

FILED RECEIVED

2017 UNITED STATES DISTRICT COURT

for the

US COURTS
COEUR DALENE, ID District of Idaho

Division

CV-17-0459-N-REF

Case No.

(to be filled in by the Clerk's Office)

Randall L. Tetzner

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Christa Hazel, former Trustee president, Cour d Alene
School District 271,

Jury Trial: (check one) Yes No

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Tambra Pickford Trustee, Coeur d Alene School)
District 271,)
Casey Morrisroe Trustee Coeur d Alene School)
District 271)
Tom Hearn Trustee Coeur d Aene School District 271

Dave Eubanks Trustee Coeur d Alene School District
271

Matt Handelman Former superintendent Coeur d
Alene school district 271

Coeur d Alene School District 271 serve Lynne
Towne Board Secretary

City of Coeur d Alene Idaho serve city clerk Renata
McLeod

Coeur d Alene Police Department serve Lee R. White
Chief of Police

Lee R. White Chief of Police Coeur d Alene Police
Department

Det. Jay Wilhelm Coeur d Alene Police Department

Det. Crystal Shaw Coeur d Alene Police Department

Det. Buhl Coeur d Alene Police Department

John Does 1 & 2 Coeur d alene Police officers involed
in March 7th 2016 civil rights violation of plaintiff

John Does 3-100 unknown defendants

Defendant(s)

*(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names. Do not include addresses here.)*

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Randall E. Tetzner		
Address	1318 E. Locust Ave		
	City	ID	83814
	Coeur d Alene	State	Zip Code
County	Kootenai		
Telephone Number	208-704-3787		
E-Mail Address	randy@tetznercfi@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Christa Hazel		
Job or Title (<i>if known</i>)	Attorney		
Address	6950 E. Solar Dr.		
	City	ID	
	Hayden	State	Zip Code
County	Kootenai		

Telephone Number	unknown
E-Mail Address (if known)	unknown
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity	

Defendant No. 2

Name	Tambra Pickford		
Job or Title (if known)	unknown		
Address	1400 N. Northwood Center Ct.		
	City	ID	83814
		State	Zip Code
County	Kootenai		
Telephone Number	208-664-8241		
E-Mail Address (if known)	tpickford@cdaschools.org		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 3

Name	Casey Morrisroe		
Job or Title (if known)	unknown		
Address	12083 N. Strahorn Rd.		
	City	ID	83835
		State	Zip Code
County	Kootenai		
Telephone Number	208-664-8241		
E-Mail Address (if known)	cmorrisroe@cdaschools.org		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 4

Name	Tom Hearn		
Job or Title (if known)	unknown		
Address	817 E. Birch Ave		
	City	ID	83814
		State	Zip Code
County	Kootenai		
Telephone Number	208-664-8241		
E-Mail Address (if known)	thearn@cdaschools.org		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address

B. The Defendant(s)

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Defendant No. 1

Name

Dave Eubanks

Job or Title (if known)

unknown

Address

5936 & 5924 Clemetson RD

Coeur d Alene

ID

83814

City

State

Zip Code

County

Kootenai

Telephone Number

208-664-8241

E-Mail Address (if known)

deubanks@cdaschools.org

 Individual capacity Official capacity

Defendant No. 2

Name

Matt Handelman

Job or Title (if known)

Chief academic accountability officer Evergreen School District

Address

13501 NE 28th St.

Vancouver

WA

98682

City

State

Zip Code

County

Clark

Telephone Number

360-604-4012

E-Mail Address (if known)

academic.accountability@evergreenps.org

 Individual capacity Official capacity

Defendant No. 7

Name

Coeur d'Alene School District 271

Job or Title (if known)

Lynne Towne Board of Trustees Clerk

Address

1400 N. Northwood Center CT.

Coeur d'Alene

City

ID

83814

State

Zip Code

County

Kootenai

Telephone Number

208-664-8241

E-Mail Address (if known)

ltowne@cdaschools.org

 Individual capacity Official capacity

Defendant No. 8

Name

City of Coeur d'Alene Idaho

Job or Title (if known)

City Clerk Renata McLeod

Address

710 E. Mullan Ave

Coeur d'Alene

City

ID

83814

State

Zip Code

County

Kootenai

Telephone Number

2089-769-2300

E-Mail Address (if known)

cityclerk@cdaid.org

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

 Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name			
Address			
	City	State	Zip Code
County			
Telephone Number			
E-Mail Address			

B. The Defendant(s)

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Defendant No. 9

Name	Coeur d'Alene Police Department		
Job or Title (if known)	Chief Lee R. White		
Address	3818 N Schreiber Way		
	City	ID	83814
		State	Zip Code
County	Kootenai		
Telephone Number	208-769-2320		
E-Mail Address (if known)	unknown		
<input checked="" type="checkbox"/> Individual capacity <input checked="" type="checkbox"/> Official capacity			

Defendant No. 10

Name	Lee R. White		
Job or Title (if known)	Chief of Police Coeur d'Alene ID Police Department		
Address	3818 N Schreiber Way		
	City	ID	83814
		State	Zip Code
County	Kootenai		
Telephone Number	208-769-2320		

E-Mail Address (if known)

unknown

 Individual capacity Official capacity

Defendant No. 11

Name

Det. Jay Wilhelm

Job or Title (if known)

Police detective Coeur d Alene ID Police Department

Address

3818 N Schreiber Way

Coeur d Alene

ID

83814

City

State

Zip Code

County

Kootenai

Telephone Number

208-769-2320

E-Mail Address (if known)

unknown

 Individual capacity Official capacity

Defendant No. 12

Name

Det. Crystal Shaw

Job or Title (if known)

Police detective Coeur d Alene ID Police Department

Address

3818 N Schreiber Way

Coeur d Alene

ID

83814

City

State

Zip Code

County

Kootenai

Telephone Number

208-769-2320

E-Mail Address (if known)

unknown

 Individual capacity Official capacity

II. Basis for Jurisdiction

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Name		
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Telephone Number		
E-Mail Address		

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Defendant No. 1/3

Name		
Job or Title (if known)		
Address		
County		
Telephone Number		
E-Mail Address (if known)		

*Det. Buhl
police officer Coeur d'Alene Police Dept
3818 N. Shoshone Way
Coeur d'Alene ID 83814
City State Zip Code
Kootenai
208-769-2320
unknown*

Individual capacity Official capacity

Defendant No. 2

Name		
Job or Title (if known)		
Address		
County		
Telephone Number		
E-Mail Address (if known)		

City	State	Zip Code
<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity		

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

[Idaho Code Ann. Section 33-210 "[i]t is legislative intent that parental involvement in all aspects of a child's education in the public school system remain a priority"

1st Amendment of the US Constitution, Free Speech

Article 1 section 1 Idaho Constitution Inalienable Rights of Man

Article 1 section 9; Idaho Constitution Free Speech

Article 1 section 10 Right of assembly for the redress of grievances

Article 1 section 17 Unreasonable searches and seizures prohibited

Article 1 section 16 Bills of attainder prohibited

Article 1 section 13 Guaranties and Due Process of law

4th Amendment of the US Constitution free from unlawful seizure, unlawful arrest

5th Amendment of the US Constitution The right to remain silent

14th Amendment US Constitution No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law.

14th Amendment of the US Constitution Malicious prosecution deprived plaintiff of the right to liberty.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The defendants are all agents of a government power or in themselves the agencies are a governmental power. The school board known as trustees are publically elected officials who operate under state law and under their own regulations. Matt Handelman as superintendent is employed by the school district, a local government agency. The School District is a local governmental agency. The city of Coeur d'Alene is a municipality under the codes of the state of Idaho and therefore a governmental agency. The Coeur d'Alene Police department is a municipal police department within the city limits of Coeur d'Alene and a part of the City of Coeur d'Alene government. Lee R. White is the chief of police of the Coeur d'Alene police department and as a police officer for a municipality acts under color of law. Jay Wilhelm then school resource officer for Lakes Magnet Middle School is a Coeur d'Alene police officer. Crystal Shaw is a Coeur d'Alene Police officer. Det. Buhl is a Coeur d'Alene police officer. John Does 1 & 2 are Coeur d'Alene police officers and they all act under color of law. John Does 3 thru 100 are unknown at this time but would all be governmental employees or those who conspired with governmental employees.

The school District and the Board of trustees along with former superintendent Matt Handelman were deliberately indifferent and plaintiffs deprivation of civil rights was caused by their own policy, custom or practice whether written or unwritten, official or unofficial including but not limited to, trespassing parents without a proper notice and due process hearing required by the 14th amendment of the US Constitution and by directing the actions of law enforcement even though they are not themselves law enforcement. The Coeur d'Alene Police Department is responsible for the deprivation of plaintiffs rights caused by their own policy, custom or practice whether written or unwritten official or unofficial by enforcing unlawful orders given by the school district, whom they have a contract with, including but not limited to arresting, detaining and continuing questioning a person who has invoked the right to remain silent, threatening people with arrest at the behest of the school district acting as a de facto private police force for the school district and improperly training their police officers. The city of Coeur d'Alene is responsible for the deprivation of plaintiff's civil rights being deliberately indifferent and caused by their own policy, custom or practice whether written or unwritten, official or unofficial by including but not limited to, allowing it's police department to act as a de facto private force for the school district, refusing to investigate police misconduct.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

All claims arose within the city limits of Coeur d'Alene, ID: Outside Lakes Magnet Middle school; Coeur d'Alene High School, School Trustees meeting building

B. What date and approximate time did the events giving rise to your claim(s) occur?

November 4th, 2015 was the day I was trespassed, arrested, detained and questioned even after I requested counsel and otherwise invoked my right to remain silent.

10-28-2015 I received a phone call from SRO Jay Wilhelm stating the School Board Trustee Christa Hazel said no more letters or I would be arrested.

3-01-16 Called Melissa Tosi and complained that the police department was acting as a private police force for the school district

12-07-2015 denied full access to school board meeting, police presence

01-04-2015 denied full access to school board meeting, police presence

02-01-2015 denied full access to school board meeting, police presence

03-02-2015 denied full access to school board meeting, police presence, upon information and belief a school board member called the police on me even though I was not breaking any laws, I was harassed and threatened by John Does 1&2 when they put their hands on their weapons (guns) Police Chief Lee R. White said I was lying about the incident and as a result of policy, custom or practice of the police department said he would not investigate allegations of officer misconduct.

04-04-2015 Denied full access to school board meeting police presence

05-02-2015 denied full access to board meeting, police presence

06-06-2015 denied full access to school board meeting, police presence

7-11-2015 denied full access to school board meeting, police presence

08-08-2015 denied full access to school board meeting, police presence

09-12-2015 denied full access to school board meeting, police presence

10-03-2015 denied full access to school board meeting, police presence

Various dates from 11-04-2015 till the end of the school year and up to Nov 4 2016 of the next school year I missed all my childrens concerts, Parent teacher meetings, IEP's at the district for my disabled son, unable to assist said son at school, after school programs for my children. I begged the district to let me go to my daughters last concert but they refused.

November I requested a due process hearing over the trespass but was denied.

C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

1. In the spring of 2015 we suffered a severe fire in our home, I was able to rescue our daughter but had troubling due to smoke finding my way to our other child's room (forgot she was away with friends) using a smoke hood I was able to put out the fire. I began to think again of a previous safety project for children with autism (we have a child with severe autism) floor proximity exit signs. Children with autism can be trained to follow exit signs in a fire drill, but if the signs are obscured by smoke or water from a sprinkler they don't see the signs and become a danger to themselves and others. With a new school board I thought they would be more receptive. Even with a local businessman willing to donate these signs which sit about 8 inches above the floor they were not receptive, in fact they were hostile.
2. 10-28-2015 I was told by Det. Jay Wilhelm (my child's SRO) that the school Trustee president (Christa Hazel) told him to call me and tell me I would be arrested if I wrote one more letter about fire safety to the school trustees. I responded my letters do not contain fighting words, imminent threats nor obscenity that they were free speech and they are elected officials who sometimes get put on the hot seat and I would continue my lawful free speech conduct
3. Without notice or hearing I was trespassed from the school district unlawfully by Detective Jay Wilhelm who did so while my young child was present causing embarrassment and intimidation.
4. I notified all Trustees and superintendent that I planned on seeing my child with autism's first concert that evening.
5. The above named trustees, Christa Hazel Chair, members David Eubanks, Casey Morrisroe, Tambre Pickford and Tom Hearn upon information and belief met with the superintendent Matt Handelman to devise a way to punish me for my free speech, they trespassed me, a classic cause and effect.
6. Chief of Police Lee R. White, Det. Shaw and Det. Buhl carried out the illegal and unconstitutional actions of the School District Board of trustees and their superintendent
The school district and Board of Trustees and superintendent Matt Handelman utilize policies, customs or practices of trespassing parents without a required 14th Amendment hearing under the due process clause of the state and federal constitution.
7. The criminal trespass case was dismissed because the school district failed to give me a hearing pursuant to the 14th Amendment however the civil trespass remained in effect because I had no money to fight it in civil court.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I was depressed, it caused problems within the family. My one child became so depressed that I missed her final middle school concert she wouldn't go to school for days because she was depressed. My kids were depressed because I wasn't at their functions they missed school. I became severely depressed over this. I was angry. I was held out to public ridicule as the police harassed me at school board meetings. My reputation was damaged in the community as was my good name, reputation, honor and integrity. I was subjected to an official branding without a chance to defend one's self as the result of public officials caprice.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Actual damages should be an amount deemed reasonable by the courts, there are similar cases in excess of \$100,000.00 (one hundred thousand dollars) which is my request. Punitive damages should be \$250,000.00 (two hundred fifty thousand dollars) to act as a warning to others and to deter future like conduct. I missed out on my childrens education for an entire year.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11-02-2017

Signature of Plaintiff



Printed Name of Plaintiff

Randall L. Tetzner**B. For Attorneys**

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Address _____

City _____

State _____

Zip Code _____

Telephone Number _____

E-mail Address _____