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# Hennington Butler & Jones

Attorneys at Law PLLC

July 21, 2009

Mr. O. C. Robbins  
Executive Director  
Texas Funeral Services Commission  
P.O. Box 12217  
Austin, TX 78711

Re: Complaint of Ms. k.Deer Ignatin regarding access  
to graves at property commonly known as YFZ Ranch.

Dear Mr. Robbins:

Our office has received a copy of a letter dated July 14, 2009, from Ms. k.Deer Ignatin to you, "...regarding the refusal of the YFZ to allow me access to visit the grave of Allen Rohbock, located in the YFZ Cemetery." [Ignatin letter of 7-14-09, Pg. 1.]

This letter is in response to Ms. Ignatin's complaint, and obvious attempts to gain publicity for her organization.

The law applying to this situation appears to be *Texas Health and Safety Code, Section 711.041*. That statute provides in pertinent part:

#### ACCESS TO CEMETERY.

(a) Any person who wishes to visit a cemetery or private burial grounds for which no public ingress or egress is available shall have the right to reasonable ingress and egress for the purpose of visiting the cemetery or private burial grounds. This right of access extends **only** to visitation during reasonable hours and **only** for the purposes **usually** associated with cemetery visits. [Emphasis added.]

(b) The owner or owners of the lands surrounding the cemetery or private burial grounds may designate the routes of reasonable ingress and egress.

This statute clearly permits access to the general public solely for usual purposes of cemetery visits. On its face, it does not extend this right of access to purposes which are a hybrid of those usually associated with visits to cemeteries and other purposes. Thus, among purposes

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to which the statute does not apply would be publicity stunts and the mocking of a particular religion. And, in view of the restrictive language of the statute, where such a hybrid purpose is apparent from the circumstances under which a cemetery visit is attempted, that visit would not be one for which the statute mandates access.

By her own admission in her letter to you, Ms. Ignatin arrived on the property known to the general public as the YFZ Ranch (hereafter, "the ranch") shortly after 9:00 a.m. on July 10, 2009, in a pick-up truck bearing anti-polygamy magnetic signs. [*Ignatin letter of 7-14-09, Pg. 1 & 2.*] Ms. Ignatin pulled into the private drive of the ranch, and up to the area of the gate. She arrived equipped with a long skirt to don over her jeans, and a long sleeved shirt to wear to the grave site. [*Id.*]

As I am sure you are aware, the ranch is home to several hundred members of the Fundamentalist Church of Jesus Christ of Latter Day Saints [hereafter, "the Church"], more commonly referred to in the media as the "FLDS". Polygamy is a part of the theology of the Church. In sum, Ms. Ignatin pulled onto the ranch property (the drive) in a pick-up truck bearing signs directly antagonistic to the faith of the people who live at the ranch. Additionally, the women of the church are known widely for wearing what are commonly referred to as "prairie dresses", a type of conservative, long sleeved and full length dress. However, the church members who live at the ranch do *not* require female visitors to wear this sort of attire.

I surmise that Ms. Ignatin was aware of all of this information about the church having reviewed a posting apparently by her at <http://tripleap.blogspot.com/2009/05/seeking-host-texas-families.html>, a web-site entitled, "Americans Against Abuses of Polygamy," [5 page print-out from website enclosed] which states the following:

We are only 16 days away and counting before Flora and I hit the road and cover as much of Texas as we can in June.

This is a grass roots effort to reach Texans with the truth of the abuses found within the cultural practice of polygamy in America, culminating with our AAAP Friends & Survivors picnic in San Angelo, Texas...June 27 at high noon.

\* \* \*

**...please do not post your real name or location to the blog, as it is monitored by way more pro-polygamists than not.**

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My understanding is that the "Flora" referred to above is Flora May Jessop, a widely known anti-FLDS author and activist. This is surmised from the listing of book signings that Ms. Ignatin is stating that she is attending with "Flora.

Additionally, as indicated in her Letter from the Director on her website, her goal is to "expose" a variety of persons that she and her organization have targeted [see Letter from the Director enclosed]. Furthermore, her prior work as a reporter in Mohave County clearly shows her purpose in visiting cemeteries is not to pay respects to the deceased [see Letter from the Director and Ms. Ignatin's own account of being a reporter in Mohave County].

As is illustrated by the above information, Ms. Ignatin's purported purpose in visiting the grave of Allen Rohbock, appears to have been a mere pretext to further her own personal, investigative, religious and political agendas rather than for the usual purposes of a cemetery visit. She arrived *and entered the ranch property* outside the gate in a vehicle challenging the ranch residents' faith. She came prepared with garb similar to that commonly worn by female ranch residents, although the wearing of such attire is not required for female visitors, and she almost certainly knew that. Her comment that such attire was a "get up" [Ignatin letter of 7-14-09, Pg. 2] demonstrates that she brought it with her and offered to wear it for purposes of mockery of the ranch residents religion. She even re-applied her anti-polygamy signage prior to concluding discussions of whether she might be afforded the access she sought.

Section 711.041 by its plain language does not require access for such purposes.

Regardless of what Ms. Ignatin may claim to have stated as her purpose to your agency; Ms. Ignatin's actions and comments prior to July 10, would suggest otherwise. Thus, Ms. Ignatin was properly denied access until she contacted this firm to discuss what her purpose was in seeking access Allen Rohbock's gravesite.

Furthermore, while she presents to your agency as an individual, she wrote as the Executive Director of Americans Against Abuses of Polygamy on the internet regarding her alleged denial of access on July 11, 2009 and on July 12, 2009 [See enclosures]; as well as interview and photographs with the Eldorado Success. [Enclosure #6]

The residents of the ranch are not prepared to allow access to gravesites for purposes such as publicity stunts and the mockery of the faith of ranch residents, nor for purposes of advancing the political agenda of an organization and individual. Such visits are not within the statutory limitation of mandated access "...only for purposes usually associated with cemetery visits." See *Texas Health & Safety Code, Section 711.041, supra*. For the government to mandate visits in support of political purposes or personal agendas would appear to be a direct

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violation of the rights of the ranch residents to the free exercise of their faith under both the *Texas* and *United States constitutions*.

However, the ranch residents have been, and remain, quite willing to comply with the requirements of *Section 711.041*. Therefore, this office is sending Ms. Ignatin an invitation to visit the gravesites at the ranch at a reasonable time and for "...only...purposes usually associated with cemetery visits." *Section 711.041, supra*.

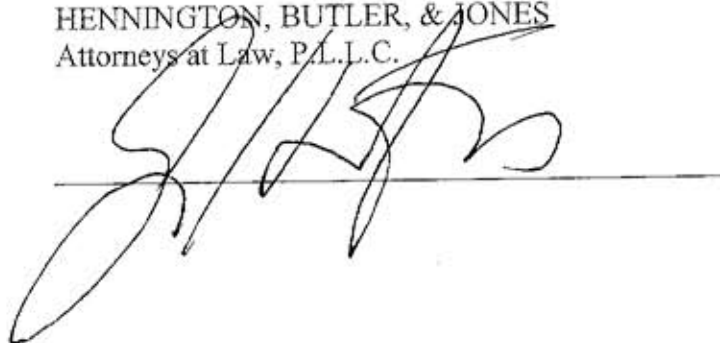
Security concerns due to the publicity surrounding events since April of 2008 move me to address the issue of reasonable time, ingress, and egress. As you can tell from the enclosed letter, this office asks that Ms. Ignatin make her visit at a pre-arranged time, in as much as escort to and from the graves must be arranged. But, I must make clear our position is that no mockery of the FLDS faith and no political or publicity stunts will be permitted. Further, no recording other than for usual purposes of cemetery visits will be acceptable. In view of the advocacy role that Ms. Ignatin has assumed, no media will be permitted to accompany her on her visit.

In sum, if Ms. Ignatin sincerely wishes to visit the grave of Allen Rohbock for usual cemetery purposes and only for usual cemetery purposes, she will be permitted to visit it. A copy of our client's letter of invitation is enclosed.

Please accept this letter as our request to deny Ms. Ignatin her request for mediation and, instead, have her contact this firm as requested on July 10, 2009. If this correspondence does not resolve this matter, please let me know. Please address all correspondence regarding this matter to this firm.

Very truly yours,

HENNINGTON, BUTLER, & JONES  
Attorneys at Law, P.L.L.C.



cc k.Deer Ignatin

Enclosures