

COMPLAINT (Appeal Via RSA 72:23)

Shire Free Church: Monadnock
73 Leverett St.
Keene, NH 03431
603-513-2449

August 27, 2014

Court Name: Cheshire Superior
Case Name: Shire Free Church: Monadnock v. City of Keene
Case Number:

Requested: Bench Trial

Plaintiff's Name and Address:

Shire Free Church: Monadnock
73 Leverett St.
Keene, NH 03431
603-513-2449

Defendant's Name and Address:

City of Keene
3 Washington St.
Keene, NH 03431

Preamble:

Plaintiff files this suit to uphold our religious freedom and overturn defendant's decision against the tax-exempt status of plaintiff's parsonage in Keene.

Facts and Law

1. Plaintiff is a non-profit religious organization, registered with the State of New Hampshire
2. Plaintiff has been recognized as a NH non-profit that can certify community service hours, by the Keene District Court
3. Plaintiff has weekly religious services.
4. Plaintiff has been looking at acquiring a church building.
5. Plaintiff's members have the right to the religious beliefs of their individual choice.
6. Each member is an ordained minister in the Shire Free Church (Church.ShireSociety.com, based in the Shire)
7. Member Ian Freeman has been recognized as a minister by the NH State Police in a press release sent in early April 2014, announcing Freeman's arrest:
On April 11, 2014 at approximately 3:21 p.m. members from the New Hampshire State Police, Troop G arrested Ian B Freeman, age 33, of Keene, NH. FREEMAN is a radio show host and a minister for the Shire Free Church.
8. Each member is an ordained minister in the Universal Life Church (ULC.org, headquartered in

Sacramento, CA).

9. Defendant is a municipal corporation.

10. Defendant is formed under the constitution of the State of New Hampshire.

11. The Constitution of the State of New Hampshire (in Part 1 Article 4) states that the right of conscience is unalienable:

[Art.] 4. [Rights of Conscience Unalienable.] Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience.

12. The Constitution of the State of New Hampshire (in Part 1 Article 5) recognizes religious freedom:

[Art.] 5. [Religious Freedom Recognized.] Every individual has a natural and unalienable right to worship God according to the dictates of his own conscience, and reason; and no subject shall be hurt, molested, or restrained, in his peers on, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others in their religious worship.

13. The Constitution of the State of New Hampshire (in Part 1 Article 10) recognizes the right to resist arbitrary power:

*[Art.] 10. [Right of Revolution.] Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. **The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.** (emphasis added)*

14. The State of New Hampshire, and by proxy, the Defendant, is subject to the United States Constitution.

15. The United States Constitution's first amendment protects religious freedom:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;...

16. The defendant must follow NH RSAs.

17. NH RSA 72:23 exempts churches and their parsonages from taxation:

***72:23 Real Estate and Personal Property Tax Exemption** – The following real estate and personal property shall, unless otherwise provided by statute, be exempt from taxation: ...
III. Houses of public worship, parish houses, church parsonages occupied by their pastors, convents, monasteries, buildings and the lands appertaining to them owned, used and occupied directly for religious training or for other religious purposes by any regularly recognized and constituted denomination, creed or sect, organized, incorporated or legally doing business in this state and the personal property used by them for the purposes for which they are established.*

18. Plaintiff was given the property in question, 73 & 75 Leverett St. in Keene, in February 2013.

19. Property is a duplex.

20. Plaintiff utilizes property primarily as a church parsonage.

21. Plaintiff's members believe that no individual or association of individuals, however constituted, has the right to initiate force against any other individual,

- 22.Plaintiff's members believe that explicit voluntary association is the only means by which binding obligations may be created, and claims based on association or relationships to which any party did not consent are empty and invalid,
- 23.Plaintiff's members' consciences do not allow them to voluntarily comply with arbitrary power,
- 24.Plaintiff's members assert their right of conscience,
- 25.Plaintiff's members assert their right to freedom of religion,
- 26.Plaintiff's members assert their right to resist arbitrary power,
- 27.Plaintiff's members filed the BTLA-9 form with the defendant's tax assessor as a courtesy.
- 28.Plaintiff's members did not file the form out of obligation. It was filed with the intention of giving Defendant the chance to do the right thing and, in the name of peace, accept our offer of voluntary payments.
- 29.Defendant's tax assessor's office is allowed, by NH RSA 72-23c, to question organizations applying for tax exempt status:
72:23-c II. City assessors, boards of selectmen, and other officials having power to act under the provisions of this chapter to grant or deny tax exemptions to religious, educational, and charitable organizations shall have the authority to request such materials concerning the organization seeking exemption including its organizational documents, nature of membership, functions, property and the nature of that property, and such other information as shall be reasonably required to make determinations of exemption of property under this chapter. Such information shall be provided within 30 days of a written request. Failure to provide information requested under this section shall result in a denial of exemption unless it is found that such requests were unreasonable.
- 30.Defendant sent a questionnaire with dozens of questions to plaintiff.
- 31.Plaintiff's members believe the questions are invasive and discriminatory.
- 32.Defendant tax assessor Danille Langille acknowledged in a series of emails that he had never sent a questionnaire out to an applying church in his time as assessor.
- 33.Defendant tax assessor Danille Langille acknowledged in a series of emails that he had no knowledge of any applying church being given a questionnaire prior to his term,
- 34.Despite the invasiveness, Plaintiff completed the questionnaire in the requested 30 day timeframe, allowing the assessor's process to continue.
- 35.Members of plaintiff attended the tax assessor's public hearing on June 11, 2014.
- 36.During the hearing, in explaining why she was voting against exemption, assessor Mary Ann Robator stated,
"There's a big difference between form and substance."
- 37.During the hearing, in explaining why she was voting against exemption, assessor Mary Ann Robator stated,
"When you refer to activists, I think that flies in the face of your church status, or your, I think a political stance is something that cannot be defined in that regard."
- 38.Ms. Robator is engaging in viewpoint discrimination.
- 39.It is not Ms. Robator's job to determine the validity of a religious belief.
- 40.It is not Ms. Robator's job to determine who can have a church or parsonage.
- 41.To suggest that ministers cannot be activists flies in the face of history.
- 42.Beyond the obvious viewpoint discrimination, Ms. Robator is incorrect. The Shire Free Church does not have a political viewpoint.

43. The plaintiff does not have any interest in politics.
44. NH RSA 72:23 authorizes defendant to accept voluntary payments in lieu of taxes:
72:23-n Voluntary Payments in Lieu of Taxes. – The governing body of any municipality may enter into negotiations for a voluntary payment in lieu of taxes from otherwise fully or partially tax exempt properties, and may accept from such properties a voluntary payment in lieu of taxes.
45. In a letter sent to defendant in September, plaintiff's members wrote, in part:
"That said, some Shire Free Church ministers living in the parsonages located at 73 and 75 Leverett do appreciate some of the services rendered by you and your fellow "City of Keene" neighbors. Based on their opinion of your services' value, these ministers may choose to give a yearly or twice-yearly donation to the "City of Keene," but will require the church's money not be used to commit or threaten violence against any peaceful human being."
46. Plaintiff has delivered two checks to the defendant, one in 2013 and one thus far in 2014.
47. The checks totaled approximately 45% of the defendant's property tax requests, totalling over \$3,000 USD.
48. Defendant accepted and deposited these checks into their account.
49. The amount withheld by Plaintiff is approximately the amount that goes to the Keene School District
50. Plaintiff members view government-run education as a propaganda arm for "The State"
51. With a few exceptions, attendance in a government-run school is compulsory
52. Plaintiff supports consensually-based education.
53. Therefore, plaintiff has supported the Waldorf school with money withheld from "The State" school system.
54. One of our beliefs is that "The State" is a dangerous religion.
55. Believers in "The State" believe that "it" is something more than words on paper, buildings, and people violently enforcing those words on paper,
56. Children in government-run schools are heavily encouraged to engage in chanting (the pledge) at an idol of "The State" (the US flag) on a regular basis,
57. Children in government-run schools are taught of the glorious history of "The State"
58. Many believers in "The State" sing hymns to "it".
59. Many believers in "The State" are willing to die for "it".
60. Belief in "The State" leads to war.
61. Belief in "The State" leads to separation of humans via the idea of "countries".
62. As a peace church, the Shire Free Church is opposed to war and separation of humans.
63. Positions favoring peace have nothing to do with politics.
64. Plaintiff's members may have different individual political beliefs.
65. To suggest that a minister should be precluded from their own political beliefs also flies in the face of history.
66. Ms. Robrator does not understand our religion.
67. It is not Ms. Robrator's job to understand our religion - only to respect our right to it.
68. Defendant voted 3-0 to deny plaintiff's tax exemption on our church parsonage.

Request for Relief:

To show respect for the freedom of religion, this court should:

- A. Order that the Keene Tax Assessor's decision be overturned. The entire property at 73 & 75 Leverett St. in Keene should be considered tax-exempt as a church parsonage.
- B. The defendant should be ordered to accept voluntary payments in lieu of taxes, from plaintiff as authorized by RSA 72:23n.
- C. The court should strongly suggest to defendant the futility of appealing this court's decision. Appeals will only continue to expend tax dollars unnecessarily, and may result in the defendant spending more on legal fees than they will receive in years of voluntary contributions from plaintiff.
- D. The court should grant all other relief the court deems fair and just.

Hand-delivered this ____ day of **August 2014**.

Date Mark Edgington, Minister, Shire Free Church: Monadnock

Date Ian Freeman, Minister, Shire Free Church: Monadnock

Date Darryl W Perry, Minister, Shire Free Church: Monadnock

Date Jay Denonville, Minister, Shire Free Church: Monadnock

Certificate of service

This is to certify that two true and correct copies of the foregoing has been delivered this ___ day of **August 2014** to the defendant.

Date Mark Edgington, Minister, Shire Free Church: Monadnock

Date Ian Freeman, Minister, Shire Free Church: Monadnock

Date Darryl W Perry, Minister, Shire Free Church: Monadnock

Date Jay Denonville, Minister, Shire Free Church: Monadnock

****NOTICE: All correspondence is subject to being posted on FreeKeene.com****