

Pereira, 24 February 2016

ALCALDIA DE PEREIRA
Radicación No: 9260-2016
Fecha: 26/02/2016-17:48:52
Recibido por: JOSE GUER BULTRAGO
Destino: Oficina de Control Disciplinario Interno

Senores
Alcaldia de Pereira
La Ciudad

Re: Complaint for the Suspension of Police Inspection Service, Right of Petition Article 23 CC

I, DANA ROBERT SCHWARTZ, identified by Cedula No. 334846, hereby file this complaint against DOCTOR CARLOS AUGUSTO HINCAPIE FRANCO acting Subsecretary of the Government and Citizen Security Section for AN UNLAWFUL ORDER in relation to the matter of the cancellation of the hearing date Monday 22/02/16. At the correct date and time I appeared at the office for Inspection of Police Ten yet no mention of the Suspension Order was then made. This caused me to later return whereby the Inspector Ten Doctora Fanny Marcela Correa Monsalve then informed me about the order by which all future service is suspended. As I believe the action to be prohibited by law and unlawful representing discrimination, misuse of authority, intimidation, and inference with the performance of a municipal duty by a government official, I hereby request the order be immediately withdrawn.

The communication dated 15/02/16 and signed by the Subsecretary is not well-understood. I am not fluent in Spanish and he refuses to provide a translator, I do not understand the nature of the request. However it appears to be needles as all the requested proof in support of the re-accusation was provided previously. Was my previous petition to remove the Inspector not well-understood as well? Furthermore, what does the requested removal have to do with the Inspector's process of other complaints which are unrelated? As the two matters are separate it appears the order is meant to intimidate while done as an abusive tactic. By what regulation or protocol was the order issued under?

For the past month the Subsecretary has avoided me and he didn't keep an appointment. After waiting an hour and a half for him to finish a meeting, he left his office while refusing to meet with me. Instead, and in front of his office, he claimed knowing everything there was to know about the situation. Then two days ago I waited outside his office at 5:45 p.m. and while he finished speaking with two of his assistants whereby his secretary indicated that he would speak to me afterward. However when he finished he closed the door and made phone calls instead. I have tried speaking to him several times but each time he has ignored me. His attitude is unprofessional and impolite. As I wish to avoid any further inconvenience, I request a meeting to discuss the refusal to respect my fundamental rights by providing a translator.

On January 25th the Subsecretary's legal representative named Cindy informed me about Resolution 5788 then dated 30/12/15 which indicated a delay in mailing. She said it was a nullification yet the Inspector was found to be competent. Per her instructions a petition was filed on 26/02/16 (No. 3350-016) seeking the removal of Inspector Ten as the new hearing officer. The petition was not well-understood whereby the Subsecretary ordered Inspector Ten to set a new hearing date, meanwhile two things simultaneously occurred. First Doctor Fanny Marcela told

me she did not want to hear the matter again whereby she intended to recuse herself. However the following week the Inspector indicated that the Subsecretary had refused to allow her to recuse herself. That same day a hearing date was set in the Prosecutor's Office for a complaint the Inspector had made earlier against me. The Inspector indicated she planned to drop the complaint and would not attend whereby she suggested I ignore the summons. The withdraw appears to be influenced at least in part by the Inspector then having been ordered to continue the process and so then having to conform with the order, whereby the complaint was suspended because it then represented a conflict of interest whereby the Inspector then failed to appear. Yet as it can be re-activated at any time, the Subsecretary's decision whereby Inspector Ten's request to recuse herself was denied, is inappropriate. Then Cindy admitted my petition being misunderstood whereby I was instructed to file a new petition and to use the term re-accusation while having no idea what the term means in Spanish. Further, as my original petition contains my argument I don't understand why the Order is requesting that proof be provided? Still if more proof is needed, attached below is a copy of the Notice pertaining to Inspector Ten's suspended complaint for psychological damage and stress.

The Subsecretary's successor accepted the Public Defender's position by which the municipal government is obligated to protect the fundamental rights of a foreign resident in my condition by providing a translator to ensure for equal protection and authentic communication. In fact a legal assistant named William last July then acted as a 'non-certified' translator. From the Subsecretary's comments and actions it appears he refuses to honor the agreement. The Control Disciplinary Office has accepted the obligation whereas the Subsecretary has not, while misusing the national language requirement. The language requirement is not meant to prejudice the fundamental rights of a foreign resident who is unable to defend himself. Also the requirement is not meant to be used as an instrument of prejudice and discrimination by which to deny equal protection. Therefore the Subsecretary's position is disconcerting and so I request his office define its policy to ensure for the protection of a resident's fundamental rights.

In attempting to return the invitation for tomorrow's Dog Parade, the secretary for Inspection Ten informed me that per the Order of Suspension they are prohibited from providing any service or communicating with me. Also it has been suggested that the Order as being the result of my failure to respond to a request made via cellular approx. 10 days ago. Yet this is untruthful as notice via cellular is not a valid notice. Someone from the Subsecretary's office called at the beginning of last week but it was not specified as being a notice. Instead someone from the Legal Section asked that I speak to them regarding the disciplinary complaint. Yet as that office is not handling the matter, the request was viewed as intimidation. Is notice by cellular a valid form of notification? More, the order is dated the 15th of February, does that date correspond to the legal assistant's call? Notice was received just two days ago by Doctor Fanny Marcela and Notice by Mail arrived only yesterday.

The order is an attempt to compel me to conform to the Subsecretary's desires, and yet this means that I should abandon my claim seeking protection for my fundamental political rights. As my response is given within the requested 5 days, the order to suspend should be withdrawn. Finally the order is tainted with prejudice as it discriminates, while also placing my family and me at great risk and disadvantage as we are not served and protected.

My fundamental right to equality and protection is being violated. The Subsecretary has failed to provide a translator and so I will ask the Public Defender to once again defend my rights. In order for there to be any meaningful dialogue, the Subsecretary's office has to provide a translator to ensure for the protection of my fundamental right to authentic communication. If a translator is not certified, then authentic communication still has to be achieved. The record shows that authentic communication has not been achieved as each party has been thrust into the position of guessing. Meanwhile the Subsecretary's office has switched its position and so now contends it has no obligation to ensure protection. It is my belief that I am not obligated by the national language requirement as a foreign resident and in my current condition to defend myself in a language that is not my native language. Therefore the rationale is unsound. Also it makes an argument in favor of it being the government's duty to help me to be well-understood. It's noteworthy that the Subsecretary's argument is the same as made last July by Doctora Fanny Marcela, and which was then deemed unconstitutional by the Public Defender. Thus the matter of providing a translator is not a matter of choice yet a duty and obligation which the government is failing to uphold.

It is my understanding that if unwilling to accept the Subsecretary's interpretation of the national language requirement, and additionally, agree to the condition by which Inspector Ten then rehears the dog attack matter, no further service by the local Police Inspection is to be granted, and at least until the disciplinary complaint against her is withdrawn or resolved. By what statute or provision has the order to suspend service been made? As I was denied service by Inspection Ten yesterday and the order suspends all service, from where is the authority granted? It is my belief the order is unprecedented, and so a request for an explanation is hereby made. Finally, and as no proper notice was given, I believe the order to suspend service to be invalid and so request either a detailed explanation or for the order to be withdrawn.

Attached below are copies of correspondence related to this Right of Petition, Article 23 CC.

Send your response to the address listed below. Your attention in this matter is appreciated.



Dana Robert Schwartz,
Cedula Cuidania No. 334846

Direccion: Calle 63 #5-28, Apto. 301, Sector Boquia, Parque Industrial, Pereira.
Celular: 315.773.2396
Correo: drs10son@sbcglobal.net

Cc: Defensor Del Pueblo de Pereira.
Cc: Cancilleria de La Republica de Colombia.
Cc: Embajador De Estados Unidos de Bogota.



ORDEN DE COMPARENDO

Versión: 3

Fecha: 04-13

Página 1 de 1

SECRETARIA DE GOBIERNO MUNICIPAL SEGUNDA CITACION

Denuncia: 024-15

Fecha: 10 DE FEBRERO DE 2016

Señor (a): LUISA FERNANDA BETANCURT

SEÑOR: ANDRES (SIN MAS DATOS)

Dirección: MANZANA 26 CASA 9 CIUDAD BOQUIA

Fecha de Presentación: LUNES 22 DE FEBRERO

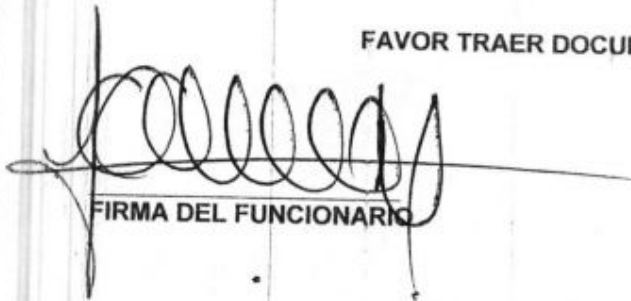
Hora: 9:00 AM

Lugar de Presentación: INSPECCIÓN DECIMA MUNICIPAL DE POLICIA

Dirección: SECTOR CIUDAD BOQUIA - 3269499

Asunto: PROCESO POLICIVO - CONTRAVENCIONAL

FAVOR TRAER DOCUMENTO DE IDENTIDAD



FIRMA DEL FUNCIONARIO

FIRMA DEL NOTIFICADO

FIRMA DEL NOTIFICADO

JORGE ANDRES ORTIZ SANCHEZ.
1.088.297.957



SECRETARIA DE GOBIERNO MUNICIPAL
-32-

Pereira, Risaralda 15 de Febrero del 2016

Sr.
Dana Robert Schwartz
Calle 63 N. 5-28 Apto 301 Sector Boquia, Parque Industrial.
E.S.D

Ref. SUSPENSION DE AUDIENCIA 18 febrero del 2016

Cordial Saludo,

Respetuosamente me permito comunicarle que la Inspectora FANNY MARCELA CORREA MONSALVE se le dio instrucción de suspender la audiencia de fecha 18 de febrero del 2016 toda vez que esta Subsecretaria de Gobierno se encuentra a la espera de que el ciudadano DANA ROBERT SCHWARTZ allegue pruebas dentro de los cinco días hábiles siguientes a la notificación del oficio para que así de respuesta de la recusación instaurada; de lo contrario, se archivara la solicitud.


Se anexa oficio enviado a la Inspectora para su conocimiento.

En consecuencia, se insta para que continúe el trámite procesal.

NOTIFIQUESE Y CUMPLASE.

CARLOS AUGUSTO HINCAPIE FRANCO
Subsecretario de Gobierno y Seguridad Ciudadana

Proyecto y Elaboró: Cindy Caterine Diaz Areiza

	PROCESO INVESTIGACIÓN Y JUDICIALIZACIÓN	Código: FGN-20-F-12
	CONSTANCIA	Versión: 01 Página 1 de 1

Departamento RISARALDA Municipio PEREIRA Fecha 2016/02/08 Hora:

1. Código único de la investigación:

66	001	60	00035	2016	06321
Dpto.	Municipio	Entidad	Unidad Receptora	Año	Consecutivo

2. Descripción del asunto (indique brevemente los motivos de la constancia):

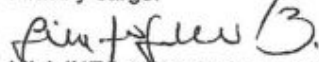
En la fecha 08/01/2016 siendo las 4:00 P.M. se hizo presente a este Despacho, el señor: **DANA ROBERT SCHWARTZ**, identificado con la C.C. No. 334846 de Extranjería, en calidad de CITADO, con el fin de llevar a cabo diligencia de conciliación, lo cual no fue posible, toda vez que el CITANTE señor: **FANNY MARCELA CORREA MONSALVE** no se hizo presente; por PRIMERA __oportunidad, no obstante haberse citado PERSONALMENTE__, AEROGRAMA_X__, TELEFONICAMENTE __. Dándose espera por un lapso de 30 MINUTOS. Se le advierte al citado que se estará a la espera para que el CITANTE justifique su inasistencia y en tal evento se citará a nueva audiencia, en caso contrario, se entenderá el DESISTIMIENTO DE SU PRETENSION y en consecuencia, se procederá al ARCHIVO de las diligencias, si fuera pertinente. CONSTE.

Observaciones: A la fecha no existe nota de devolución del correo se marcó el número telefónico del Querellante sin obtener respuesta, por lo tanto se dará el término legal con el fin de justificar su inasistencia.

3. Datos del servidor:

Nombres y apellidos		LILA INES AGUDELO BERRIO			
Dirección:		CENTRO CAPIV-CRA 8 ENTRE CALLE 42 Y 42 BIS.		Oficina:	217
Departamento:		RISARALDA	Municipio:		PEREIRA
Teléfono:		Correo electrónico:			
Unidad		No. de Fiscalía 35 LOCAL SAU			

Firma y cargo.


LILA INES AGUDELO BERRIO,
Fiscal 35 Local SAU.

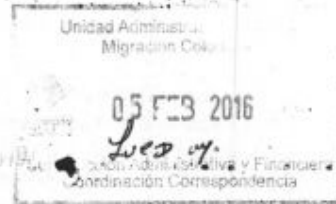

DANA ROBERT SCHWARTZ,
C.C. NRO.334846 de Extranjería.


MARIA ESPERANZA OVIEDO CASTAÑO,
Asistente de Fiscal I

<http://saia.pereira.gv>

04 Febru

ALCALDIA DE PEREIRA
Radicación No: 5336-2016
Fecha: 05/02/2016-18 16:09
Recibido por: JOSE OVEJ BUITRAGO
Destino: Asesoría de Control Interno



Immigration Colombia
Pereira, Risaralda

Re: Right of Petition Article 23 C.C. / Making of suspected complaint against my residency status

Dear Sir,

Pursuant to Article 23 of the Constitution request is made for information pertaining to the making of a suspected complaint against my residency status by a municipal official. In September 2015, and during my meeting with attorneys Jessica Mello and Yeison Huítado to explain their reasoning for then not proceeding with a planned complaint and civil demand, reference to a conversation with Police Inspector Ten, Doctora Fanny Marcela Correa Monsolvo, and the mentioning of a complaint having been filed against my residency status to immigration officials. They were conducting legal research and *so interviewing officials and* witnesses in relation to an incident involving the attack on my beloved small dog last July, and the pit bull owner and his negligence and the practice of veterinary medicine without a license by the operator of a local dog grooming service. From their comments it appeared the information had come from Police Inspector Ten as they claimed having learned about the complaint while interviewing the Inspector.

As a legal representative for the municipal administration has asked me for proof yet the attorneys appear to then have been intimidated, request is made for this information from your agency. Specifically can your office confirm being contacted by Police Inspector Ten in an attempt to discredit my candidacy as a resident? The incident is suspected of occurring after my filing of a complaint last July against the owner(s) of a dangerous animal that attacked my French poodle in Industrial Park when let outside without a mandatory muzzle, and my subsequent filing of an appeal to have the decision set aside based upon unethical conduct and irregularities then being committed.

After the attack my beloved pet reportedly was left on the sidewalk by the pit bull owner and the responding police officers for approximately two hours before being transported to a nearby dog grooming service whereby, and without the my authorization or the technician having the prerequisite training and skill in order to make a proper diagnosis, my dog was euthanized apparently because it was cheaper to do than having to pay for the required medical attention. For example, if the deep yet still superficial wounds had been sutured (as confirmed by a subsequent autopsy), my pet's senseless death would not have occurred. The death was the result of a lack of compassion, gross negligence, incompetence, and the practice of veterinary medical without a license. I then refused to accept the conciliation whereby the dog owner filed an insincere complaint for intimidation in order to gain sympathy and so influence my petition to have the finding / decision set aside. Last December the process was finally notified by subject to the on-going investigation request for confirmation of a complaint being filed is needed.



Clasificación	Correspondencia General		
Fecha de radicación:	26 de febrero de 2016	Número de radicado:	9260
Tipo de documento:	Carta	Fecha de oficio entrante:	
Número de oficio entrante:			
Persona natural o jurídica:	DANA ROBERT SCHWARTS		
Descripción o asunto:	QUEJA POR INSPECTOR	Tiempo de respuesta (días):	
Anexos físicos:		Descripción de anexos físicos:	4
Anexos digitales:			
Destino:	CARLOS ALBERTO SANCHEZ HOYOS - Tecnico Administrativo, NANCY GUZMAN LOPEZ - Profesional Especializado	Copia a:	-

