

Lakeland City Hall fighter gets his day in court

Workers say his nuisance complaints became a nuisance

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Irritated with nuisance neighbors, Bruce Breyfogle turned to Lakeland City Hall for help.

Breyfogle repeatedly told city staff, a council member and the mayor about the rotating fleet of junker cars the neighbors parked on his lawn or left nosing the property line. He snapped photos of the offending vehicles, researched city code, made plenty of phone calls and filed complaints.

After a year of what Breyfogle describes as an endless bureaucratic runaround, he said he was stung by the harshest slap of all: A city clerk obtained a civil harassment order in November banning him from showing up at City Hall or contacting its staff.

Clerk Chris Wallberg and deputy clerk Patty Gilles alleged Breyfogle made uninvited visits, acted belligerently, made four harassing calls and lurked around City Hall.

Today, Breyfogle will have his day in court — even though Lakeland City Attorney Nick Vivian said late Thursday afternoon that the city has decided to ask the judge to dismiss the restraining order.

Breyfogle's attorney, Sharon Osborn, said that's not good enough. Her client wants to clear his name, and he wants the city to pay thousands of dollars in attorney fees.

"The government has made these outrageous claims about my client, and at the 11th hour they are going to dismiss the case. They expect us to walk away after my client has suffered for six months," Osborn said.

Washington County District Judge Elizabeth Hoene Martin signed the restraining order without a hearing. Breyfogle requested a hearing within 45 days, but the hearing was repeatedly delayed. This is Breyfogle's first opportunity to defend himself. Vivian said the city believes the situation has simmered down.

"The restraining order has been in place a number of months," he said. "We are satisfied the restraining order has served its purpose. The situation has been defused, and all parties can move forward in a reasonable manner."

It's A Small Town / Breyfogle, a carpenter with a long gray ponytail and a mustache, said this ordeal has threatened his reputation, his livelihood and his home. He lives 277 feet from City Hall on Quinnell Avenue, and in a city of 1,900, word spreads quickly.

"Obtaining a harassment order against a citizen simply trying to exercise his rights is an abuse of power," Osborn said.

"It's ludicrous that the government would treat a citizen like this," she said. "This is what government is about. Citizens have a right to contact government, make complaints and seek redress. And you have a right to be annoyed when government is not responding."

Breyfogle said he never threatened, lurked, used profanity or even yelled. He was simply persistent in asking unresponsive city officials to enforce city code. Breyfogle contends Wallberg yelled at him, prompting him to file an administrative complaint against her months before the restraining order.

City officials remain mostly silent about the dispute.

"It's an unfortunate situation," said Mayor Brian Zeller, adding only that the city attorney was handling the details.

"That's in the hands of our attorney. Unfortunately, I cannot comment on it," said Lakeland City Council Member Richard Glasgow.

Neither Wallberg nor City Administrator Mark Nagel returned calls for comment.

The small-town feel drew Breyfogle to Lakeland 14 years ago, and he rented his small white house on the spot. He keeps his lawn a near-perfect carpet of green. Sitting on his back patio Wednesday evening, sipping coffee, smoking an occasional cigarette and surveying his lawn, Breyfogle scanned his own yard for imperfections.

"I had a dandelion the other day," he said.

He then looked over at the large house next door — also a rental. The two-story is a mismatch of paint, the garage window is broken and a car is parked on the grass near the property line.

"It was stuff you would think could be handled so easily," Breyfogle sighed.

21 Calls In 79 Days / Breyfogle said he complained about unmowed grass and uncovered septic vents on the property next door over the years but that the events that led to the restraining order started in December 2006.

The new tenants next door had started parking on Breyfogle's lawn, tearing up the grass and shining their headlights into his house. They also kicked garbage out of their vehicles and onto his lawn.

Breyfogle phoned the mayor to complain. The mayor told Breyfogle to call Wallberg at City Hall.

"She instructed me to file a complaint," Breyfogle said. "But it didn't go anywhere."

What followed was a series of phone calls, letters and visits to City Hall. In an August meeting with City Administrator Nagel and Council Member Glasgow, Breyfogle said, he was promised a fence to rein in the neighbors.

The fence never happened, and Breyfogle could never seem to get Nagel on the phone again.

"I called 21 times in 79 days," he said.

On Nov. 9, Breyfogle received a letter from the city attorney saying his contact with city staff was inappropriate.

The letter warned future contact would lead to further action. The same day, the clerk filed the harassment order. The order cites four phone calls Breyfogle made to City Hall. Osborn said the calls contain no threats, profanity or yelling. Breyfogle played tape recordings of the calls for the Pioneer Press.

"Just a resident taking an interest in city government. Thank you," Breyfogle concludes in one message.

"Thanks. Have an enjoyable day," he says as he concludes another call.

Since the harassment complaint was filed, Breyfogle said, he has had difficulty finding work because the court file shows up on background checks. He said he lost a job working on the new Washington County courthouse because of the case.

But Breyfogle said he hasn't given up hope: "I am a firm believer that the truth will come out."