

Case #: 18-037632

Officer Jeffrey Martin (Badge# 0936) & Nancy Pease

Transcript of Telephonic Contact (18-Sep-2018 @ ~14:44):

- 1) **Nancy Pease:**
 - a. Employee ID Number please.
- 2) **Officer Martin:**
 - a. Can you hear me?
- 3) **Nancy Pease:**
 - a. Yeh.
- 4) **Officer Martin:**
 - a. OK, I was call...
- 5) **Nancy Pease:**
 - a. Do you have an Employee ID Number?
- 6) **Officer Martin:**
 - a. Yes, I'll give you that number.
 - b. Did you hear my request to stay off of Mr. Pugh's 120-acres off of the south end of Steamboat Drive?
- 7) **Nancy Pease:**
 - a. Are you aware that there is a prescriptive right, a public right easement and there is a pending litigation regarding that?
- 8) **Officer Martin:**
 - a. No, I did not know that.
- 9) **Nancy Pease:**
 - a. Yes, there is an assertion which the Municipality's Attorney has agreed with, that there is a public prescriptive right ...??... adverse crossing ...??... since the 1950's.
- 10) **Officer Martin:**
 - a. OK, so I guess you said ...uh... there's litigation pending?
 - b. Is that what you said?
- 11) **Nancy Pease:**
 - a. None has been filed yet.
- 12) **Officer Martin:**
 - a. OK.
- 13) **Nancy Pease:**
 - a. But ...um... it's in the discussion phases.
- 14) **Officer Martin:**
 - a. OK, so because it's in the discussion phases, and phase and there's no litigation, ...uh..., my trespass warning to you still exists.
 - b. The owner's telling me to give you ...um... notice not to trespass here.
 - c. So that would be in conjunction with his posted "NO Trespassing" signs and his cameras up here that continually catch you on video on his property.
 - d. My Badge Number for your record is 936.

15) Nancy Pease:

a. 936.

16) Officer Martin:

a. Yes.

17) Nancy Pease:

a. OK.

18) Officer Martin:

a. So...

19) Nancy Pease:

a. Is this a priority for the...

20) Officer Martin:

a. This is a priority, yes, because we had a citizen call in saying that he's had people trespassing on his property.

b. So it's a priority to that homeowner who paid taxes and he's called...

21) Nancy Pease:

a. Right.

22) Officer Martin:

a. ...the Police to report the trespass, so...

23) Nancy Pease:

a. Hm, hm, and it could be your neighbor?

24) Officer Martin:

a. So...

25) Nancy Pease:

a. It could be your neighbor perhaps?

26) Officer Martin:

a. So, what I'm, what I'm talking to you about is, he has called to request, and I'm reaching out to those people who have trespassed, and kindly ...uh... reiterating his request for you to stay off of his property.

27) Nancy Pease:

a. Well, I appreciate your, your kindness, could this be your neighbor who requested this?

28) Officer Martin:

a. This is Mr. Pugh.

29) Nancy Pease:

a. Is this personal?

b. Is this a personal connection that has ...um... resulted in this phone call?

30) Officer Martin:

a. This is Mr. Pugh.

b. I don't know Mr. Pugh.

31) Nancy Pease:

a. OK.

32) Officer Martin:

a. He's a citizen of...

33) Nancy Pease:

- a. You should be aware, you should be aware that there is ...um... that, that the City Attorney agrees that there is a public prescriptive easement right across this property.
- b. That the City Attorney has weighed in it.

34) Officer Martin:

- a. OK, so, I...

35) Nancy Pease:

- a. If that's all the stated information...

36) Officer Martin:

- a. Right, Mam, I would encourage you not trespass again, OK, on his property.

37) Nancy Pease:

- a. I, I, I believe that I have a right to cross the property.

38) Officer Martin:

- a. OK, Mam, that's, that's at your own risk OK.

39) Nancy Pease:

- a. Of course.

40) Officer Martin:

- a. So, I'm telling you to stay off the property, and you've been warned.

41) Nancy Pease:

- a. OK, but your position is that APD is in conflict with the Municipal Attorney.
- b. So, I don't know who to believe.

42) Officer Martin:

- a. Well, I'm, I'm, I'm suggesting that you not or I'm encouraging you rather, not to trespass on this property until, you are given authority to do so by the owner of the property.

43) Nancy Pease:

- a. Or...

44) Officer Martin:

- a. The owner, the owner of the property can give you rights to hike up here.
- b. You have to go through the owner.

45) Nancy Pease:

- a. But I don't need, I don't need that if I have a public, if there's a prescriptive public easement right.
- b. So, it does make a difference in the factor.

46) Officer Martin:

- a. OK.

47) Nancy Pease:

- a. So ...um... as I've said the Municipal Attorney has told folks that one thing in writing and an entirely another thing verbally.
- b. So...

48) Officer Martin:

- a. I'm, I'm, I'm just...
- b. What I'm doing is I'm reaching out to you and asking and giving you what this home...
- c. What this landowner has asked and I'm, I'm doing that...
- d. That's, that's the extent of what ...uh... my involvement in this is...
- e. So, I've done that and...

49) Nancy Pease:

- a. OK.

50) Officer Martin:

- a. I'm going to go ahead and let you go Mam.

51) Nancy Pease:

- a. OK, bye.

52) Officer Martin:

- a. Bye.