

7/13/21



Open Forum  
County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

## 7/13/21 BOS Open Forum public comments RE: CPRA fraud

1 message

Melody Lane <melody.lane@reagan.com>

Tue, Jul 13, 2021 at 1:20 PM

To: edc.cob@edcgov.us, lori.parlin@edcgov.us, Shelley Wiley <shelley.wiley@edcgov.us>

Cc: george.turnboo@edcgov.us, wendy.thomas@edcgov.us, john.hidahl@edcgov.us, sue.novasel@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, Richard Esposito <resposito@mtdemocrat.net>, rafael.martinez@edcgov.us, Tiffany Schmid <Tiffany.Schmid@edcgov.us>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure the entirety of this correspondence is entered into the public record for the 7/13/21 BOS Open Forum:

All public officials have taken an oath of office to support and defend the Constitution, however it is apparent most EDC public officials don't take those oaths seriously. In other words, they are accustomed to perpetuating fraud upon the public by their refusal to respond to constituent concerns, provide public services pursuant to their oaths of office, and outright lying. I'm speaking specifically about Tiffany Schmid, Rafael Martinez, Don Ashton, and Lori Parlin. *Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3., and intrinsic fraud...*

On 6/18/21 DOT director Rafael Martinez left me a phone message in response to multiple concerns about Mt. Murphy Road. In his message he referred to policies which a CPRA revealed DO NOT EVEN EXIST. Furthermore, Rafael refuses to return any of my calls or email correspondence. Read that as fraud by another government official.

Planning and Code Enforcement Director Tiffany Schmid was also contacted regarding multiple public safety and code enforcement issues with respect to the Coloma Resort perpetual noise complaints within the Quiet Zone of the American River, open campfires and fireworks, and retaliation against citizens for reporting violations of their Special Use Permit. Rather than reply to me directly, I received a another bureaucratic response from a technician with excuses and further delay tactics in providing public services.

Since these issues are relevant to public safety, accountability, and EDC core values, Supervisor Lori Parlin was tasked with follow up to ensure DOT, Planning and Code Enforcement do exactly what the department heads are paid to do. Prior to being elected Lori participated with me in multiple meetings with Don Ashton and County Counsel in regard to CPRA diversion tactics and lack of compliance with the law. On July 7<sup>th</sup> I specifically addressed Lori Parlin when I made the following Public Record Act Request: While you are at it, I'd also like to know if Code Enforcement made the same demands of Supervisor Lori Parlin to enlist the services of an acoustical consultant to substantiate the noise emanating from Kniesel's Auto Body, and whether or not the nuisance noise issue was resolved with or without a consultant. FYI, it is my understanding that Code Enforcement retaliated against Lori and Sam Parlin by sending them a notice to bring one of their outbuildings into compliance with county ordinances. THERE STILL HAS BEEN NO RESPONSE FROM LORI IN REGARD TO THIS REQUEST FOR PUBLIC INFORMATION.

Pursuant to her oaths of office, Lori Parlin is required by law to respond to constituents. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which, the oath taker, pursuant to his oath, is mandated to uphold. Lori failed this requirement; thus, she violated two provisions of the First Amendment, the Public Trust and perjured her oaths of office. The same can be said for Tiffany Schmid, Rafael Martinez, and Don Ashton. This is a subject that needs to be discussed at the upcoming Good Governance Workshop.

If you have any questions or comments please make them now as required by law and under the Brown Act.

Hearing none, you consent to all the above claims and averments.

Madam Clerk: You will be receiving documentation via email to be entered into the public record.

*Melody Lane*

Founder – Compass2Truth

"Resistance to tyranny becomes the Christian and social duty of each individual...Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us." ~ John Hancock ~

**From:** Melody Lane [mailto:[melody.lane@reagan.com](mailto:melody.lane@reagan.com)]

**Sent:** Saturday, July 10, 2021 4:01 PM

**To:** [lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)

**Cc:** 'Shelley Wiley'; 'Donald Ashton'; [wendy.thomas@edcgov.us](mailto:wendy.thomas@edcgov.us); [george.turnboo@edcgov.us](mailto:george.turnboo@edcgov.us); [john.hidahl@edcgov.us](mailto:john.hidahl@edcgov.us); [sue.novasel@edcgov.us](mailto:sue.novasel@edcgov.us); [bosfive@edcgov.us](mailto:bosfive@edcgov.us); bosfour; [bosone@edcgov.us](mailto:bosone@edcgov.us); [bosthree@edcgov.us](mailto:bosthree@edcgov.us); [bostwo@edcgov.us](mailto:bostwo@edcgov.us)

**Subject:** RE: Follow up and request for information re: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

Lori,

There has been no response from you in regard to this PRA. As District #4 Supervisor, you are required to personally respond to constituents rather than delegate or ignore them. Since you participated in several meetings with county counsel and other public officials, this PRA should be of particular concern to you. (See attachment)

Inquiring minds would like to know if there is a different set of rules for public officials than those imposed upon constituents, specifically, did the county require you to hire an acoustical consultant in order to mitigate the issues you were having with Kniesel's? If the county does indeed have such a written policy, please produce it immediately. If this is in litigation, please so state. I look forward to your prompt reply.

Regards,

*Melody Lane*

**Founder – Compass2Truth**

~ By identifying the people's sovereign will not with its latest but its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives. ~

**From:** Melody Lane [mailto:[melody.lane@reagan.com](mailto:melody.lane@reagan.com)]

**Sent:** Thursday, July 8, 2021 11:52 AM

**To:** [lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)

**Cc:** Shelley Wiley; 'Donald Ashton'

**Subject:** Follow up and request for information re: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

Lori,

Since the below message to Tiffany Schmid is relevant to District #4, pursuant to your oaths of office you are required to follow up on this correspondence ensuring that each of these issues relevant to Planning/Code Enforcement/EDSO are properly addressed in a timely manner.

Considering you participated in several meetings with county counsel and Don Ashton (attached), and pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I also ask to obtain **via email** documentation relevant as to how your noise issue with Kniesel's was resolved, particularly if the county required you to obtain the services of an acoustic consultant. If it was not resolved satisfactorily, please so state in your reply.

**The agency must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255) **If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.**

To avoid unnecessary delays or costs of duplication, electronic copies are acceptable and may be emailed to [melody.lane@reagan.com](mailto:melody.lane@reagan.com) in pdf format. **Access is always free.** Fees for "inspection" or "processing" are prohibited. (§ 6253)

It is further requested that your determination be made within **10 days, or sooner**, as stipulated within the California Public Records Act, **Government Code 6253(c)**. These time periods may not be used solely to delay access to the records. (§ 6253(d))

Sincerely,

*Melody Lane*

**Founder – Compass2Truth**

All authority belongs to the people...in questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ~ Thomas Jefferson ~

**From:** Melody Lane [mailto:[melody.lane@reagan.com](mailto:melody.lane@reagan.com)]

**Sent:** Wednesday, July 7, 2021 5:42 PM

**To:** 'Tiffany Schmid'; [lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)

**Cc:** 'Tonya Digiorno'; 'Lori Parlin'; 'Jeanette Salmon'; 'Shelley Wiley'; 'Jeffrey Weiler'; 'Christopher Perry'; 'Robert Peters'; 'Donald Ashton'; 'George Turnboo'; 'John Hidahl'; 'Sue Novasel'; 'Wendy Thomas'; 'The BOSFIVE'; 'bosfour'; 'The BOSONE'; 'The BOSTHREE'; 'The BOSTWO'; Sheriff DAgostini; Vern R Pierson

**Subject:** RE: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

Ms. Schmid,

Your findings are grossly in error. It is obvious that county counsel prepared your long-overdue and baloney response concerning the Coloma Resort SUP #S91-06 violations and related public safety issues.

As you can see by the sample of attached evidence, we've been going around this mountain literally for decades. Just like your predecessor Roger Trout, your collusion with staff and your failure to respond in a timely manner to constituent concerns, or take corrective measures, aids and abets the continuation of El Dorado County corruption. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement; thus you violated two provisions of the First Amendment, the Public Trust and perjured your oaths of office.

With regard to campfires and fireworks, you should be aware that there have been five arson fires that were started either directly on my property or within ¼ mile of my home within an 8 year period. Neighbors on the northeast side of the one-lane Mt. Murphy bridge are particularly concerned about the lack of any kind of code/law enforcement, and lack of emergency evacuation plan/egress in the event of another fire. Note the attached 7/4/14 document substantiates that the Sheriff's Office has typically taken a laissez faire attitude and/or has been unresponsive regarding our public safety concerns particularly as they involve the Coloma Resort. Similarly EDC Fire, OES, and the Fire Safe Council have been historically unresponsive to constituents on this side of the river.



In regard to the decibel levels, the attached chart was provided by Sgt. Jim Brown to the Community Clamor Committee (CCC) as a means of determining the excessive decibel levels at the lot line without the need of a decibel meter. My home is approximately ¼ mile away, yet the excessive noise frequently intrudes at levels that are easily recorded in my living room. I served as secretary for the CCC. It should be noted that the Coloma Resort was the only establishment that would not participate or cooperate with the noise mitigation in the Quiet Zone of the American River. Additionally, the Coloma Resort has a history of retaliation against me for holding them accountable to their SUP requirements. (See attached Libel letter obtained via a CPRA, and 2007 EDSO corresp.)

The Coloma Resort may be *aware* of their SUP requirements, but they have NEVER been in compliance with the noise restrictions of their SUP. It is a fact the Coloma Resort owners and campground manager have fostered a hostile attitude against neighbors who signed petitions that I circulated and submitted in 2002 to Planning/Code Enforcement to revoke the Resort's SUP. Please refer also to the attached 9/21/15 Prutch warning letter. A similar letter was sent by Roger Trout to the Faieta's in 2001.

Furthermore, your claim that the 2016 noise complaint was "unsubstantiated" is pure baloney. EDSO has been aiding and abetting the Coloma Resort in violation of their SUP by falsifying case file reports which should have been submitted specifically to you in order to take action and proceed with the SUP revocation process as required by law. Refer as well as the two un rebutted affidavits addressed to Sheriff D'Agostini that were entered into the BOS public record on 11/13/18 and on 6/23/20, and also submitted to D.A. Vern Pierson and the DOJ.

With respect to your demand that "complainant will need to furnish a noise analysis in the form of a written report prepared by an acoustical consultant (e.g., Bollard, Saxelby, etc) for Code Enforcement's review to determine evidentiary sufficiency meriting punitive action, that too, is baloney. Code Enforcement has no authority to raise the bar by requiring citizens to jump through new bureaucratic hoops. Our taxes pay your salary, so your job is to ensure Code/Law Enforcement take the necessary steps to protect the rights of residents to live in peace and safety by enforcing the laws, ordinances, regulations and statutes that are already in place.

For instance, Robin Smay spent over \$30,000 on a lawyer and acoustical consultant to mitigate the noise at Villa Florentina on Carvers Road in Coloma. Although Adam Anderson had his SUP revoked, it is our understanding that he is still conducting business as usual. It is factually documented that Anderson was a member of RMAC who abused his position by frequently demonstrating a hostile and threatening demeanor

towards those of us who blew the whistle on his illicit conduct. In that regard, you have not yet addressed the status of the continuing Villa Florentina violations as I requested of you on June 25th.

While you are at it, I'd also like to know if Code Enforcement made the same demands of Supervisor Lori Parlin to enlist the services of an acoustical consultant to substantiate the noise emanating from Kniessel's Auto Body, and whether or not the nuisance noise issue was resolved with or without a consultant. FYI, it is my understanding that Code Enforcement retaliated against Lori and Sam Parlin by sending them a notice to bring one of their outbuildings into compliance with county ordinances.

Lastly, the hazardous materials dumped on Mt. Murphy two years ago still remain where the yellow tape marks the trees. Why has this not yet been taken care of?

I look forward to your timely response to each of the above issues.

*Melody Lane*

**Founder – Compass2Truth**

*"You need a new Board [of Supervisors]. All of them. Hold their feet to the fire. Mine too. I work for you." Sheriff John D'Agostini – August 16, 2011*

**From:** Tiffany Schmid [mailto:tiffany.schmid@edcgov.us]

**Sent:** Friday, July 2, 2021 3:07 PM

**To:** Melody Lane

**Cc:** Tonya DiGiorno; Lori Parlin; Jeanette Salmon; Shelley Wiley; Jeffrey Weiler; Christopher Perry; Robert Peters; Donald Ashton; George Turnboo; John Hidahl; Sue Novasel; Wendy Thomas; The BOSFIVE; bosfour; The BOSONE; The BOSTHREE; The BOSTWO

**Subject:** Re: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

Good afternoon Ms. Lane,

Thank you for your patience while we looked into your concerns.

Follows is a summary of our findings:

- **Campfires:** Campfire usage is not regulated by the Code Enforcement Division. Furthermore, Code Enforcement does not have regulatory authority over campfires, fire hazards, or burn violations. The appropriate agencies to contact are the El Dorado County Fire District or the Sheriff's Office.
- **Noise:** The Coloma Resort has a historical Special Use Permit that was last reviewed in 2016 in follow up to a similar noise complaint. That noise complaint was determined to be unsubstantiated at that time. The Resort lies within the quiet zone of the River Management Plan; however, item #9 of the Use Permit specifically addresses noise mitigation.

*"The noise level of campground activities shall be regulated by the following dBA. At the property line:*

- *10:00pm to 7:00am -- 50 dBA*
- *7:00am to 10:00pm -- 60 dBA*

*Compliance review: The owners are aware of this condition, and sound checks are performed prior to each event to ensure compliance. A security guard is present for special events where noise is present. Quiet hours are included in the list of park rules and regulations, which is given to each visitor. The facility is in compliance with this condition.*

- Based on this information, the condition of approval to address noise mitigation remains in effect. In response to your concern, Staff contacted the Resort's ownership to remind them of the noise mitigation requirements and to request their security guard or camp host actively monitor the property and proactively address any observed loud behavior by their guests. They responded they are aware of the requirements, that staff is cognizant of noise monitoring, and their noise levels are consistent with their Use Permit. In order for Code Enforcement to take action against the Resort for violating the decibel limits, the complainant will need to furnish a noise analysis

in the form of a written report prepared by an acoustical consultant (e.g., Bollard, Saxelby, etc) for Code Enforcement's review to determine evidentiary sufficiency meriting punitive action.

Sincerely,

**Tiffany Schmid**

Director, Planning and Building Department

**County of El Dorado**

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5132

[tiffany.schmid@edcgov.us](mailto:tiffany.schmid@edcgov.us)



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----- Forwarded message -----

From: **Melody Lane** <[melody.lane@reagan.com](mailto:melody.lane@reagan.com)>

Date: Thu, Jul 1, 2021 at 5:36 PM

Subject: RE: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

To: Tiffany Schmid <[tiffany.schmid@edcgov.us](mailto:tiffany.schmid@edcgov.us)>, Tonya Digiorno <[tonya.digiorno@edcgov.us](mailto:tonya.digiorno@edcgov.us)>, <[lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us)>

Cc: Jeanette Salmon <[jeanette.salmon@edcgov.us](mailto:jeanette.salmon@edcgov.us)>, Shelley Wiley <[shelley.wiley@edcgov.us](mailto:shelley.wiley@edcgov.us)>, Jeffrey Weiler <[jeffrey.weiler@edcgov.us](mailto:jeffrey.weiler@edcgov.us)>, Christopher Perry <[christopher.perry@edcgov.us](mailto:christopher.perry@edcgov.us)>, Robert Peters <[robert.peters@edcgov.us](mailto:robert.peters@edcgov.us)>, Donald Ashton <[don.ashton@edcgov.us](mailto:don.ashton@edcgov.us)>, <[george.turnboo@edcgov.us](mailto:george.turnboo@edcgov.us)>, <[john.hidahl@edcgov.us](mailto:john.hidahl@edcgov.us)>, <[sue.novasel@edcgov.us](mailto:sue.novasel@edcgov.us)>, <[wendy.thomas@edcgov.us](mailto:wendy.thomas@edcgov.us)>, <[bosfive@edcgov.us](mailto:bosfive@edcgov.us)>, bosfour <[bosfour@edcgov.us](mailto:bosfour@edcgov.us)>, <[bosone@edcgov.us](mailto:bosone@edcgov.us)>, <[bosthree@edcgov.us](mailto:bosthree@edcgov.us)>, <[bostwo@edcgov.us](mailto:bostwo@edcgov.us)>

Ms. Schmid,

There still has been no response from anyone in regard to the below issues. Are you all asleep on the job, or deliberately avoiding your duty to serve constituents?

Pursuant to her oaths of office, it is required that Lori Parlin follow up on this matter ASAP.

*Melody Lane*

**Founder – Compass2Truth**

"Freedom is not a gift bestowed upon us by other men, but a right that belongs to us by the laws of God and nature." —Benjamin Franklin

**From:** Melody Lane [mailto:[melody.lane@reagan.com](mailto:melody.lane@reagan.com)]

**Sent:** Friday, June 25, 2021 6:21 PM

**To:** 'Tiffany Schmid'; Tonya Digiorno

**Cc:** 'Lori Parlin'; 'Jeanette Salmon'; 'Shelley Wiley'; 'Jeffrey Weiler'; 'Christopher Perry'; 'Robert Peters'; 'Donald Ashton';

george.turnboo@edcgov.us; john.hidahl@edcgov.us; sue.novasel@edcgov.us; wendy.thomas@edcgov.us; bosfive@edcgov.us; bosfour;  
bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

**Subject:** RE: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

Ms. Schmid,

I've had enough of the one-way communications that go nowhere. As you are aware, Don Ashton unlawfully ordered the previous IT Director to block my right to communicate electronically with your staff, so this needs to be immediately remedied.

IT Director Tonya Digiorno is copied on this message, so I expect confirmation that Tonya has complied with the restoration of my First Amendment rights to communicate electronically with **all EDC staff clear across the board**.

*Melody Lane*

**Founder – Compass2Truth**

Any act by any public officer either supports and upholds the Constitution, or opposes and violates it.

**From:** Tiffany Schmid [mailto:tiffany.schmid@edcgov.us]

**Sent:** Friday, June 25, 2021 6:00 PM

**To:** Melody Lane

**Cc:** Lori Parlin; Jeanette Salmon; Shelley Wiley; Jeffrey Weiler; Christopher Perry; Robert Peters

**Subject:** Re: Amplified music & open campfires at Coloma Resort - Violation of River Management Plan/Public safety

Good evening Ms. Lane,

I have copied Jeff Weiler, Code Enforcement Supervisor, and Rob Peters, Deputy Director of Planning, to further review this matter.

Sincerely,

**Tiffany Schmid**

Director, Planning and Building Department

**County of El Dorado**

Planning and Building Department

2850 Fairlane Court

Placerville, CA 95667

(530) 621-5132

tiffany.schmid@edcgov.us



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On Fri, Jun 25, 2021 at 5:53 PM Melody Lane <melody.lane@reagan.com> wrote:

Ms. Schmid,

I just left voice mail messages for you and for Jeanette Salmon regarding excessively loud amplified music emanating from the Coloma Resort. You've been contacted on numerous occasions regarding the Coloma Resort, however you have never responded. Residents living within the Quiet Zone of the S. Fork American River are entitled to live in peace and in safety. Their amplified music is in violation of their SUP and the River Management Plan, but as you know, the Sheriff is unresponsive to constituents in that regard. There was also excessively loud amplified music in violation of their SUP on 6/5, 6/19 and 6/24/21 making it impossible to open windows to catch a breeze without the intrusive music invading the privacy of our homes. For six months out of the year residents are subjected to the abuse of campgrounds which generated the below posting on CLNews:

Date: 4/5/21 1:57 PM (GMT-08:00)

To: Coloma-Lotus News <cln...@googlegroups.com>

Subject: [CLNews] Happy SIHT Season everybody!

Hi Everyone!

We've turned the corner. It is here, now! We've officially left This (Tranquil, Happy, Irrigated, Serene) season and transitioned to Siht (Sirens, incidents, helicopter, tourist) season, aka The Other season.

Additionally, the last two weeks there have been open flame campfires at the Coloma Resort endangering those of us who live on the N.E. side of the one lane Mt. Murphy Bridge at a time when high danger fire warnings are supposed to be in effect. This is the last chart that was distributed:

|        |     |      |     |     |     |   |    |  |                            |                           |
|--------|-----|------|-----|-----|-----|---|----|--|----------------------------|---------------------------|
| 26-Jun | Sat | NOAA | 99  | 19% | 48% | 7 |    |  | Spark Risk, No Open Flames | NO Wood or charcoal fires |
| 26-Jun | Sat | DS   | 101 | 14% | 60% | 7 | 12 |  |                            |                           |
| 27-Jun | Sun | NOAA |     |     |     |   |    |  | Spark Risk, No Open Flames | NO Wood or charcoal fires |
| 27-Jun | Sun | DS   | 109 | 10% | 29% | 8 | 13 |  |                            |                           |

What exactly is Planning/Code Enforcement doing to enforce adherence to the law and ensure public safety? Are any fines being levied against the Coloma Resort, or are you just turning a blind eye and a deaf ear to constituents as Roger Trout typically used to do?

Similarly, there has been no response from your department with respect to the weddings and events still being held at the Villa Florentina in Coloma. It is our understanding that Adam Anderson had his SUP revoked, but he continues to post signs on Carvers Road directing guests to Villa Florentina for amplified events which is against the River Management Plan. It was our understanding that Code Enforcement was supposed to be clamping down on Anderson, which I presume to mean he was being fined. What is the status of that public nuisance?

Furthermore, there has been no response in regard to the hazardous material dumped on Mt. Murphy Road that was cordoned off with yellow tape two years ago. Pursuant to your Constitutional oaths of office, you have an obligation to be responsive to constituents. Therefore I would appreciate it if Supervisor Lori Parlin would take responsibility to ensure an immediate response to this correspondence.

*Melody Lane*



Founder – Compass2Truth

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds.  
~ John Whitehead ~

**From:** Melody Lane [mailto:melody.lane@reagan.com]

**Sent:** Saturday, July 10, 2021 3:43 PM

**To:** 'El Dorado County Public Records Center'; rafael.martinez@edcgov.us; lori.parlin@edcgov.us

**Cc:** sue.novasel@edcgov.us; john.hidahl@edcgov.us; george.turnboo@edcgov.us; wendy.thomas@edcgov.us; Shelley Wiley; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

**Subject:** RE: Public Records Request :: P003345-070821

Rafael and Lori,

It's time to quit with your Bureaucratic Shenanigans. As public servants, you have been remiss in your obligation to provide me public services pursuant to your oaths of office. Both of you have been stonewalling about the Mt. Murphy Road issues, and you have been unresponsive to phone calls and emails. Lori has attended several meetings with me in regard to this subject matter. (See attachment) Therefore, as District #4 Supervisor, and pursuant to her oaths of office, it is Lori's duty to ensure constituent concerns are properly resolved within a timely manner:

*“The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, **conspiracy** under Title 28 U.S.C., Title 18 Sections 241 and 242, **treason** under the Constitution at Article 3, Section 3., and intrinsic **fraud**...”*

**With regard to request #1**, your “interpretation” of my request is grossly in error. The Gas-Tax-Fund Guidelines are **totally irrelevant** to the specific request for EDC POLICIES that I made on 7/1/21 in response to your below 6/18/21 @ 4:15 PM phone message. Therefore I interpret your response as the policy that Rafael referred to DOES NOT EXIST:

*Good afternoon Melody. How are you? This is Rafael Martinez with DOT. I want to return your phone call. I did find out what happened, essentially, I said that it was leaning on the prescriptive rights of the roadway, the elevated boon on the truck and it clipped it. So they disposed of it like a lot of other debris that they dispose of on a regular basis. As for the culverts, uh, I was told that, actually I wasn't aware of this, that we do have a policy that we do not clean out private driveway culverts. And that makes sense, if you think about it. We have thousands of encroachments in the county, and if we were cleaning out every culvert we wouldn't be getting very much roadway patching repairs. That is the responsibility of the homeowners. Now if there are, um, other culverts that cross the street, or are of public property, uh, then yes, we do make sure we take care of those. If there are any culverts that are roadway culverts, then by all means let me know. Then I'll see, I'll look into it. As for your last, er, question or concern regarding my employees, uh, they do have a policy of, uh, not speaking to the public for the most part because, uh, as you can imagine, they sometimes get, um, harassed by people who are not happy with one thing or another. Therefore the policy is that they refer all of their comments or concerns to the superintendent, the deputy director, or to myself. Um, so...!...um...I understand you probably wanted some questions answered. You are always welcome to get a hold of me and I'll see what I can do to try and get those questions answered for you. Um, for the most part, I think that answers the questions you had referred to in your email. If you have any further questions, you are more than welcome to get a hold of me. Thank you very much. Have a good day. Bye bye.*

If you did not understand my request, then why haven't you returned my calls or emails to ask for clarification? Had I physically walked into DOT and requested to examine a copy of the specific policies that you referred to in your 6/18 voice mail, then you would be required to make both those policies **immediately available for me** as per the Guide to Public Record Act Requests for Information:

- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access **must be prompt**.
- **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1)
- **An agency has 10 days to decide if copies will be provided.** In "unusual" cases (request is "voluminous," seeks records held off-site, OR requires consultation with other agencies), the agency may upon written notice to the requestors give itself an additional 14 days to respond. (§6253(c)) **These time periods may not be used solely to delay access to the records. (§ 6253(d))**

**With regard to request #2**, you claim “After a review, we have determined that we have **no records responsive** to that request.” I interpret your response to mean **Rafael LIED** about the existence of both policies. Any enterprise undertaken by any public employee that tends to weaken public confidence and undermines the sense of security for individual rights is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. See also:

*“Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, **failure to remedy wrongs after learning about it**, creation of a policy or*

*custom under which unconstitutional practices occur or **gross negligence in managing subordinates who cause violation.**" (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)). [Emphasis added]*

*See also: TANZIN v. TANVIR (a) Stewart v. Dutra Constr. Co., 543 U. S. 481, 487 (2005). The phrase "persons acting under color of law" draws on one of the most well-known civil rights statutes: 42 U. S. C. §1983. That statute applies to "person[s] under color of any statute," and this Court has long interpreted it to permit suits against officials in their individual capacities. See, e.g., Memphis Community School Dist. v. Stachura, 477 U. S. 299, 305–306, and n. 8 (1986). In 1871 Congress passed the precursor to §1983, **imposing liability on any person who, under color of state law, deprived another of a constitutional right.** 17 Stat. 13; see also Myers v. Anderson, 238 U. S. 368, 379, 383 (1915); See: Proconier v. Navarette, 434 U. S. 555, 561–562 (1978); Siegert v. Gilley, 500 U. S. 226, 231 (1991) [Emphasis added]*

What is it going to take to get you resolve these issues and adhere to the EDC Core Values??? I look forward to your prompt response.

*Melody Lane*

**Founder – Compass2Truth**

All authority belongs to the people...in questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ~ Thomas Jefferson ~

**From:** El Dorado County Public Records Center [mailto:[eldoradocountyca@mycusthelp.net](mailto:eldoradocountyca@mycusthelp.net)]  
**Sent:** Friday, July 9, 2021 2:27 PM  
**To:** [melody.lane@reagan.com](mailto:melody.lane@reagan.com)  
**Subject:** Public Records Request :: P003345-070821

**Attachments:**

[Gas\\_Tax\\_Fund\\_Guidelines.pdf](#)

--- Please respond above this line ---



# County of El Dorado

*The Gold Standard in Public Service*

## Public Records

Dear Ms. Lane,

Pursuant to California Government Code § 6253, I am writing in response to your Public Records Act ("PRA") request, received on July 8, 2021, regarding your request for records related to written copy of a policy that you have stated the Director of Transportation (DOT) mentioned to you in a conversation on July 1, 2021. I am submitting this letter within the ten-day period for response set out in Government Code § 6253(c).

After a review of your request, the **County is unclear on whether we possess records** which are responsive to your request, specifically you have requested:

Rafael Martinez has been unresponsive to DOT issues regarding Mt. Murphy Road, nor has he returned any of my phone calls regarding issues not covered in the below correspondence. You are aware that the recent work done only weeks ago to Mt. Murphy Road is already in disrepair because DOT did not compact the decomposed asphalt/gravel mixture which has caused mounds/potholes and a washboard effect on the again bumpy road. Note I made the following request of Rafael Martinez for public information on July 1st, but there has been no response from Rafael or from you with respect to District #4 road/ditch/culvert repairs which highly suggests that the county is not dealing transparently with constituents.

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I asked on July 1st to obtain the following documents via email: 1. The county is responsible to maintain public roads and ditches. The runoff from the heavy rain only five days after DOT crews dumped dirt and gravel atop a formerly hard-paved surface in May 2020 is what clogged my culvert and my neighbors culverts. It stands to reason that the culvert is part of the ditch in order to facilitate runoff. DOT caused the problem, therefore it the responsibility to fix the problem. If there is a written policy as Rafael claimed, then I request a copy of that policy which the county is required by law to make immediately available. 2. If there is such a written policy as Rafael claimed about DOT crews not speaking with the public, then I request you immediately provide me a copy of that policy as required by law.

In your request, you stated that you had a conversation with Mr. Martinez expressing concerns about work done with respect to District # road/ditch/culvert repairs and that during that conversation Mr. Martinez referred to a DOT policy. It is unclear to us what was the subject of the policy, or policies that you are requesting. Please see our specific responses below:

**Request #1:** You asked for, "The County is responsible to maintain public roads and ditches. The runoff from the heavy rain only five days after DOT crews dumped dirt and gravel atop a formerly hard-paved surface in May 2020 is what clogged my culvert and my neighbors culverts. It stands to reason that the culvert is part of the ditch in order to facilitate runoff. DOT caused the problem, therefore it the responsibility to fix the problem. If there is a written policy as Rafael claimed, then I request a copy of that policy which the county is required by law to make immediately available."

We are interpreting your request to refer to records related to DOT policies regarding the use of road fund revenues for maintenance activities. The County follows the California State Controller's Guidelines Relating to Gax Tax Expenditures for Cities and Counties. A copy of that document is available on the California State Controller's website here: [https://sco.ca.gov/Files-AUD/gas\\_tax\\_guidelines31219.pdf](https://sco.ca.gov/Files-AUD/gas_tax_guidelines31219.pdf).

**Request #2:** You asked for, "If there is such a written policy as Rafael claimed about DOT crews not speaking with the public, then I request you immediately provide me a copy of that policy as required by law."

We are also interpreting your request to refer to records related to a DOT policy that prohibits DOT staff from communicating with the public. After a review, we have determined that we have **no records responsive** to that request.

If we have interpreted your request incorrectly, please clarify the types of records you are requesting and we will do a review to determine whether we have any non-exempt responsive records.

Please note that requests are limited only to records maintained in the normal course of business by the County and records that are within the County's custody, control, and access. Please also note that we will not produce records that are privileged or otherwise exempt from disclosure pursuant to State and Federal laws, including exemptions identified in Gov. Code Section 6254, et seq., and additional exemptions specifically incorporated under Gov. Code Section 6254(k). This includes documents pertaining to pending litigation or claims, and documents protected by the attorney-client privilege, attorney work product, and official information privileges.

For records released today, you may access the records by visiting the El Dorado County Public Record Center at the following link: [Public Record Center](#). If you have any trouble accessing the records please let us know so we can help resolve any problems.

We trust this provides you the information you are seeking. If you have any questions or if we have misunderstood your request, please contact my office at 530-621-7502.

Sincerely,

Kelly Carnahan

Administrative Technician

El Dorado County

Department of Transportation

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[DV1]We can put this up front to make sure we are saying we are viewing this as our 10 day response letter.

[DV2]I see your concern here because her request does seem to be, at its core, a concern about the work done. With the CPRA, we always want to err on the side of disclosure and transparency and it is always better to engage with the requesters if we can.

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To monitor the progress or update this request please log into the [El Dorado County Public Records Center](#).



**Tuesday October 4, 2016 @ 2:30 PM**  
**Don Ashton, Mike Ranalli, Paula Franz**

- I. CPRAs - FOIA
  - A. Guide to CPRAs
  - B. Government PRA Tracking system – COB Discrepancies
  - C. Legal vs. Lawful
  
- II. Ethics & HR policies
  - A. Brown Act Violations
  - B. Transparency & Accountability
    - 1. BOS
    - 2. EDSO
    - 3. CAO
  
- III. Obstacles - Bureaucratic Shenanigans
  - A. Communication breakdown
  - B. Fees - Resolution 113-95 v. AB1234
  - C. Code/Law Enforcement policy inconsistencies
  
- IV. Follow up - Target date

