

Kay Sieverding
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9/6/07

Attorney Regulation Counsel
1560 Broadway Suite 1800
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Re Randall W. Klauzer
Complaint 2007-2968

To Whom It May Concern:

Your letter of 9/24/07 asked for additional documentation supporting my complaint that Mr. Klauzer claimed that I “molested” Jane Bennett in order to get a restraining order on me, that that was a fraud on the court, and that he made these statements and took these actions in order to help Mr. and Mrs. Bennett conceal their construction because it violated local laws.

I hereby make the following statements under penalty of perjury as an affidavit and include document evidence supporting it.

1.) On page 398 of the enclosed transcript dated 9/6/2000, Mr. Klauzer states “the molestation is, as the evidence, quite frankly, is unrefuted, is expanding, increasing, becoming more violent”.

2.) I never molested Jane Bennett. I had no physical contact with her on any occasion. I never had any sexual interaction with her. Although Randall Klauzer said I “molested” Jane Bennett, she did not claim that I molested her. She had a driver’s license and claimed to be competent. She was about 60.

3.) The police report filed by Jane Bennett for 8/29 is attached and says

“Driving along Merritt St. Stop at Pahwintah and Merrit. She starts honking at me. I got to my driveway and she and her son came running down her front yard onto the street. Mrs. Sieverding was screaming at the top of her lungs and aggressively approaching me and my husband. She stayed at the edge of our property on the street. She screamed at me that ‘just because you are married to the city council president doesn’t mean you can break the law’. She yelled that we are ‘disobeying the law’ and ‘the constitution’. She called my husband an ‘asshole’. She is being threatening—she followed me home and harassed me when I got out of the car. I told her to get off our property—she said she wasn’t on it.’ Jane Bennett.

4.) I was never arrested in Colorado.

- 5.) I was never presented with a police report that said that an officer witnessed me committing a crime towards Jane Bennett nor did any police officer ever testify in my presence or in any report that I am aware of that I committed a crime towards Jane Bennett.
- 6.) There was no warrant for my arrest.
- 7.) Jane Bennett signed the “uniform summons & complaint” as ‘arresting officer’ although she was not a peace officer. (see enclosed photocopy)
- 8.) The Bennetts lived at 701 Princeton Ave in Steamboat Springs CO.
- 9.) I have included an aerial picture from Google maps that shows her house and our former house on Pahwintah. As you can see there is about 150 feet between our former drive and Mrs. Bennett’s drive. I parked in my own drive on 8/29/00 after coming home from the store with my son as was testified in court.
- 10.) I have included a court filing from Klauzer & Tremaine law firm that acknowledges that Bennetts were involved in construction, that is also discussed in the transcript.
- 11.) I have included a Routt County Building Permit application for 701 Princeton Ave signed by Kevin Bennett dated 5/1/00 for a “garage/office/bathroom/reception listed as a 807 square foot garage, a 260 square feet finished space and a 962 square feet unfinished space which also refers to a “shed convert to guest bedroom” referred to as S-00-085.
- 12.) I have included an additional document dated 8/29/00, an update to the building permits S-00-106 and S-00-085, which says ‘pre existing shed re-model, accessory apartment. Have added additional windows to both sides of Northeast corner and southwest corner. Have added small kitchen area. Have changed layout of bathroom.’”
- 13.) The above three documents combined with the transcript should show adequately that Bennetts were at the time building one new two story multi roomed heated building with a bathroom and remodeling a pre existing shed into a dwelling unit with kitchen and bathroom.
- 14.) I have attached a printout of the Parcel Detail Information for 701 Princeton. As you can see it says there is one residential building built in 1950. However, the building permits and transcripts confirm that there are at least three buildings on the property (actually there are 4).
- 15.) The Routt County Assessor Information says that there are 2.5 bathrooms on the property. However, the building department records enclosed show that

two bathrooms were added in the year 2000. Clearly the residents of the property, valued without the new construction at over \$1 million, did not live since 1950 with only a half bath.

16.) The tax assessor report says that the property has only 6 rooms on two floors including 4 bedrooms and two kitchens. However, the building department reports refer to a bedroom and a kitchen in the former shed and over 1200 square feet of non garage space on two different floors in the other building. Clearly there are more than 6 rooms on the property.

17.) This shows that there is a discrepancy between what is described on the assessor's report and what is actually on the property. I have photos I can send you also. There are 4 buildings visible from the street. This shows that the assessors' report is inaccurate and supports my contention that the Bennetts were building at the time in violation of the development laws and that is why I complained since this was 10 feet from my former property.

18.) Randall Klauzer introduced the city planning services director Wendie Schulenburg as a witness and she said while under oath on September 6, 2000 "she (Kay Sieverding) threatened to report me to my professional societies, American Planning Association and American Institute of Certified Planners" (Transcript 00C180 9/6/2000 page 52).

19.) I called the AICP and they told me that Wendie Schulenburg was never a member there. Their phone number so you can confirm that she was not a member is 312 431 9100.

20.) As described on Wikipedia:

"The American Institute of Certified Planners (or AICP) is the American Planning Association's professional institute. AICP certifies professionals in the United States in the field of Urban planning and assists planners in the areas of ethics, professional development, planning education, and the standards of planning practice. [1]AICP certification is recognized throughout the United States as the mark of a professional planner. Members of AICP pledge to adhere to a detailed Code of Ethics and Professional Conduct. Once certified, professional planners may place the designation "AICP" after their name to indicate their membership in AICP, and their mastery of the principles, skills, knowledge, and experience determined by the organization as essential for a professional planner."

21.) I have attached a printout of the AICP ethics program. As you can see it is a very rigorous ethics program. In fact, I believe it is more rigorous than the ethics program of regulating Colorado lawyers. For instance:

"a charge of misconduct shall be made by letter....the ethics officer shall maintain a log of all letters containing charges of misconduct....Within two weeks the ethics officer shall ... transmit the charge and all attached documentation to the named

certified planner...the charging party will have the right to appeal the summary dismissal...the ethics officer shall have the duty to keep an identified charging party informed...numbered facts...reprimand, suspension or expulsion...explanation and discipline shall be published.”

To become a certified planner is very difficult and involves education, references and testing. Only about 20% of people who work as city planners and have graduate degrees in city planning are certified. Thus it was impossible for Ms. Schulenburg to think that she was a certified planner and the representation that one is a certified planner when one is not is similar to claiming to be a lawyer when one is not. It was a serious perjury on Ms. Schulenburg’s part to claim to be a member of the AICP.

- 22.) Mr. Klauzer subordinated both the perjury from Ms. Schulenburg that she was a certified planner and that the Bennett’s construction fully complied with the building code.
- 23.) Mr. Klauzer is fully aware that the Bennett’s construction was in substantial violation of the development code. The property was zoned low density residential and only one residential building was allowed but three were built.
- 24.) In July 2001, I filed in Routt County court a document stating that a.) The criminal charges placed against me by Jane Bennett were dismissed b.) Wendy Schulenburg was not a certified planner c.) The Bennett’s construction violated the zoning and development laws d.) The Bennett’s motivation to get a restraining order on me was not legitimate but was intended to force our family to leave town to cover up their violation of the development laws.
- 25.) Mr. Klauzer refused to admit that I had not molested Jane Bennett, that the Bennett’s construction was in violation of the development laws, and that Wendy Schulenburg was not a certified planner as she had claimed in court.
- 26.) Since Mr. Klauzer represented Jane Bennett in the restraining order hearing he violated Colorado Rules of Professional Conduct Rule 4.5:
“A lawyer shall not threaten to present criminal, administrative or disciplinary charges to obtain an advantage in a civil matter nor shall a lawyer present or participate in presenting criminal, administrative or disciplinary charges solely to obtain an advantage in a civil matter”
- 27.) I have attached an article published today, 10/6/07, on the Internet in which Mr. Klauzer says: ‘This is personal abuse’ Klauzer told Garrecht, this is not going to stop, judge, until you stop this woman from harassing Jane Bennett.’.
- 28.) However, there is no evidence that I ever harassed Jane Bennett. The reason that I told her she wasn’t entitled to break the law is that she wasn’t entitled to break the law.
- 29.) I have attached another article published today stating “the Bennett’s

construction is in compliance with the city's code". However, that statement is false, it was so out of compliance that the properties cannot be even listed on the taxes.

I would like you and Mr. Klauzer to acknowledge the extreme damages I and my family suffered as an account of this malicious injunction and the publicity about it and the failure of the City of Steamboat to acknowledge that the Bennett's buildings are in such extreme violation of the development code that they can't even be listed on the property tax rolls.

I have a masters' degree in city planning from MIT and had an opportunity a few years ago to work as a commercial real estate broker. However, I was unable to pursue that opportunity because of the publicity that I was too stupid to understand a simple zoning regulation.

I said hello to my neighbor in Wisconsin and she ran away in terror. Her husband told me that she had read the article on the Internet.

While we still lived in Steamboat, Jane Bennett used the restraining order obtained by Randall Klauzer to stalk me. She repeatedly called the police because she saw me doing legal things such as buying film, waiting for a red light, and being in my yard. Then the police would follow me very publicly thereby scaring and humiliating me. Based on a claim that I had 'violated' the restraining order by taking a picture of my house from the street, the police went to the high school to interview my son. Based on exaggerated publicity about the restraining order and Mr. Klauzer's statements, rumors were spread in the high school that I had brought a gun to the Bennett's residence. Those rumors were totally baseless as we never owned a gun and I never actually touched a gun in my entire life. I am afraid of guns. Our son was emotionally sensitive anyway because he had been bullied as a child. For instance, dirty motor oil was poured on his head in the school bus. He was so upset and embarrassed about the police attention and publicity that he dropped out of school at age 14. He would not come out of his room for 6 months. He still has not really recovered.

Because of the restraining order and the publicity about it and the criminal charges we moved from Steamboat to Wisconsin. My husband had grown up in Steamboat and graduated from high school there and we had wanted to stay in Steamboat. Previously we had considered moving to Minnesota for business opportunities but had decided that we preferred to live in Steamboat. When we moved to Wisconsin we continued to operate the same mail order businesses we did in Steamboat. These businesses were better in Steamboat than in Wisconsin. Our effective cost of living in Steamboat was lower than in Wisconsin because the property and income taxes were lower and our property in Steamboat always appreciated. Our location and physical plant in Steamboat was better than in Wisconsin. Previous to moving to Wisconsin, I had never actually been to Madison. We knew no one here. The only reason we moved to Wisconsin is that we had to live somewhere. We sold our home in Steamboat to one of Bennett's lawyers for \$100,000 below appraisal because it was the only offer. We sold our

lot for \$75,000 less than we expected. Later we received an email from an investment banker who said that he had been interested in buying our lot but that he and his family ran into Bennett when they were looking at our lot and Bennett threatened to shoot them. That scared them and they never went back. While we were in Steamboat there was an unexplained bullet hole through our window.

It is essential for equity that Mr. Klauzer admit that I did not 'molest' Jane Bennett, that there was no basis for Jane Bennett to criminally charge me, that there are 4 buildings on the Bennett's property not one as described on the assessor's report, and that the Bennett's construction in 2000 was in substantial violation of the applicable development codes for volume, location, and type of construction (extra detached dwelling units).

My lawyer in Steamboat Springs, William Hibbard, told me that it was against the rules of professional conduct to use criminal and administrative charges to gain advantage in a civil matter. I first contacted the Colorado Attorney Regulation Counsel about this matter in March 2001 but was told that what Mr. Klauzer did and said was allowable conduct for an advocate. If the matter had been resolved in 2001, our family would have suffered a lot less since then.

I am making these representations under penalty of perjury under U.S. law.

Please let me know if Mr. Klauzer denies any of the above and I will provide additional proof.

Sincerely

Kay Sieverding 10/6/07.