

1 *Jacob Daniel Anderson* )  
     *Plaintiff,* )  
 2           *Vs.* )  
 3 *Oregon Board of Parole by and through* )  
 4 *Polk County Community Corrections* )  
 5           *By and through,* )  
 6 *James Ryzdewski, Richard Warren, and* )  
 7           *Jodi Meritt.* )  
 8           *Attorney for the Defendant,* )  
 9           *Morgan Smith* )  
 10           *Polk County Counsel* )  
 11           *Defendant,* )  
 12 \_\_\_\_\_ )

Case Numbers under Joinder of Claims:  
 25SC02185; 25SC02193; 25SC02577

JURY TRIAL CASE NUMBER: 25CV09750

AMENDED COMPLAINT CIVIL TORT CLAIM AND  
 CONTRACT INJURY 42 U.S.C §1983

ORS 30.265 (1),(2)

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15  
16 **1. JURISDICTIONAL STATEMENT**

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18       The Subject Matter of this complaint falls within a Joinder of Claims of Case Numbers 25SC02185,  
 19 25SC02193, and 25SC02577 Consolidated for the purposes of a Demanded Jury Trial in 25CV09750  
 20  
 21       And The Plaintiff admittedly is limited in the knowledge of forms and formatting but not substantial  
 22 Knowledge of Trial Format. In accordance with ORCP 12, 13, and 24 for the absence of perfection in  
 23 Pleadings, the Plaintiff submits a revised Complaint in best conformance available of the Affiant.  
 24  
 25       The several complaints individually outlined numerous actions of the defendant agency which did not  
 26  
 27       Fall within the scope of their duties, this is permissible to be tried by a jury for Civil Damages codified in

28                               25CV09750  
 Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
                                   By and through  
                                   James Ryzdewski, Richard Warren & Jodi Merritt  
                                   Amended Civil Complaint-Tort/Contract  
                                   For Violations of The Constitution and Statutory Law

1 Oregon Revised Statute ORS 30.265 (1)(2), as well as The Matters of Complaints, Subject to Civil  
2 Actions for jurisdiction of U.S.C. 42 §1983 which ultimately was denied by the Defendants attorney and  
3 Requested to proceed by a Jury Trial.  
4

## 5 6 **2. INDIVIDUAL CLAIMS IN JOINDER OF CLAIMS**

### 7 8 **25SC02577**

9 **Claim 1:** An agency decision for special conditions of Supervision added relating to “No Personal  
10 Or Unprofessional contact with Probation Officer or Others in the Criminal Justice System” which is  
11 In violation of The U.S. First Amendment and State Constitution due to ambiguity.

12 (Exhibit 2)

#### 13 **Requested Relief:**

14 \$5152 for Damages to Individual Rights Guaranteed By the Constitution, 105\$ Prevailing Party Fees,  
15 This as Non-Economic Damages, Punitive Remedy, and Personal injury of Wrongful Incarceration and Arrest.

### 16 17 **25SC02193**

18 **Claim 1:** The Deendant served a meritless and Unreasonable Search of My Residence for a  
19 Firearm, which was in violation of my 4<sup>th</sup> U.S. Amendment and State Constitution, for the cause that  
20 The belief must be reasonable in Nature. (Exhibit 7)

21 **Claim 2:** The Defendant required me to vacate my permanent residence with no statutory  
22 Foundation or cause. (Exhibit 2)

#### 23 **Requested Relief:**

24 \$5152 for Damages to Individual Rights Guaranteed By the Constitution, 105\$ Prevailing Party Fees,  
25 This as Non-Economic Damages, Punitive Remedy, and Personal Injury of Wrongful Termination of Rental  
26 Agreement, Emotional Distress.

### 27 28 **25CV09750**

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
By and through  
James Ryzdewski, Richard Warren & Jodi Merritt  
Amended Civil Complaint-Tort/Contract  
For Violations of The Constitution and Statutory Law

**Claim 1:** The Defendant Denied a Contractual Obligation to be able to work, which was within his Discretion to allow under The Contracts Clause of The Constitution causing Loss of Wages, and Strain on Contractual Employer and Employee Business Partnership.

**Requested Relief:**

\$5152 for Damages to Individual Rights Guaranteed By the Constitution, 105\$ Prevailing Party Fees, This as Economic Damages, Punitive Remedy, and Personal Injury of Loss of Income

**3. BACKGROUND INFORMATION**

The Plaintiff Admits to the court that the Basis of the contact between the Defendant Agency does in Fact stem from the Presumed Criminal Matter and is currently subject of Appeal in the Appellate Court for corrective measures of nothing but Criminal sentencing as the actions of the Marion County Circuit Court were not in accordance with the constitution, under the exact and identical Condition of “No Personal or Unprofessional Contact with Probation Officer or Others in the Criminal Justice System.” Imposed by The Marion County Circuit Court on September 5<sup>th</sup> of 2024. There is a Notice of Appeal Statement from OPDC Senior Counsel Matthew Blythe provided in the Appellate Case A186563(Control Case) of consolidation with the Claimation of it also being an Unlawful Condition of Supervision Imposed by the Court, and was removed by the court upon Revocation of Probation dated 10/14/2025, Whereas a further Notice of Appeal was Issued claiming Judicial Abuse of Discretion and the prior Unlawful Sentencing. This matter is currently being reviewed for Identifying specific errors and actions by the state that constitute violations of law, constitution, and Substantive denials or errors in proceedings and motions or other rulings.

As in formal Statement by the Polk County Counsel, it has been brought to the attention of provided Criminal Defense Counsel that the original sentence was also not in accordance with ORS 137.669 Which controls sentences for crimes committed after the effective date of the sentencing guidelines.

25CV09750  
Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
By and through  
James Ryzdewski, Richard Warren & Jodi Merritt  
Amended Civil Complaint-Tort/Contract  
For Violations of The Constitution and Statutory Law

1 The guidelines are mandatory and presumptive sentences, except as provided in ORS 137.637 and  
2 137.671. The claims of damages may not be made in those actions pending the proceedings and  
3 While negotiations are in current.  
4

#### 5 **4. STATEMENT OF FACTS**

- 6
- 7 1. On 11/14/2024, the Plaintiff was required to report in his Individual Capacity  
8 Or Personal Capacity, where he was served with Documentation of the Addition of the Conditions  
9 And Special Condition of “No Personal or Unprofessional Contact with Probation Officer  
10 Or others in the Criminal Justice System” (Exhibit 2)
  - 11 2. December of 2024, The Plaintiff Requested Review of Special Conditions and a Final Agency Order  
12 Was issued December 31<sup>st</sup> of 2024, by and through the Board of Parole and Post Prison Local  
13 Supervisory Authority, the attached Written Document Attached to Notice of Appeal.(Exhibit 1)
  - 14 3. On 1/21/2025 The Respondent Agency Served a Search Warrant Based on the “Reasonable assumption” they  
15 Would find a firearm in my locations of Residence pursuant to  
16 “GC-g- Agreement to consent to a search of the person or the vehicle or residence of the person upon the request  
17 Of a representative of the Board or supervisory authority if the representative has reasonable grounds to believe that  
18 Evidence of a violation of a condition of post-prison supervision will be found.”(Exhibit 5)
  - 19 4. On 1/21/2025 the Plaintiff was issued an eviction notice by Defendant Agency for limiting to  
20 Personal Rental Agreement areas in ORS 90.100 per “Reasonable Belief”.(Exhibit 2)
  - 21 5. The Plaintiff filed Separate 3 Small Claims-Tort Claims Against the Defendant Agency from  
22 1/23-1/28/2025, Waivers of Mediation, and Injunctions into those cases intending litigation.
  - 23 6. On 2/5/2025 the Director of Operations for Polk County Community Corrections served a Denial  
24 And Assertion that they were within their Constitutional Rights on all of the alleged claims, including  
25 The special condition the vacation of my permanent residence and tenancy laws as well as denial of  
26 My travel permit so I could maintain my contractual obligation to employment.(Exhibit 1)

27  
28 25CV09750  
Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
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1           7. The Plaintiff Address is 1259 14<sup>th</sup> Avenue Northwest Salem Oregon 97304, and The attempt  
2           To confer has not occurred in any form relating to any of the Subject Matter of these cases in  
3                               Consolidation, though in UTCR Statement of the Defense Counsel.

4           8. The Plaintiff requested via Polk County Community Corrections Department online issuance of a  
5           Travel Permit for Employment, Listing his Approximate dates the travel permit would be active, the vehicle  
6           Used for traveling to and from the Employment Site, the address of intended destination, and contact  
7           Information relating to the employer for verification, roughly 2-5 days prior to the needed permit.

8           9. The Plaintiff requested via Polk County Community Corrections Department online issuance of a  
9           Travel Permit for Employment, Listing his Approximate dates the travel permit would be active, the vehicle  
10           Used for traveling to and from the Employment Site, the address of intended destination, and contact  
11           Information relating to the employer for verification, roughly 2-5 days prior to the needed permit,  
12           Which within reason is time to allow review and contact Employer for Verification, and paid the assigned  
13                               Cost of 25\$.

14  
15   **5. ASSIGNMENT OF ERROR**

16  
17           1. The Supervisory in his Professional Capacity Errored in the Request to for Special Conditions, the  
18           Condition that caused probation revocation to standards of post prison standards.(25SC02577)

19           2. The Local Control Supervisory Authority Agent and Director erred in failing to Remove the Special  
20           Conditions relating to “No Personal and Unprofessional Contact with Probation Officer or Others in the  
21           Criminal Justice System” exceeding scope of Authority in recognition of Oath. (25SC02577)

22           3. The Local Control Supervisory Authority violated the First Amendment Protections in the Constitution  
23           Or The United States of America and Oregon when imposing a speech-related condition that is not  
24           Criminal in nature, exceeding the scope of authority.(25SC02577)

25           4. The Defendant Agency violated The 4<sup>th</sup> Amendment Unreasonable Searches Clause when imposing  
26           A search more than 5 years later from stated possession in reasonable understanding of Context,

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28   25CV09750  
  Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
  By and through  
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5

Exceeding it's Scope of Authority.(25SC02193)

5. The defendant agency violated the First Amendment by restricting speech that is not criminal in any Way shape or form with recommendation as Plaintiff Exhibit 7 also exceeding it's Authority in

Recognition of Oath of Office.(25SC02193)

6. The Defendant Agency violated the contracts clause by disallowing for frivolous and meritless reasons The ability to work where I have been employed for about 7 years.(25SC02185)

7. The Defendant Agency through all levels of Review Denied Constitutional Rights and Privileges of all Citizens secured by Administrative capacity of Officers in recognition of Oath.(25CV09750)

**6. STANDARD OF REVIEW**

The Oregon Uniform Civil Jury Instruction (UCJI) 14.02 states that the standard of proof in civil Cases is "preponderance of the evidence".

**7. POINTS OF AUTHORITY**

**ORS 58.015 Definitions**

(5)"Professional" means:

(a)Accountants licensed under ORS 673.010 (Definitions for ORS 673.010 to 673.465) to 673.465 (Authority of Oregon Board of Accountancy to require fingerprints) or the laws of another state;

(b)Architects registered under ORS 671.010 (Definitions for ORS 671.010 to 671.220) to 671.220 (Civil penalties) or Licensed or registered under the laws of another state;

©Attorneys licensed under ORS 9.005 (Definitions for ORS 9.005 to 9.757) to 9.757 (Retention of client materials) or the Laws of another state;

(d)Chiropractors licensed under ORS chapter 684 or the laws of another state;

€Dentists licensed under ORS chapter 679 or the laws of another state;

(f)Landscape architects licensed under ORS 671.310 (Definitions for ORS 671.310 to 671.459) to 671.459 (State

25CV09750

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision

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Amended Civil Complaint-Tort/Contract

For Violations of The Constitution and Statutory Law

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Landscape Architect Board) or the laws of another state;

(g) Naturopaths licensed under ORS chapter 685 or the laws of another state;

(h) Nurse practitioners licensed under ORS 678.010 (Definitions for ORS 678.010 to 678.410) to 678.410 (Fees) or the Laws of another state;

(i) Psychologists licensed under ORS 675.010 (Definitions for ORS 675.010 to 675.150) to 675.150 (Enforcement Procedures) or the laws of another state;

(j) Physicians licensed under ORS chapter 677 or the laws of another state;

(k) Medical imaging licensees under ORS 688.405 (Definitions for ORS 688.405 to 688.605) to 688.605 (Duty to report Violation) or the laws of another state;

(L) Real estate appraisers licensed or certified under ORS chapter 674 or the laws of another state; and

(m) Other persons providing to the public types of personal service or services substantially similar to those listed in Paragraphs (a) to (L) of this subsection that may be lawfully rendered only pursuant to a license.”

**“ORS 28.130 “Person” defined**

The word “person,” wherever used in this chapter, shall be construed to mean any person, partnership, joint stock Company, unincorporated association or society, or municipal or other corporation of any character whatsoever.”

**“ORS 163.730**

(3) “Contact” includes but is not limited to:

(a) Coming into the visual or physical presence of the other person;

(b) Following the other person;

(c) Waiting outside the home, property, place of work or school of the other person or of a member of that person’s family Or household;

(d) Sending or making written or electronic communications in any form to the other person;

(e) Speaking with the other person by any means;

(f) Communicating with the other person through a third person;

(g) Committing a crime against the other person;

25CV09750

Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision

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Amended Civil Complaint-Tort/Contract

For Violations of The Constitution and Statutory Law

- 1 (h)Communicating with a third person who has some relationship to the other person with the intent of affecting the third  
2 Person's relationship with the other person;
- 3 (i)Communicating with business entities with the intent of affecting some right or interest of the other person;
- 4 (j)Damaging the other person's home, property, place of work or school;
- 5 (k)Delivering directly or through a third person any object to the home, property, place of work or school of the other  
6 Person; or
- 7 (L)Service of process or other legal documents unless the other person is served as provided in ORCP 7 or 9.”.

8 **ORS 90.100**

- 9
- 10 (12)“Dwelling unit” means a structure or the part of a structure that is used as a home, residence or sleeping place by one  
11 Person who maintains a household or by two or more persons who maintain a common household.
- 12 (30)“Month-to-month tenancy” means a tenancy that automatically renews and continues for successive monthly periods  
13 On the same terms and conditions originally agreed to, or as revised by the parties, until terminated by one or both of the  
14 Parties.
- 15 (32)“Owner” includes a mortgagee in possession and means one or more persons, jointly or severally, in whom is vested:  
16 (a)All or part of the legal title to property; or  
17 (b)All or part of the beneficial ownership and a right to present use and enjoyment of the premises.
- 18 (35)“Premises” means:  
19 (a)A dwelling unit and the structure of which it is a part and facilities and appurtenances therein;  
20 (b)Grounds, areas and facilities held out for the use of tenants generally or the use of which is promised to the tenant
- 21 (39)“Rental agreement” means all agreements, written or oral, and valid rules and regulations adopted under ORS 90.262  
22 (Use and occupancy rules and regulations) or 90.510 (Statement of policy) (6) embodying the terms and conditions  
23 Concerning the use and occupancy of a dwelling unit and premises. “Rental agreement” includes a lease. A rental  
24 Agreement is either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.
- 25 (40)“Roomer” means a person occupying a dwelling unit that does not include a toilet and either a bathtub or a shower  
26 And a refrigerator, stove and kitchen, all provided by the landlord, and where one or more of these facilities are used in

27 25CV09750

28 Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
By and through  
James Ryzdewski, Richard Warren & Jodi Merritt  
Amended Civil Complaint-Tort/Contract  
For Violations of The Constitution and Statutory Law



1 Common by occupants in the structure.

2  
3 **OAR 291-028-0110**

4 Searches General Guidelines

- 5 (1) Searches of offenders may be conducted in the reasonable pursuit of correctional objectives for the purposes of  
6 Officer safety, protection of the public, and reformation of the offender.
- 7 (2) An offender shall be given notice at the time of review of his/her conditions of supervision that failure to give  
8 Consent to a search based upon reasonable grounds may result in arrest and/or revocation.
- 9 (3) Consent to search must be given at the time of the search by the offender or cohabitant. Neither the cohabitant  
10 Nor offender may consent to search property under the exclusive control of the other.
- 11 (4) The offender or cohabitant has the right to limit the areas to be searched or to withdraw their consent to search at  
12 Any time during the search. If that occurs, the scope of the search shall be limited or immediately discontinued.  
13 If the offender substantially limits or withdraws consent, he/she may be arrested for violation of the search  
14 Condition.
- 15 (5) A search may be conducted by a parole and probation officer or by a representative of the officer who is  
16 Assisting at the officer's request.
- 17 (6) Additional consent to search vehicles or any unattached buildings must be obtained from the consenting party.
- 18 (7) Unless consent is given by the cohabitant, any search of the cohabitant's personal living quarters or vehicle  
19 Shall be done by a law enforcement officer pursuant to a warrant or an exception to the warrant requirement.
- 20 (8) An officer shall direct the offender to remain in an area of limited access while the search is in progress in  
21 Order to preserve evidence, for the protection of search personnel, and in the event that consent to search is  
22 Subsequently limited or withdrawn.
- 23 (9) Property defined as contraband, things otherwise criminally possessed or possessed in violation of  
24 Supervision conditions, unclaimed goods or property taken for safekeeping may be seized during the search.  
25 Offenders shall be provided with a receipt detailing any property seized pursuant to this rule.
- 26 (10) Photographic documentation of a violation may be used as evidence.

27 25CV09750

28 Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision  
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1 (11) Contraband observed in plain view during the course of a contact or prior to requesting permission to search,  
2 May be seized.

3 **State of Oregon Case Jurisprudence**

4 For public body to be subject to tort for actions of agent, public body must have same ability to control physical details of  
5 Agent performance that public body has to control physical details of employee performance. Vaughn v. First Transit,  
6 Inc., 346 Or 128, 206 P3d 181 (2009)

7 County may be sued if it, or its officers, employees and agents acting within scope of their employment or duties, deprive  
8 Person of any rights, privileges or immunities secured by United States Constitution. Rosacker v. Multnomah County, 43  
9 Or App 583, 603 P2d 1216 (1979), Sup Ct review denied

10 Discretionary immunity defense requires evidence regarding actual consideration process by which decision was reached.  
11 Sande v. City of Portland, 185 Or App 262, 59 P3d 595 (2002)

12 **United States Supreme Court En Banc**

13 Matal v Tam 582 U. S. \_\_\_\_ (2017) Page 24-25

14 “It is claimed that the disparagement clause serves two Interests. The first is phrased in a variety of ways in the Briefs.

15 Echoing language in one of the opinions below, the Government asserts an interest in preventing

16 ““underrepresented groups”” from being ““bombarded with demeaning messages in commercial advertising.”” Brief for  
17 Petitioner 48 (quoting 808 F.3d, at 1364 (Dyk, J.,

18 Concurring in part and dissenting in part)). An amicus Supporting the Government refers to “encouraging racial tolerance  
19 And protecting the privacy and welfare of individuals.” Brief for Native American Organizations as Amici Curiae 21.

20 But No matter how the point is phrased, Its unmistakable thrust is this: The Government has an interest in preventing  
21 speech Expressing ideas that offend. And, as we have explained, that idea strikes at the heart of the First Amendment.

22 Speech that Demeans on the basis of race, ethnicity, gender, religion, age, disability, or any other similar ground is  
23 hateful; but the Proudest boast of our free speech jurisprudence is that we protect the Freedom to express “the thought that  
24 we hate.” United States v. Schwimmer, 279 U. S. 644, 655 (1929) (Holmes, J., dissenting).”

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27 25CV09750

28 Jacob Daniel Anderson vs Oregon Board of Parole and Post Prison Supervision

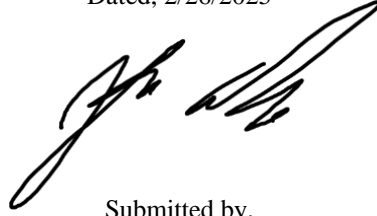
By and through

James Ryzdewski, Richard Warren & Jodi Merritt

Amended Civil Complaint-Tort/Contract

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Dated, 2/26/2025



Submitted by,  
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25CV09750  
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