of paper. I also had my regular trash container standing alongside. I then placed a sign next to the cans saying PLEASE DO NOT TAKE TRASH CANS.

When I got home, the larger container was empty but nothing was emptied from the 30 smaller cans. I immediately called the city and told them my trash containers were not emptied. In about another 40 minutes I got a call from the city telling me that I had too many containers. "But you told me there was no limit to how many I can have," I told the caller.

"Let's be reasonable, Mr. Bezaire. They can't stop to empty 30 containers at each stop."

"Nobody is asking anybody to empty 30 trash containers at each stop. Tell the collector I am the only one with 30 trash containers."

The caller agreed to send somebody by to empty my small containers. Wouldn't you know it, they sent Cheetah. But this time I stayed in the house. I decided I didn't want to mess around twice with a guy I'd seen holding a refrigerator under one arm!

## Can That Trash

In a short time they were all emptied and my small containers were left clean.

At the next council meeting, the city changed the collection ordinance so a maximum of two containers can be put out at any given time. So, every Tuesday, you could see my Mutt and Jeff standing tall alongside my curb waiting for the trash collector to come by. I did not know that in another ten years down the line I would face another challenge from trash collectors in another city. Really! Some people move from city to city, followed by relatives, lovers and unpaid bills. I move, and I'm followed by ridiculous regulations, and bureaucrats so dumb, they think Pensacola is a carbonated drink. But that is a tale for another time.

\* \* \*

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# 3

## *Deputy District Attorneys Without Brains*

I knew I was asking for trouble when I ran for Lakeview’s city council. I had challenged the council on many occasions—to the point where the local paper dubbed me a “Gadfly.” My original intent in attending regular council meetings was to find out exactly what was being done in those meetings. The council members seemed to be passing ordinances for their own personal benefit instead of the benefit of the citizens they were elected to serve. Let me give you an example.

### *Meet Santa Claus*

At one meeting, the issue of an ordinance requiring newly built service stations to landscape the front of the station came up. This ordinance also applied to existing service stations that were resold. It was proposed that this ordinance be repealed. One of the council members, Kenny Mellon, was arguing in favor of the repeal. Kenny looked like a department store Santa Claus gone terribly wrong. His white beard framed his round, puffy face and he stuck out his chest as he kept arguing for repeal. As I watched him, the truth quickly dawned on me: Kenny was selling his own service station to Mark Ferris, operator of a local automotive repair service. I had just caught the Lakeview Santa with his hand in the cookie jar handing out a present to the buyer of his station.

The council debate ended and it was time for public discussion. I approached the lectern and looked Kenny right in the eye. “Kenny,” I said, wagging a finger towards the naughty Santa. “Did the fact that you recently sold your station to Mark Ferris have anything to do with the council’s decision to repeal this

## Deputy District Attorneys Without Brains

ordinance?” Now, I had an angry Santa. Kenny’s face blew up like a puffer fish, beet-red against that white beard. I meekly sat down. I had hit a nerve. Sadly, the ordinance was repealed, only to be adopted again a month after Kenny sold his station.

### *No Beds Available*

At another meeting, a group of doctors requested a permit to build a new hospital. “We have no facilities nearby,” one doctor argued. “Our hospitals can’t admit any more patients—the beds are full. I had a patient yesterday who needed to go to a hospital, but they wouldn’t admit him because they had no beds.” This sounded suspicious to me, so I left the council chambers and called a local hospital on an outside payphone.

“Hello?” said the operator at the hospital.

“Hi,” I said. “Can I speak to someone in charge of admittance?”

After being connected to the admittance office I said, “I need to know if your hospital was full yesterday.”

After looking it up the woman replied, “No, sir. We had six beds available.”

“Six beds? Is this unusual?”

“No, we normally have vacancies.”

I called the other two hospitals in the area and discovered that they also had vacancies. I walked back in and addressed the council, “I think the doctor is not telling the truth.”

The doctor and the council looked at me.

“I just called three area hospitals and they all had beds available on the day in question.” I paused. Turning toward the doctor, I asked, “Doctor, would you mind telling us what happened to that patient?” The doctor never responded. Politicians should learn from the doctor that when caught in a lie they should keep their mouths shut.

After those two incidents, I wasn't very popular with the city council, but I continued to challenge various ordinances and permits that I felt made no sense. This only enraged the council members and I became their little black rain cloud whenever I walked into the council chambers.

### *I Decide to Run for a Seat on the City Council*

I soon decided to run for a seat on the council because I wanted to be in a position to try and put a stop to all this nonsense. But I never knew what I was getting myself into.

To run for office, you must gather enough signatures to be nominated and file them with the city clerk. After I obtained those signatures, I filed my nomination papers. I was now in the running for the Lakeview city council!

“City Gadfly Enters Race,” announced the local paper. I stared at the headline for a while—I didn't even know what a “gadfly” was and had to look it up. I enjoyed qualifying for being on the ballot, but after a few weeks, I realized that running for a spot on the council was impractical. I could accomplish a lot more by being the gadfly. Little did I know that *you can't simply pull out from a race once you file your nomination papers*. Once you are nominated, you are in the race and nothing, not even death, can stop you from being on the ballot. Nevertheless, I was ready to withdraw. I contacted the local papers to announce my decision to discontinue my campaign. By doing this, I hoped to keep people from electing me or donating to my campaign. I had no idea that a new California campaign law called the Waxman-Dymally Campaign Disclosure Act involving former Secretary of State Jerry Brown would almost be my downfall.

This disclosure act required any candidate running for public office to report all campaign contributions and expenses. There was a long form for filing amounts of money received or spent over \$500 and a short form for filing amounts received or spent under

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\$500. But no form at all for someone who did not receive or spend any money. What's more, these forms had to be filed three times during a certain period. Three times to say that I had withdrawn and wasn't receiving or spending any campaign contributions?

What was I to do? I certainly could not use the long form because I did not receive or spend over \$500. And I could not use the short form because I did not receive or spend less than \$500. I did not receive or spend any money. Former Secretary of State Jerry Brown, who later went on to become governor of California, (how is not quite understood) had the responsibility of drafting the forms. But he was too busy running for governor of California and really screwed them up.

I contacted the city clerk, asking her if she had a form for someone who neither received nor spent any money on his or her campaign. "No, they don't," was her reply. Being a resourceful ex-candidate, I decided to correct Mr. Brown's oversight and devise my own form. It read: "This report covers a period of time beginning with the first date to file and ending with the last and final day to file my report. I declare under penalty of perjury that I did not receive any money nor did I spend any money on behalf of my candidacy." I signed it and sent it to the registrar/recorder's office. I was confident that anyone with half a brain could understand that statement.

I should have remembered that I was dealing with bureaucracy—shame on me! The registrar recorder sent back my letter stating that I had to use an official form. I sent it back with the statement that there were no official forms available for me to file showing that I did not spend or receive any money on behalf of my candidacy.

I soon received a phone call from a Ms. Samson. "Your report is not sufficient," she said. "You must file on official forms."

"But I don't have any forms I can use," I said in exasperation.

"Use the short form."

“Are you presuming to give me legal advice?” I said. “Look, all I want to do is say I haven’t received or spent any campaign contributions because I’ve withdrawn. Neither of those forms allows me to do that. They both infer that something was spent and received.”

“If you don’t file one of those forms, it’ll be a misdemeanor punishable by a fine of \$500 dollars and/or six months in jail.”

“Listen,” I said. “I need to declare something that isn’t on either of those forms. Can’t you think beyond your programming and see that maybe I’m right?”

She didn’t. So, I kept sending her the same forms. Each time, she sent them back. Finally, the fifth form wasn’t returned. I sent her a letter stating that each of my forms had been returned, except the last one. She wrote back and said that the taxpayers were not going to pay to return any more forms.

The next call I received was from Deputy District Attorney Robert Swett. “Is this Paul Bezaire?” he asked. When I replied in the affirmative, he said, “It appears as if you haven’t turned in your forms for reporting election funds.”

“But I have no funds to report,” I replied. “Neither the long form nor the short form can be used when you have no funds.”

“Use the short form,” he said.

We went round and round on this point. Robert made six calls, trying to convince me to file on the short form. I rebutted his arguments by saying that I have to have funds to report in order to use the short form. I have to admit that I finally lost my temper and said: “Look Robert, if you have a complaint, file it and in the meantime go sit in a corner and play with yourself.”

It felt soooooo good. But like any indulgence, there was bound to be payment. I just didn’t know how much it would cost.

## Deputy District Attorneys Without Brains

### *How to Get Booked into Jail*

One afternoon, I heard a knock on the door. When I opened it, I saw two men about the size of redwood trees wearing suits.

“Are you Paul Bezaire?”

“Yes, I am.”

“I’m Larry Johnson and this is my partner Neil Brogan. We’re from the District Attorneys’ office. We have a warrant for your arrest. May we come in?”

“Sure, come on in,” I replied smiling.

They walked in. “You’re under arrest for violating the California Elections code. Please turn around and raise your hands above your head,” announced the larger of the two “trees.” I will admit I was a bit nervous being arrested for the first time in my life and didn’t know what to expect. They frisked me and read me my rights. I took this all in stride, even kidding them, but they never cracked a smile. I appreciated their professionalism. They weren’t out to over-exercise their authority.

“I guess I must have really gotten that jerk Robert Swett pissed off,” I remarked. Not even a smile from either of them. They suggested I empty my pockets, remove my boots, and put on some slippers. They said it will be a lot easier on me when I get to jail. At my request, they allowed me to call my girlfriend who was a paralegal. She laughed when I told her I was being arrested. Knowing me, nothing surprised her. She laughed again when I asked her to arrange to have bail waiting for me when I arrived at the jail.

“You’re going to be there for about five hours,” she said. “You can’t get bailed out until you’ve been booked in.”

They handcuffed me after I finished my call and led me out the front door.

“Look,” I said. “Do we really need the cuffs?”

The officers smiled but said nothing. How could anyone be naïve enough to think that they wouldn't need to be handcuffed during an arrest? Away I went, cuffed and stuffed in their car, to the Los Angeles County jail.

“You know I'm being arrested because I told Swett to go sit in a corner and play with himself?” I said. “He's a dumb ass and is having me arrested because I insulted him. The law's on my side and he's going to have egg on his face when this is all over.” The officers just smiled.

We arrived at the county jail and were led to a booking room to start a five or six step booking procedure. It began with the photographing and fingerprinting. The fingerprinting process began with one finger at a time being pressed into the inkpad and rolled onto a card until all ten fingers were completed. A wristband with a booking number was strapped around my wrist. I'd seen that done many times on television so the procedure was familiar. But I had no idea of what to expect next.

I thought I would be taken to a room where I would wait to be bailed out. But was I in for a big surprise. I was among twenty prisoners taken to a large cage about twenty feet square with big vertical steel bars. A black line two inches wide went around the inside of the cage about two feet in front of the bars. The jailers made us stand with our backs against the bars and told us to empty our pockets and place whatever we had on the black line. Because the arresting officers had already told me to empty my pockets before leaving my house, I just stood there watching the others. The jailer loomed over me and kicked my foot.

“Hey asshole! I said empty your pockets.”

“I don't have anything in my pockets.”

“Turn around and lean against the bars.”

I did so as he frisked me. He paused as he felt a lump in my shirt pocket. “What's this?” he growled, brandishing a small lump of white powder.

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“I’m an electrician,” I explained. “That’s ceiling plaster from when I install light fixtures.”

“We’ll see about that,” he said as he tasted it. Making a face he quickly spat it out onto the floor.

I was now getting a bit apprehensive as the jailer took us to another room that had wall-to-wall telephones. The prisoners quickly sat on the long rows of steel benches. Some were lying down and seemed to be waiting for anyone to challenge them for a place to sit. They all seemed to know the routines, such as making a single phone call. In one corner of the room was a toilet in full view of everyone. While I stood and waited, one prisoner was searching all over the room, even reaching under the rim of the toilet.

“Gotta be some around here,” he said.

“You won’t find any, Charlie,” said another prisoner. “Jack went through here earlier and probably took it.”

“Shit.”

I looked back into the previous cage through the barred doors where I saw one of the jailers frisking two girls. He smiled as he patted their breasts and crotches.

Boy! I’m going to report this when I get out of here, I thought. Shouldn’t female officers frisk female prisoners?

A jailer led us to another room where we had to again line up against a wall. There was a black line in front of us again.

“All right,” yelled the jailer. “Off with your shirts and place them on the line in front of you.” Off came my shirt as I peeked at the girls across the room.

God, I thought. These are two of the most flat-chested women I’ve ever seen. When all shirts were on the line, the jailer hollered out: “Now off with your shoes and place them on the line.” Next: “Off with your socks and on the line.”

“OK! Altogether now, off with the pants and place them folded on the line.”

I glanced over at the girls.

“Now, off with the underwear,” demanded the jailer. “Examine them and if they’re shit-stained, throw them in the middle of the room.” A shower of underwear went flying through the air.

I stared at the “girls.” The only thing female about them was their makeup!

There were about thirty naked men of all sizes and shapes. Some prisoners seemed to know one another and were flipping their penises at the jailer, who was not amused.

Next came body cavities inspection. “Everybody wide open with the mouth,” the jailer said. He walked from one prisoner to the next looking inside the mouth. “Up with the tongue,” he said. “Back with the head,” to get a look up the nose. Putting on a pair of rubber gloves, he moved from one prisoner to the other looking in the genital area for drugs. Some of the prisoners seemed to like this part. I didn’t think it could get much worse.

It got worse.

“All right,” the jailer said. “Everybody turn around and face the wall. At the count of three, I want everyone to bend over and grab their ankles. One... Two... Three . . . go.”

At the count of three, the jailer was looking at about thirty round asses of all sizes, shapes, and colors. “OK, everyone reach back and spread the cheeks of your ass, and if you don’t spread them far enough my boot will spread them for you.”

The jailers then gave us bags to stuff our clothes in that were then taken to a laundry.

Next came the “showers,” which accommodated four prisoners at a time. One sadistic jailer controlled the faucets while the other shuffled us in. “Let’s get it on,” he said.

That’s when the other jailer turned up the hot water. Most of the prisoners had figured out how to jump in for no more than ten seconds before the jailer switched off the cold tap. We scampered

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when he shut off the cold. “Next!” he shouted. This sadistic behavior really pissed me off.

The jailer tossed many towels in the air, leaving us to scramble for one. The last step was the fumigation process. We walked single file while a jailer sprayed us once for body lice. The jailers then handed us prison uniforms. Then off to our cell.

On the way, one jailer shouted “Paul Bezaire! Someone’s posted bail,” he informed me when I walked up. “You can leave as soon as you get dressed.” He handed me my clothes, neatly cleaned. I hoped I wouldn’t have to pay the laundry bill.

My girlfriend’s son, Kelly, came to pick me up. “Rough time?” he asked.

“Get in the car and drive,” I grumbled. “It’s that attorney, Robert Swett,” I said as I got into the passenger’s side. “He’s abused his authority by having me arrested. I’d love a piece of him.”

Kelly nodded. He knew me only too well.

### *The Arraignment*

A few days later, I appeared at my arraignment hearing.

“Paul Bezaire,” the court clerk called.

I stood up and approached the bench.

“Mr. Bezaire, you are charged with one count of violating the Waxman Dymally Campaign Disclosure Act,” the judge said. “How do you plead? Guilty or not guilty?”

“Not guilty, your honor.” I said with much confidence of the outcome.

“Do you have an attorney, Mr. Bezaire?”

“I do not, your honor. I choose to represent myself.”

“Are you sure you don’t want an attorney?” asked the judge.

Never having been in this position, I must admit that I was taking chances making a smart remark to the judge. But since I had

come this far, I responded. "It is my wish to make a fool of the assistant D.A. by representing myself, your honor."

The judge read the file for a few minutes and then looked up at me and smiled. Since the judge was also an elected official, he was required to comply with the same campaign reporting requirements when he ran for office. I got the distinct feeling he knew the whole story of why I was there and why I said what I did.

"Very well. I see you have already had bail posted. You are released and you are ordered to return to Department I on May 9."

"Thank you, your honor."

I left the courtroom with my mind racing a mile a minute. I had to plan carefully if I wanted to win this and I was pretty sure that I could.

### *Calling Governor Brown*

First, I telephoned Jerry Brown's office (he was now governor of California) and spoke to his secretary, Gray Davis (who later became the governor of California and on the day I am writing, just got recalled). I explained about the lack of proper papers to be filed by a candidate who had no campaign contributions to report. Mr. Davis told me he would tell Brown about this and get back to me.

That evening, I was visiting my girlfriend and told her I was expecting a call from the Secretary of State.

"I'm sure," she said sarcastically, "He has more important things to do than to talk to you."

Later, the phone rang. She answered it. "It's for you," she said with a smile on her face. "The Secretary of State's office is on the phone."

"Hello, this is Paul Bezaire."

"Hello Mr. Bezaire. This is Gray Davis from Governor Brown's office. He is aware of your problem and says not to worry and that everything will turn out OK."

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He never did explain, nor did I ask, exactly what that meant. I was just delighted that at least he was aware of the problem. I figured he might intervene to have the matter dismissed.

When I heard nothing more from his office, I set out to subpoena Governor Jerry Brown. After all, he was the person who was, at that time, charged with providing political candidates with the proper documents on which to report their income and expenses. I wanted him to testify that no documents existed for candidates who neither received nor spent any money on behalf of their candidacy.

Governor Brown was in Sacramento, California—more than one hundred miles from Los Angeles where my trial would be. I needed a special subpoena signed by a judge in order for it to be enforceable. I went to see Judge Cromwell in Department 10 of the Criminal Courts building to ask him to sign the subpoena. As I entered the courtroom, I told the bailiff what I wanted. He directed me to the judge's chambers.

Score! I thought.

### *Meet Big Red*

The Judge's chamber door was open and I could see him with his feet on his desk reading the newspaper.

"What do you want?" he said in a gruff voice.

"I need a subpoena signed, your honor."

"Let's see what you have." His face grew red as he studied the subpoena. He thrust it back at me. "It's defective."

"Where is it defective?" I asked.

"On its face," he said. The subpoena was prepared by someone who used this kind of subpoena all the time and knew exactly how to do it. If anyone was mistaken, the judge was.

His attitude got to me so I took another chance. "I don't think it's defective your honor."

“You wouldn’t be expected to know what I mean. You’re not an attorney are you?”

Of course, I was not an attorney and he knew it by seeing my name on the top of the subpoena. “I do know what you mean when you use the term defective. But how is it defective?”

He did not appreciate my questioning him. “I told you all I have to say. Now leave my chambers.”

What a jerk. He knew it was not defective. He just didn’t want to sign a subpoena for the governor. I later learned that Judge Cromwell’s nickname was Big Red because his face would redden and puff out whenever he got excited or angry.

### *Chasing Governor Brown*

My next option was to wait until Governor Brown was in Southern California. I listened to the radio to try to find out when he would appear within one hundred miles of Los Angeles. Then I would not need a Judge’s signature on my subpoena. As it happened, Jerry Brown had scheduled a speech at the Los Angeles Farmers Market. I went searching for him, but no one knew where he was. Finally, someone told me that he had left a half hour earlier. So ended my attempt at trying to subpoena Governor Jerry Brown.

### *OOPS... Here’s Big Red Again*

On May 9, I appeared in Department 10 as ordered by the arraignment judge. A familiar face sat behind the judge’s seat: Big Red, himself. I sat watching and wondering how Cromwell would treat me. I could only guess from our previous conversation

When my case was called, I was a bit anxious. I walked to the podium and announced my presence.

Judge Cromwell looked at me for a few moments. “Where is your attorney, Mr. Bezaire?”

“I don’t have one, your honor. I will be representing myself.”

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“No you won’t. You will not be permitted to represent yourself. You are ordered back to this courtroom with an attorney next Friday at nine a.m. Do you understand the court’s order?”

An irresistible object was about to meet an immovable force “I can’t afford an attorney.”

Cromwell ordered the clerk to give me a financial statement form. I filled it out and handed it back to the judge.

Cromwell studied the form. “You can more than afford an attorney.”

“That’s your opinion,” I said. “I don’t intend to spend ten cents on this frivolous matter.”

“You got it wrong Mr. Bezaire. That’s not my opinion, that’s the court’s order. Find yourself a lawyer to represent you.”

Now I was really getting upset with him. “And if I can’t find one to represent me for free, then what?”

“I send people to jail all the time for violating the court’s orders. Don’t tempt me.”

I left the courtroom and headed straight for the county law library. There, I found the ammunition I needed. When I next appeared before him, I walked to the podium with confidence.

“Where is your attorney, Mr. Bezaire?” demanded Judge Cromwell.

“As I told you before, I can’t afford one.” I then quoted several cases that made it clear that the court cannot deny a mentally competent person the right to represent himself. “Therefore, it would take a finding by this court that I am mentally incompetent.” I held my breath.

“If that’s all it takes Mr. Bezaire, the court so finds.” A speed record in declaring someone mentally incompetent by a court without the power to do so. He did not know that I was aware that he had just committed a reversible error. “Do you remember the court order to return with an attorney?”

“Yes, I do, your honor.”

“Can you give me one good reason why this court should not put you in jail for violating the court’s order?”

“Yes your honor.” I was now taking a big chance and holding my breath. But I was not going to let him get the better of me. “I believe this court would be abusing its discretion.”

Judge Cromwell blinked. His face became redder as he stared at the court documents. “The public defender is ordered to represent Mr. Bezaire,” he said when he finally looked up. I knew that I had him. So, like a fisherman playing with a fish on his line, I wanted to play this out. I pushed him a bit more.

“But I don’t want the public defender to defend me. I want to represent myself,” I confidently said.

He was now furious. “You have no choice in the matter.” He ordered Fred Anderson, the public defender, to meet me in the hallway to discuss the matter.

In the hall, Anderson looked through the financial documents. “You don’t qualify for public assistance,” he said. “We need to tell the judge that.”

“I don’t think that’s a good idea,” I said. “Big Red is mad enough as it is.”

Anderson walked back in. “Your honor, this defendant does not qualify for public assistance.” I held my breath.

Judge Cromwell was livid. His face turned scarlet and swelled up. “I don’t want to hear any more about this. There will be a hearing after the trial to determine Mr. Bezaire’s ability to compensate the county for its assistance. This case is assigned to Judge Neilson in Department 102. Now get out of here!” I felt like I now had a winner.

“Look,” I said to Anderson as we walked out of the courtroom, “I want to direct the way this case will go.”

“I can’t allow you to do that,” Anderson said.

“Yes, you can,” I said. “Or I’ll demand a new lawyer.”

“Ok, ok!” he said, “What do you want to do?”

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“I want you to file a motion for dismissal on the grounds of Selective Prosecution. I doubt that I’m the only one who hasn’t filed the appropriate paperwork.”

“Ok, I’ll get on it.”

A few weeks later, the phone rang.

“Hey Paul,” said Anderson full of excitement. “You’re on to something here.”

“What?” I said.

“Remember, you had me check how many people didn’t file the appropriate paperwork?”

“Found a couple?”

“Try sixteen hundred.”

“Sixteen hundred?” I gasped. “That many?”

Anderson was laughing. “Yeah. I had the registrar recorder pull all the names of the people who never filed or filed late. You’ve got a case. I’ve filed for dismissal.”

### *The First Hearing*

My court date arrived and I found myself before Judge Nielson, a man in his fifties with horn-rimmed glasses and graying hair. Anderson stood beside me. In the courtroom was Robert Swett, the prosecuting DA. He took one look at me and smirked. “You aren’t going to win this one,” he seemed to be saying.

“I’m not going to grant this motion,” said the judge. He paused, observing Robert smirking at me. “Not that it doesn’t have merit, but I think Mr. Bezaire has enough going for him without worrying about this issue. I’ll be available to hear this case this afternoon at one o’clock if you’d like.”

After leaving the courtroom Anderson said, “We’ll go to trial in about thirty days. You’ll probably want a jury trial.”

“Jury trial hell!” I said. “You heard Neilson. He thinks that I have enough going for me—we don’t need a jury. We will come back at one o’clock. I want him to hear the case. He’s got enough information to dismiss this case, but he wants to hear it for some

reason.” Needless to say I was elated with the judge’s remarks. It told me a whole lot about what he had on his mind.

“That’s a bad idea,” said Anderson. “We need time to prepare.”

“There’s nothing to get ready. Tell the district attorney we go to trial this afternoon. It’s up to him to have his witnesses here.” I was starting to get queasy about Anderson again. Robert wanted to win this case and I had heard stories of plea bargains and trades made. “Listen, I’m going to be in that courtroom at one o’clock. You can be there if you want .”

### *Hearing #2*

At one o’clock, I entered the courtroom. Mr. Anderson was there as was Robert Swett with his witness: a woman from the registrar’s office. She testified that although I was a candidate for public office, I had failed to file the required campaign statements.

Now it was our turn at cross-examination. I had prepared Anderson with my view on a simple and quick cross-examination. We argued about this but I prevailed after again threatening to have him replaced.

“What did you normally do when you received reports that did not comply with the law?” asked Anderson.

“We sent them back to the candidate.”

“How many times did Mr. Bezaire send in his self-created report?”

She looked through her file. “Five.”

“How many of those reports do you still have in your file?”

She looked through her file. “One.”

“So you never sent back Mr. Bezaire’s last filing. Is that correct?”

She hesitated for a moment. “That’s correct.”

“Then, if you always send back filings that do not comply with the law, and you still have Mr. Bezaire’s last statement in your file, is that because you finally decided it complied with the law?”

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“No,” she said. “We just got tired of sending his report back to him. We knew if we sent it again he would just send it back to us.”

I leaned over and whispered to Anderson. “Ask where she took her mind reading classes.”

“Are you serious?” he shot back. “We don’t want to get the judge mad at us.”

“Trust me,” I said. “He won’t. He will know that it is really my question. If you don’t ask it, I will.”

“Where did you take mind-reading lessons?” he asked.

A small smile appeared on the corner of Judge Neilson’s mouth.

“Objection your honor,” Robert yelled out.

“Sustained,” said Judge Neilson. I noted he didn’t warn Anderson for being out of line.

It was my turn now to take the stand. I explained that no forms were available, for me, or anyone, to file when no campaign funds were received or spent. Despite Robert’s objection, I explained my belief that the only reason I was charged and arrested was because I told Robert to sit in a corner and play with himself. Judge Neilson again smiled slightly.

### *The Judge Speaks*

After all testimony was presented, Judge Neilson began, “This is a very interesting case. I only wish I could find Mr. Bezaire guilty so a higher court could take a look at this. I’ve read Mr. Bezaire’s letters to the Registrar Recorder’s office which raise some interesting points for a person who has not received or spent any funds on behalf of their candidacy. A higher court could also find that when taxes are being paid for the city clerk to copy documents, this might just be considered contrary to the law requiring nonpayment for the documents. Also, when Mr. Bezaire’s last report was not returned, was he justified in believing that his filing was complete? I think he was.” He paused. “With those several things in mind, I find the defendant not guilty.”

### *Give It Up, Robert*

Robert was now really upset, and I was delighted to see him that way. “But your honor, Mr. Bezaire never filed on the proper documents!”

“I don’t care if he told you on the back of Perrino’s menu that he never received or spent any money,” the Judge retorted.

Robert was now like a drowning man reaching for a life jacket. “But he only told us one time instead of the required three times.”

“How many times do you have to be told he didn’t receive or spend any money?”

Judge Neilson rose to leave the bench. Robert was still not satisfied. “Your honor, there is supposed to be a hearing to determine Mr. Bezaire’s ability to compensate the county for their cost in defending him!”

Judge Neilson stopped in his tracks and turned around. “I think you have caused Mr. Bezaire enough trouble already. Don’t you, Mr. Swett?”

Anderson was ecstatic, thumping me on the back. He was a young attorney right out of law school and needed more trial experience. As Robert turned to me, I gave him the middle finger salute. “Sorry,” I said, laughing. “The devil made me do it!”

### *A Call for Help*

Three weeks later, the phone rang. “Hello? Is this Paul Bezaire?” asked the caller.

“Yeah,” I said.

“I’ve got a case which I understand is similar to yours. The deputy D.A. is hassling me.”

“What kind of case?” I asked.

“Election code violation. I didn’t receive any money for an election and I’ve been arrested for failing to fill out the right paperwork.”

I began laughing.

“You ok?”

“Yeah,” I said. “The D.A. wouldn’t be Robert Swett would it?”

“Yes it is. How did you know?”

## Deputy District Attorneys Without Brains

“You tell that deputy that you talked to me and that if he doesn’t leave you alone I’ll personally come out and help you.”

“You’d do that?”

“Yeah, I would.”

I hung up the phone. Some people never learn.

Three weeks later, the same man called up. “Paul? You won’t believe this. I don’t know what you did, but your name is like magic.”

“Really now?” I said.

“Yeah, my problem mysteriously disappeared. What did you do to this guy?”

I laughed. “Just embarrassed him in public.”

He laughed too and thanked me again before hanging up the phone.

\* \* \*

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# 4

## *Garbage, Garbage, and Still More Garbage*

Center City was once a beautiful city. It was situated in the county of Los Angeles and under the control of county ordinances. I remember back almost sixty years ago when I was a child and my grandfather built four houses in the city.

About seven years ago, a group of men got together and decided that they would like to incorporate the town. In that way, they could better control what happened by adopting ordinances to suit themselves. They succeeded to get a measure on the ballot that passed by a slight margin.

Before incorporation, I was involved in fifty-six space mobile home park with streets that could only accept small garbage-collection trucks. Tom Woodman had been my trash collector since the park was built.

Then two years ago, the city decided to award a trash collection contract to Highjack disposal, a huge contributor to political campaigns. This story is about a clash between me and the city over trash collection problems.

Tom had been working for me since the park was built. His small trash truck had no problem driving through the narrow streets.

On this particular day, I saw Tom. "By the way, how did you make out on that parking ticket you told me about where you got a

## Garbage, Garbage, and Still More Garbage

ticket for parking in front of a fire hydrant that was never connected?”

“The woman who wrote the ticket never showed up to testify against me.”

“Why’s that?” he asked.

“I guess she didn’t want to make a fool of herself. The judge dismissed the case.”

“By the way,” Tom said, looking a little nervous. “Have you heard anything about the trash collection contract the city is going to hand out?”

I could tell he was afraid that if the city awarded an exclusive contract to a collection company, he could be out of business.

“You must have ESP,” I said. “I was just going over the several proposals submitted to the council. I’ll be at the council meeting tonight to tell them what I think about it.”

“I’ve heard bad things about some of the services being considered.” He said. “Be careful. Some of those guys can get pretty rough and have a lot of political clout.”

“Thanks Tom. I’ll be careful.”

Tom got into the truck. As he drove off, I could hear him wish me a great day. As always, I waved to him, “You too, Tom.”

### *A Typical Council Meeting*

Business people crowded the council chambers that evening. Most were opposed to the city awarding an exclusive contract for trash collection. Chatter filled the room. Finally, the mayor called the meeting to order. Mayor Stuart Barker was young and inexperienced and knew nothing about running a meeting. He kept banging his gavel to no avail. “The meeting will now come to order,” he tried shouting above the chatter. No one responded.

“Will everybody please sit down!” He demanded.

Everyone finally took their seats. As with all council meetings, the secretary called the roll and read the last meeting’s

minutes. After some discussion, the mayor finally called item six on the night's agenda.

"Item six on the agenda is a hearing to determine if the city will install sidewalks on both sides of Walnut Street between Ferguson and Third. The subject is now open to discussion from the public. Please state your name and address as you start speaking," the mayor said.

People formed a line to the podium. I looked at my watch and saw it was 8:45. The first person to approach the lectern was a woman with blonde hair in a business suit. "My name is Mary Simpson, 1254 Walnut. I enjoy the street just as it is with the overhanging trees and a country atmosphere. I oppose any sidewalks being put on that street," she said.

Others approached the podium to oppose sidewalks. It was 10:15 when I stood behind the lectern to speak.

"Mr. Bezaire," said the mayor. "You know that only city residents are entitled to speak on this matter. Will you please sit down?"

"I'm fully aware of the rules Mr. Mayor. But apparently, you're not. I am entitled to speak on this matter. I'm speaking for Mary Jordan sitting at the back of the room. For the record, my name is Paul Bezaire. You already know I don't live in the city but I have a business here."

"OK, Mr. Bezaire, but keep your comments short."

"I've been listening to and counting the number of residents who spoke on this matter. I counted thirty-seven who were against the sidewalks and only four in favor. If you have the good of the people in mind, you should vote not to install them."

"This council always has the good of people in mind."

"Why even hold hearings if your minds are already made up and you're not even going to listen to the citizens affected?" I asked.

"What do you know that I don't?"

## Garbage, Garbage, and Still More Garbage

“I’m positive that the sidewalks will go in and D’Arcy cement contractors will get the contract.”

“Are you finished?” he snapped. I enjoyed getting his goat.

“Only one more question—if I may?”

“Make it quick. We have another hearing to get through. The one I’m guessing you’re here for.”

“Do you know where the word ‘politician’ comes from?”

“I’m sure I’ll know in a second.” he smiled.

“The word ‘politician’ is derived from the word politics. And the word politics is derived from a word meaning many ticks. That translates into many blood suckers.”

I grinned as I walked away. Some of the audience clapped as some council members smiled.

Finally, there were no more people standing in line. The mayor looked around. “Does anyone else wish to speak?” asked the mayor. No one spoke. “The hearing is now closed. Does anyone on the council wish to debate the issue of awarding a contract the D’Arcy Cement Contractors?” He looked around for a sign from the council members. Seeing none, he asked “Will the clerk please call the roll?”

“Mr. Shipley?”

”Yes.”

“Mr. Bradbury?”

”Yes.”

“Mr. Johnson?”

”Yes.”

“Mayor Barker?”

”Yes.”

“Mr. Jacobson?”

”Yes.”

“The vote is five for and no votes against installing sidewalks along Walnut Street between Ferguson and 3<sup>rd</sup> Street,” announced the mayor.

“We will take a fifteen minute recess.”

The outcome didn't surprise me. This was payback to the council members' contributors. As I went outside for the recess, people milled around and talked about the next item on the agenda.

“Hi Paul—guess this is the night,” said Ray Alberage, a local upholster. “With the amount of trash I accumulate, it'll cost me a fortune to get rid of it.”

“I don't even know why we're here,” I replied. “They'll do what they want to anyway just like the sidewalks.”

The crowd was smaller now. The people who were there for the sidewalk issue returned home, leaving only those who wanted to voice their opinion on the trash collection.

### *How To Ram Through A Contract*

“Will everyone please take their seats?” asked the mayor. Everyone took their seats.

“Item #8 on the agenda: Shall the city award a contract to Hijack Disposal Service to pick up all the garbage and rubbish accumulating within the city limits? The subject is now open for discussion. Do the council members wish to address this matter?”

He looked at the council members. Mr. Bradbury raised his hand. “I've lived in this area for the past thirty-five years. When the town incorporated and was able to determine its own destiny, one of the main issues was the trash collection. Everyone seemed satisfied with the present method. I see no reason to change now.”

Mr. Johnson spoke next. “While individuals can now select their own trash collector, I do see an awful lot of trash spewing from older trash trucks. Having a single collector like Hijack will assure a cleaner environment with less spillage on the streets.”

Next, spoke Mr. Shipley. “In going over the proposed contracts, I see two lower bids than Hijack Disposal Service. Why don't we settle on the lower proposals?”

## Garbage, Garbage, and Still More Garbage

“The City Manager checked out the lower bids and felt that they couldn’t do an adequate job. I suggested we go with Hijack Disposal Service,” responded the Mayor.

He looked for any other council members wishing to speak. Seeing none, he opened it up for public discussion.

“Does anyone wish to speak on this issue?” he asked. People once again began forming a line behind the lectern. I looked at my watch. It was 11:00 pm.

“My name is Dick Stromberg. 1342 Elm Street,” spoke the first man in line. “I understand my collection fees will almost double if you go with Hijack. There’s nothing wrong with the present collection methods. I hope you will vote against the contract.”

Nineteen more people voiced their objections before the clock showed 12:15. It was now my turn to speak. I wanted to be the last to voice my objection even though I knew it would do no good.

I stated my name and address. “I’ll bet one thousand dollars with anyone here that regardless of objections, Hijack will win the contract. You’re wasting our time like you wasted the time of those against the sidewalks. Why not just announce before the meeting that the majority of the council received campaign contributions from Hijack. I bet that Shipley, Johnson and you, Mr. Mayor, will vote for the contract while I can’t be sure of Bradbury and Jacobson. You guys are too predictable. Let’s get on with the vote so we can all go home.”

People applauded and it took a while for the mayor to bring order again.

“Does anyone else wish to speak?” asked the mayor. No one spoke. “Will the clerk please call the role?”

“Mr. Shipley?”

”Yes.”

“Mr. Bradbury?”

”No.”

“Mr. Johnson?”

”Yes.”

“Mayor Barker?”

”Yes.”

“Mr. Jacobson?”

”No.”

“The vote is three yes and two no. The contract is awarded to Hijack Disposal Service,” said Mayor Barker.

### *Here Come The Problems*

Sure enough, six months later, I had problems with Hijack. Their huge trucks broke down the asphalt in my driveways. The trucks were so large that they could not get onto the small streets and to accommodate their heavy trucks, I had to set up a special trash area with two new three-yard containers, where the residents would empty their trash. No longer could they simply put it outside on the street.

It was 98 degrees outside and I was in a foul mood. Hijack ignored my request to use a forklift to carry the trash containers out to the street. Instead, they assured me there wouldn't be a problem. But as they drove into the park, their trucks sank deeper into the soft asphalt. I called Hijack and demanded once again that they use a smaller truck and repair my roads. The owner of Hijack began evading my calls; he was never in when I identified myself. I decided the only way to get his attention was to stop paying my bill.

The phone calls started, demanding that I pay my bill. I, in turn, demanded to speak to the owner—without success. Six months later, Hijack decided to sue me.

I received a summons and complaint to appear in the Municipal Court of California. I always read the Los Angeles Daily Journal, a daily paper with the most recent legal cases from the California appeals court. I felt I understood the law well enough so I wouldn't have to spend thousands of dollars on attorney fees.

## Garbage, Garbage, and Still More Garbage

### *The Game Begins*

In California, the first step is to challenge a lawsuit by saying that it does not state a cause of action. This means that the complaint fails to state sufficient facts to allow Hijack to sue me. I argued that Hijack Disposal never had a contract with me, so they couldn't sue me. They had a contract with the city and required the citizens to pay Hijack.

I argued that city tried to create an illegal contract that would obligate me to pay money to Hijack. Any attorney can tell you this is laughable. In what I called a "Third Party Obligor" contract, two people, like the city and Hijack, enter into a contract to obligate a third party like me to do or not do something. This is not legal. The city, I argued, couldn't create a contract obligating me to pay money to Hijack.

I also argued that since trash collection fees are imposed on all property in the city, even vacant lots, the fees are in legal effect a tax. I found a case where the court said: ". . . just because something is called a fee does not make it so. Money collected irrespective of the acceptance of any benefits is in legal effect a tax." Hijack didn't qualify as a tax collector.

I requested that the court transfer this case to the Superior Court which had jurisdiction over all matters involving taxes. By raising the question of taxes, the municipal court had to send it to the higher court.

I didn't care where the case was heard but I knew that both the city and Hijack thought I was just a dumb mobile home park operator and I wanted to prove otherwise.

Hijack was now in a bind. They had a contract to pick up all the trash within the city. When I quit paying Hijack, the city authorized them to quit picking up my trash.

As the legal case wound its way through the courts, the trash and garbage in my park began to pile up and pose a problem. Not

only did it have an odor but the garbage piled up within five feet of a nursery school playground next door.

I called my friend Tom, my former trash collector, and hired him to pick up my trash. The city then immediately passed an emergency ordinance making it unlawful for anyone except Hijack to remove garbage and trash from private property. A violation constituted a misdemeanor punishable by a \$500 fine and/or six-months in jail. Tom was again out of business.

My garbage accumulated and the city passed another ordinance making it unlawful to accumulate trash for longer than ten days. Violation constituted a misdemeanor punishable by a five-hundred dollar fine and/or six-months in jail.

I had twenty days worth of garbage.

### *Self Help Is On The Way*

I called Ray Stafford, a friend of mine in the Los Angeles County Health Department.

Ray eyed my garbage as he entered the property. “What’s up, Paul?” he asked.

“The city stopped my garbage collection services.”

“Why?”

“Because I refused to pay Hijack Disposal Service their collection fees.”

“Why don’t you pay them?”

“They won’t pay me for the damage to my driveway.”

“Why? What’d they do?”

“These streets weren’t built to accommodate large trucks like those Hijack uses,” I said. “Look how they damaged my roads.”

Ray examined the ruts in the driveway. “These were made by their large trucks?” he asked.

“Yes,” I said. “What are you going to do about all this trash? I think you should cite me for this.”

## Garbage, Garbage, and Still More Garbage

Ray knew where I was going with this. “How about if I give you an order to remove it forthwith?”

“Great.” I replied. “What happens if I don’t comply?”

Ray repeated the statute. It was also a misdemeanor punishable by a \$500 fine and or six months in jail for failing to comply with his order.

I grinned. “Then, if I don’t remove it I will be in violation of the law?”

“That’s right.”

“And if I do remove it, I will also be in violation of the law.”

“Why is that?”

I told him about the emergency ordinance prohibiting me from removing it.

“So, you’re left having to do business with Hijack.”

“Look Ray,” I said. “If I accumulate it, I’m a criminal. If I remove it, I’m a criminal. And if I don’t remove it, I’m a criminal.”

Ray laughed and asked how I was going to get out of this one. He had known me for a long time and knew how resourceful I was. “Where do you go from here?” he asked.

“No matter what I do, I’m a criminal. So, I drive to city hall and become a real criminal. A criminal gets more expedient justice than a law abiding citizen. The only way I’ll settle this thing is if I force the city to prosecute me. It’s what you call ‘self-help.’”

I was looking forward to getting arrested. I counted on my belief that no court would find me guilty and would chastise the city for such behavior on their part.

### *A Visit To City Hall*

It was about 98 degrees outside and I was determined to get arrested so the court could decide if what the city was doing was wrong. I filled two 30-gallon trash containers with stinking garbage, placed them in the back of my pickup truck along with a dolly, and headed for city hall.

When I arrived, I parked close to the front entrance. Placing one of the containers on the dolly, I wheeled it inside. It was a nice entrance with nice marble floors. The sun was shining through a high window. Marjorie Bidler, the receptionist, sat at her desk on one side of the room.

“Hi Marge,” I said.

“Hi Paul,” she replied. “What’s up?”

“I’m here to get arrested.” With that, I dumped the garbage on the floor.

“Better call the manager.”

After I finished, I waited for the manager. Marge told him what I did so it didn’t take him long. He called the sheriff next door and both arrived at the same time.

“What’s going on here?” asked the sheriff. “You know you just broke the law.”

“Hum,” I muttered sarcastically. “Never figured that. So, you better do your job and arrest me. Both the sheriff and manager looked dumbfounded. The sheriff looked at the manager and the manager looked at the sheriff. They didn’t know why I was there and proceeded cautiously. I extended my hands for the sheriff to put the handcuffs on me. That caught him off guard.

Both the manager and the sheriff knew that I wanted to get arrested, but didn’t know why and were too afraid to find out. I was supposed to act scared at the threat of being arrested. When I didn’t act frightened, they didn’t know what to do.

“Look,” said the manager. “I don’t know what you’re up to, but I’m going to overlook this matter this time. Just don’t do it again.”

“What will happen if I do?” I asked.

“The sheriff will arrest you for illegal dumping.”

“Is that a promise?”

“You can count on it.”

## Garbage, Garbage, and Still More Garbage

“Wait here,” I told them. As I left the room, Marge gave me the high sign. I knew the employees liked what I did to the city officials. I went to my truck to roll in the other can of garbage.

I entered the room and dumped it on the floor. “There, I did it again. Now if you guys think you’re man enough, arrest me, go ahead.” I said smugly. I was sure that would bring on an arrest. But nothing happened. “Look,” I said. “I’m leaving now but I’ll leave my trash cans here so you can pick up all this stuff. Call me when they’re empty. And don’t damage them or I’ll sue you for new ones.”

### *City Attorney Is Challenged*

A few days later, the city attorney called, asking me to meet with him. When I walked into his office, I had a friend of mine with me. He was a short and stocky Lebanese standing about five-foot two inches, by the name of Albert Maloof. The city attorney had never met Al, so I thought I would have some fun with him.

“Al, this is Les Mason, the city attorney,” I said. “Les, meet Al, my bodyguard.”

The city attorney didn’t know how to respond to that. They shook hands and we sat down.

Les explained that the city manager wanted him to find a way to dissuade me from my antics or to find a way, short of taking me to court, that the city can get back to normal.

“Tell me first, Paul, why do you want to get arrested?”

“So I can straighten this city out. The city is trying to tell me I can’t remove my own garbage and trash from my own property.”

Les explained that it’s against the city ordinance to keep trash from spilling onto the streets.

“I probably know the law better than you do by now. Look Les, let me do you a favor. Bring your camera and all your witnesses to my park at nine o’clock tomorrow morning. I’m going

to remove all my garbage and take it to the dump. I'll help you build the best case against me you ever had." Les smiled.

"What are you smiling about Les?" I asked.

"I heard about you before I came to work for this city. Now I understand why people call you an activist."

"You're seeing an activist in full action, Les. Come in the morning and see one committing a crime."

I stood up to leave. As I did, I turned to him. "Don't disappoint me. I'll be looking for you in the morning."

### *Tom Is Back To Work*

But, disappoint me, they did. Tom showed up early the next morning and began loading the trash into his truck. I stopped him before he climbed into the cab. "If you don't mind, Tom, I'll drive. I don't want you to get a ticket for illegally transporting trash over the city streets."

As we drove to the dump, I looked around to see if anyone from the city was watching, but saw none. They gave up on me now that I wanted to get arrested. But there were other ways to draw attention to my plight.

### *Only The Facts*

I received a phone call from Larry Bradley, a reporter from the local newspaper. I'd seen Larry at the city council meetings and read his reports in the paper. I thought he was fairly unbiased in his reporting, which is unusual. Most reporters, I feel, are frustrated novelists or just plain sloppy and don't want to fact-check. I'd been on the receiving end of those newspaper pieces where I wondered who the reporter talked to. In many cases, I wondered if I had an evil twin brother with the same name.

After we got the formal introductions out of the way. He pulled out a pad and began scribbling furiously. "I got a call from

## Garbage, Garbage, and Still More Garbage

someone who told me you dumped garbage all over the entrance to city hall,” he said.

“That’s a fact,” I said grinning.

“Why did you do that?”

“Because I am dealing with stupid jerks in city hall,” I said. “Look, when I was thirteen years old, I used to attend council meetings with my father. I thought how smart council people were until I realized that they wouldn’t take the job if they had any brains. They get elected with campaign donations from people and companies looking for favors. It’s legalized bribery. Politics is like a stack of bullshit. Once you penetrate the crust, it really starts to stink.”

“You sound angry, Paul.”

“I am angry. This council gave an exclusive contract to Hijack to collect garbage in the city, not because they are the best and cheapest but because they contributed large sums of campaign money to certain councilmen.”

“What do you have against that?”

“It would take hours to explain. Let’s just say that my collection fees doubled.”

“Anything else?”

“Yeah, I used to have small trucks come onto my property to pick up my garbage. After Hijack took over, they came with their ten-wheelers and broke down my roads.”

“Did you ask them to repair them?”

“I demanded that they repair them. So, when they said no, I stopped paying them.”

“I’m starting to get the picture,” he said, still scribbling furiously. “When you stopped paying them, they stopped picking up your garbage.”

“Yes,” I said. “When I complained to the city about it, they passed an ordinance saying that services can be stopped for

nonpayment of collection fees. The city council allowed Hijack to stop picking up my garbage.”

“Then, you started to remove your own?”

“Yes, but when I said I would remove my own garbage, they passed the ordinance that prohibits anyone from removing their own garbage.”

“Maybe they passed it to keep people from spilling garbage on the streets.”

“Nonsense Larry, there are already laws against littering and dumping within the city. If they were that worried about it, they’d enact a law against spilling garbage in the streets. They used that excuse for awarding Hijack the exclusive contract. But they’re as bad as anyone; maybe worse. Follow Hijack’s trucks for a whole day and you’ll see rubbish flying out.”

“So, when you decided not to pay Hijack, the council passed an ordinance making it illegal for anyone to accumulate garbage and rubbish for more than ten days. Someone told me that ordinance was directed toward you.”

“No doubt, but worse than that, the city’s health department cited me and ordered me to remove it.”

“How long had you been accumulating it?”

“I was going into my fifteenth day.”

“It sounds like you’re a criminal for accumulating trash over ten days.”

“Right,” I said. “I was a criminal for accumulating it.”

“And you were a criminal for NOT removing it.”

“You’re smarter than those make-believe councilmen and the city manager.” I said “Run for a city council position and I’ll pick up the tab.”

“So, that’s when you decided to dump the garbage in the lobby.”

“Now you’ve got all the pieces of the puzzle.”

“So what’s your next move?”

## Garbage, Garbage, and Still More Garbage

“I continue to be my own garbage man by hiring the same company I used before this city incorporated. I didn’t like it when they put Tom out of business.”

“Won’t you get into trouble?”

“I don’t think so. My guess is that they leave me alone.”

“The city attorney tells me you’ve been quite successful taking matters to court, acting as your own attorney. How many have you done?”

“I think I’ve done about five of them.”

“How did you make out?”

“I won them all.”

### *How Does My Garbage Differ?*

I knew another resident by the name of Mary Maloof who owned an apartment building in the city for a long time. The contract with Hijack had hurt her financially because the collection fees got so high. She also quit paying her fees to Hijack, but the city kept her services running.

When I heard Mary’s service was continuing even though she stopped paying her bill, I went to the city council and asked them why her trash was still being picked up and mine wasn’t.

“Her garbage is different than yours,” said the mayor with a sarcastic grin on his face. He was unaware what his comment would bring.

At the next council meeting, I wheeled a large container into the council chambers. Nobody but Mary knew what was in it. When it was time for questions and comments from the public, I wheeled my container to the front, removed the plastic cover and invited the council members to smell my garbage and tell me how it differed from Mary’s. My “stunt” was not appreciated. I did notice Larry, the reporter, chuckling as he furiously wrote on his notepad.

The council immediately passed a rule that no large containers were permitted in the council chambers.

### *A City Duty*

I filed a cross-complaint against Hijack for the cost of repairing my driveway and named the city as a cross-defendant. The complaint included Mary Maloof and her husband Al as cross complainants. It stated that the city had “. . . a mandatory duty imposed by law to either remove, or cause to be removed, all garbage accumulating within its city limits. . . .” The city denied they had this duty.

As the case was proceeding through the court system, the city attorney sent notices of taking the depositions of my cross complainants, Mary Maloof, her husband Al, and me. All three of us drove to Los Angeles to the city attorney’s office. We had a great time laughing about the city and their attorney and showed up at the appointed time and place. The city attorney had scheduled us for 10:00 a.m.

We sat in the conference room where we met the court reporter who was going to take down what was said. Thomas Drake, the city attorney, walked in a few minutes later. He turned to me and Al.

“I want you and Albert to wait in the next room while I take Mrs. Maloof’s deposition.”

This caught me off guard but I was more familiar with taking depositions than he was.

“Before you start demanding anything, I suggest we do this professionally. Let’s all identify ourselves to the reporter so she can start a record. Then, you can make all the ridiculous demands you want,” I said.

After the reporter started the record, Drake again demanded that Al and I leave the room.

“You can make all the demands you want,” I replied, “but I refuse to leave the room. I am my own attorney in this matter and, as such, I have a right to be present during all stages of these proceedings.”

## Garbage, Garbage, and Still More Garbage

Mary giggled. “I agree.” Al also agreed. I did not, nor could I represent them. They simply copied my cross complaint and put in their names. They were also acting as their own attorneys.

“If you don’t leave the room I am calling off the deposition and will apply to the court for sanctions,” Drake said.

“Look, Drake,” I said, “I will give you twenty minutes to look up 2019g of the Code of Civil Procedure and 777 of the Evidence Code and you will find that we are all entitled to be present as you depose any of us.”

“I don’t need you to tell me how to practice law, Mr. Bezaire. I am the attorney. You’re not.”

“Then why don’t you act like one?” It really pisses me off when an attorney looks down on anyone.

He picked up his material and as he was leaving the room, he informed the reporter that the deposition was terminated. I looked at the reporter and shook my head as I requested a copy of this three-page deposition. She knew Drake was wrong and smiled at me.

“Are you sure about all this?” Mary asked me as we drove home. “I don’t want to get the court mad at us.”

### *It’s Time For Sanctions*

About three weeks later, we received another Notice of Taking Depositions. Drake must have looked up the law and realized I was right.

In my short experience with the law, I learned that any document can be filed with the Court so long as it had a proper face page. Even a comic book could be filed that way. So I filed a document called NOTICE OF MOTION AND MOTION THAT DEPOSITIONS NOT BE TAKEN UNTIL SANCTIONS ARE PAID and had it set for hearing by the Court. All parties appeared before Judge Rodin, who had already read my motion and was about to

rule on it. He asked Drake where he went to law school. Drake told him.

“I suggest you go back and study the law,” the judge said. “It appears that Mr. Bezaire has more knowledge of the law than you do.” Even after all these years, I still feel sorry for Drake.

Judge Rodin now turned to the question of sanctions. “How do you justify these requested sanctions?” he asked me.

“I am an electrical contractor your honor. My time lost from my work plus the cost of the copy of the deposition comes to one-hundred dollars.” I probably could have gotten away with much more but I did not file this motion to make money.

“Sanctions of one hundred dollars to Mr. Bezaire,” he ruled.

The judge now turned to Mary. “How do you justify the one hundred dollars you are asking for?”

“Like Mr. Bezaire, I am also in business and lost time over this.”

“OK,” said the judge. “One hundred dollars to you.”

(The following is meant as a quick lesson for anyone needing to testify in court.)

Mr. Maloof was ill and sitting in the first row of chairs. Mary, pointing to her husband, asked, “What about my husband?”

“What about him?” asked the judge?

Instead of just responding like she and I did, she went on for several minutes explaining how the mayor lived behind them and his kids and their kids had apple fights from their apple tree. I caught myself kicking her under the table and the judge knew it. I noticed a small grin on his face.

The judge finally spoke, “In the last few minutes you have convinced me your time is not worth too much. Ten dollars to you and ten dollars to Mr. Maloof.”

Needless to say the city attorney was not too happy.

## Garbage, Garbage, and Still More Garbage

### *My Turn To Take Depositions*

It was now time for me to depose the city manager. I sent a notice of taking his deposition. Once the preliminaries finished and we were on the record, I asked the city manager several questions. Each time, he responded. “I can’t remember” or “I don’t recall.” These were all permissible questions.

“Have you taken any medication this morning that would impair your memory?” I asked in frustration.

“No,” he said.

“Have you recently suffered a blow to the head that would affect your memory?”

“That’s a stupid question,” Drake interrupted. “I am instructing my client not to answer.”

That really got my blood rushing. I stood up, picked up a book and slammed it hard on the conference table.

“Mr. Drake, you’d better tell your client to respond. Don’t forget the last time we were in front of Rodin. If your client refuses to answer, I am terminating this deposition right now and will be applying to the court for proper sanctions.” (God that felt good.)

Drake looked up at me. My face was red. His was sheepish. He had no place to go.

“Go ahead and answer.” He told the manager.

### *Finally A Settlement Conference*

The case had been winding through the court with various motions to dismiss and demurrers. Finally, the judge called for a settlement conference. The judge called all parties together to settle the matter without going to trial. We met in the judges’ chambers. A court reporter was present at my instance and cost.

The judge stated the case and all parties agreed that the facts were correct. “I must commend Mr. Bezaire for his research,” he began. “His research has guided me and prompted me to try

settling this case before the city wastes more time and money trying to win an unwinnable case. There comes a point in time when parties need to put their egos aside and put a stop to impossible situations. If this case went to trial, it would cost the city many thousands of dollars. I urge you to settle this case based on *Matula v Superior court*, cited by Mr. Bezaire. In that case, the appellate court made it clear that a municipal corporation has the duty to either remove, or cause to be removed, all garbage and trash accumulating within its corporate city limits. What will it take to settle this?”

Drake looked at me expectantly.

“I have a suggestion,” I said.

“Go ahead, Mr. Bezaire,” said the judge. He was glad somebody had a suggestion.

“I suggest everyone dismiss everything against everybody else with one condition.”

“What condition?” asked Drake.

“That the city enter a stipulation that they will never stop anybody’s collection service strictly on the basis of non-payment of collection fees.”

The judge agreed that this was a fair settlement. The agreement was prepared and signed by all parties.

When I sold my interest in the park I had accumulated almost thirteen-thousand dollars in unpaid fees. Neither the city or Hijack attempted to collect the fees.

\* \* \*

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# 5

## *Big Jets Bow To Bezaire Balloons*

Vrrrrrrrrrrrrroooooooooooooooooooooommmmm!!!!!!

The house shook. It was eleven o'clock Friday night. I was playing poker with five of my friends after an evening of bowling when a loud noise was heard overhead. We leapt to our feet and ran outside. Nothing that loud could be anything but a plane crash, or maybe Godzilla rising from the city dump a few miles away.

"Jesus Christ!" yelled Steve Larger, one of my poker buddies.

The night was slightly overcast with city lights reflecting off the clouds. Nothing was overhead. My neighbors were all standing outside looking up. Jane, my next door neighbor, was in her bathrobe as she stood on her porch. "What's happening Paul?"

"I don't know," I said.

"I think I read something about the north runway at LAX opening soon," Roger Sliver, one of my poker buddies, said.

"Couldn't be," I said. "Even if it's open, we're twenty-two miles away."

We were turning around to go back inside when the ground shook and the same deafening roar came overhead. I looked up and could barely see the silhouette of a large aircraft between the broken clouds.

Then, silence.

"What the hell!"

“Damn.”

“Jesus Christ!”

“Holy shit!”

The expletives rang across the neighborhood until the next plane came. And come it did, about every 10 minutes.

“It’s got to be the airport,” Roger said.

We went back inside and continued with our game. After another plane flew overhead, I got up from the table and went to the phone. “I’m going to find out what the hell this is all about.” If I had been winning, I’m sure I wouldn’t have even noticed the noise, but since I was down, any excuse to stop the bloodbath was welcome.

The phone line to the police department was busy. After several attempts, I finally got through and found out that LAX had just opened the recently completed north runway. As I hung up the phone, I knew I was in for a lot of aircraft noise from jets. I was directly under the final approach pattern.

“We’re going to put a stop to this shit,” I said.

“Go get ‘em,” Larry Gaplin, another one of my poker buddies, said.

“Yeah,” said Steve.

”Do what you did to the bike shop,” said Roger. Roger was referring to my recent episode of taking on city hall over the unfair practice of allowing certain politically connected shop owners to display their goods on public sidewalks against the local city ordinances. Granted, airplanes make a little more noise than bicycles, but the concept of fighting city hall is the same. Or so I thought.

### *Media Aid*

It was 10:30 am when I walked into the Lakeview Weekly newspaper office. I came by at the request of Eli Ensberg the

## Big Jets Bow To Bezaire Balloons

seventy-five year old editor. I did all the electrical maintenance for the local paper. I saw Eli as I walked in.

“Hi Eli,” I said. “What’s up?”

“That damn airplane noise,” Eli grumbled. “Come in and sit down. Let’s talk about it.” I sat down. “It’s like this.... ”

The room shook as a jumbo jet roared overhead, drowning out his words. “What’s that you said?” I asked.

“That noise is driving me and all the other people in this town crazy. It’s got to stop.”

I grinned. “So now you understand why I was complaining to the city council about the expansion of LAX.”

“I recall that, but that was over a year ago. Nobody thought expansion could hurt us.”

“Surely you remember how I compared a country assuming an isolation policy as being no different than a city assuming the same policy,” I said.

“I remember that. But what’s that got to do with the noise?”

“If all the cities around LAX had helped the local residents fight the condemnation of their property by LA for airport expansion, we might not be in this pickle today,” I said. “United we stand, divided we fall. Don’t you remember that from 8<sup>th</sup> grade civics?”

“I remember how you were trying to encourage the city to get involved,” he said with a sheepish look on his face.

“And they thought I was some kind of nut. Right?”

“They did think you were crazy thinking that any airport expansion could affect Lakeview.”

“That’s the same problem I ran into when I spoke to the people in East Chester. They couldn’t understand that if the city condemned all the property they needed for airport expansion, they would have too many residents opposing them at one time.”

“I see it now.” said Eli. “So, they took it piece by piece.”

“Exactly, just like the board game Risk. Now you’re getting it. I tried to get one group of property owners to help the others but to no avail. They didn’t think it could happen to them.”

“Reminds me of how Hitler took one country at a time,” Eli said.

“That’s right. Hitler or a board game from Milton Bradley, they’re all the same. If Hitler had taken on every country he wanted to conquer at one time, he would’ve had too much opposition. It’s the same in many things in life.” I paused. “Let me tell you something Eli, when I was about twelve years old I used to walk to the council meetings with my father. I would sit there in awe and wonder how anyone could be so smart. It wasn’t until years later that I realized you don’t have to be smart to be a politician—all you need are good connections to a political machine.”

“Yes, well ....” Eli started to say something.

“You know damn well that’s true, Eli! It’s not what you know, it’s who you know. Anyway, take Marty Mathue for example. You can’t find anyone dumber. Transfer his brain to a bird and it would try flying backwards. But because you supported him, he got elected to the city council.”

“Calm down. You’re too young to have a heart attack.”

“Yeah, well ....You always did know how to hit my buttons.”

Eli just smiled. “That’s why I asked you to come in today. You are always full of creative ways of doing something. Do you have any ideas on what we can do about the noise?”

“How about closing down the airport?” I said.

“What a great idea! Let’s close down one of the biggest airports in the United States.” Eli said sarcastically. “I’m sure Ontario International can pick up the slack. I heard they just tore down another dairy farm and they’re going to add a second runway. I’m sure they can handle a few extra hundred planes a day. Not to mention the fact that once you land, you’re in the middle of Ontario! You’re an imaginative person but come on! This paper will

## Big Jets Bow To Bezaire Balloons

support you anyway it can. I'm sure one man, with the support of the Weekly, can close down LAX."

Was he really trying to challenge me?

I stood up. "Let me give it some thought, Eli. I'll talk to you later."

### *Some Ideas Sound Crazy At First*

Two weeks later, some bowling buddies and I were chatting about how badly they bowled that night. "I got it!" I shouted, standing up

"Whatcha got?" asked Steve.

"How to force the FAA to change the landing pattern."

Everyone waited expectantly to hear some screwy plan.

"Think about this," I said. "If I barricade the runways, the planes can't land. So, I barricade the runways."

"What are you going to use to barricade a runway, Edge Foamy Shaving Cream?" Was he referring to those commercials when the roller coaster went right through that stuff? "If a roller coaster can fly through it, what do you think a plane will do?"

Everyone laughed. "Come on, Paul. You can do better than that."

### *Putting The Plan Into Operation*

The next day, I went to the city of Inglewood and purchased a vacant lot directly below the final landing pattern. I was determined to win this "game" I made sure that the planes would not be too high directly above the property as they came in for a landing. Later, I would learn that they actually flew at a height of seven-hundred feet; the height of a seventy story building. The noise was so loud that you couldn't hear someone right next to you if they spoke. It's no wonder people around airports are very annoyed by landing aircraft. I never understood why the government didn't take comedian David Brenner's advice and sell

houses next to airports to deaf people. It may not be a politically correct thing to say, but it makes a lot of common sense. The planes were so low that you could see the people looking out the windows.

### *Challenge #1*

I called the airport and asked them to move the final approach away from my home. The first mistake they made is when they laughed at the suggestion.

Later that day, I sent the following telegram to the airport control tower, the Federal Aviation Administration, the Professional Airline Pilots Association, and the City of Los Angeles city attorney's office. Each telegram read:

THIS TELEGRAM IS TO PUT YOU ON NOTICE THAT THREE WEEKS FROM TODAY, ON MARCH THIRD, AT NINE AM, I WILL BE RAISING A FORTY-FIVE FOOT DIAMETER GAS FILLED BALLOON FROM MY PROPERTY LOCATED AT 1734 CITRUS WAY, IN THE CITY OF INGLEWOOD. THE BALLOON WILL BE RAISED TO A HEIGHT OF 750 FEET TO MARK THE COMING OF THE LORD.

I didn't even know if a forty-five inch balloon was available but I just wanted to get their attention.

### *Bluffing the FAA*

I did not intend to raise this balloon. I only wanted to start a fight with the FAA, knowing full well that they would be seeking a restraining order to prevent me from raising my balloon. To keep my bluff going and compel the FAA to seek a restraining order, I appeared before the city council of the city of Inglewood—the city where I bought my property.

## Big Jets Bow To Bezaire Balloons

I was a bit nervous when I parked my car and walked toward the council chambers with my tape recorder in hand. It was about ten-thirty in the morning. As I entered the council chambers, I looked around and took a seat where I could see everything. I was aware that the council would not agree with me for what I was about to do. I waited for the time when citizens had a chance to address the council. As I waited, you could hear the roar of the jets as they flew past, five blocks away.

Several citizens spoke before the council, complaining about the noise. When everyone was finished, the chairman asked if there was anyone else who wanted to speak. My heart was beating faster than a hummingbird on crystal meth.

I stood up, walked to the lectern, and spoke.

“Gentlemen,” I said clearly, disguising my fear. “I bring you good tidings. As I lay sleeping a few evenings ago, I was suddenly awakened by an angel of the Lord who announced to me the second coming of Christ. I was instructed to ‘Go ye into the city of Inglewood and raise a balloon high into the sky that all may know the place of His coming.’”

One of the councilmen started to speak to me, but the city attorney interrupted him.

“Are you finished?” demanded the city attorney.

“Yes I am,” I replied. I walked away and sat down.

When no comments were made, I left the council chambers feeling good about what just happened. Now, it was up to the government. All I could do was to wait for their move.

That same afternoon, I got a call from a Los Angeles Times newspaper reporter. He was at the council meeting and wanted to follow up on my vision from the angel of the Lord. He wanted to interview me. Now I was cooking with gas. I went from talking to the Lakeview Weekly to the LA Times in just one week.

“Of course,” I told him. I could use all the publicity to convince the FAA that I was serious about raising my balloon.

The following day we strolled through the local park as I described my “vision”. “It was beautiful,” I said. “Not an angel as you normally see them pictured with wings and able to fly like a bird, but simply a bright light at the foot of my bed. I was told to announce His second coming.”

Needless to say this was fascinating to him as I responded to other of his questions.

That evening my “interview” was on even the networks.

I had been an Assistant Scout Master for Troop 3. Dr. Sampson, a local psychiatrist, was the Master. When he saw my story on TV, he called and asked if I was OK. I laughed as I explained what I was doing. “I was worried about you when I first listened to the story on TV.”

### *The FAA Responds*

It did not take long for the FAA to have a federal judge issue a temporary restraining order against me. This was just what I expected and welcomed it. They now had to appear in court and get a preliminary injunction against me. The hearing for the preliminary injunction was where I knew I would have to make my best case.

A process server showed up at my house at about six-thirty in the evening. When I answered the door, the server handed me the subpoena. The subpoena said I was ordered to appear at nine-thirty on June 6, in Department 32, for a hearing to determine whether a preliminary injunction should be issued against me, prohibiting the raising of my balloon.

When I joined the various groups of people protesting the expansion, I heard something about a surface landowner having the prior right to use the airspace above his property. In my mind, that meant that if I wanted to raise a balloon above my property, I had a right to use it to protest the FAA. This fight was going to be over my right to fly a balloon over my property. If I won that right,

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the government would have to buy an air easement over my property so the planes could land. People assume that when they buy land, they're just buying a piece of dirt, but when you get lawyers involved in real property, the lawyers need something to fight over. As a result, lawyers end up fighting over all the air space above the property and the mineral rights all the way to the center of the earth below. Lawyers!

### *Doing Needed Research*

I was ready for the next phase. I visited the Los Angeles county law library to research anything about the flying of balloons. I discovered that after World War II, balloons were being flown in sufficient numbers so that the Civil Aeronautic Board decided to regulate them. They prohibited balloons of more than six feet in diameter to be flown in such a manner that they would interfere with the flight of aircraft.

I thought for a moment and wondered if that meant that balloons of less than six feet will *not* pose a hazard to air navigation, and therefore didn't need to be controlled? This one little point changed the whole game. I gave up the theory about having the legal right to control the airspace over my property and decided to play word games with the FAA.

### *Hearing #1*

On the day of the hearing for the restraining order, I left for court wearing the same khaki work clothes that I normally wore for work. Anticipating that the attorney would be bringing up my visit from the angel of the Lord, I wanted to present the image of someone who was a bit off of his rocker.

Although I had been in state court many times before, this was the first time I was in federal court.

Carrying a stack of papers, I made sure that I looked very disheveled as I entered the courtroom. I looked around and

realized that I was the only one there except for someone sitting at the front table. That was not unusual, considering I was about thirty minutes early. I asked the person sitting at the table if the court was in session today. When the person asked if I had an attorney, I said I did not. I said I would be representing myself.

“Good luck,” said the man. “Judge Roal doesn’t like people in his courtroom who are not attorneys.”

Admittedly, this made me a bit nervous. I’d never met a judge who didn’t like non-lawyers. But I was here now and all I could do was to make the best of it.

The room filled up as the clerk took her place at the side table. Looking down the list of cases for the day, I saw my name. “I am Paul Bezaire, for case number 23.”

“Is your attorney here?” she asked.

“I will be representing myself.” I received a long look from her.

I’ve heard the saying that a man who represents himself in court has a fool for a client, but never really cared for that saying.

After signing in, I turned and took a seat near the front of the room where Judge Roal could see me. I wanted the judge to notice that I was listening attentively to arguments and I was sitting quietly. I wanted the judge to see that I wasn’t a terrorist or a kook. At this time, the courthouse had undergone bombings and they had now installed metal detectors at the doors.

Judge Roal looked at my case. “#1634, United States of America versus Paul Bezaire,” he called.

At this point, the attorneys stand and introduce themselves and announce who they represent.

“Peter Shienberg for the plaintiff,” announced the government attorney.

I was very nervous and didn’t know what to expect. “Paul Bezaire in pro per,” I announced. “Pro per” means that the person is representing himself.

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Judge Roal stared at me. He looked over the file, closed it, and finally called the next case. It only took about one minute but it seemed as though it took hours.

Case after case was heard before only Shienberg and I were the only ones left to be heard. Why was case #1624 skipped? Was I going to catch hell from Judge Roal, who did not want to embarrass me in front of everyone?

Judge Roal stood up with the file in his hand. "The court will take a fifteen minute recess."

What was he doing? Why didn't he listen to this case? Perhaps he was going to view the file thoroughly before listening to oral arguments. Or perhaps he had seen the local television interview with me that one of the local stations did on this story a few evenings ago. I had gone from the Lakeview Weekly to the LA Times to television in less than a month. I wasn't going to stop now. At this pace I'd be on 20/20 in no time!

"Item No. 9, 68-1624, United States vs. Paul Bezaire. Hearing on order to show cause why the restraining order should not be made into a preliminary injunction," called the judge after the recess.

"Peter Shienberg for the Government, your honor. With me is Fred Brazio from the Federal Aviation Administration. We request ten minutes in argument."

"All right, I will hear you now," said Judge Roal.

You couldn't tell how nervous I was when I stood up. "I am Paul Bezaire," I said in a loud, clear voice.

"Do you have counsel?" asked Roal.

"No, I don't, your honor."

"Can you get an attorney?"

"Well, financially I can't. I understand it comes pretty high."

"I beg your pardon?"

"I understand that counsel comes pretty high. I feel that although I am unfamiliar with the procedures, my position is very

clear. I just plan to state my position and pray the court will see it my way.”

“You want to proceed without a lawyer?”

“Yes I do, your honor.”

“All right,” he said. He was so different than Big Red in an earlier case.

What happened to this judge who didn't like non-lawyers? I'll tell you what happened to him: he had just met someone who could speak in full sentences and wasn't there to make a mockery of the proceedings like most non-lawyers. Over the years I've discovered that a little respect for the courtroom and its officers goes a long way.

The judge turned to Shienberg. “Proceed, Mr. Shienberg.”

“As the Government papers set forth, the defendant is attempting to raise certain balloons in the vicinity of the Los Angeles International Airport in Inglewood. For obvious reasons, safety factors, passenger safety, airlines safety, the Government has moved for a temporary restraining order which has been granted and is now asking for a preliminary injunction pending a full hearing of this matter. The defendant is making the claim that the balloons are being sent up, not for any purpose as to interfere with air flights, or as to protest air noises in Inglewood, but as we have been told, and as we see from the papers, to mark the coming of the Lord.”

“Although I don't have the exact citation, there is a 1917 case in which the Supreme Court dealt with the Mormon practice of polygamy. At that time, the Supreme Court made it reasonably clear than an individual has the right to worship any religion he desires. But the Supreme Court did put some limitation on the right to practice the tenets of that religion. In other words, if it calls for a human sacrifice every Friday at 12:00 noon, I don't think any court would hesitate to prosecute the man, or if he killed somebody in support of his religious beliefs, I don't think any court would

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hold that it was an infringement of his First Amendment right. In other words, the freedom of religion or the freedom to practice religion must give way in some place to another basic freedom. And that is the freedom of safety of individuals against unwarranted hazards, be it an aircraft or otherwise. We think therefore, that because of what we have alleged in our papers, because of what the defendant proposes as stated in his telegram to the FAA marked as Exhibit "C", we believe that the defendant is seriously going ahead with his intention to raise these balloons. Therefore, we would ask, so long as this matter is continued, that the temporary restraining order previously granted be made into a preliminary injunction until this matter is either disposed of by trial or the Government's motion to dismiss."

I was feeling somewhat uneasy as I listened to the government's presentation. Judge Roal kept looking at me, probably thinking about some nut being in his courtroom or should he call security in case the bailiff could not handle the situation.

At last, it was my turn to speak.

"Go ahead, Mr. Bezaire."

"Thank you, your honor. When I first became connected with the flying of these balloons, it was at the time when the airport expanded their facilities and took occasion to open the north runway at LAX and fly directly over my house in Lakeview, which became very irritating. At this point, I got the idea of organizing one of my own protests. I am going to protest against what I felt, and still feel, is undue flying of aircraft, or unnecessary flying of aircraft at such low altitudes that they interfere with the peaceful enjoyment of the land below.

"Now, being unsure of any position relative to the aircraft, I perhaps unwisely put on the religious issue. I figured that if something went wrong, the courts might be more lenient with a religious fanatic than an ordinary citizen. And I can assure your honor that this case has nothing to do with the coming of the Lord,

regardless of what the papers said. But I did put it in and again, I might say unwisely, hid behind this issue.

“I believe that demonstrations that are within the framework of the law are helpful. It is for this reason that I took occasion to notify the FAA, the airport, and the control tower, of my intent of raising my balloons. I think that if the court does grant this restraining order, that I be strictly restrained from acting contrary to Part 101 of the Federal Aviation Rules and Regulations and no other.”

“Then you have no objection to this preliminary injunction?”

“The preliminary injunction, your honor, is not the same as Part 101. I feel that the Government is trying to invent powers that they don’t have. I feel some hostility toward the government for trying to enforce powers that they don’t have. These are feelings that I am trying to uncover by these demonstrations.”

“Is it your position, Mr. Bezaire, that because you have it moored to the surface of the earth that you can put up a balloon as high as you want?” asked Judge Roal.

“Yes, your honor,” I said. “I should be able to raise balloons so long as the government does not govern any balloons under six feet in diameter. I am sure the FAA has tested this and come to the conclusion that balloons under six feet in diameter will not be a hazard to the navigation of aircraft.

“According to the language of the restraining order, I am prohibited from walking down the street with a toy balloon in my hand. I am prohibited from flying a balloon anywhere within five miles of the airport.

“In this restraining order, I think the Government is trying to take powers they don’t have when the FAA has already set down their own rules and regulations. If it means anything, I discovered something else. A restraining order cannot be sought against somebody for violating the law that is already in existence. And since there is a law in existence governing my activities, I do not

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feel a restraining order should be placed against me to violate a law that is already in effect.”

“Anything further?” asked the judge. He seemed to be listening intently.

“Let me make it clear,” Shienberg said. “The Government has no objection to either Mr. Bezaire or other people flying certain balloons in the air if they so desire. Our objection is if the balloons are in violation of that type of balloon listed in Part 101 of the Federal Aviation regulations and those are above diameters of six feet.” This was exactly what I was fishing for.

“The whole point of the restraining order was that we felt we were threatened with much larger balloons. We have no objection to any sort of protest regarding airport noise so long as it is within the terms of the applicable FAA provisions.

“If Mr. Bezaire wants to carry a balloon along the street saying ‘I protest noise at International,’ then that is fine. But we want the preliminary injunction continued for ten days. And of course, it will be tailored to the provisions of the FAA regulations, Part 101 and its following parts.”

“Your Honor, may I ask the attorney a question?” I stupidly asked.

“Address your questions to the court,” said the judge.

“I would like to know if the Government is strictly seeking to keep me from violating Part 101.” This is what I wanted to hear.

“That is correct,” said Shienberg.

“If this is true, I will say that a restraining order should be granted if I do intend to violate Part 101—I don’t object to the court keeping me within the framework of Part 101, which is not what the restraining order says.”

The judge turned to Shienberg. “Do you have a copy of Section 101.15, 101.17, 101.19t 101.35 and 101.37?”

“I do, your honor,” the attorney said after looking through his papers. He passed the documents to the judge.

“Do you have a copy of these regulations, Mr. Bezaire?” the judge asked.

“Yes. I do your honor.”

The judge took a few minutes to read the injunction. Shienberg and I look at each other and smiled.

“Anything further?” the judge asked.

“Only one item, your honor,” I said. “This is where the problem comes in. In Part 101, it mentions that the part is applicable only to a balloon that has a diameter greater than six feet. If I stay under the six foot diameter would I still be in violation?”

“No,” Shienberg said. “That should be added to the preliminary injunction. We have no objection to balloons under six feet in diameter. That is the way the opening part of 101 reads, your honor. I believe that should be ordered.”

“All right,” said Judge Roal. “The injunction will be modified to show that you are ordered not to raise balloons over six feet in diameter.”

“That is correct, your honor,” Shienberg said.

“Mr. Bezaire, do you understand what you are enjoined from doing?” asked Judge Roal.

“Yes, your honor. I am restrained from raising any balloons greater than six feet in diameter. And since I will never raise balloons over six feet in diameter, I have no objection to the injunction.”

“This is an order and you are now enjoined. Do you understand that, Mr. Bezaire?”

“I do your honor.”

### *Setting Up The FAA*

I called the FAA and discussed the situation with Mr. Fred Brazio. I knew what the answer would be when I asked: “Would it be OK if I kept my balloons under ten feet in diameter?”

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“Any balloon raised in that part of the airspace will be dangerous,” he replied.

“How about if I keep my balloons less than six feet in diameter?” I asked.

Brazio was getting upset with me. “I told you any balloon in that airspace would be dangerous to the flight of aircraft.”

“Well,” I said. “I don’t care what you think. I am going to raise my balloons anyway and keep them under six feet in diameter. And there’s nothing you can do about it. Just to make sure I know where you stand, will you please send me a letter stating that any balloon flown in the location I stated in my telegram would pose a hazard to air navigation? Under that condition I may reconsider my position.”

“We will do that immediately,” he said.

In a couple of days, I had the letter I wanted.

### *Teasing Fred Brazio*

The next thing I had to do was to get the government to bring me back into court. I called the FAA again and spoke to Fred Brazio again and told him they had egg all over their face. “You said I could not even raise balloons less than six feet in diameter. But guess what? I can raise all I want so long as they don’t exceed six feet in diameter. Tell me something, Fred. What is the difference between one forty-five foot balloon and eight six foot balloons all clustered together?”

He did not reply so I prodded him again. “In a few days you can sing 99 balloons in the sky to the tune of 99 bottles of beer on the wall.” This really pissed him off; exactly the reaction I was looking for.

“You dumb shit!” he said. “Try to raise even one balloon into the final approach and I’ll see to it that you are back in court so quick you’ll never know what happened. I don’t care what size it is.” I got him hook line and the proverbial sinker.

### *Shopping for Balloons*

That afternoon, my girlfriend, Terry, and I left to buy some balloons. We pulled up to the Party Time store and walked in.

“What do you have in the line of six foot diameter balloons?” I asked the salesperson.

“We have all kinds of them. Red ones and green ones. Do you have a special color you are looking for?”

“We like the red. And how about a tank of helium?”

“Sure.”

“Does it hold enough gas to fill six foot balloons?”

“You can fill several balloons with just one tank.”

“Will the tank of helium fit in the trunk of that blue car out front?”

“Sure will.”

“Great. Let me have a couple of red ones and a tank of helium.”

“Sure. That’ll be a total of \$47.50.”

We loaded the tank of helium into the back of the car and drove off.

“Weren’t you going to get eight balloons?” Terry asked.

“I just told Fred that to confuse him again. Now watch what happens when I send him my next telegram.”

We walked out the door of the store as I whistled my new favorite song, *99 Red Balloons in the Sky*.

### *Meet Dave Anonsen*

I was with my men loading trucks when Dave Anonsen, a United State attorney, showed up. As he approached me, a plane roared overhead. Dave looked up at the jet.

“My name is Dave Anonsen,” he said “I am an assistant United States attorney. Can we talk for a moment?”

“Sure. Let’s step out of the way.”

## Big Jets Bow To Bezaire Balloons

“I’ve been assigned to prosecute the case against you if you insist on raising balloons again.”

“Why?” I asked. “Would I be breaking the law if I kept my balloons under six feet in diameter?”

“Not really,” he said. “But suppose something drastic happens?”

“Like what?”

“Heaven forbid a plane crashes because of the balloons.”

“If in the opinion of the FAA, my balloons pose a hazard to air navigation, then the FAA should shut down the runway when my balloons are up there.”

“I understand your position,” he said “But why are you doing all this? I’ve checked you out. You are a successful and respected businessman in this city. What do you gain from all this?”

“I do a service for the city, and I also gain one hundred big ones.”

“One hundred big ones?” he asked.

“Bananas, Dave, Bananas,” I responded.

“You lost me, Paul.”

“I made a hundred dollar bet that I could cause the FAA to change their landing pattern. Let me tell you something. I’ve lived in this town all my life while enjoying relative peace and quiet. Then along comes the FAA and establishes flight patterns....”

Another jet overhead cuts out any talk between Dave and me.

I continued. “Then along comes the FAA and establishes flight patterns and disturbs the peace and tranquility of me, my poker game, and everyone else in this area. I think it’s about time to stop these flights.”

“Why not just file a case against the airport expansion?”

“Come on, Dave. You know better than that. It takes a lot of money and years of court time. Doing it my way is much quicker and less expensive.”

“You must be aware that the government will beat you in the end.”

“Don’t be too sure, Dave. I’ve checked it out with friends in the right places who tell me it would be no great matter to change the flight pattern so the planes approach the airport a few miles north or south of here.”

“I brought that up with Fred Brazio, who says they will never do that.”

“Fred is what I call a real jerk,” I said. “Where he went wrong is calling me a dumb shit.”

“Fred called you what?”

“A dumb shit. That suddenly changed my battle with the FAA into a personal battle against him. I don’t like being called a dumb shit, and I don’t like losing at poker. I hate the noise of the planes, but not as much as I hate losing \$100 to Steve! Now it’s personal.”

“I’ll talk to him about that. In the meantime, please consider the possible consequences of what might happen if you raise any more balloons.”

When Dave left, Terry and I practiced filling up balloons.

“This isn’t hard to do,” she said.

“Really very simple,” I replied. “I think you could even do this alone.”

“I know I could if necessary,” I said.

“Aren’t you supposed to raise the balloon tomorrow?” she asked.

“Yes, but I won’t be here to do it. I am going to Palm Springs for the night. I don’t want to be tempted to violate the restraining order I am about to get served with. You stay here and take care of things.”

Terry looked at me puzzled. “What did that mean?” she thought to herself but knew exactly what I meant.

## Big Jets Bow To Bezaire Balloons

### *Balloon Raising #1*

It was June 4<sup>th</sup>. Terry parked her car in the middle of the vacant lot, directly under the final approach, and filled a red balloon. On one side of the street, fire engines and the power company vehicles were flashing red lights. A policeman approached Terry.

“Do you have permission to be here?” asked the policeman.

“Yes I do. My boss Paul Bezaire owns this property.”

“What are you going to do with that balloon?”

“Gee, if you stick around long enough you’ll see.”

Fred Brazio approached Terry. “My name is Fred Brazio with the FAA. Where is Paul, young lady?”

“He went to Palm Springs for the night.”

Planes were flying overhead about every few minutes.

“What are you doing here?” asked Fred.

“Like I told the officer, stick around for a few minutes and watch.”

“If you raise that balloon, you’ll be in violation of a court order,” Fred said.

“In violation of what?” she asked.

“A temporary restraining order.”

“What’s a restraining order?” Terry asked innocently.

“Forget it,” said Fred. “Will you stop what you are doing for about an hour? I’m going to make a phone call to the tower. I don’t want any airplane crashes around here.”

“You don’t want any plane crashes around here? Where would you prefer they crash? Just kidding, OK, I’ll wait, but only for an hour.”

Fred ran to his car and got on the phone. Terry looked at her watch. It said 9:30.

Fred returned and informed Terry that he just called the control tower. They decided to shut down the runway.

The planes stopped flying overhead. Terry waited and kept looking at her watch until it read 10:25. She raised her balloon.

I arrived on the scene soon after. I smiled as I saw Terry's balloon. I usually enjoyed looking at her balloons, but this time it was literally her red balloon that I was happy to see. Terry introduced me to Fred.

"Hi Fred," I said, grinning. "I've been looking forward to meeting you."

"Your ass is had now, mister!" Fred shouted.

"My ass is what?"

"You're in violation of a restraining order. I'll see you in court for this."

"For what?"

"For being involved with the raising of this balloon."

"It's not my balloon," I retorted.

"She is doing it under your authority."

"Not me. I didn't tell her to do it."

"I demand that you tell her to remove it," Fred said.

"Nobody demands anything from Terry," I said. "If you were a nicer person, I think she would be cooperative. Why don't you ask her in a nice way and see what happens?"

"Young lady, will you please remove your balloon?" Fred said in a sickly-sweet voice.

Terry looked at me and I nodded my approval. She got a pair of scissors from the trunk and cut the line. "Bye, bye, balloon!"

So ended the first balloon raising incident. I now waited for another subpoena to appear in court.

## *Hearing #2*

It didn't take long for the subpoena. Both Terry and I were called into court. Judge Roal was presiding again. After all the preliminary business was disposed of, Dave Anonsen, the US

## Big Jets Bow To Bezaire Balloons

attorney called on Terry to testify. Brazio sat next to him. I knew he was drooling all over himself inside.

“Miss Smith, on June 4 did you go to a vacant lot at the corner of 104<sup>th</sup> street and Prairie Ave. in the city of Inglewood?” Dave asked.

“I did.”

“Did anyone tell you to go there?”

“No.”

“Why did you go there?”

I was getting annoyed with this line of questioning and afraid that she might say something that would get us both into trouble. “Objection your honor. Miss Smith is not on trial here. She has not even been accused of anything,” I said.

“Objection sustained,” the judge said, much to my relief. “This is not a contempt hearing, counselor. *It is only a hearing to determine if a balloon is a danger to aircraft.*”

Dave turned to Fred and shook his head and then whispered something to him.

“I call Fred Brazio,” Dave said.

Fred took the stand and was sworn in.

“On the morning of June 4<sup>th</sup> did you visit the corner of 104<sup>th</sup> street and Prairie Ave in the city of Inglewood?” Dave asked.

“Yes, I did.”

“When you first arrived, what did you see?”

“I saw a young lady standing at the rear of a car parked in the center of the vacant lot,” Fred replied.

“Please tell the court what she was doing,” said Dave.

“She was filling a red balloon from a tank resting in the trunk of the car.”

“Did you go over and speak to her?”

“Yes, I did,” Fred replied.

“Will you please describe the conversation?”

“When I asked what she was doing, she told me to stick around and find out.”

“What did you do next?”

“I had reason to believe she was about to raise the balloon so I asked her if she could wait for an hour before she raised it.”

“What did she say?”

“She said OK.”

“What did you do next?”

“I called the tower and told them to divert the planes away from this runway.”

“Why did you do that?”

“Because a balloon in that location will be extremely hazardous to the flight of any airplane trying to land.”

“Why would that be?” Dave asked.

“A balloon could be ingested into the engine, causing a disintegration of the rotor blades,” Fred replied.

“And that might....”

“Cause the plane to crash.”

“Are you familiar with jet aircraft engines?” Dave asked.

“Yes sir, I am.”

“Do you hold any special degrees concerning aircraft engines?”

“Yes I do. I hold a Bachelor of Science Degree in Mechanical Engineering.”

“Have you ever been employed where you needed that degree?”

“Yes. I am a past employee as a professional aeronautical engineer working in the Propulsion Division concerned with Aircraft Engineering for the Federal Aviation Administration,” Fred replied.

“During the course of your employment did you have occasion to be involved with the testing of aircraft engines?”

“Yes.”

## Big Jets Bow To Bezaire Balloons

“I would ask the court to accept the witness as an expert witness, able to testify as to the effect a balloon will have on a jet engine,” Dave said.

The judge asked me if I had any objection.

“I do not, your honor,” I said. I was happy to challenge him and his “expert” testimony.

“Proceed, Mr. Anonsen,” said the judge.

“Thank you, your honor. Mr. Brazio, will you please tell the court what can happen if an aircraft strikes a helium filled balloon with a diameter of six feet?”

Fred replied, “It can reasonably be expected that any aircraft, regardless of size or configuration, would be subject to a flight hazard upon making physical contact with a moored balloon having a diameter of approximately six feet in diameter. Anything ingested into an engine regardless of how small can possibly disintegrate the rotor blades.”

“Based on your experience and authority, on June 4<sup>th</sup> did you order the approach zone closed?”

“Yes, I did. I felt it necessary to protect the safety of any planes attempting to land on the runway.”

“No further questions, your honor.”

At last my turn to question Fred Brazio.

“Do you wish to question the witness, Mr. Bezaire?” asked the judge.

“Thank you, your honor,”

“Mr. Brozio, have you ever tested or been involved in testing jet aircraft engines?”

“Yes. For about five years.”

“So you must be very familiar with what will and what will not harm a jet engine. Is that correct?”

“I am familiar, yes.”

I opened a large box sitting on my table and withdrew a small hand tool. I handed it to Fred. “Are you familiar with that item?”

“It looks to be a small tool.”

“About the size of a small pocket knife would you say?”

“That would be close,” he agreed.

“Do you think a small tool like that would disintegrate a rotor blade?”

“It could, possibly.”

I next withdrew a cotton ball about two inches in diameter from the box and handed it to Fred.

“Can you imagine that cotton ball being a two-inch diameter hailstone?” I asked.

“I think so.”

“What do you think would happen if a two-inch diameter hailstone was ingested into the engine?”

“It could possible disintegrate the rotor blades.” I held it up so the judge could see.

I withdrew a large stuffed owl weighing five pounds. “Based on your experience as a specialist working with jet engines, can you render an opinion as to what a large bird of this size might do to a jet aircraft engine?”

“It could severely damage it.” he said.

I next handed him a document.

“Do you recognize that document?” I asked.

“Yes.”

“Will you please read the title.”

“It’s an advisory circular from the Federal Aviation Administration.”

“It deals with ingestion requirements of aircraft engines. Is that correct?”

“Yes.”

“Based on that document, isn’t it true that a turbine engine must be certified to ingest hail stones of two-inches in diameter?”

“Yes.”

## Big Jets Bow To Bezaire Balloons

“It must also be certified to ingest a small mechanics hand tool about the size of a penknife. Is that also correct?”

“Yes.”

“And again, based on that document, must a turbine be certified to ingest birds, ducks, geese, buzzards and large gulls up to five pounds in weight?”

Fred is visibly uncomfortable. “Yes.”

I held up a six foot diameter balloon weighing less than two ounces. I had it all folded up so it looked very small. “Now after a turbine engine has been certified to ingest all these foreign objects, will you please explain to the court how this two ounce piece of rubber will damage rotor blades?”

Fred did not respond, instead, he looked to Dave for help.

### *The Judge's Turn*

The judge finally spoke. “You may step down, Mr. Brazio. I’ve heard enough. I am still not convinced that Mr. Bezaire’s balloons has ever posed a hazard to air navigation. This is my order: I am giving the government 180 days to rewrite the regulations if they want to. If, in that time, the regulation still does not cover Mr. Bezaire’s activities, you may find him raising balloons anywhere and anytime he wishes so long as they do not exceed six feet in diameter. Do you understand the Government’s position, Mr. Anonsen?”

“I do, your honor.”

Judge Roal continued. “As for you, Mr. Bezaire, I can understand your frustration but something must be done before someone gets hurt. I am signing an order that applies to you. It prohibits you from raising any more balloons in the approach zone to the Los Angeles International airport for a period of six months. Do you understand?”

“I do, your honor.”

We left the courtroom.

So far so good

The next day I was in my shop's parking lot when Terry ran out the door holding up a newspaper. The headline read: BIG JETS BOW TO BEZAIRE BALLOONS. It wasn't exactly Dewey Captures Manila or The Giants Win the Pennant!, but I had my name splashed across the front page of the newspaper. The more publicity I got, the more intimidating I was to the government. I smiled as jets flew overhead.

"You did great, Terry," I said.

"Did you like what I did?" she asked.

"Terrific!" I replied.

My workers were loading trucks and overheard our conversation.

One worker read the paper. "Hey Terr! You're in here also."

"Were you nervous?" another worker asked.

"Terry scared? Are you kidding?" laughed another.

"By the way," Terry said. "A Mr. Robert Dawson called. He said he was from the FAA."

"What did he want?"

"He left a phone number and asked me to ask you to call him day or night before you raised any more balloons. He said he was in Washington."

### *Let's Call Dawson*

The next evening my friends and I were enjoying our poker game when we heard the planes flying overhead.

I suddenly got up. "Deal me out. I'm going to try and put a stop to this noise right now," I said. I picked up the phone and dialed the number Terry gave me earlier. My watch showed 10:30.

"Are you Robert Dawson?" I asked.

"Yes."

## Big Jets Bow To Bezaire Balloons

“My name is Paul Bezaire. I understand you wanted me to let you know before I raise any more balloons around LAX. In about an hour I am going to raise two balloons.”

“How high?” he asked.

Although I didn't have any balloons in the house, I lied. “I guess about 2,000 feet. The jets are directly over my house at the moment so I have to go higher.” Where I was going to get 2,000 feet of fishing line 10:30 at night in Lakeview was beside the point. He was on the other coast, for all he knew I was calling from a pay phone with fishing line and balloons in hand ready to go.

He then asked if I would wait for about an hour before I did this.

“Yes, I'll wait, but for no longer than that.” What is it with government officials and an hour? I sat back at the table, continued with my poker game, and waited.

An hour later, I looked at my watch. It was 11:30.

“Should be happening soon,” I said. “We won't have to listen to that damn noise for the rest of the night. And you, Steve, how about that hundred dollar bet we made?”

Steve stopped by the next day with one hundred dollars. I had to wait 180 days before I made my next move. I should have stopped then since I made my hundred bucks back. But there was still the matter of being called a dumb shit to deal with and to have the FAA change the approach away from my house.

### *Pulling Fred Brozio's Chain Again*

One hundred and eighty days passed since Judge Roal ordered the FAA to revise the section of the code describing what can or cannot be permitted, regarding the raising of balloons. Fred was sitting in his office reading his mail. He jumped up and hollered to his secretary to get Dave Anonsen on the phone.

“Dave! That shit-head is at it again! I just received another telegram saying that he's going to raise more balloons.”

“I’ll be over in a half hour.”

Thirty minutes later Dave walked in. “What’s going on Fred?”

Fred handed Dave the telegram. “I just received this telegram from Bezaire saying he’s going to raise some more balloons.”

“What did the guys at FAA do about the judge’s ruling concerning a new regulation to fit this case?” Dave asked.

“They adopted an emergency order that no person may raise a balloon in such a way that it will endanger the flight of aircraft,” Fred replied.

“You certainly don’t think that will stop him, do you?”

“Why do you say that?”

“It’s too unconstitutionally vague. And he’ll know that. The court will not buy it either.”

“Then Washington screwed up on this one. They had specific instructions.”

“That’s not your problem now,” said Dave. “The one hundred and eighty days have passed and you are in another tedious position. What do you propose?”

“I’ve given this some thought since I got this last telegram. I am going to let a plane fly in and hopefully run into his balloon.”

“You’re not serious! Please tell me you’re not serious!”

“I am serious, Dave. I never did have any real belief that a simple balloon would do damage to an aircraft. But I want to get this guy.”

“Damn it, Fred. You testified at the last hearing that it could do damage,”

“I said it could, not would.” Fred explained.

“I don’t want to hear another thing about this. Just don’t ask us guys in the Justice Department to bail you out if something goes wrong.”

“I’m sorry you feel that way, Dave. But I’m going after this guy if it’s the last thing I do.”

## Big Jets Bow To Bezaire Balloons

### *Balloon Raising #2*

Terry and I returned to the launch site and prepared to launch more balloons. The fire department, the power company, and the police were all waiting again with red lights flashing.

“Look at all those emergency vehicles,” I said to Terry. “One would think something catastrophic is about to happen.”

“Yes,” she said. “But all they have to do is stop the planes again.” At that point I couldn’t believe I had a beautiful young girl standing in a vacant lot in Inglewood blowing up balloons and actually believing in what she was doing. It was great.

Fred approached us. “Bezaire, you better stop this immediately.”

“You are on private property, pal,” I said. “Leave now.”

“Better pray nothing happens. I’ll see you in court.” Fred turned and left.

That was exactly the response I hoped for. Another court appearance couldn’t come fast enough. I was also counting on Judge Roal to get tired of seeing us again.

We inflated the balloon and launched it. The length of the twine was 1000 feet. Planes were still approaching. One stranger came to me hysterically.

“I demand that you lower the balloon!” he said. “My wife is on the next plane coming in.” How he knew this puzzled me.

In a later deposition, he was identified from photos as an FAA employee. How could he possibly know his wife was on the next plane? If he could tell a specific plane out of hundreds that landed there every day, he’d make a much better street corner hustler than he ever would as an actor.

“Sorry fella. Better start praying.”

Meanwhile, United 342 was talking to the control tower.

UNITED 342: “We just passed a large red balloon outside of our right window.”

TOWER: "Roger United 342."

The pilot of American 563 was listening to the conversation between the tower and United 342.

TOWER: "American 563. Did you copy United 342 report the presence of a red balloon?"

FLIGHT 563: "Roger. We will be there in a few seconds."

I was holding onto the balloon twine. As the plane passed overhead, I suddenly felt a tug on the twine, and then nothing. You can talk all you want about large Marlins on a fishing line. I had a 740B jet on my line.

FLIGHT 563: "I think we just collided with the balloon."

TOWER: "Any problem with the aircraft?"

FLIGHT 563: "None that we are aware of."

TOWER: "File a full report about this immediately after landing."

FLIGHT 563: "Roger."

"What happened, Paul?" Terry asked.

"That plane just popped my balloon!" I said like a spoiled child at a county fair. Soon thereafter we packed up the equipment and left.

### *Hearing #3*

We entered the courthouse for the next appearance and went through the metal detectors. I went through and then came to the point where packages and briefcases were examined. Upon looking in my briefcase, the guard summoned another. The security police quickly arrived and took me to a secure room.

Judge Roal was finishing a case as the security policeman entered and said something to the marshal. The marshal walked to the judge and said something. The judge stood up and left the bench and went out of the room to his chambers.

The judge waited as security ushered me into his chambers.

"What's going on, Mr. Bezaire?" he asked in a gruff voice.

## Big Jets Bow To Bezaire Balloons

The security officer handed the judge my briefcase. He assured the judge they had examined it and that it was safe.

The judge opened the case and saw what appeared to be red sticks of dynamite taped together with a fuse attached.

“What’s this all about, Mr. Bezaire?” he asked.

“As I explained to the police, your honor, this is simply an exhibit I planned on introducing into evidence.”

“Evidence of what?”

“Only to make the point that what may seem to be dangerous is not necessarily so. I got the impression that you personally had bad feelings about the balloons being dangerous. I wanted to impress upon you that after a careful examination, my balloons are no more dangerous than these red broom handles and string.” All those years of watching Wily E. Coyote cartoons paid off since I knew what dynamite looked like. I stopped short of writing ACME on the side of my contraption, but I got my point across.

“I do commend you for your creativity but you are walking on thin ice.”

“I apologize if I offend the court, your honor. I just followed what I thought might be the most effective way of making a point.”

“All right,” he said. “Now take your case and go to the courtroom.”

“Thank you, your honor.” I must admit that I was a bit nervous.

The judge finished his last case. The room was now empty except for Dave and Fred on the left side and Terry and me on the right. The judge looked down. “All right gentlemen, what brings you back here again?” he asked.

“This is another motion for a permanent injunction your honor. Mr. Bezaire raised another balloon in violation of your order issued the last time we were here.”

The judge flipped through the file and found the order.

“Did you violate this order, Mr. Bezaire?” he asked.

“No, your honor. I never raised any balloons for the period of six months as you said in your order.”

“What he did violate was the new section of the regulations adopted by the administrator under his emergency powers,” Dave added.

“Why did the administrator need his emergency powers to adopt this regulation? Wasn’t 180 days enough time to do this correctly? In his papers filed in this matter, Mr. Bezaire challenges the validity of this regulation on the basis of the lack of proper administrative hearing.”

“I really can’t respond to that, your honor,” Dave said.

“We’ll get back to that later, if necessary. For the record Mr. Anonsen, will you please read the part that you feel Mr. Bezaire violated?”

Dave read the section. “No person may operate any moored balloon, kite, unmanned rocket, or unmanned free balloon in a manner that creates a hazard to persons, property, or other aircraft.”

“That’s it?” exclaimed Judge Roal.

“That’s it, your honor.” Dave responded sheepishly.

The judge turned to me. “Do you wish to respond to this new regulation, Mr. Bezaire? I see you filed some papers challenging the constitutionality of this regulation.”

“Thank you, your honor. In a recent case with similar language, the Director of Agriculture adopted a rule making it a misdemeanor for any person to ship out of the state any oranges that have been frosted to the extent of endangering the reputation of the citrus industry. And as your honor is aware, every man should know with certainty when he is committing a crime. When Mr. Simpson was tried for shipping oranges that some might consider capable of damaging the reputation of the citrus industry, he was convicted. The higher court reversed the verdict saying that

## Big Jets Bow To Bezaire Balloons

the regulation was too vague, indefinite and uncertain for the basis of a conviction.”

“We are not here today to learn about the California citrus industry!” Dave said, standing up.

“Please sit down, Mr. Anonsen. Perhaps Mr. Brazio can learn something. Please continue, Mr. Bezaire.”

“Thank you, your honor. In the case just cited, the court further said it would certainly be dangerous if the legislature could set a net large enough to catch all the possible offenders and leave it to the courts to step inside and see who could be rightfully detained and who should be set free. Now, applying this same theory to the new regulation, at what point can one say that a balloon creates a hazard to air navigation? I think the regulation is as unconstitutional as in the case involving oranges I just cited.”

“How do you respond to that, Mr. Anonsen?” asked the judge.

“I have none, your honor.”

“Would you like to present evidence My Anonsen? You are going to have to convince me that balloons are in fact dangerous to the flight of aircraft.”

“Thank you your honor. I would like to call Captain Matthew Smathe to the stand to show that a balloon flown by Mr. Bezaire was capable of being struck by an aircraft.”

“Proceed.”

After being sworn in, Captain Smathe took the stand.

“On June 4, were you piloting American Airlines flight 563 as you were landing at the Los Angeles International airport?” Dave asked.

“Yes, I was.”

“Did anything unusual happen on that occasion?”

“Yes.”

“Will you please tell the court what happened?” Dave asked.

“I struck a large red balloon.”

“Did you find the balloon to present a hazard to air navigation?”

“A balloon in any airspace presents an extreme hazard,” Captain Smathe said.

“Did you file a report about the incident?”

“Yes, I did. I reported to Mr. Fred Brazio.”

“No further questions,” he said.

“Do you wish to question, Mr. Bezaire?” asked the judge.

“Yes. Thank you, your honor.”

I take dead aim on Captain Smathe.

“Captain Smathe. Is that correct?” I said, approaching the witness.

“Yes, it is,” he replied.

“Would you say you are like the proverbial captain on a ship who has full control of the ship?”

“I am.”

“In other words, you can reject landing instruction from the control tower at any time you wish. Is that correct?”

“What are you driving at?” Captain Smathe asked.

“Please just answer the question. Can you reject landing instructions from the control tower?”

“Yes. But I can’t envision anything like that happening.”

“Earlier, you said that a balloon in any airspace presents an extreme hazard. Did you believe the balloon you struck on that day presented a hazard?”

“I certainly did.”

“Approximately how many miles from the airport were you when you first became aware of the presence of the balloon?”

“Maybe forty miles.”

“How did you first become aware of the presence of the balloon?”

“I was following United 342. I heard them report the presence of the balloon.”

## Big Jets Bow To Bezaire Balloons

”And you knew you would be passing the same location?”

“Approximately.”

“When you first became aware of the presence of the balloon could you have rejected landing instructions and requested different instructions?” I asked.

“Yes.”

“Did you have sufficient fuel to perform such a maneuver?”

“Yes.”

“Did you have sufficient height to perform this action?”

“Yes.”

“Did you have sufficient air speed?”

“Yes.”

“How many passengers were you carrying?”

“I am not sure about the number of passengers but I was carrying a crew of seven,” said Captain Smathe.

“You don’t think much of your crew and yourself, do you?”

At this point Dave stood. “Objection, your honor.”

“What’s the point, Mr. Bezaire?” asked the judge.

“Why would you carry a crew of seven through what you testified were extremely hazardous conditions when you could have safely avoided them?”

Captain Smathe did not respond. He looked at Dave who was conferring with Fred.

“No further questions,” I said.

“Call your next witness, counselor,” the judge said to Dave.

“The government rests.”

“Do you have any witnesses, Mr. Bezaire?” Judge Roal asked me.

“Yes, your honor. I call Fred Brazio.”

Now it’s time for Fred and his “expert” testimony.

The judge warned Fred that he was still under oath.

“Were you present on the morning of March 14 the last time balloons were being raised?”

“Yes, I was.”

“Do you recall asking the control tower to close the runway?”

“Yes.”

“Why didn’t you do the same this time?”

“I did not have as much time as the last time,” Fred said.

“Were you watching the balloon as it went up?” I asked.

“Yes.”

“Were you watching it as it got hit by Captain Smathe’s aircraft?”

“I was.”

“What did you see happen?”

“I just saw the balloon disappear.”

“Do you mean it disintegrated?” I asked.

“It looked that way. Yes,” Fred replied.

“Was that because it got struck by Captain Smathe’s aircraft?”

“I believe so. Yes.”

“At any time was any part of my balloon found attached to Captain Smathe’s aircraft?” I asked.

“Only a piece of string was found embedded in the wing,” Fred replied.

“No further questions by this witness, your honor.”

“Anything further?” Judge Roal asked.

### *Case Needs To Be Dismissed*

“Yes, there is, your honor. I ask that this matter be dismissed for lack of jurisdiction by this court to hear it.”

“On what grounds, Mr. Bezaire?”

“I believe the National Transportation Safety Board, otherwise referred to as the NTSB, must first investigate this matter before this court can act.”

“How do you arrive at that conclusion, Mr. Bezaire?”

## Big Jets Bow To Bezaire Balloons

I pulled out the Code of Federal Regulations. “Let me direct your attention to Part 14 of the Code of Federal Regulations. Part 1.1.”

The judge leaned over and asked the clerk to get a copy of the code. Fred and Dave were conferring as the clerk returned with the book. The judge turned to the section and instructed me to continue.

“Section 101.7 defines a balloon as a lighter-than-air aircraft. Now the way I figure it, on March 14, I was flying an aircraft at the same time Captain Smathe was coming in to land.”

“That’s preposterous, your honor!” Fred shouted, jumping to his feet.

“I object to the FAA representative speaking. He is not the attorney for the government. But since he is so anxious to speak, I would like to call him again as a witness,” I said.

### *My Sights Are On Fred Again*

“Please take the stand, Mr. Brazio.” said the judge with a smile. I thought he was interested in this David and Goliath conflict.

Fred walked to the stand.

“You are still under oath,” notified the judge.

“Do you have a Code of Federal Regulations with you today?” I asked.

“Dave has it next to him on the table.”

“May I hand it to the witness, your honor?” I asked.

“You may,” he replied.

I walked to the table and took the book from Dave. I smiled; Dave frowned. I handed it to Fred.

“Will you please locate Title 14, Section 1.1?”

“I have it.”

“How does it define a lighter-than-air aircraft?”

“As one that can rise and remain suspended by using contained gas weighing less than the air that is displaced by it.”

“Does that fit the description of a balloon?” I asked.

Fred saw where I was going with this. “I don’t think so.”

“What is your definition of a balloon?”

Fred is now lost for words. He studies the code book.

“Did you not testify earlier that you were an expert on air law?”

Dave stood up. “I object to this whole line of questioning.”

The judge smiled. “Overruled.” he said to Dave. “This was your witness, counselor. Continue, Mr. Bezaire.”

“Thank you, your honor. How would you define a balloon, Mr. Brazio?”

“I guess just like in the regulations.”

“Will you please tell the court how a balloon is defined?”

“It’s defined as a lighter than air aircraft.”

I knew I could have had the court take judicial notice of these matters but I was having too much fun making Fred feel uncomfortable. The witness was squirming like Bill Clinton trying to explain what the definition of what “is” is.

“Then by that definition would you say that I was flying a lighter than air aircraft on March 14?”

“I guess so.”

“We are not here to guess, Mr. Brazio. Can you say for sure that by your own rules and regulations I was flying an aircraft on March 14? Yes or no?”

“Yes.”

“Will you please now turn to Section 91.67?”

Fred looks and turns to the section. He looks at me.

“What does that section say about a balloon and the right of way?”

“A moored balloon has the right of way over all other category of aircraft.”

## Big Jets Bow To Bezaire Balloons

“Was my balloon—I mean aircraft—moored to a surface of the earth?”

“Yes.”

“Then would you say that my balloon had the right of way over Captain Smathe’s aircraft?”

Fred was now uncomfortable and gave some thought before responding. “If you interpret it literally.”

“So on March 14 there was a collision between two aircraft. Isn’t that correct, Mr. Brazio?”

“Yes.”

“You earlier testified that you found some of my string embedded in the wing of Captain Smathe’s aircraft. Is that correct?”

“Yes.”

“Did you report this accident to the National Transportation Safety Board?”

“No.”

“Why did you not make a report?”

“Because I did not feel it was necessary.”

“Didn’t you say there was a collision between Captain Smathe’s aircraft and my aircraft?”

Fred hesitated before responding. “I did say that.”

I now handed Fred a copy of the rules and regulations of the National Transportation Safety Board (NTSB).

“Does that appear to be the rules and regulations of the NTSB?”

“It appears to be a copy, yes.”

“Isn’t a report required under Part 430.5 of Title 14 when a collision occurs between two aircraft?”

“It requires a report, yes.”

“In light of that requirement, will you please tell this court why you did not make a report?”

Dave objected and said he already said he did not feel it was necessary.

I then asked, "Did you preserve the wreckage as required in Part 430.10?"

"In this case, there was no wreckage," he responded.

"Didn't you say you found a piece of the mooring line caught up in Captain Smathe's aircraft?"

"Yes, but that was not wreckage."

"What would you call it?"

"Just a piece of string," Fred replied.

At this point I didn't feel like getting into the definition of "wreckage" as it relates to balloons and airplanes. So I continued, even though I was a little offended that my piece of string was not considered "wreckage" whereas I'm sure an airplane losing a wing would be considered wreckage.

"By the way, who had the right of way on the day of the collision? Was it Captain Smathe and his aircraft or me and my aircraft?"

"I don't know," he replied. "I guess the larger of the two aircraft."

"Please read Part 1.1 of the regulations."

"If the aircraft are of different categories, a balloon has the right of way over any other category of aircraft."

"Now, doesn't Section 91.67 require that a report be made to the NTSB any time aircraft collide in flight?" I asked.

"Yes."

"Why didn't you make a report?"

"I did not think it was necessary," Fred replied.

"In fact you never even considered it, did you?" I retorted.

"No."

"Did the NTSB take custody of Captain Smathe's aircraft?"

"Not that I know of."

## Big Jets Bow To Bezaire Balloons

“According to section 430.10,” I said. “Isn’t it the responsibility of the NTSB to take custody of all aircraft involved in air collisions until release is granted?”

“That’s what it says,” Fred said with sarcasm dripping in his voice. “But in this case we are only talking about an incident. The section only refers to a case where there is substantial damage to either aircraft.”

“It sounds to me that you were asleep at the switch through this whole incident. Wasn’t my aircraft totally destroyed?”

He paused and thought for a moment, “Yes.”

“Finally Mr. Brazio, are not the only persons permitted to participate in any particular, investigation, examination or testing are the Board’s investigation personnel? That’s in section 430.10.”

“That’s what it says here.”

“No further questions, your honor,” I said.

“Any questions, Mr. Anonsen?” asked the judge.

“No questions, your honor.”

The judge had heard enough.

### *Here’s The Judge Again*

“Well gentlemen,” he began. “You have presented me with a serious problem. Personally, I am a pilot and would not like to fly into any balloon. On the other hand, Mr. Bezaire does present a great argument in support of my lack of jurisdiction. He is commended for that. Perhaps I am exceeding my powers but I will enjoin Mr. Bezaire from raising any balloons of any kind over fifty feet above the surface of the earth for a period of six months. In the meantime, if I see the government in here again on this same issue, Mr. Bezaire might be flying balloons any place, any time and as high as he wishes. It’s up to you, Mr. Anonsen, and especially you, Mr. Brazio. I would suggest that you do something about those approach patterns. I have investigated this matter myself and feel the approaches can be moved to accommodate Mr. Bezaire without

too much trouble. This is my final word on the matter as well as my judgment in this case.”

The judge stood and left the bench. Dave, Fred, Terry, and I walked out of the courtroom.

“I must admit, Paul, that I never figured you for putting on such a case,” said Dave. “In the hands of private counsel you could easily have spent one hundred thousand dollars on this case. You should be commended.”

“Thanks, Dave. And as for you, Fred, I don’t want to see your face again on any matter concerning my flight of balloons. I have more stuff in store for you if I do. I haven’t even begun to fight.” There I go quoting somebody again. Terry and I walked in one direction as Fred and Dave walked in another.

It only took about three months for the huge jets to start flying about four miles further south of my home, and about three months and a day for me to lose my \$100 back to Steve Larger at the next poker game.

\* \* \*

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## 6

### *I Dislike Collection Agency Attorneys*

In 1973, my wife needed an appendix operation. Prior to the operation, she and I met with Dr. George Clark to discuss the operation and the costs involved. The doctor told us that we would owe the hospital for my wife's stay, the cost of the operating room, the cost of the anesthesiologist and his fee for the surgery.

The operation went well and my wife recovered successfully. Two months later, I received an invoice for \$68.00 from a doctor whose name I had never heard of. The name, Dr. John Romwell, and his telephone number were on the top of the invoice. I immediately called the number. The woman who answered explained that the bill was for his services during my wife's operation. When I told her I wanted to talk to the doctor, she informed me that he was awfully busy and did not have the time to discuss it. I then informed her that I was also busy and would not pay the bill until I spoke to him. Why is it that doctors and lawyers think they are the only people who seem to be constantly busy? Anyway, I left my number and hung up.

The following evening, I received a call from Dr. Romwell. It seems that when money is involved, people all of a sudden become a lot less busy. The good doctor was very nice when we started talking. I asked him who he was and he told me that he was the assistant surgeon at my wife's operation.

“Who hired you?” I asked.

“You did.”

“When did I hire you?”

“Dr. Clark asked me to assist him during the operation.”

“Then I suggest you look to Dr. Clark for your money,” I said.

“Let me ask you something, doctor. (He knew I was an electrical contractor.) If, after I did a job for you and my helper sent you a bill for his services, would you feel responsible for paying him?”

“I am not exactly a helper. I am an assistant surgeon,” he replied.

“Ya, just like stewardesses aren’t just flying waitresses, they are ‘flight attendants.’ I apologize, doctor. Let me rephrase the question,” I said. “If, after I did a job for you, my assistant electrician sent you a bill for his services, would you feel responsible for paying him?”

I received a dial tone in response.

A week later, I received a summons and complaint from a collection agency. The doctor had turned the bill over to a collection agency. Furious at what had transpired, I went to the local law library and learned how to serve a DEMAND FOR A BILL OF PARTICULARS along with a NOTICE OF TAKING A DEPOSITION. You request a bill of particulars when you want to know exactly what you are being sued for, including the time the alleged debt was incurred and under what circumstance. Two hours in a law library and I’m already talking like Perry Mason. I was pretty impressed with myself, but I digress. My request for the bill of particulars asked the doctor to tell me who had hired him, when he was hired, what he did and other relevant questions. I assumed once he had someone challenge what he actually did, he would think twice about having it put into the record that all he did was stand around and hit on young nurses while the surgeon did all the work.

## I Dislike Collection Agency Attorneys

The notice of taking the doctor's deposition was a document telling the doctor that on a certain date I would be taking his deposition. The doctor would need to personally appear at the appointed time and place.

Robert Sullivan, the collection agency attorney, called me and said that he wasn't going to have Dr. Romwell waste his time over a \$68.00 bill. I guess the fact that the doctor was always so busy worked in my favor this time.

"Hey!" I said. "You're the one who filed this lawsuit. I am simply going to defend myself."

"Then we will dismiss," the attorney replied.

After a few days, I received a Notice of Dismissal in the mail. The case was dismissed "With Prejudice." I don't know how race got involved, but apparently "With Prejudice" means that they could never file against me again for the same set of facts. It had the same legal effect as if we went to court and I won the case.

A few days later, I received a bill from the hospital where my wife had her operation. I was already angry about the doctor bill but now I had to contend with the hospital. Looking over the bill, I noticed that I was being charged \$25.00 for a drape. I thought the drapes in the room were just fine the way they were and I couldn't understand why I was being charged for their re-decoration. Maybe my wife was on the TV show Trading Spaces with the guy in the next room getting his tonsils out. As I later found out, a drape is a sheet used to cover the patient during the operation. In this case, it was made of paper, which means it was disposable.

I met with the hospital administrator who took issue with my concerns.

"How much do these cost you," I asked.

"It's none of your business," he said.

Since I was already feeling like Perry Mason, I did some research and found out that paper drapes cost less than \$1.50 each. "I don't mind paying the hospital a profit on their cost, but I will

not pay for highway robbery,” I told him. “Any normal business resale price of a \$1.50 item would be about \$4.50, no way close to \$25.00.”

The cost of the drape was a small item compared to the operating room charge. Prior to meeting with the administrator, I received a copy of the operating room charges which showed the time my wife entered the room and when she was wheeled out of the room. I then spoke with the anesthesiologist. He told me his time charges start when he first meets with the patient prior to entering the operating room, and stops after the patient has recovered in the recovery room. Naturally, the anesthesiologist’s time will always exceed the time spent in the operating room. However, the hospital was charging me for about two hours more for the operating room than the anesthesiologist’s time spent with my wife. That’s like a hotel charging me for an extra two hours because the maids have to make up the room before someone else can check in. After I pointed out this discrepancy, I was credited.

Then, I asked to see the resale certificate from the Franchise Tax Board. Being in business, I knew the difference between giving a flat bid on a project that included all labor and material, and itemizing labor and material separately. By charging me \$25.00 for a drape that cost them \$1.50, they should have paid a sales tax on the \$23.50 profit. Instead, they paid nothing. I said I’d report this to the Franchise Tax Board, but I didn’t follow through once I arrived at a satisfactory compromise with the hospital.

After I settled with the hospital, I sued the assistant doctor for abuse of process. Abuse of process is a concept that says that when a legal process is used for any purpose for which it is not intended, abuse is present. There I go again with the Perry Mason speak.

In my case, I sued the doctor stating that, through his agent, the collection agency, he never intended to lay the disputed facts before the court. The only reason he sued me was to obtain a

## I Dislike Collection Agency Attorneys

default judgment against me. I also included a cause of action for malicious prosecution.

My lawsuit dragged on for about six years. Depositions were taken, written interrogatories were sent, court appearances were made and finally it came time for trial.

At this point I was beginning to understand why mafia stories are so popular. Instead of spending years fighting in court, the mafia could have resolved the same dispute in 30 minutes with a couple of baseball bats.

At this time, I didn't want to lose my case, so I retained an attorney who was a former judge. Having an attorney was my downfall, I should have gone with the Corleone family.

On the day we were to be assigned to a trial judge, he dismissed my complaint so I told my new attorney to appeal. I knew one appeal judge who liked my theory about abuse of process.

The first requirement was to file a Notice of Appeal. I called my attorney several times to make sure that was taking place. One day after the appeal deadline passed, I returned home and my wife asked me to sit down. Not knowing if she was pregnant again or if we had hit the lottery, I sat down, hoping it was the latter. She told me that my attorney had never filed my Notice of Appeal and that I was out of court. In California, if you miss the appeal period there is no way to revive the matter. I felt like crying.

"My baby died in the womb. It had no time to be born," I told her.

I was so upset that I called my attorney and told him I don't care where the money comes from but I am entitled to my lost time and his negligent behavior by missing the appeal period. Lawyers can blame a lot of things on their judgment and what was "reasonable," but missing filing deadlines is the one unforgivable sin a lawyer can make.

In about a week, he sent me a check, and I didn't even have to show up with a baseball bat.

\* \* \*

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# I Dislike Collection Agency Attorneys

# 7

## *Win By Using 1-800 Numbers*

Years ago, my wife and I and twenty-nine passengers from Los Angeles took a cruise ship across the Atlantic Ocean from Spain to Florida. Costa Cruise Lines supplied the air transportation from the Los Angeles International Airport to Spain to begin our journey. Because of a rain delay, the flight left Los Angeles eight hours late. While we were waiting for the plane to leave, I asked the gate agent if they would call the ship and tell them we would be there. I was afraid we might miss it. The gate attendant told me that the cruise line knew about our situation and would wait for us.

After we took off from Los Angeles, I asked the flight attendant to have the pilot phone the cruise line and tell them we twenty-nine passengers were on our way. Again, the flight attendant assured me that cruise line knew about us and would wait.

Nobody met us when we landed in Spain around 2 a.m. We hauled our own luggage through the deserted airport. A woman met and informed us that the ship had sailed. Everyone started yelling. I calmed everyone down explaining that she had nothing to do with our situation. The best thing we could do was to listen to her and make the best of things. It turned out that she worked for a travel agency hired by Costa Cruise Lines to help for the next

## Win By Using 1-800 Numbers

several days, when we would be flown to the Canary Islands to meet the ship.

Several days later, we boarded the ship in the Canary Islands and were on our way across the Atlantic Ocean. We missed the ship because it left earlier to pick up some around-the-world passengers when their ship caught fire. We were now on a ship with passengers who had their dogs with them. The ship provided these around-the-world passengers priority service. After 30 cruises, I have never seen dogs on a ship except for this one. We missed four days of our cruise.

When I returned home, I filed a dispute with the credit card company we used to book the cruise. After three months, we were told several times that they had refunded our money. I was told that the refund had been made to a traveling companion and the cruise line told me to get the money from her.

After many discussions and unsuccessful demands, I asked to be connected with their legal department.

“I cannot connect you with our legal department,” the person I spoke with told me.

Now, I was really getting mad so I put my secret plan into motion. It only works if the company has a toll-free phone number. I called their toll free number over and over again. The secret is persistence. Every time I called, the operator hung up on me.

“Here I am again,” I said. “Please let me talk to your supervisor.”

Another hang up and another immediate call back.

“Please let me talk to your legal department.”

I knew that when I call a toll free number, the person I was calling gets charged for the call. Some calls can get pretty expensive when you keep calling back so many times. But that was not my concern; it worked to my advantage. I wanted to talk to either the supervisor or their legal department.

After calling for about three hours on my two auto redial and speaker phones the operator finally connected me to the legal

department. I spoke to an attorney who listened to my complaint. I explained how I was told I would need to get my money back from our traveling friend. After I explained my request for a refund of \$2000, he told me he would call back in fifteen minutes. It took less than ten minutes. “You’ll receive your check in about a week.” And I did.

Now you know the secret of talking to who you want.

\* \* \*

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## 8

### *I Dislike Judges Who Render Political Judgment*

Everyone has, at some time in their lives, been offered a chance to buy a raffle ticket for cash, a prize, tickets to ball games, cars, boats, etc. I found out that a “Give Away” promotion to Las Vegas was being conducted by fifteen of the local merchants in my city. The question arose as to the legal ramifications of doing this. An attorney offered the explanation that because it was a non-profit organization, it was legal. That can’t be true, I replied. Individuals are permitted to hold raffles if they follow the same rules and regulations as are required for non profit organizations.”

My opinion on this brought a challenge I could not resist. My poker playing buddy asked, “How about a small bet that you cannot run a raffle unless you are a non-profit organization?”

## I Dislike Judges Who Render Political Judgment

“You’re on,” I said with a great deal of confidence in my voice and a smile on my face. I knew I would be up to the challenge if it involved a situation involving the law and authority figures.

After giving this situation a lot of thought, I came up with the idea of selling horoscopes for one dollar each. The horoscope would be printed on a card, which included a free entry card on which to play Keno Las Vegas style. I offered a free chance to win up to \$2,500 per day.

In order to stay perfectly within the letter of the law, I obtained a business license and operated my new horoscope business under the name, The Great and Mystic Paltrini Marish.

It should be understood that this was in the year 1968. There was no internet and no state lottery with a multi-million dollar jackpot. For that time and place, a \$2,500 prize was really something to be desired.

The yellow horoscope cards measured 5.5” x 8.5” when folded in half from an 8.5” x 11” card. The center crease was perforated to make it easier to tear in half. On one half of the card there was a Keno card, much like the ones used in Las Vegas. It contained small squares numbered from 1 to 80.

I borrowed an empty store from a friend with the understanding that I would vacate it in less than three weeks. (I figured it would only take two weeks, but added on an extra week for good measure.)

My office furniture consisted of a table and chair. There was nothing else except for the ball cage from which I would draw numbered balls each night. The game resembled Bingo except that it had more numbers. When someone came in and bought a horoscope from me they were also allowed to mark as many numbers as they wished on the Keno section of the card. Each evening, after twenty balls were drawn from the cage, the Keno numbers on the cards were compared with the selected numbers on the balls. Money prizes were paid out by ascertaining how many

of the Keno numbers matched the withdrawn balls. Since Keno is the most profitable game for any casino, I was not concerned about losing money.

To put my plan into operation I had a sample card posted on the front window along with the rules of the game. I was open for business.

If it appears that I was conducting a lottery, you are in agreement with the general consensus of opinion. However, I did something different with my rules. The something I did is the same something that you will always find whenever you see a give-away prize. Present, in very small print, it will state "No Purchase Necessary." Since this legend is written in such small print, it is difficult to read unless you are looking for it. Sometimes the game will allow you to write in for a free entry card. At other times the game will allow you to submit a reasonable facsimile of the entry card. Even on television these options are stated on give-away advertisement. But you better be a fast reader with good eyesight.

The reason for these rules, in California at least, is that a lottery must contain three elements: (1) A distribution of a prize, (2) Upon a contingency determined by chance, (3) To a person who has paid, or promised to pay, something of value for the chance of winning. Those last five words are the key to the whole process.

I posted the same rules in my store window, plainly stating that it was not necessary to purchase my horoscope to play the game. All that was required was to submit a reasonable facsimile with the player's choice of numbers. I posted reasonable facsimiles in my window to show how they were done. I even made sure that at least one person who entered a reasonable facsimile won a prize.

Business was now picking up. People loved to play. Some submitted a facsimile, while others, as I had hoped, bought the horoscope and entered on the attached card. There was nothing to do now but wait to be arrested. I really believed that the court would agree with me that I was not conducting a lottery.

## I Dislike Judges Who Render Political Judgment

The police did not seem to care about my activities. No one wanted to arrest me. My girlfriend (and future wife) kept calling the police to complain that her kids had to walk to school past a “den” of gamblers. Even at that it took about a week before they finally decided to shut me down.

Finally, just after I finished drawing the numbers, the local police arrived. They asked if I was Paul Bezaire, which was very funny since I knew them all. “Come on, you guys know who I am.” They said it was just a formality and that they had to ask me.

They took my door keys, locked the door, and took me to the station. I was fingerprinted and photographed and then I sat in the office and played gin with the arresting officers until my girlfriend arranged bail for me.

### *The Trial*

The small courtroom was filled with local citizens. I was a little bit nervous. I had been advised to stipulate to a trial by judge if Judge Robert Stevens agreed to hear the case. This is exactly what happened after I had spoken with the deputy District Attorney.

The judge entered the room and called the case. “The People versus Paul Bezaire.”

After a brief discussion concerning having witnesses leave the courtroom, the prosecutor and I stipulated to the fact that my game distributed a prize as determined by chance. The only question remaining *was whether anyone had to pay something of value for the chance of winning the prize.*

The first person to testify for the state was an undercover officer. The relevant things he testified to were that at 10:05 pm he entered my store and saw several people standing around. He studied what was going on. The next day he returned and took pictures of my storefront that showed a sign saying “Play Racehorse Keno,” another sign saying “Win up to \$2,500 Daily

Keno,” another sign stated “Get Your Entry in Now for Tonight’s Drawing,” another sign stated “ Keno. . .Win up to \$2,500 Daily. Nightly Drawings at 10:00 p.m. in This Store. Free. No Purchase Necessary. Free.”

As he was testifying I felt very comfortable, especially when he testified that my game can be played for free.

When I questioned him, he stated that during the course of his investigation he recalled me telling him that my game can be played for free.

The next witness described himself as an undercover agent who entered my store to get the evidence that I was conducting a lottery. As I read through the transcript of the case, I found it very difficult to make sense of his confused testimony. First, under direct examination by the prosecution, he testified that he came to my store to buy a Keno card. When asked, “Did he explain how the game would work?” he responded, “Yes he did.” A few pages later he said, “I did not know the exact way the game played until today.”

Under my questioning, he testified that at no time did I ever tell him that the only way he could play the game was to buy a Keno card. He further testified that I told him he could draw a reasonable hand-drawn replica of the Keno card. The following is a short part of the transcript: I was doing the questioning.

Q. If you had drawn a facsimile, and taken it into the store, is there any reason to believe that you could not have dropped it in the box?

A. There would only be one reason that I could not drop it in the box. It was your store and you were the proprietor. I had not attempted to drop a reasonable facsimile into the box.

Q. You never tried to do that. Still you knew the rules of the game and you could not have done it?

A. I did not know that those were the rules of the game.

## I Dislike Judges Who Render Political Judgment

Q. I thought you testified a minute ago that you knew you could draw a reasonable facsimile.

A. I knew beforehand that you explained the rules to me. I did not memorize the rules when I had gotten the card.

I was now beginning to gain some confidence in my case. The next witness was asked if there was any "...discussion about reasonable facsimiles with the defendant?" He responded that we had a discussion about persons duplicating the cards and entering them in the game.

The court asked him what I said. He responded: "I don't recall exactly what was said in that regard."

I knew he was lying. I knew all the "undercover" agents by sight and would certainly not tell them anything to hurt my case. The state put on another witness who just repeated the same things we heard from the first witnesses. Not a single witness for the state proved that you had to pay anything to play the game. They all could have played for free using a reasonable facsimile.

Now it was my turn to put on my witnesses. I got right to the point.

Q. You participated in my contest, is that true?

A. Yes.

Q. Were you familiar with the rules of the game?

A. Yes, sir.

Q. Were you familiar with the fact that you could submit a hand-drawn reasonable facsimile in lieu of having to buy a horoscope?

A. Yes.

Q. Why did you buy the horoscope instead of submitting a reasonable facsimile?

A. Just didn't want to go through the trouble of writing one out.

Q. No further questions.

I called my next witness who testified that he slipped a reasonable facsimile under my door, that I had explained that he did not have to buy a horoscope to participate, and that he did not win anything that evening. He also said that on many occasions he heard me explain to people that, in lieu of buying a horoscope, they could simply submit a reasonable facsimile. I was doing all I could to bolster my firm position that no one had to pay a single dime to participate in my game.

When it came time to argue my case, I spent about ten minutes citing many cases that make very clear the three elements which are necessary to constitute a lottery.

Near the end of my argument the judge said: "I am very familiar with the general concept. I read the cases cited in your brief and I know what a lottery is."

God! I was feeling so good knowing he understood the concept.

I argued that "I went to very great lengths to allow any person to play the game without having to pay anything."

The judge responded: "I don't think anybody is going to argue with you at all that these elements are necessary to constitute a lottery."

Again, I was feeling like I was a winner.

In closing I said, "I submit your honor, that I have taken away this element necessary to constitute a lottery and I hope there is sufficient doubt in the court's mind to find me not guilty."

The DA made his argument and then submitted the case for a determination by the judge.

### *The Judge Begins*

"I think there is one element to this lawsuit that is terribly important, and this is my opinion: the person received no value for his dollar. The purchase of the purported horoscope for a dollar,

## I Dislike Judges Who Render Political Judgment

which is a one-line statement, and being a Scorpio, I will read what it says for me: 'Your good judgment will prevail.'

"I mean, even with the most wild imagination that is not considered a horoscope. I don't believe in horoscopes, but if I did I would certainly feel like I got robbed if I paid a dollar for it. So the person didn't get anything except a lottery ticket. That is the only thing he got of value, was a lottery ticket."

"There is no question in my mind that this is contrary to the Sections of the California Penal Code."

He then continued with what I felt supported my position:

"In this case, while theoretically, I suppose, ***it is possible that no quid pro quo would have to be paid in every case.*** It is also very evident that the game couldn't last very long unless it was."

"I find the defendant guilty as charged."

He then fined me \$50.00 and put me on one year probation.

I immediately filed an appeal arguing that the judge made a bad judgment. I argued that his personal opinion that my horoscope was useless was wrong. I did sell horoscopes and people were buying them. Some people came back several times. Why would they keep buying my horoscope if they did not like it and why would they pay a dollar to play my game when they could have played for free?

The judge's statement that it is very evident that the game couldn't last very long unless there was money being paid was a miscarriage of justice. If I want to give my money away, that's my business.

After I returned home, I called the judge. He explained to me that "You found a legal way to conduct a lottery so I had to close you down."

This is one case that I really felt was based on politics alone. Every judge runs for office on a regular basis. Today, as I write this,

I am still convinced that the judge was never quite sure that I violated the law.

\* \* \*

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## 9

### *How To Immorally Raise 100 Million Dollars*

When politicians need to raise huge sums of money for the cities, or state they govern, they will without a doubt, figure out a way to do it. In California, when this was written, the California legislature wanted to triple the vehicle license tax. Governor Gray Davis also wanted to impose a state income tax. These are the more obvious methods of raising money.

At other times, state politicians have figured out a way to raise millions of dollars in such a sneaky way that the voters do not know they are being “robbed.” One way is by setting illegal traffic ticket fines at whatever they can get away with and then making it difficult for citizens to prove they never deserved it in the first place.

So you can better understand how this works (at least in California), I will describe how the system works. Follow along carefully for the next few sentences.

According to California law, all parking citations are presumed to have been validly issued. The burden is put on the person cited to prove they did not deserve the citation.

Prior to 1993, illegal parking violations were classified as criminal matters. You had the right to go to court, plead not guilty and even have a jury trial. The fines received by the court went to the counties, some to the court system, and a very small amount went to the local cities. Apparently, this became very burdensome

on the court system. Financial resources for the court system were running low. Court space to hear these matters was scarce. City treasuries were beginning to dwindle because Californians voted in favor of Proposition 13 that limited property taxes. Other states have adopted similar measures.

So the “brilliant” state legislators had to figure out a way to raise funds lost by the tax limitation imposed by “Proposition 13.” They figured out a way to “capture” most of the illegal parking fines previously received by the courts and the counties.

Illegal parking was decriminalized in 1993. It was then reclassified as an infraction. That allowed local jurisdictions to establish their own schedule of fines. Each city could establish whatever fines they wanted. The only guidelines attached to the law are that “To the extent possible, issuing agencies within the same county shall standardize parking penalties.” I think the words “to the extent possible” means “whatever you can get away with.”

The question then is, what does standardize mean? Does it mean that a penalty for illegal parking must be the same penalty as illegal parking in all other cities in the same county? I visualize all the mayors in each county having a big party, drinking and watching movies, and deciding on how much they will all charge for illegal parking. This procedure allows a city to raise huge amounts of money for their general fund. Los Angeles collects in excess of \$100 million per year from parking tickets.

With parking tickets being decriminalized, you lose your right to go directly to the court and have an impartial judge decide whether you deserve the ticket. So, how is it determined that a person is liable for a parking ticket? For the answer we look again to the Motor Vehicle Code. In California’s procedure, (and perhaps the same in other states), you will notice printed directions on the citation that states, at least in Los Angeles, “If you wish to contest this violation, you must request an Administrative Review. Your request must be received PRIOR to the DUE DATE printed on this

## How To Immorally Raise 100 Million Dollars

NOTICE. This may be done by mail, by telephone to the numbers noted above, or in-person at the offices listed on the back of this notice.”

The notice of parking violation establishes a prima facie case that you are liable for the fine. In order to prevail in getting out of the ticket, the person cited has the obligation to rebut the prima facie case by a preponderance of the evidence that the citation was not valid, either because he did not commit the infraction at issue or because there is a valid excuse for the violation.

So far, so good, but it begins to get more confusing and hazardous as you move through the system. They got you hooked and are not about to let go of a hefty fine for their general fund. (\$65.00 for parking in the RED in Los Angeles.)

You begin by calling the phone number listed on the citation. The person explains how to contest the citation by you sending them a set of facts, including pictures and witness statements, that you believe justifies dismissing the citation. The enforcement people then send someone to investigate and make a decision. In my cases, every one of my citations were found to be valid.

If you are still found liable after the letter writing, the next step is the request of an in-person administrative hearing. You start out by sending in the amount of the fine stated on the citation and requesting an in-person administrative hearing. This means that you must appear in person and demonstrate, by a preponderance of the evidence, that the ticket in question was not validly issued. You do this by your records, documents, photographs, or testimony of witnesses. Good Luck!!! The hearing officers, although they will deny this, are employees of the city. It leaves one to wonder, “How impartial can the hearing officer be?”

The hearing officer can find that the citation was issued in error or that it was validly issued. If you are found not guilty, your fine will be returned to you. If you are still found to be guilty, you can take the next step.

The next step takes a lot of time and will cost you \$25.00 for an appeal to the local court where it will be reviewed by a real judge. At this point, the judge can find that the ticket was issued validly or in error. If he finds you did not deserve the ticket, you will receive a NOTICE OF DECISION re: PARKING APPEAL. There will be a checkmark alongside AFFIRMED or REVERSED. If the judgment is reversed, you will recover the amount originally paid and the \$25.00 filing fee.

I will now tell you about several parking tickets I received. Thank God I was retired and had the time to jump through all the hoops.

### *Ticket #1*

On this particular day, I parked on the street. I looked around and did not see a NO PARKING sign. When I returned in about an hour, I found a ticket under my windshield wiper. I had parked in front of a construction site where the NO PARKING sign had been removed. I looked around on the ground and saw a hole that appeared to be about where a sign might have been located. Looking around some more I saw the sign leaning against an apartment house next door. Taking a picture of the sign I figured I was home free.

I called the city and told them to go look at the site and see for themselves that the sign was missing. I was told to send a letter to that effect. I did that and was still found liable for the ticket.

I then filed for my in-person administrative hearing. I brought my pictures of the sign and explained what happened but that did not persuade the hearing officer. I was still notified by mail that I was found liable.

I then went to the courthouse, paid my \$25.00 appeal fee and filed for an appeal. It took no more than three minutes for the judge to say that my ticket was issued in error. My fine that I had

## How To Immorally Raise 100 Million Dollars

already paid plus my appeal fee of \$25.00 was returned to me in about a week.

Any impartial person like an elected judge could have realized I was not entitled to the ticket. But every hearing officer before the judge was working for the benefit of the city. That includes the officer who wrote the ticket, the person I spoke to on the phone, the person who read my letter, and the in-person hearing officer.

If I had not jumped through all the hoops, the city coffers would have been enriched by another \$65.

### *Ticket #2*

As I drove along the street, I suddenly decided to park and go into the store. I looked for a no parking signs but saw none. When I returned to my car after about an hour, I found a ticket under my windshield. It cited me for parking on a street cleaning day.

Looking around again I did not see a No Parking sign. But looking more closely, I noticed a hole measuring about four inches square on the sidewalk. Upon more careful examination, I saw this hole was filled with wood. I surmised that the sign had been knocked down and never replaced. I took pictures of the hole in the ground and called the city maintenance yard to notify them of the missing sign. My suspicions were confirmed after the yard came out and examined the situation. At this point, I figured I was home free. But guess what? The city will not let a \$65.00 fine get by them.

I attended the in-person administrative hearing. I showed pictures of the missing sign and told the hearing examiner that the sign had since been replaced. But, just as I suspected, my citation was found to be valid.

In a few days, I received a letter from the hearing examiner finding my citation was validly issued. She said that a driver has the legal duty to read every sign on the street before parking. I

asked myself what about a person in a wheelchair. Do they have the duty to wheel themselves back to read every sign on the street? What if it's a rainy day? I was furious about the stupidity of this examiner.

It was now my turn to appeal to a real judge by paying my \$25.00 appeal and head for the court.

As always, the real judge has the complete record in front of him. He saw the pictures of the place where the sign had been knocked down and never replaced. So it was not surprising that in less than two minutes he said there is nothing in the law requiring a driver to read every sign on the street before parking.

Again, I deprived the city of another \$65.

Perhaps you are beginning to see how the person holding down a job has a difficult time contesting these citations. It would be nice if the city had to pay the person cited the same amount of the citation in the event they were eventually found by the judge to be not guilty.

### *Ticket #3*

Look around in your city and notice how some curbs are painted a sort of gray color. This is because at one time the curb was painted red and now the need for red no longer exists. The city has a choice of sandblasting off the red and leaving the curb as a natural color, or they can simply paint over the red with a gray paint. In my case, where I had parked, it was repainted with gray paint.

After several years, when the gray starts to cake off, the curb looks like a gray curb with measles. It is gray with spots of red showing through. The question now becomes, "Is the curb red or is it gray?"

The city sent out an investigator who eventually decided the curb was more red than it was gray. I made it through hoop #1 in my quest to get my ticket reversed.

## How To Immorally Raise 100 Million Dollars

Jumping through hoop #2 required me to appear at the in-person administrative hearing where I presented blown-up pictures that clearly shows the red curb having been painted over with a gray. I showed the hearing officer that my car was described on my ticket as an Oldsmobile when I drive a Lincoln. It gave the wrong address of the place where I got the ticket. I argued that since the officer made two prior mistakes, he probably made a mistake about the color of the curb.

All my arguments did not satisfy the administrative hearing officer, who worked for the city. He found the curb to be painted red and that I had parked in the red.

Now let's see what an independent officer of the court, the real judge had to say when I appealed my citation. He opened the file, looked down from the bench, and said, "This case is dismissed."

Bang!! Another \$65 lost by the city. In these cases, the city actually loses the \$25 fee paid to the court for the appeal. In my three cases, I saved \$195 and the city lost \$75.

### *Ticket #4 (Anatomy Of A Ticket Procedure)*

Ticket # 4 was received by Denise, the woman who cuts my hair. We had discussed tickets many times in the past especially after some of her customers received one in front of her shop. She knew it gave me great pleasure fighting them.

One day I got a call from Denise telling me that she got a ticket and did not deserve it. She said she had the \$65 check already made out and ready to mail. "Please don't deny me the chance of fighting another ticket." I pleaded.

After she explained where and how she got the ticket we met and looked at the place where she got it. "No way!" I told her. "This is one ticket you certainly do not deserve." The street was wrong on the ticket. The only thing right about the ticket was the license number of the car.

As we spoke, I was parked in the same place Denise had been parked. I tried to get a Parking Enforcement person to stop and give me a ticket. When one finally did stop, he could not believe that I was asking for a ticket.

”What can I cite you for he asked?”

”Illegally parking on this spot.” I replied.

”I can’t give you a ticket for illegal parking because you are not illegally parked.”

”Even so,” I said. ”Please write me up.”

Denise was really cracked up laughing. She had never seen anyone begging for a traffic citation and not being able to get one. I only wanted one in case she decided to go ahead and pay the fine instead of fighting it. I begged her not to and even told her I would pay for her in the event I was not successful in having it dismissed.

”But look at all the trouble,” she said. ”Isn’t it much simpler just to go ahead and pay?”

And this is exactly what cities in California depend on. They make it so tough to fight these tickets that it’s not worth the time and effort to fight them. The following is a true copy of the first letter I wrote for Denise and that was sent to the city of Los Angeles.

*Parking Violations Bureau*

*P.O. Box 30247*

*Los Angeles , CA 90030*

*July 22, 2003*

*To whom it may concern: RE: Citation #  
945543336*

*I have enclosed several pictures to show that not a single sign in the vicinity of where I got my citation indicates that I cannot stand or stop on Pacific. The citation was issued on Saturday, July 12. at 12:26. Note the sign that says No Parking on Tuesday. I*

## How To Immorally Raise 100 Million Dollars

*cannot understand why I got a citation on a day when parking is allowed except Tuesdays between 10 am and 12 noon.*

*Please let me know if you need further information. I hope you send someone out there to see the posted signs.*

*/Signed/*

Note the date this letter was sent. As I write this, September 13, 2003, a simple response from the city has yet to be received. I will give the city another month before deciding what to do next. I don't want the ticket to be ignored because it would still be on her record. I am going to request a letter of dismissal if they feel the ticket was not justified. I will continue as soon as we hear what is going on.

The following letter was sent to the city about a month and a half later:

*September 14, 2003  
Parking Violations Bureau  
P.O. Box 30247  
Los Angeles, CA 90030*

*Please tell me the status of my citation number 45543336.*

*/Signed/*

The date is now October 29, 2003, over three months after she sent in her first letter.

Today I called the city and asked why it takes so long to investigate a simple parking ticket. Are they waiting to jump all over this when we are not expecting it, finally to collect their \$65.00? I explained that Denise is leaving for three months and

would like to know the status of her ticket. I was told they could not find it in the computer. (I don't think if the ticket was found to be valid that they would have lost it.)

In addition, I called the councilperson's office and suggested that the city enact a law to the effect that if an investigation is not completed within thirty days, the ticket would be dismissed. If that law is enacted, watch how fast they can do the investigation. Nobody will ever convince me that with a \$107 million take from parking tickets, they can't afford to hire investigators whose only task is to rule on the validity of parking tickets. I am a firm believer that every investigation should be completed within a reasonable amount of time. But as I said earlier, the cities make it difficult to fight tickets even when they are not valid.

A letter dated 10/31/03 was received. It stated:  
*"Thank you for your inquiry concerning the citation(s) listed below. We are reviewing your claim and suspending any further action pending the outcome of this investigation. You will be notified by mail of the outcome of this investigation regarding your claim."*

At least SOME action is taking place. Slow, but so is a snail that finally reaches its destination.

The following letter received is dated 11/13/03 and reads:

*"We have investigated your inquiry and conducted an administrative investigation, including an on-site investigation regarding the citation listed below. The investigation has concluded that the signs were sufficiently clear and visible and, therefore the citation must be considered valid.*

*If payment has not been made, prompt payment is now due. To avoid the addition of penalties, we must receive your full payment within 21 days from the date of this letter.*

## How To Immorally Raise 100 Million Dollars

*If you wish a hearing before a city hearing examiner, you must request the hearing within 21 days from the date of this letter by filling out this form and returning it to the parking violations bureau (PVB) by mail or in person at the cashiering location. All fines for the contested citation must be paid in full prior to scheduling a hearing. If you fail to contact the PVB within the specified time, you will forfeit the right to a hearing.”*

Denise sent in her fine for the citation but the PVB said she was too late. They are like a fisherman who has a fish on the line who is putting up a fight. They are not about to lose her \$65.00 fine.

I called the parking enforcement people and requested a hearing. I was told that her fine was received late so she forfeited her right to a hearing and that the file was closed. I argued that she is entitled to a hearing and that if the file was closed I would help her file an appeal from the final action of the file closure.

Bingo! She received the following letter dated 12/11/03. It read:

*“This letter is in reply to your request for an administrative review or hearing for the citation (s) listed below.*

*State law sets the time limits that a parking citation may be contested. Under state law (cvc 40215), a citation must be contested within 21 calendar days from the issue date, or 14 calendar days from the mail date on the notice of delinquent parking citation. Once the dates have passed, the right to contest the violation is forfeited.*

*The time limit has passed for the citation listed below, and therefore, the citation must be resolved by*

*payment of the fine. (The fine had already been paid by the date of this letter.)*

The balance of the letter just explained how to pay the fine.)

This letter really got to me, so I called the PVB back and suggested that they read Chapter Nine of my book regarding parking citations. I also demanded that they allow an administrative hearing for Denise.

The response to my demand was as follows in a letter dated 12/15/03:

*“We have received and processed your administrative hearing request and the required payment for the parking citation number listed below. If you requested an in-person hearing, you will be notified by mail of the date, time and location of the hearing. If you requested a hearing by written declaration, your case will be reviewed by a city hearing examiner and you will be mailed the notice of decision for the contested parking citation.*

*No further action on your part is required at the present time.”*

We received a letter dated 12/17/03 setting forth the date of the hearing as 02/03/04 at 12:30 pm and the address of the hearing.

All that remained for us to do now was wait to see what happens at the hearing. The point now is that you can see all the hoops Denise is required to jump through to save \$65.00. That is the reason she had the check ready to mail when she first called me and I asked to please not send it until we jump through all the hoops.

We now wait for the hearing date.

The hearing finally occurred on February 20. When I appealed my citations, I was allowed to have my witnesses in the hearing room with me. I accompanied Denise to her hearing

## How To Immorally Raise 100 Million Dollars

scheduled for 12:30. When the hearing did not start on time, I approached the receptionist's window and complained that we are here; where is the hearing officer? The girl looked at the clock and replied, "It's 12:40. The officer is only ten minutes late."

"Try telling that to a parking enforcement person when you are ONLY ten minutes late in arriving at a parking meter. Civil servants just don't get it.

The hearing officer finally came out and called Denise. We both stood up and approached her. I was told to sit down and wait until she interviewed Denise. I explained that the last time I was here on my ticket, my witness was allowed in the room at the same time as I was being heard.

"I don't care what happened when you were here, please sit down."

After challenging her on making up her own rules and requesting a citation that allows her authority to make up her own rules, I finally sat and waited.

About twenty minutes later the door opened and out came the hearing officer and Denise. At this point I was asked the dumbest question by the officer, "Do you have anything more to add to this matter?" The only way I would have of knowing if I had anything to add is if I knew what Denise already testified to. I challenged her a bit and was intentionally trying to get her upset.

I just called the Parking Enforcement office and was told that Denise was found "Not Liable" and that her \$65.00 would be refunded.

So ends the story of another person who successfully jumped through all the hoops set up by the State Legislature.

It has been my position right along that a hearing officer's job depends on them finding many citations justified. The city has steadily rebutted my argument, but what would happen if the hearing officer found EVERY person not liable for the citation?

\* \* \*

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# 10

## *Illegal Code of Ethics Exposed*

I once purchased a hillside home in Pacific Palisades, CA, where the soil is unstable and major landslides have occurred in the past. Needing a new foundation required getting a city permit for the construction of six sixty-foot deep holes around the home reaching all the way down to bedrock. These holes would be the start of the new foundation. To do this required the services of a geological engineer.

I contracted with an engineer to do soil samples and determine how deep the foundation would have to be. This is usually done by drilling deep holes until bedrock was found. His fee was to be \$10,000.

I visited the site on a regular basis to see how he was progressing. In about three weeks, he had a man dig only two six-foot deep holes in the rear yard.

When I inquired as to when he would be finished, he told me he could not complete my work unless I paid him a much larger sum of money. This naturally displeased me, so he was told to leave the job and that someone else would come and finish the work. His only reply was “Good luck.”

I immediately went through the local telephone book and called every geologist listed in the area. One by one they came to

look at my job and each time, they saw the two six-foot deep “test” holes and asked, “Who dug these holes?”

When I told them the name of the person I had the original contract with, they said they were too busy at the moment to help me out. Why did they even come to see me if they were too busy? I soon became puzzled trying to answer this question.

Now, luck was on my side as I spoke with a geologist employed by the city of Los Angeles. He told me to contact a geologist by the name of George Quick and that he would help me out.

When I finally made contact with George, he agreed to meet me on my job the next day. When he arrived I thought I was looking at Santa Claus. He appeared to be around fifty years old, short and stocky, with a huge white beard that hung to his chest.

After we introduced ourselves, I explained my problem. He then asked to see my job. We walked to the back yard where the two “test” holes were dug. He smiled when I told him who dug the holes and that he would not complete our contract without my paying another large sum of money.

We next went and sat on the porch overlooking the Pacific Ocean at sunset. This seemed to be a perfect setting to try and get some help for getting started on my foundation. It had been four weeks since the first geologist started my job and I had nothing but two six-foot deep holes dug in the rear yard.

It did not take long for George to explain that the Association of Engineering Geologist (AEG) had a Code of Ethics that prevented any member from undertaking the completion of my job. Paraphrasing, it read that a member could not accept employment from a client who already has a member under contract and the contract was never completed or paid for. This allowed a geologist to undertake a job for a small price knowing that no one else could complete it after he asked for more money.

## Illegal Code of Ethics Exposed

George explained that he was not a member of the AEG and took exception to their practices. He was so interesting as he explained Plate Tectonics and how the continents keep moving around the face of the earth. I got a great course in geology. He left about three hours later and agreed to finish my job the following week. His fee was \$4000 less than the \$10,000 the first geologist quoted me.

Something bothered me about the whole thing. I was familiar with the concept of “spiking” a job. “Spiking” is where a contractor starts a job so the owner cannot change to another contractor. Many times, in the case of a home remodel, the contractor will have someone on the job the next day after he gets a signed contract. The man will simply remove a bit of stucco and then leave. He has “spiked” the job. In the case of a swimming pool, the contractor might send a man to remove some plants in the rear yard where the pool will go. Or he might just mark the outline of where the pool will go. An unscrupulous contractor will do anything just so he can later claim he already started the job. Why does he do this? He may be too busy to really get into the job at the moment and does not want to lose the job he just “spiked.” That’s why I encourage people to always have a completion date in their contract.

I remembered reading about anti-trust laws that describe unlawful practices in general terms, leaving it to the courts to decide what specific practices are illegal based on the acts and circumstances of each case. Again a trip to the law library was required. (Today all one needs is the internet.)

It did not take too long to find a heading, all in bold letters, concerned with Codes of Ethics, looking me straight in the eye. It said a code of ethics may be unlawful if it unreasonably restricts the ways professionals may compete. The examples that followed seemed clear to me that if one geologist is restricted from accepting employment from a person who already has a member under contract, this is a violation of the Anti-Trust laws.

In my next regular trip to San Francisco, I visited an attorney in the anti-trust division of the United States Attorney General's office. After chatting for about thirty seconds, (I was anxious to get right to business), a copy of the code of ethics for the AEG was handed to him. As I handed it to him, I said, "I can see three violations in here."

He took a while to read the code, handed it back to me and said, "I can see nine." Needless to say I was more than thrilled.

Returning home, I immediately filed a lawsuit against the geologist and the association alleging a violation of the anti-trust laws. The US Attorney General's office also filed a lawsuit against the association asking the court to keep them from enforcing their code of ethics.

It did not take long before the association had to print three notices that the members are no longer required to abide by the code of ethics. When that happened, it was a simple matter for me to proceed with my civil matter against the association.

In the end, they ended up paying me a considerable amount of money that covered all the work performed by George and then some.

\* \* \*

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# 11

## *How I Sued PayPal And Won*

*(Note: my book by the same title has many more details on this and tells how, like a magician using smoke and mirrors to make a beautiful lady disappear, PayPal tries without success the same tricks to make their lawsuits disappear.)*

Having trouble with PayPal, the online payment platform, I filed suit against them and got a \$150.00 judgment. I had purchased an item on eBay using the PayPal payment system. One of the reasons for using PayPal was to avail MYSELF of their Money Back Guarantee to insure that the product I bought would be in good working order. When PayPal did not honor their Money Back Guarantee for the item, which turned out to be defective, I had no choice but to sue them in Small Claims Court for the amount of \$150.00. **(Superior Court of California, West District, Case Number SM 04A01557)** Their attempted defense to my filing a Small Claims action in Los Angeles County was based upon their contention that: *“When he signed up for the account, Plaintiff agreed to the User Agreement for PayPal service specifically including the Legal Disputes section of the User Agreement”* that said all lawsuits must be filed in Santa Clara, County, CA.

A Federal Court had already found that their User Agreement was unconscionable under California law. Referring to the provisions of the User Agreement the court said “...*these provisions made the User Agreement unconscionable, and appear to represent an attempt by PayPal to insulate itself contractually from any meaningful challenge to its alleged practices.*” The Small Claims court awarded me judgment in the amount of \$150.00 plus costs.

All claims against PayPal will differ, so if you have a problem, you might consult an attorney. On the other hand, I receive a great many letters on my website, <http://www.REBEL101.com>, from people who have followed my step-by-step procedure for suing PayPal if you believe they are doing you wrong. The following is how I did it.

### *Service on Paypal with Summons and Complaint*

After being served with the Summons and Complaint, PayPal began firing all their guns at me. They began sending letters to the court challenging venue. They attempted to scare me into dismissing the lawsuit. One letter said in part, “If we do not hear from you, we intend to file a Motion to Compel Arbitration, along with a request that PayPal be reimbursed for its attorneys fees and costs associated with enforcing the terms of the User Agreement.”  
**DO NOT LET THEM INTIMIDATE YOU.**

Another said that, “Plaintiff entered into a binding contract with PayPal according to which he agreed that for disputes of \$10,000 or less, he would resolve the matter through binding arbitration or by filing a lawsuit in a court of competent jurisdiction in Santa Clara County, California.” I ignored that contention and filed my complaint in Los Angeles County.

Subsequently, PayPal wrote to the court challenging venue. Were they not aware that the Federal Court in Case C-02-1227 JF

## How I Sued PayPal And Won

(Pvt) in 2002 said the following with respect to the User Agreement?

*“Having considered the terms of the User Agreement generally and the arbitration clause in particular, as well as the totality of the circumstances, the Court concludes that the User Agreement and arbitration clause are substantively unconscionable under California law and that arbitration cannot be compelled herein.”*

Trial was held on 10/20/2004. PayPal did not appear for the trial. It appeared that the expense of sending someone from San Jose to Los Angeles did not appeal to them.

Being dissatisfied with the judgment against them they filed a document requesting the court to Correct or Vacate the judgment which was eventually dismissed and reinstated by another judge.

I am not sure if this procedure will work for everybody, but it did work for me and am happy to pass this information along. You should be aware that I am not an attorney.

I was insulted when PayPal sent me a seven-page *confidential agreement* to sign wherein they offered to pay me my \$202.00 if I would sign the agreement. The agreement prohibited me from telling anyone about the terms of the agreement. They must have really thought I was that stupid as to sign something that would prohibit me from sharing this information with other people who got stuck by PayPal.

See next page for important information about suing PayPal or Ebay.

## How I Sued PayPal And Won

### **Important information about suing PayPal or eBay**

Unless you take the following step, the COURT MAY BELIEVE THEIR CHALLENGE TO VENUE AND DISMISS YOUR CASE. So, follow along carefully. Consult an attorney if you have any questions about this.

In my lawsuit against PayPal, the court was sent several cases that purport to support their position that their user agreement was valid. One of those cases involved someone who sued eBay. (The facts about the case are unimportant.) I went to the court and got a copy of the court's minute order and NOTICE OF RULING, **(Case Number 04B01932), filed in the Superior Court of California, County of Los Angeles West District, Culver Courthouse.**

CASE NUMBER: CC 04B01932  
MINUTE ORDER and CLERK'S NOTICE OF RULING  
The following proceedings were had:  
PLAINTIFF(S) ELLZEY, MAX Appearing.  
DEFENDANT(S) EBAY, INC. (NOT) Appearing.  
NATURE OF PROCEEDINGS: CAUSE CALLED FOR HEARING RE: CHALLENGE TO VENUE :  
DISPOSITION: THE COURT RULES THAT THE VENUE IS IMPROPER IN THIS CASE AND ORDERS THE CASE DISMISSED WITHOUT PREJUDICE PER SECTION C.C.P. 116.370.

It is important to note that in this case, or mine, the defendant never made a personal appearance. But that is understandable considering the cost of doing so. Instead of a personal appearance, they send letters stating the following part of the body of the letter.

*Dear Clerk of the Court,*

*To whom it may concern: RE: Citation # 945543336*

*We are writing with regard to Ellzey v. eBay Inc., Case No. 04BO1932. Pursuant to Cal. Code of Civil Proc. Section 116.370, defendant eBay Inc. challenges venue in this action. Plaintiff entered into a binding contract with eBay under which he agreed that for disputes of \$10,000 or less, he would resolve the matter through binding arbitration or by filing a lawsuit in a court of competent jurisdiction in Santa Clara county, California. Arbitration may be conducted by telephone, on-line or upon written submissions. A copy of the contract (User Agreement) is enclosed. The dispute resolution provision can be found at paragraph 17(a) of the Agreement.*

*eBay respectfully requests that the court dismiss the pending action based on the agreement of the parties. If the court determines it wishes to hear argument on the venue issue, we request that the court postpone the hearing for at least 15 days as required by Cal. Code of Civil Proc. Section 116.370(2).*

*Very truly yours,*

*/Signed/*

*Paralegal Specialist*

*Paralegal Specialist, Litigation (Sounds impressive doesn't it, but what is it?)*

The question now becomes: Why does eBay and PayPal not also tell the judge that in 2002 a federal judge found the user agreement generally substantively unconscionable under California law? The answer should be obvious.

## How I Sued PayPal And Won

PayPal did the same in my case, but I showed the judge the federal case and he found that PayPal's "Challenge to Venue" had no merit. I am posting him on my site, Rebel101.com, for my Good Judge award.

The point of all this is that if you should decide to sue PayPal in small claims court, it would be helpful if you print a copy of this whole article and present it to the judge before he dismisses the case like the one in question. Copy everything at the following address: <http://paypalsucks.com/Fogel-PayPal.pdf>

After the case is called and you step to the front of the court, the judge may say something like, "The court has received a letter from PayPal/Ebay challenging venue in this matter." You can immediately say, "Your honor, I have documents here to show that the venue is correct in this matter and that a federal court has found the user agreement mentioned in that letter is unconscionable under California law." If he is a good judge, he will want to look at your documents and award you judgment.

There's more on my website at [http://rebel101.com/sue\\_paypal.htm](http://rebel101.com/sue_paypal.htm).

The book detailing how I and others have sued PayPal and won is available via Amazon.com and Trafford.com.

\* \* \*

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# 12

## *\$10,000 Reward*

Read how messed up the California courts are. At a recent hearing in the Superior Court of Los Angeles County, I was refused a trial de novo, as permitted by law, by Judge Pro Tem GLORIA BLUME. At the second hearing, I complained to Judge JULIUS M. TITLE that I never had a trial de novo. He said I did and refused to allow my appeal to proceed.

### *First Hearing*

On November 4, 2004 at 1:30 PM. CASE #04C01472 in the Superior Court West District, Santa Monica Courthouse, I appeared for a trial de novo as permitted under CVC 40215 (California Vehicle Code).

After stipulating for the assignment of a judge pro tem, I waited until “judge” pro tem Gloria Blume walked in and took the bench. Looking through the papers she called my case first. The following is the exchange between the judge and myself. (This OCR copy of the actual transcript, word for word, shows how people really talk with the all the double words and um and aw.)

THE COURT: Paul, is it Bezaire?

PLAINTIFF BEZAIRE: Good afternoon, your honor.

THE COURT: Good afternoon, Mr. Bezaire. You’re here to appeal a ruling.

## \$10,000 Reward

PLAINTIFF BEZAIRE: I'm, I'm here on a trial de novo. I'm supposed to have a trial today on my, on my traffic citation.

THE COURT: Well, my paperwork says that you're appealing a ruling that you owe the City forty-five dollars (\$45)?

PLAINTIFF BEZAIRE: I'm appealing that, but I'm also under 40230 of the Vehicle Code, I'm, I'm, I'm here within ninety days for a trial de novo, and the City is not here to respond to it, and I suggest that that requires a dismissal.

(Court and Clerk confer.)

THE COURT: Okay. Actually, the City responded by sending a packet of information. What are your grounds for appealing the ruling. (She should be dismissing this case because the city was not there to respond to my defenses.)

PLAINTIFF BEZAIRE: That the City hasn't standardized their parking tickets—I mean, their, their parking fines that's required by the code.

THE COURT: What do you mean standardized?

PLAINTIFF BEZAIRE: Well, all—every city in L.A. County has different amounts for parking violations.

THE COURT: Correct.

PLAINTIFF BEZAIRE: But the code requires that they be standardized.

THE COURT: And why isn't the forty-five dollars (\$45) standardized? Is it different in every jurisdiction?

PLAINTIFF BEZAIRE: Well sure. One city might have twenty-five dollars (\$25), the other one might have fifty dollars (\$50), they're all different.

THE COURT: Okay. Well –

PLAINTIFF BEZAIRE: And pursuant to 412, 412—pursuant to 40230.5 of the Vehicle Code it says that, "To the extent possible issuing agencies within the same county shall standardize all parking penalties."

THE COURT: Okay. To the extent that it's possible, and each jurisdiction sets their own standard.

PLAINTIFF BEZAIRE: Right.

THE COURT: And sometimes it is impossible to standardize it amongst the different jurisdiction. (Guess work on her part.) So the—the amount in this jurisdiction is forty-five dollars (\$45), and that really—the relevancy of what the other jurisdictions do because of possibility is not relevant to ours, so yours is forty-five dollars (\$45).

PLAINTIFF BEZAIRE: Well, your honor, the fact still remains that I—I have a Constitutional Right to confront the, the City here, my, my witnesses and to cross-examine them.

THE COURT: This is an infraction I believe, so you do not have that right. (How does she arrive at this?)

PLAINTIFF BEZAIRE: Then you don't agree with 40230.5 –  
THE COURT: Well –

PLAINTIFF BEZAIRE: —where I'm entitled to a trial de novo  
?

THE COURT: —actually, I'm not as conversant in that. (She admits her stupidity) But I will hold and affirm the judgment that you owe the City forty-five dollars (\$45). Thank you.

PLAINTIFF BEZAIRE: I think that's judicial error, your honor.

THE COURT: Okay.

PLAINTIFF BEZAIRE: Thank you.

THE COURT: Thank you.

PROCEEDINGS CONCLUDED

### *Second Hearing*

I appeared for the hearing and instead of the trial judge being there, Julius M. Title who appeared to me to be well beyond retirement age took his seat. Below is the court transcript of the proceeding;

## \$10,000 Reward

THE COURT: Paul Bezaire.

PLAINTIFF BEZAIRE: Good afternoon, your honor.

THE COURT: Mr. Bezaire, there's no appeal from a de novo hearing. The law does not permit it. There's case law which says that, so you've got no appeal to take. (From the start he is dead wrong. I understand he came out of retirement and never knew the law.)

PLAINTIFF BEZAIRE: I haven't had a de novo hearing yet.

THE COURT: You haven't had a de novo hearing?

PLAINTIFF BEZAIRE: No.

THE COURT: You haven't?

PLAINTIFF BEZAIRE: She denied it to me.

THE COURT: Wait, pardon?

PLAINTIFF BEZAIRE: She denied it.

THE COURT: Well, that's the hearing. Were you here in Court? (I will pay \$10,000 dollars to the first person who can show me where I had a trial de novo at the first hearing.)

PLAINTIFF BEZAIRE: Sure.

THE COURT: And she was here?

PLAINTIFF BEZAIRE: Sure.

THE COURT: And she denied it, that's your hearing. What else do you want? You, you — ( I want sanity in the Santa Monica courthouse).

PLAINTIFF BEZAIRE: Your Honor —

THE COURT: —talk—here, the ticket was given to you, listen to me please, the ticket was given to you. You had the administrative hearing, they said it was a good ticket—

PLAINTIFF BEZAIRE: Uh-huh.

THE COURT: —and you filed an appeal with the court.

PLAINTIFF BEZAIRE: Um-hum.

THE COURT: You're entitled to what we call a de novo or a brand new hearing, which you had before the judge. She said no, it's a good ticket, you got to pay it. That's the end of the road under

the law. (He is as bad a judge as the first one, but I can allow some excuse based on his age and a judge that just came out of retirement and has not kept up with the law.)

PLAINTIFF BEZAIRE: Your Honor, isn't a de novo hearing a hearing starting with no evidence at all? It's –

THE COURT: Sir, I—here's the point. I didn't hear the case, she heard it. Whatever she did, that's the end of the road because there is an appellate case which says there's no appeal from a de novo hearing. The hearing was done, over, you were turned down. That's the end of the road.

PLAINTIFF BEZAIRE: Well, there—there was no evidence presented.

THE COURT: Sir –

PLAINTIFF BEZAIRE: —and I didn't have a hearing.

THE COURT: —were you here in court?

PLAINTIFF BEZAIRE: Yes, I was here in court.

THE COURT: Was she here?

PLAINTIFF BEZAIRE: Yes, she was here.

THE COURT: That's, that's the end of the story. I can't do anything about that. I wasn't here. So I'll—just—I'll send it up to the court indicating there's no possibility of an appeal because that's what the case says and that's the end of it, okay? (Is he saying the appellate court could not decide on their own that this is not appealable as he indicated? He sounds like a frustrated attorney who wants to act like an appellate judge. He should not indicate anything to the appellate department.)

PLAINTIFF BEZAIRE: Well, at a de novo hearing isn't there supposed to –

THE COURT: Sir –

PLAINTIFF BEZAIRE: —be evidence presented of the –

THE COURT: —I've tried, I've tried to explain it to you. You were here. I don't know what happened at the hearing and that can't be my concern. I—I don't know what occurred then. As far as

## \$10,000 Reward

I'm concerned, the hearing was held, you were here, the judge was here, she turned it down. End of story, okay? That's it. Sorry. I can't change the law. I don't make those cases. All right. Anything further? (He admits he doesn't know what happened at my first trial so how can he say I had a trial de novo.)

PLAINTIFF BEZAIRE: Well, I think it's wrong but—

### *Proceedings Concluded*

An appeal (# BV 025763) to the appellate department of Superior Court said I filed an appeal from a nonappealable judgment. The ORDER, citing the same bad law, was signed by Judges WASSERMAN and McKAY who were also ignorant of the law.

The Second District Court of Appeal, (# B185249) also citing the same bad law, denied my Petition for Writ of Mandate. The ORDER was signed by Judges RUBIN, BOLAND and FLIER.

The seven justices of the California Supreme Court denied my Petition for Review (# S-136993).

I am amazed that thirteen judges have not been able to understand the law. God help any criminal who might face these California "judges" in a death penalty case.

I receive letters stating that I am too outspoken and cocky. I think I am more disappointed to think that California has judges who cannot understand the law. If that's cocky, so be it. But I thoroughly researched the law while these judges did not. If they had done their homework instead of relying on their incompetent clerks, they would have realized that Judge Title sent some bad law to the appellate department and like a herd of sheep, all the other judges fell for it. I visualize the blindfolded lady of justice having been gang raped by a gang of California judges. Not a single person has taken me up on my \$10,000 offer, so I repeat it here.

Did or did I not have a trial de novo at the first hearing? I repeat my offer of \$10,000.00 to the first person who can prove

that I had a trial de novo as decided by “judge” Julius Title at my second appearance in this case.

\* \* \*

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# 13

## *Things I Dislike*

I dislike laws that cannot be understood.

I dislike laws that are unfair.

I dislike laws that are unreasonable.

I dislike laws that compensate for more than legitimate injury.

I dislike laws that do not address the concerns of our citizens.

I dislike laws that emerge from other than the legislative process.

I dislike lawyers, politicians, and bureaucrats who write laws for their sole benefit.

I dislike the label on the public restroom that reads “Recycled flush water unsafe for drinking.”

I dislike the sunshield that warns, “Do not drive with sunshield in place.”

I dislike the label on the baby stroller that reads, “Remove child before closing.”

I dislike it when people are unwilling to accept responsibility for their own actions.

I dislike it when case law moves from the ridiculous to the downright outrageous.

I dislike it when teacher unions prevent major reforms in teacher standards.

I dislike it when it can take up to three years to terminate a bad or dangerous instructor.

I dislike it when civil servants are judged on quantity instead of quality.

I dislike it that civil servants learn they must “go with the flow” to keep their jobs.

I dislike it that the government feels it can spend our money better than we can.

I dislike the thought that OSHA is not there to help us but to boss us around.

I dislike it that the average citizen slaves well into May each year simply to pay his tax bill while corporations buy their way clear.

I dislike it that in 1999, of the twenty-four big federal agencies, only thirteen could provide enough financial records to undergo an annual audit.

I dislike it that the Pentagon hasn't submitted a report capable of being audited since at least 1992.

I dislike it that throughout our federal government, no one knows how much is being spent and on what.

I dislike it when people abdicate their responsibility.

I dislike it that we permit individual standards for individuals rather than a reasonable standard for all.

I dislike it that the reasonable standard is disappearing.

I dislike it that the scales of justice tilt not from the weight of the evidence but from money and status.

I dislike it that the zero tolerance in schools has created a litany of absurd yet tragic results.

I dislike it that there is a rich justice and a poor justice.

I dislike it that a 1992 Supreme Court decision held that “innocence was not sufficient justification to stop an execution.”

I dislike it that white-collar crime costs the economy some \$40 billion a year, about seven times what was stolen by street criminals.

## Things I Dislike

I dislike it that the war on drugs has cost about \$16 billion a year in federal spending alone.

I dislike it that drugs consume an estimated \$75 billion per year of public money.

I dislike it that drugs are responsible for nearly 50 percent of the million who are today in jail.

I dislike it that drug users occupy an estimated 50 percent of trial time of our judiciary.

I dislike it that the war on drugs takes the time of 400,000 policemen.

I dislike it that this country keeps trying to incarcerate our way out of the drug problem.

I dislike it that prison building is one of the largest industries in this country.

I dislike it that over 450,000 die each year courtesy of the government-subsidized tobacco industry.

I dislike the fact that California spends more money to house criminals than to teach college students.

I dislike it that we're letting big drug dealers and money launderers off with presidential pardons.

I dislike it that the rich and famous receive special consideration upon conviction.

I dislike it that we show so much compassion for a millionaire ballplayer and then lock others away who have done far less.

I dislike it that instead of rehabilitating prisoners, our national leaders give most of our tax dollars to the politically powerful prison industry for bricks and mortar to build more prisons.

I dislike it that the imprisonment of nonviolent users has cost billions of dollars and has destroyed countless families.

I dislike it that expenditures for our burgeoning drug war industry have kept prison contractors and lobbyists ecstatic.

I dislike it that Wall Street firms collect lucrative fees for issuing bonds for new prisons, and wealthy investors collect tax-free interest on the bonds.

I dislike it that we have created a society where politicians, lawyers, and bureaucrats govern our every move.

I dislike it that too many politicians behave as though this nation's fate resides on Wall Street, not on Main Street.

I dislike it that the government subsidizes Big Tobacco on one hand and sues it on the other.

I dislike it that states have reduced appeal bonds for court judgments, thus making it cheaper for tobacco companies to challenge adverse rulings.

I dislike it that tobacco settlements with the states are making our federal and state governments literal partners in the industry's success.

I dislike it that the more cigarettes are sold, the more money states can add to their treasuries.

I dislike it that nearly half the net farm income in the United States comes from federal subsidies.

I dislike it that while the IRS is staffed to chase "little" guys, it hasn't the resources nor political support to go after those who can fight back.

I dislike it that tax breaks, subsidies, and grants enable many large corporations to legally zero out their tax bill.

I dislike it that from 1996 to 1998, Texaco reported \$3.4 billion in US profits yet received checks back from the government for \$304 million.

I dislike it that lawyers have their finger in ever pie. No public policy or personal activity escapes their reach, and the law profession is profiting accordingly.

I dislike the fact that all attorneys, licensed to practice law, are not adequately educated in every aspect of the law.

I dislike it when some states like Florida are reinvesting state's pension funds in the tobacco companies, confident that the profits will be there for years to come.

I dislike it when an unholy alliance exists between the state of Missouri and tobacco interests, as the five law firms involved in the

## Things I Dislike

case donated a total of more than \$500,000 in campaign contributions over the past eight years.

I dislike it when multi-language people are hired in place of English-only people.

I dislike it when I call a government office and a recording tells me the call might be recorded and then, when I tell the woman/man that I am recording the call, I am told I can't do that and they hang up on me.

I dislike it when authority abuses its power.

I dislike it when the city of Los Angeles proposes to spend \$35 million dollars to house three elephants but has not enough money to hire more desperately-needed police officers.

\* \* \*

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# 14

## *Conclusion - Get Involved*

I remember one Lakeview citizen (I'll call him Ray) who called me and asked if I knew that the fire department was washing down the streets in the McAdam industrial complex of about 120 manufacturing facilities. McAdam was a heavy contributor to council members and well connected to the city staff.

"I don't think the taxpayers should be washing down McAdam's streets," he said.

After checking into it, I was told the fire department was simply flushing out the fire hydrants. This is not unusual for a fire department to do. You may have seen this many times in your own community. But doing it twice a month is a bit much. (Here are those fire hydrants again!) A month later I got another call from Ray, who seemed rather irritated by all this. "I'm calling you because I know you like to take on issues like this," he said. This time I had a suggestion for him. "If this irritates you so much, why not go to the city council and complain about it?"

He fumbled around for an answer, "I don't know how to do that."

Trying to get him involved, I said I would help by going to the council meeting with him. He then said how he is not good at public speaking. "Just go and tell them what you are telling me," I said.

## Conclusion - Get Involved

The point I am making is that if you want to bring about a change in a situation such as a rule, regulation, law, or any other situation, you must first have the desire to get involved. Desire is the key word here. Not simply a superficial desire like this fellow had but a real desire to get something done. You must be ready to spend some time on the problem and you must have patience. Most important is that you must define your goal and make a plan. The trouble with most persons is that they want “the other person” to do the work. Although I did not appreciate McAdam’s streets getting washed down twice a month by the fire department, I was not going to do anything about it until Ray himself was ready to get involved.

Several months later, Ray called again and asked if I would attend the council meeting with him. When I was convinced he was sincere in his stopping the fire department, I went with him and listened as he addressed the council and registered his complaint. The council listened to him as he presented his case. The mayor said they would look into this. The practice soon stopped after the complaint was published under the Council Notes section of the local paper.

So, if you want to change something, you must get involved. Look at a particular situation and ask yourself, how you will benefit by getting involved? What will be your payoff by getting involved? One of my favorite premises is that no one ever does anything without first receiving a personal benefit, a kind of reward for doing something. If there is no benefit to you, you will never get involved.

Everything we do in life is a game. We play cards for what purpose? What benefit do we get from winning? Do we not get a great feeling of satisfaction from winning any game? You might ask what personal benefit Mother Teresa received from ministering to the poor in India. How about another mark in heaven? And that’s not to say that it is morally wrong; it’s human nature.

I once read an article that described a “service” one could receive in a large city. It described how, for a fee of \$10,000, you could go there to get punished by being whipped, stretched on a table, humiliated, and any number of punishments. Why in the world would anyone want to get punished like that? How about to get released from feelings of guilt? I learned what guilt was like when, as a young Catholic boy growing up, I would go to confession and tell the priest my sins: I lied to my parents, I fought with my brothers and sisters, I committed impure acts with myself, etc. He would then, as a punishment, tell me to say ten Hail Marys and ten Our Fathers. I would slowly walk up the aisle with my hands folded together, kneel at the altar, look up at “my Jesus” hanging on the cross, cry, and tell him how sorry I was for having nailed him to the cross. But in my heart I knew, through my recitation of ten Hail Marys and ten Our Fathers, I was forgiven for my sins. That made me feel better.

Talk about guilt: young Catholics are raised with guilt.

The point I am making is that when something about a law, rule, or regulation, bothers you, do something about it. You do not have to understand the reason why it bothers you, the fact that you are aware that you are bothered is sufficient. Then, if you discover that you can do something about it, go to it and get involved. Every time I did something like I wrote about in the preceding chapters, I believed I was striking back at authority. In addition to the financial motivation, I was receiving satisfaction from playing games with the authority called city hall.

### *The Game*

I didn't mean to get into all the psychology involved in playing games. I only wanted to try, in my own way, to encourage you to get involved when something bothers you. But remember always to stay within the framework of the law.

## Conclusion - Get Involved

First, define your objective. My objective in Chapter 4 was not intended to be a game. It was simply to get my driveways repaired by Hijack Disposal. I did this by asking them to do the repairs. When they refused, everything changed into a game. The game was still to get my driveways repaired. But it took on the face of a poker game. I became more interested in winning than I was in getting my driveways repaired.

Hijack began the game by betting on a law suit. I called their bet by responding to the suit and raising the pot by having the case transferred to the higher court. Hijack re-raised by arguing that they had a contract to pick up all the trash and garbage in the city. I called their raise and re-raised the pot by arguing that the city could not obligate me to pay Hijack any money.

The city now came into the game by passing ordinances that trash cannot be removed from your own property and that it cannot be accumulated over ten days. Notice how the stakes kept getting bigger and bigger?

If you have ever played poker, you must know that several players can be in cahoots and really be playing against a single player. Since I now had two players playing against me, (Hijack and the city), I decided to bring in a player of my own by calling Ray Shipley from the health department. He increased the pot by giving me an order to remove my trash. Can you see the game being played here?

It was now time to “go all in” as they say in poker: I decided to get arrested by dumping the garbage in city hall. Then the city had to call me or, as the saying goes, “get off the pot.” In a sense, I was telling them that if they believed they had such a good hand, they should arrest me. But they knew I had the winning hand. They knew no court would ever convict me for doing what I did.

The game ended when Hijack and the city ran “out of money”; when the judge called for the settlement conference. Another game began when the judge asked if anyone had a

suggestion of how to resolve the dispute. When the city did not open the pot, I bet on my suggestion that the city enter the stipulation that no garbage will remain uncollected.

Game over! They knew I held the best cards and decided to fold by signing the stipulation I put into the pot.

You can now see how games are played out even by politicians who call it diplomacy.

Every story in the preceding pages is true and can be analyzed in the same manner as I discuss in Chapter Four.

Now, it's up to you. Be vigilant in your daily activities. If you see something that does not look right or that bothers you, become involved. It can bring about a change in the system that you can be proud of.

Finally, if you REALLY want to see games being played, you only have to watch and listen to the politicians in Congress as they fight over the immigration problem in this year of 2006. And while you're at it ask yourself: *What is their primary motive and satisfaction do they get out of all this?*

\* \* \*

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## Appendix A – Making A Difference

### ***Appendix A – Making A Difference***

As this book was getting ready to go to press, someone called my attention to NBC Nightly News with Brian Williams where I found many stories about people who have made a difference. These stories would take up a complete book by themselves. With that in mind, I am posting the headlines exactly as there appear on NBC Nightly News. Type the links to the stories into your browser so you can enjoy them as much as I did.

Autistic children learn to tickle the ivories  
Illinois teacher offers piano lessons to children with autism  
<http://www.msnbc.msn.com/id/12992172/>

Actress makes a difference in cancer fight  
Maria Friedman offers advice to women with breast cancer  
<http://www.msnbc.msn.com/id/12761265/>

Pushing for action in Darfur  
Young man mobilizes students to make a difference  
<http://www.msnbc.msn.com/id/12578745/>

A young man shows kids how to aim high  
At 22 years old, Jamail Larkins flies planes and inspires students  
<http://www.msnbc.msn.com/id/12426302/>

Tailoring clothes for the troops  
Non-profit group makes a difference by sewing for injured service members  
<http://www.msnbc.msn.com/id/12303651/>

Jazz legend teaches music to Katrina's kids  
Donald Harrison shares his passion with aspiring musicians  
in New Orleans

<http://www.msnbc.msn.com/id/12305082/>

Celebrating breast cancer survival through art  
New Jersey artist helps women leave a lasting impression

<http://www.msnbc.msn.com/id/12285452/>

Making a difference one loan at a time  
Former auto industry executive helps Samoan poor help  
themselves

<http://www.msnbc.msn.com/id/11328051/>

After Katrina, finding hope in crayons  
Four Houston moms make a difference encouraging young  
survivors to draw

<http://www.msnbc.msn.com/id/12256191/>

Vietnam vet encourages disabled athletes  
36 years ago he lost his leg. Now he inspires other amputees

<http://www.msnbc.msn.com/id/12138624/>

UPS driver launches local reading program  
One man's idea leads to children reading 55,000 books, and  
counting

<http://www.msnbc.msn.com/id/12099013/>

Donated gowns guarantee prom night in Miss.  
High school girls attend annual dance thanks to generosity  
of strangers

<http://www.msnbc.msn.com/id/11996857/>

## Appendix A – Making A Difference

Louisiana doctor treats Darfur victims  
Doctors Without Borders volunteer makes a difference every  
day

<http://www.msnbc.msn.com/id/11979193/>

How much difference can 1 percent make?  
Patagonia and nearly 250 other companies put that question  
to the test

<http://www.msnbc.msn.com/id/11880767/>

Hear ye, hear ye, Homeless Court is in session  
One public defender's vision is now a reality across California

<http://www.msnbc.msn.com/id/11844712/>

Kids make a difference in the war on hunger  
Christian group uses young volunteers to distribute food  
worldwide

<http://www.msnbc.msn.com/id/11766092/>

Teenager crusades for proper tire pressure  
Florida girl aims to save the planet by saving you gas

<http://www.msnbc.msn.com/id/11658749/>

Sailor with ALS eyes 2008 Olympics  
Embraces life after diagnosis, voted Yachtsman of the Year  
by U.S. Sailing

<http://www.msnbc.msn.com/id/11162008/>

Rebuilding Waveland, one playground at a time  
Young at heart, Jerry Flaming makes a difference by  
making smiles possible

<http://www.msnbc.msn.com/id/11062527/>

## Appendix A – Making A Difference

Marathoner runs race against hunger

Kenyan champion leverages his celebrity for U.N. food program

<http://www.msnbc.msn.com/id/10948443/>

No place like home for rural doctor

First black and first female, she makes a difference in Mississippi

<http://www.msnbc.msn.com/id/10808208/>

San Diego teacher pushes students to achieve

For 25 years, she's challenged kids and made a difference in their lives

<http://www.msnbc.msn.com/id/10741390/>

American engineer helps rebuild Banda Aceh

Murphy took a 70 percent pay cut and moved his family to help

the reconstruction of the tsunami disaster area

<http://www.msnbc.msn.com/id/10644084/>

Blind gym teacher carries the torch in Italy

Fifty-year-old Steven Sloan inspires his students daily

<http://www.msnbc.msn.com/id/10533054/>

Doctor dedicates her practice to orphans

Jane Aronson makes a difference by giving orphans a better life

<http://www.msnbc.msn.com/id/10400135/>

Fighting the war on hunger

Former Marine general finds a new way to lead

<http://www.msnbc.msn.com/id/10299880/>

Hollywood vet helps troubled teens create  
Non-profit encourages artistic expression among high-risk  
kids

<http://www.msnbc.msn.com/id/10143696/>

Helping Third World citizens see the future  
Optician's glasses program improves vision and creates  
entrepreneurs

<http://www.msnbc.msn.com/id/10099258/>

Despite breast cancer, the show goes on  
Actress Maria Friedman stars on Broadway 18 days after  
finding lump

<http://www.msnbc.msn.com/id/10084770/>

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After a one-year tour, soldier starts program to build  
orphanages

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Organization she founded has already cut homeless  
population in half

<http://www.msnbc.msn.com/id/10055262/>

Changing the world, one cow at a time  
Grateful teacher shows Virginia students how to give back

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## Appendix A – Making A Difference

### THE ART OF “CUTTING BACK” ON THE SMOKING HABIT

Paul Bezaire

YES. “Cutting back” on the smoking habit is an art. Once you have the following pieces together, you WILL “cut back”. I guarantee it. And you will be thankful later in life for it.

Read my short story and then I will tell you the secrets of “cutting back” on the habit.

I started smoking in high school in 1946. Like most people who start, I felt “grown up”. I was part of the crowd. I was athletic, ran all the time and had my whole life ahead of me, but not knowing what was about to happen thirty-four years down the line.

I am now seventy-eight years old, on oxygen, and have Chronic Obstructive Pulmonary Disease (COPD). Although I have an open pack of cigarettes in my nightstand, it has been twenty-six years since I smoked my last cigarette. And it was not difficult to “cut back”. I tried something on myself that worked and now I help others to successfully “cut back” using the same technique.

The year was 1980 when I was enjoying myself having a cigarette (yes, I did enjoy smoking). I had one in my hand and another one burning in the ash tray. Smoke filled the room. I was constantly coughing. Enjoying another cigarette? You got to be kidding.

Like a bolt of lightening from the sky, something struck me. I asked myself, “Paul, do you hate your body that much that you have to destroy it like you’re doing?” I answered my own question. “No I don’t hate myself but I realize I am hurting myself.”

“Then why are you destroying your body like you’re doing?” came the next question.

“I don’t really know the answer to that.”

I put out my cigarettes and said to myself, “No more for me for the rest of the day”.

For the rest of the day I felt like I was in a fight with “the devil”. When I would almost give in and light one up, I asked myself what I would do if suddenly a million dollars was offered to me if I refrained for the rest of the day. “Just for the rest of the day Paul” I thought to myself, “As difficult as it would be I would not have another one for the rest of the day.”

The next morning I got up and immediately grabbed for my cigarettes. But suddenly I asked myself the same question. “Yesterday wasn’t so bad. Can I do it again for just one more day?” I decided to challenge the devil and go another day.”

“yeh, yeh.” you’re thinking “I’ve heard that day-at-a-time BS. So what’s new?”

Here’s what’s new. IT DOES WORK *but not all by itself.*

I managed to continue with this day-at-a-time process for a whole week After dinner I unconsciously reached for my shirt pock only to discover I had no cigarettes.

My wife asked me if I quit smoking to which I replied, “No I didn’t. Why do you ask?” “Because I haven’t seen any dirty ashtrays nor smell smoke like before”

“I told her I just cut back from smoking so much.”

Another three weeks went by when she asked me again. “Are you sure you haven’t quit smoking?”

“I didn’t quit” I replied. “I just cut back”

“When did you have your last cigarette?”

“About four weeks ago”

My position is that *I am still a smoker.* Even when I fill out a doctor’s questionnaire asking if I smoke, I say yes. I later explain my position that I am still a smoker but have simply cut back and haven’t had a cigarette in 26 years.

The reason I still have my last pack next to my bed? That way I know that any time I want a cigarette I can have one. It then becomes my choice not to have it. But that urge is non-existent any more. Besides I know what it’s like to desire a cigarette and you

## Appendix A – Making A Difference

have none. At one time I would have driven ten miles on a rainy night for a pack of cigarettes. ( A woman I know who followed my advice has now been off cigarettes for almost two years and still carries three cigarettes in her purse.)

So now, here are my simple “secrets” to “cutting back”. Many persons I have spoken to have been off cigarettes for years after learning these three “secrets”. *It’s unbelievable how fast you can be free from smoking when you follow the following directions.*

### **Secret #1. YOU MUST HAVE THE DESIRE TO QUIT.**

By this I mean a conscious desire to really quit. Ask yourself why you want to quit. What would it mean to you if you quit or simply “cut back” like I am doing. Is your motivation strong enough? Without the real desire to “cut back”, you won’t. Patches won’t work, hypnosis won’t work, and neither will any of those “quit-smoking” medications. You will only be ready to cut back when you can honestly say to yourself, “I am so sick of my smoking and what it is doing to my body that I won’t stand for this for another second” That’s when you will be ready to cut back. And when you are tired of the loss of energy dragged from you after your first drag in the morning, You will be ready.

### **Secret #2.DON’T TELL ANYBODY YOU’RE QUITNG.**

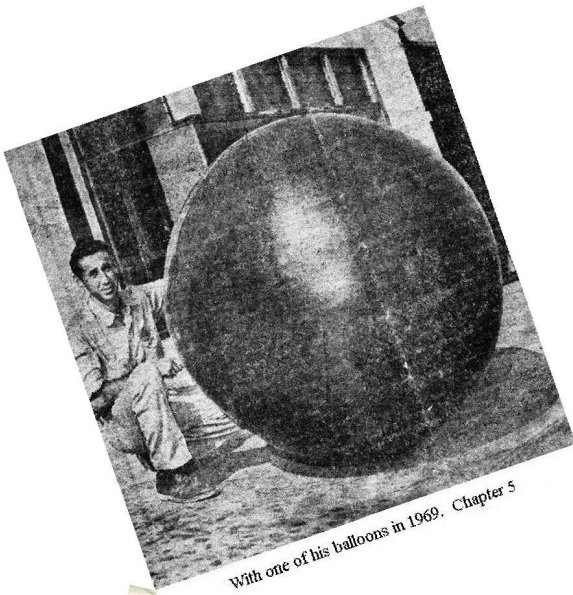
How many times have you heard someone tell you they quit smoking? Why are they telling you? What are they looking for? The answer is that they are looking for approval from you or whoever will listen. The approval MUST come FROM yourself. Feel good about yourself as each day passes.

**Secret #3 FOLLOW THROUGH FOR ONE WEEK.** If you really want to quit and keep it a secret, *you will be off cigarettes for life.* If your friends offer you a cigarette, simply say “No thanks”. *NEVER tell anyone you quit.* ALWAYS take the silent

approach that you are cutting back. Take the position that you are still a smoker and have simply “cut-back” like I have.

If all this sounds too simple it is because it really is simple. I guarantee it. I welcome any letters from you telling me your experience. Write to me at [Paul@Rebel101.com](mailto:Paul@Rebel101.com)

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While you're at it, you might see other free downloads concerning Cancer, and another called, Dissent and Disobedience written by former Associate Justice of the United States Supreme Court, Abe Fortas. You will also find a book on how to avoid paying parking and speeding tickets.



With one of his balloons in 1969. Chapter 5



The author telling the district attorney to go sit in a corner and play with himself Chapter 3



Questioned by airport security at LAX Chapter 5



Demonstrating to the Meter Maid that the hydrant was not even connected. Chapter 1

Like a fenced acre of land in the middle of nowhere with the familiar "Private Property, No Trespassing" sign posted, everyone has an imaginary circle drawn around themselves that defines their private section in life. They are saying to the rest of the world: "You can enter my circle as long as you do not infringe on my life. The moment you do I will become like a slave who one day grabs the Masters whip and turns it on him". He says to the Master, "Up to this point I will obey but you have gone too far." Most people have a very small circle while the author has a very large one. In this book, *The Rebel*, demonstrates how lawyers, politicians, and bureaucrats have entered his circle only to be thrown out like a piece of trash.

How large is your circle?