

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

**TOBY STOVER, an individual
81 Clove Valley Rd
High Falls, New York 12440,**

Plaintiff,

v.

**UNITED STATES DEPARTMENT OF THE
INTERIOR, UNITED STATES NATIONAL
PARK SERVICE, and CHARLES F. SAMS
III, in his official capacity as Director of the
National Park Service,**

Defendants.

Case No.: 24-639 (TJK)

**FIRST AMENDED COMPLAINT FOR
DECLARATORY RELIEF**

COMES NOW Plaintiff Toby Stover, (“Plaintiff”), by and through her attorney, to file her Complaint seeking Declaratory Relief.

1. Defendants denied Plaintiff access to one of its National Historic Sites after she tendered U.S. Currency. Like many national parks under control of the National Park Service (“NPS”), the Home Of Franklin D. Roosevelt (“Hyde Park”) continues to boldly announce that cash is not accepted. Plaintiff’s exercise of her right to tender to her government its own currency, and defendants’ immediate rejection of that offer is nothing short of defiance of the law. The U.S. Constitution gives Congress, not the banks, and most certainly not defendants, the authority to determine what is lawful money.

2. Electronic payments through an intermediary must not be permitted to supplant the power of the U.S. Dollar – particularly when tendered to the very government itself. Defendants would rather genuflect to an expensive banking system that charges both parties a premium for electronic payment processing, than obey the law and accept the U.S. Dollar at par value. Under the Administrative Procedures Act, this Court has the authority to interpret the controlling constitutional and statutory provisions, with power to set aside unlawful agency action.

3. This is a case of first impression since there has never been a legal challenge to a federal defendant that refused to accept its own legal tender. A Slip Opinion Memo from the IRS General Counsel advised that the IRS must accept cash for payment citing the very law defendants continue to violate. Plaintiff simply asks this Court to uphold it and re-establish Plaintiff's right to tender government currency at Hyde Park or any other national park.

I. INTRODUCTION

4. Having implemented and expanded a cashless entrance-fee payment scheme (“NPS Cashless”), Defendant, National Park Service (“NPS”) no longer accepts American money at approximately twenty nine national parks, national historic sites, national monuments, and national historic parks around the country. U.S. Currency is legal tender for all public charges pursuant to 31 U.S. Code § 5103 (“Legal Tender Statute”). Thus, NPS’ refusal to accept U.S. Currency tendered for entrance fees constitutes a clear violation of federal law.¹

5. NPS denied Plaintiff, who asserted her lawful right to pay in cash, access to the following NPS location:

¹ *31 U.S. Code § 5103 - Legal tender*, CORNELL LAW SCHOOL, Legal Information Institute, <https://www.law.cornell.edu/uscode/text/31/5103#:~:text=United%20States%20coins%20and%20currency,not%20legal%20tender%20for%20debts> (last visited 3/5/24).

- a. Roosevelt-Vanderbilt NHS in Hyde Park, New York – comprised of three historic sites, including the Home of Franklin D. Roosevelt (“Hyde Park”). The Roosevelt home is where the longest-serving president of the United States often returned to renew his spirit during times of personal and political crisis, situated on over a thousand acres of gardens and trails.

6. NPS has foreclosed access to the Hyde Park as well as approximately 28 other NPS sites that remain off limits when Plaintiff asserts her lawful right to tender cash to enter. NPS’ violation of federal law cannot be overlooked in favor of any purported benefit NPS Cashless could hope to achieve such as reducing logistics of handling cash collected. Moreover, there is an increased cost to the NPS in going cashless, such as additional processing fees that will be borne by NPS and by visitors who ultimately fund the Federal Government through taxes, in addition to personal surcharges and bank fees visitors may incur under NPS Cashless policy. Plaintiff asks the Court to restore her right to enter Hyde Park and various other NPS locations with cash in hand by declaring NPS Cashless to be unlawful.

II. JURISDICTION AND VENUE

7. This Court has original jurisdiction over these federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

8. This Court has authority to grant the requested declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 57, because the case presents an actual case or controversy within the Court’s jurisdiction.

9. Venue is proper in this District, pursuant to 28 U.S.C. § 1391(e)(1) because Defendant NPS is a governmental agency with its principal office located within the District of Columbia and officers or employees of the United States acting in their official capacity.

10. This Court has authority to award attorneys' fees and costs pursuant to 28 U.S.C. § 2412(b) and 28 U.S.C. § 1331 (federal question).

III. PARTIES

11. Plaintiff Toby Stover is over 18 years old and is a resident of Ulster County, New York. Her residence address is 81 Clove Valley Rd, High Falls, New York 12440.

12. Defendant Department of the Interior, headquartered in Washington, D.C., is a "federal agency" as within the meaning of 28 U.S.C. § 2671 and directly oversees the National Park Service. The agency is further charged with complying with all applicable federal laws.

13. Defendant National Park Service is a federal agency charged with managing national parks, most national monuments, and other natural, historical, and recreational properties. NPS is an agency of the United States Department of the Interior as defined by 5 U.S.C. § 552(f)(1). The U.S. Congress created NPS on August 25, 1916, through the National Park Service Organic Act.² NPS is headquartered in Washington, D.C., within the main headquarters of the Department of the Interior. The agency is further charged with complying with all applicable federal laws.

14. Defendant Charles F. Sams, III is the last confirmed Director of the National Park Service. As Director, he has the ultimate responsibility to ensure the agency complies with all applicable federal laws. Plaintiff sues Defendant Sams in his official capacity.

IV. APPLICABLE LAW

15. 31 U.S.C. § 5103 establishes that "United States coins and currency (including Federal Reserve Notes and circulating notes of Federal Reserve Banks and national banks) are

² *National Park Service Organic Act and its Implementation Through Daily Park Management*, U.S. DEPARTMENT OF THE INTERIOR (Dec. 14, 2005), <https://www.doi.gov/ocl/nps-organic-act#:~:text=The%20Organic%20Act%2C%20enacted%20in,with%20a%20resource%20protecti on%20goal> (last visited 3/5/24).

legal tender for all debts, **public charges**, taxes, and dues. Foreign gold or silver coins are not legal tender for debts.” (Emphasis supplied).

16. The Constitution gives Congress the enumerated power “[t]o coin Money, [and to] regulate the Value thereof.” U.S. Const. art. I, § 8, cl. 5.³ Thus, Congress’ authority to “establish a national currency, either in coin or in paper, and to make that currency lawful money for all purposes, as regards the national government or private individuals”⁴ is founded on that clause and its related enumerated and implied powers. Pursuant to that authority, Congress has declared that, “United States coins and currency (including Federal Reserve Notes and circulating notes of Federal Reserve Banks and national banks) are legal tender for all debts, public charges, taxes, and dues.” 31 U.S.C. § 5103. Numerous courts have recognized Federal Reserve Notes as legal tender for any debt or public charge. *See, e.g., Strickland v. A Mortgage Co. (In re Strickland)*, 179 B.R. 979, 981 (Bankr. NDGA 1995). Federal Reserve Notes are “[t]he paper currency in circulation in the United States,” Black’s Law Dictionary 688 (9th ed. 2009), or, more practically speaking, the green paper bills that we carry in our wallets.⁵ In violation of the Administrative Procedures Act, NPS cashless is contrary to law of the U.S. Constitution, and the Legal Tender Statute.

17. NPS charges an “entrance fee” to enter onto certain lands managed by the National Park Service.⁶ NPS’ authority to collect fees is based on the Property Clause in the U.S. Constitution (art. IV, § 3, cl. 2) which provides “Congress the authority to acquire, dispose of,

³ *ArtI.S8.C5.1 Congress's Coinage Power*, CONSTITUTION ANNOTATED, https://constitution.congress.gov/browse/essay/artI-S8-C5-1/ALDE_00001066/#:~:text=Article%20I%2C%20Section%208%2C%20Clause,Weights%20and%20Measures%3B%20.%20.%20.&text=National%20Bank%20v (last visited 3/5/24).

⁴ Legal Tender Case (*Julliard v. Greenman*), 110 U.S. 421, 448 (1884).

⁵ *Miller v. Madison*, 2013 U.S. Dist. LEXIS 70857, *13-14 (NDNY 2013)

⁶ 16 U.S.C. § 6801(3).

and manage federal property. NPS has a dual mission – to preserve unique resources and to provide for their enjoyment by the public.”⁷

18. NPS Cashless violates APA 5 U.S.C. § 706(2)(A) and 31 U.S.C. § 5103, since NPS must obey federal law when it carries out its mission to provide the public access to and enjoyment of the NPS parks, sites, and resources.

V. FACTS

19. Defendants, and each of them, are responsible for their part in violating federal law in implementing NPS Cashless and causing harm to Plaintiff.

20. Plaintiff Toby Stover drove to the NPS entrance at the FDR Home in Hyde Park, New York on January 26, 2024. At 3 p.m., she approached the counter. A man in an NPS uniform welcomed her. He asked her if she would like to take the 3:30 tour. She replied that she would. He asked for \$10 which she attempted to hand to him. He affirmed “we don’t take cash” and would not permit her to enter. She was refused entry by a NPS employee even though she tendered U.S. Currency.

21. It has been over a year since she has not been allowed to tour Hyde Park.

22. Toby Stover still wants to visit Hyde Park whenever she wants but will not do so if she continues to be denied her right to tender anything other than legal U.S. Currency. According to its website, entrance is still only payable by “Credit/Debit only.”⁸

THIS IS A CASE OF FIRST IMPRESSION

23. There has never been a challenge to federal agency’s ban on cash. Other cases were against corporations and did not challenge the federal government. This difference is

⁷ *The Federal Land Management Agencies*, CONGRESSIONAL RESEARCH SERVICE, IN FOCUS (updated Feb. 16, 2021), <https://sgp.fas.org/crs/misc/IF10585.pdf> (last viewed March 1, 2025)

⁸ <https://www.nps.gov/hofr/planyourvisit/fees.htm> (last visited March 1, 2025)

important since private businesses, including corporate municipalities, are not bound by the Legal Tender Statute and are not required to accept cash. According the U.S. Treasury:

There is no federal statute mandating that a private business, a person, or an organization must accept currency or coins as payment for goods or services. Private businesses are free to develop their own policies on whether to accept cash unless there is a state law that says otherwise.

Section 31 U.S.C. 5103, entitled “Legal tender,” states: “United States coins and currency [including Federal Reserve notes and circulating notes of Federal Reserve Banks and national banks] are legal tender for all debts, public charges, taxes, and dues.” This statute means that all U.S. money as identified above is a valid and legal offer of payment for debts when tendered to a creditor.⁹

There is nothing in the law that justifies NPS’ refusal to accept American legal tender.

24. Toby Stover tendered to defendant NPS her lawfully obtained U.S. Currency that is clearly inscribed with “THIS NOTE IS LEGAL TENDER FOR ALL DEBTS, PUBLIC AND PRIVATE.” This language derives from 31 U.S.C. §5103, which is a complete scheme of regulation that designates the use of Federal Reserve Notes as legal tender for all private charges and public fees (such as the entrance fee at Hyde Park). Congress passed this statute pursuant to Article I, § 8, cl. 5 of the Constitution of the United States, which granted Congress the power to coin money and regulate its value. This constitutional provision has reliably served our nation since its adoption and ratification. It is designed to benefit Plaintiff as well as every living American since 31 U.S.C. §5103 establishes this exclusive and universal tool as the accepted metric of accumulated wealth and spending power of American consumer commerce.

25. The Constitution defines the relationship between the people and the government. Under the U.S. Constitution, Congress establishes laws that both citizens and the government must follow. This principle is known as the “Rule of Law.”

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https://www.federalreserve.gov/faqs/currency_12772.htm#:~:text=There%20is%20no,to%20a%20creditor. (last visited March 1, 2025)

26. Since Congress under authority of the US. Constitution established a uniform national currency with a defined legal value as legal tender, NPS' conduct violates both the supremacy of the U.S. Constitution and violates of 31 U.S.C. §5103.

**CONGRESS ESTABLISHED U.S. CURRENCY AS LEGAL TENDER
NOT CRYPTO OR ELECTRONIC PAYMENTS**

27. The Legal Tender Statute both imposes and protects the right of the citizens to store purchasing power in U.S. Currency, and to pay with that same currency for fees and debts to the government. The IRS is the only government agency that ever weighed in 'publicly' on their duty to abide by the Legal Tender Statute¹⁰:

Taxpayer Assistance Centers (TACs) are required to accept cash from taxpayers for the payment of taxes pursuant to 31 U.S.C. § 5103. "The United States Code provides that "United States coins and currency (including Federal reserve notes and circulating notes of Federal reserve banks and national banks) are legal tender for all debts, public charges, taxes, and dues[]." 31 U.S.C. § 5103.

The IRS admits it is required to accept U.S. coins and currency for the payment of taxes, under 31 U.S.C §5103. NPS must do so as well.

**FIRST CAUSE OF ACTION
(AS TO ALL DEFENDANTS)
VIOATION OF THE ADMINISTRATIVE PROCEDURES ACT
FAILURE TO ABIDE BY 5 U.S.C. § 706(2)(A)
AS CONTRARY TO U.S. LAW (31 U.S.C. § 5103)**

28. Plaintiff repeats and realleges paragraphs 1 through 27 as if fully set forth herein.

29. Defendants' conduct violates the APA 5 U.S.C. § 706(2)(A):

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall— (2) hold unlawful and set aside agency action . . . not in accordance with law.

¹⁰ https://www.irs.gov/pub/lanoa/pmta01942_7439.pdf (last visited March 1, 2025)

30. The Legal Tender Statute, 31 U.S.C. §5103, represents a complete scheme of regulation that allows the use of Federal Reserve Notes as legal tender for all private charges and public fees, including the entrance fee at NPS locations (including Hyde Park) that don't accept cash. Pursuant to Article I, § 8, cl. 5 of the Constitution of the United States, Congress has the power to coin money and regulate its value. Congress has established a uniform national currency, with a defined legal value, that requires NPS to accept it as legal tender. NPS' conduct constitutes final agency action and is subject to review by the court since NPS cashless is already in place. NPS Cashless is contrary to law – a violation 31 U.S.C. §5103 and must be set aside.

31. The Administrative Procedures Act authorizes judicial review since “[a]gency action [is] made reviewable by statute and final agency action for which there is no other adequate remedy in a court.”¹¹ That is the case here since Plaintiff has no other remedy other than to seek declaratory relief to be allowed to visit Hyde Park and the 28 or so more NPS locations that continue to publicly announce their refusal to accept proffered legal tender on their websites, with cash in hand.

32. Absent NPS Cashless' violation of the Legal Tender Statute, Plaintiff would be able to enter Hyde Park. Defendants can offer no lawful justification for the past and ongoing harm NPS Cashless causes Plaintiff. NPS' violation of federal law constitutes a substantial controversy as the harm to Plaintiff is immediate and ever-present. Therefore, the Court can fashion a remedy as Plaintiff is entitled to declaratory judgment since NPS Cashless is in violation of federal law.

33. Congress, in enacting the Legal Tender Statute, has enacted a complete scheme of regulation that preempts NPS Cashless.

¹¹ 5 U.S.C. § 704.

34. Even though United States law obligates NPS to accept cash for public charges such as entrance fees, Plaintiff was and remains unable to visit Hyde Park and other NPS locations with cash in hand due to the NPS Cashless policy.

35. NPS Cashless is inconsistent with NPS' mission to provide for enjoyment by the public¹² and is a violation of APA 5 U.S.C. § 706(2)(A) and 31 U.S.C. § 5103. NPS cashless is contrary to law since American money is not accepted as legal tender to visit the nation's treasures.

**SECOND CAUSE OF ACTION
(AS TO ALL DEFENDANTS)
DECLARATORY JUDGMENT UNDER
28 U.S.C. §§ 2201, 2202; and Fed. R. Civ. P. 57**

36. Plaintiff repeats and realleges paragraphs 1 through 35 as if fully set forth herein.

37. Plaintiff is entitled to declaratory judgment under 28 U.S.C. § 2201(a). "To invoke the Declaratory Judgment Act, a plaintiff must demonstrate that there is a substantial controversy, between parties having adverse legal interests, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment." *United Gov't Sec. Officers of Am., Local 52 v. Chertoff*, 587 F. Supp. 2d 209, 222 (D.D.C. 2008)

38. Absent NPS Cashless, Plaintiff would have been able to and would finally be able to enter Hyde Park and other national parks with U.S. Currency. Defendants can offer no lawful justification for the ongoing harm NPS Cashless causes Plaintiff. NPS' violation of federal law constitutes a substantial controversy as the harm to Plaintiff is immediate and ever-present. As such, the Court can fashion a remedy since Plaintiff is entitled to declaratory judgment to set aside NPS Cashless at Hyde Park and other NPS locations since it is a violation of federal law.

¹² Id. at n. 12

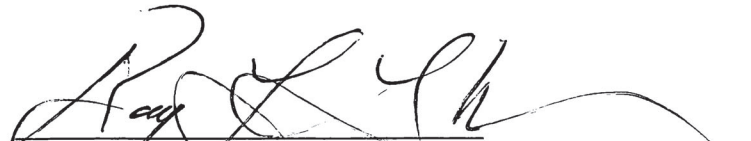
39. Declaratory relief is therefore appropriate to resolve this controversy since no alternative remedy exists.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in its favor that provides the following relief:

- i. Declaratory judgment stating that NPS Cashless must be set aside as it violates 5 U.S.C. § 706(2)(A) as it is contrary to U.S. law (31 U.S.C. § 5103).
- ii. Costs and reasonable attorneys' fees incurred in this action; and
- iii. Such other and further relief as the Court deems just and proper.

Date: March 4, 2025



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