

997 Bradford Street  
Pomona, California 91767  
October 11, 2007

Office of Diversity and Compliance  
California State Polytechnic University, Pomona  
3801 West Temple Avenue  
Pomona, California 91768

Dear Office of Diversity and Compliance,

I am writing to request once more that the university reconsider my request for a name change, and gender change as reflected by my name, by changing my university records from Jared Clifford Tveter to Olympia Tveter; this letter, especially, is also written to dispute the claims of the letter written to me dated October 5th, 2007 and received in the mail on October 10th, 2007 which again denied me a change in the university records. As I would like to first exhaust all administrative remedies possible, I have chosen to not file a complaint with the larger California State University system at this moment as suggested by the last letter written to me because I have additional evidence to put forth to the university regarding this matter, especially regarding points of the letter dated October 5th, 2007. I strongly disagree with the conclusions of that letter, but especially one of the final lines, which I urge you to reconsider in light of certain cases below.

The final conclusion in the October 5th letter read:

The requirement for the submittal of a “government-issued” document to support a change of name request is not discriminatory, and does not violate the U.S. Constitution, particularly in light of nationally cognizant issues of national security, identity theft, and fraud.

This argument above is clearly groundless. You are basing your requirement for a proof document “in light of nationally cognizant issues.” “Issues,” personal fears, these rest not in time tested law. I submit that it is not my obligation to prove anything to you, but that it is your obligation to provide proof of fraud if you deny me a name change. The burden of proof is on *you*, not me. Below I quote several cases which certify this.

In the case of *United States v. Mount*, 757 F.2d 1315 (1995), someone was accused of making a false statement about their chosen name when they applied for a passport. The court ruled that the burden of proof of a common law name change is upon you, not me.

Where use of a false name is charged, the prosecution must show, first that the name was not, in fact, the defendant’s name, and second, that the defendant assumed the name for a fraudulent purpose. See *United States v. Cox*, 593 F.2d 46 (6th Cir.1979).

Like this case, you, a government entity, are charging me with use of a false name, by refusing to recognize me by that name which I have freely and in honesty chosen by right. Yet, for you to

deny a person a name change due to a supposed lack of evidence on their part, you are not honoring the two rules of such a charge. You stated in your letter to me dated June 28th, 2007, that you, the university, already have security safeguards in place in the records system to keep track of multiple names of students. You have admitted in that letter, that you can easily keep track of fraud in the record keeping system. So according to this case above and the one it quotes, if you can prove that my name is not Olympia Tveter *and* you can show that fraud is occurring due to the changing of my name, ***only then*** may you deny me a name change.

United States v. Cox, 593 F.2d 46 (1979) was a very similar case as someone was accused of making a false statement in application for a U.S. passport. When the passport agency went to do their research on whether this person's name was correct, they found that the person had been going by several other names than the new one they had put on their passport application, and so they accused the person of making a false statement. The higher court that made the final ruling said that though the passport agency *did* find proof that the person was using other names—they had *no* proof of fraud regarding the person's free right to choose, by common law, whatever name they will.

In my case, I have given you my new name, you might be able to find my old name on record in a few places, but nearly everywhere my name has been changed. It is not my obligation to show you proof; it is your obligation as a government entity to prove me false and then also prove that my statement of name change was done out of fraud before denying me my right to a common law name change.

In addition, to refute your claim of the October 5th letter that under the common law you can require proof of me, these cases above run completely contrary to that claim. If proof could be required under the common law, then these cases would not have been ruled on as they were. If proof could be undeniably required of the petitioner, then the courts would never have set forth the two rules to honor a change. The two rules hinge directly on the full and complete ability and right of the petitioner to simply say that their name is something else, and thus it is—unless the recipient of the petition can prove otherwise *and* prove that fraud was involved.

If you say that these cases only apply to passport agencies, then you deny me equal treatment. You acknowledged in your last letter that across the campus, in many places, my name has been changed. Will you continue to deny me equal treatment in the central records?

And so I ask you once again, to please honor my rights. Treat me equally, as so many others have. All safeguards are in place. The burden of proof is on you, not me.

Most Sincerely,

Olympia Tveter

CC:

Michael Ortiz, University President  
Kathleen Street, Associate Vice President of Enrollment Services  
Maria L. Martinez, Associate Registrar  
Reyes J. Luna, Director of Judicial Affairs  
Fernando Estrada, Director of the Pride Center