

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Belinda D. Jackson)
Petitioner)
and)
Trimet)
Respondent)

Case No. 0809-12996

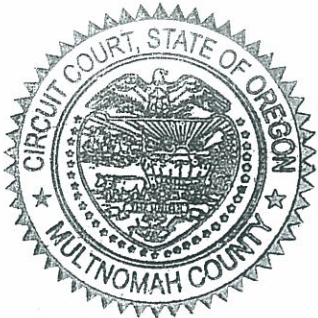
Writ of Review

TO: Trimet [Respondent]

By virtue of an order of the above-entitled court allowing this writ, made and entered on May 5
20 09, you are hereby required to return this writ to the court on or before 5/18/09
20 09, with a certified copy of the records and proceedings had in the matter of Sep. 4th, 2008
Citation 139807 [description of final determination or decision sought to
be reviewed], together with the findings and final order rendered.

This writ is based on the petition for writ of review filed 9/10, 2008, and attached hereto.

Issued by Melissa L. Tahir, clerk of the court, with the seal thereof, affixed
on this date May 5, 2009.



Melissa L. Tahir
Clerk of the Circuit Court

1 Belinda Jackson "Pro Se"
PO Box 40804
2 Portland Oregon
Telephone:
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4 **Multnomah County Circuit Court**

5 Belinda D. Jackson
PO Box 40804
6 Portland Oregon 97240
Plaintiff,

7 vs.

8 Tri-County Metropolitan District of
9 Oregon
4012 SE 17th Ave.,
Portland, OR 97202
10 Phone: 503-962-7505
Defendant

) Case No.: 3080318
)
) **34.010 Petition Former writ of**
) certiorari as writ of review. The
) writ heretofore known as the writ of
) certiorari is known in these statutes
) as the writ of review.
) 34.020 Who may obtain review; thereof
) reviewed for errors, as provided in
) ORS 34.010 to 34.100,
34.030 Jurisdiction to grant writ;
petition for writ; time limit. The
writ shall be allowed by the circuit
court, or, in counties where the
county court has judicial functions,...

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13 I, Belinda Jackson, the plaintiff and acting in a "Pro Se" status as the
aggrieved party am seeking ORS 34.010 (Petition of Writ of Review) per appeal
14 recourse instructions of The City Hearings Board policy upon the issuance of
an Order depriving me of Tri-met use. Stemming from and Exclusionary
15 decision by Tri-met based on a citation incident issued on August 20 2008.
The petition of the plaintiff, will describe the decision with convenient
16 certainty, and setting forth the errors alleged to have been committed
therein, based on ORS 34.040 (b) Failed to follow the procedure applicable to
the matter before it;

17 (c) Made a finding or order not supported by substantial evidence in
the whole record;

18 (d) Improperly construed the applicable law; or

19 (e) Rendered a decision that is unconstitutional.

20 (2) The fact that the right of appeal exists is no bar to the issuance
of the writ.

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22 September 4, 2008, Hearing Officer Mr. Gregory J. Frank , wherein he affirmed
Notice of Exclusion 139807 issued on August 20, 2008 and Ordered; Prohibited
23 activities on District Transit System (TMC28.12A)30 days for Excessive Noise
with rigid riding privileges. This section [28.15(13)(a)] states that "NO
24 person shall make excessive or unnecessary noise within any District Vehicle
or District Station with the INTENT to cause inconvenience, annoyance or
25 alarm to the public, District personnel or peace officer with a reckless
disregard..." Hearing Officer Frank failed to follow procedure applicable to
the matter before him and made findings not supported by evidence in the
whole record as well as disregarding and omitting evidence which had been
presented. Tri-met made accusations the Plaintiff was a "Chronic Problem" as

1 well as a statement of an Argument with reporting Officers and Tri-met
2 Employee (Drivers). Tri-met provided no evidence during the Hearing too
3 prove these statements and did not have a Representative in attendance on
4 September 4, 2008 to provide evidence of a Chronic problem or Argument with
5 Reporting Officer on August 20, 2008. The Transit Officer (Officer Goss)
6 whom was present at the Hearing arrived after the Driver and Tri-met Bus had
7 left the location (Powell and Milwaukie). There was no evidence given at the
8 Hearing which made their accusations credible. The entire Hearing is slander,
9 defamation of Character as an attempt to affect the outcome of the Hearing in
10 a prejudicial manner. The fact no evidence was submitted to support their
11 allegation at the Hearing on Sept. 4, 2008 stemming from the issuance of the
12 Citation on August 20, 2008, is the determining factor what occurred was
13 completely unnecessary as well as Harassment, and finally a violation of my
14 Civil Rights and Public Accommodation legislation. I, Belinda Jackson was
15 being targeted because of my Tort Claim provide to Tri-met in 2008. "With
16 the INTENT to cause inconvenience, annoyance or alarm to Public, District
17 personnel, or Peace Officer or with reckless disregard to the risk there of."
18 Tri-met Policy specifically states. The reason I, Belinda Jackson, spoke to
19 the Driver on August 20, 2008 was to gained information as he failed to
20 inform Passenger how long his lay-over was on the Downtown Mall in front of
21 the Mark O. Hatfield Federal Court House and after 3 minutes of not moving
22 the question was posed "Driver, when are we departing."; I asked twice and
23 the driver refused to make any statement or utterance. Several other
24 passengers started a disruption because they where aware it was a 5 minute
25 lay-over everyday. I do not ride 17 Holgate often and had no knowledge of
the scheduled lay-over. Policy is for Tri-met personnel to inform passengers
by loud speaker announcement when the Lay-over is 5 minutes or more. During
this incident my question to the Driver was "How long before you depart." The
bus was not moving and all passengers where sitting quietly. The bus engine
was not on. The Driver decided not to answer and call Dispatch without saying
one word to me or alerting me I was not supposed to ask questions from my
seat. The need to inform a passenger of a violation and if they fail to
adhere is necessary in any good faith relationship. The Officer arrived
removed me from the bus without communicating with me about what had
occurred; When I inquired the Officer threaten me with arrest in front of
other Passengers; I then immediately left the Bus. The Driver gave untrue
statements to the Reporting officer as well as his Supervisor. I was forced
off as the other passengers and the Driver continued which was completely
mortifying and a violation of Public Accommodation laws. When I was off the
bus two other Peace Officers arrived (Three in all and I was forced to stand
in front of the Police Vehicle as they discussed my infractions. (Which they
only informed me of after a decision was made to exclude me for making
excessive noise.) This is pure fabrication and an Attempt by Tri-met to
disparage me because of a pending Tort Claim Lodge against them by me in
2008. I asked a question when the Driver failed to answer I said Tri-met
policy was to provided the information. The Driver was being dishonest with
the reporting Police Officer and his Supervisors. The Officer did not view
the video or speak with other passengers to ascertain what occurred. This is
unfair treatment as well as a violation of my Civil Rights; because the
reporting Police Officer would not allow me to file counter charges of false
statements and harassment. He just kept saying "You're excluded, You're
excluded" as if he was intentionally attempting to provoke confrontation,
anger, and aggressive interaction. All of this information was presented at
the Hearing with strict emphasis on Tri-met police of INTENT to cause
disruption; Hearing Officer Frank ignored this specific condition within Tri-
met policy and completely dismissed the fact Tri-met provided no evidence or
witness during the hearing to prove their accusations. This is clearly "Tri-

1 met's Burden of proof as confirmed in the Statement of Rights outlined on the
2 citation. 34.100 Power of court on review; appeal. Upon the review, the
3 court shall have power to affirm, modify, reverse or annul the decision or
4 determination reviewed, and if necessary, to award restitution to the
5 plaintiff, I demand the Order is disallowed and the hearing decision reversed
6 and I am awarded all necessary legal and Court fees monetary punitive,
7 defamation, slander and emotional abuse damages and restitution. Request of
8 monetary amount provide) upon advisement and information provided on future
9 date.

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May 5, 2009
Dated this ~~April 14, 2009~~
Belinda Jackson
Belinda Jackson "Pro Se"
[Attorneys' names]