

*Open Forum*

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

BoS RUD 11-16-21

Public Comment on 2 Businesses Issued FINES

Chris Cowan <ksclcowan@gmail.com>
To: edc.cob@edcgov.us

Tue, Nov 16, 2021 at 2:24 PM

To the El Dorado County Board of Supervisors,

I am writing in today, as most of you did not want to hear public comment forgetting that you work for the constituents of this County. You spent more time arguing about if the public should speak then hearing what your citizens had to say. Thank you Supervisor Turnboo for hearing your constituents. Supervisor Novasel and Supervisor Hidahl are rude and should be written up as they are never listening to their constituents and often rude in the meeting by interrupting or never acknowledging those speaking.

When did you become the entity that fined businesses for doing wrong? There are many businesses that do wrong every day and you are not concerned or in their business. Where does the line get drawn?

I am disgusted that you are choosing to fine two businesses in this community. I will let you know that these 2 businesses stayed open to save their businesses/livelihoods but also to be there for the public when they needed a meal to eat. The elderly man who lost his wife who goes and eats there everyday cause that is his routine. Or me, a person who has worked from home long before COVID hit and it is a time to get out and see and hear people. I can honestly say, I ate at these restaurants the entire time, I have never contacted the virus, nor have I worn a mask or been vaccinated. Why- I guess I am lucky but I think it is because I did not self contain myself and be sheep to our government. The last I checked, I am in charge of my personal self and so I still stick to that and continue to support these businesses as long as they can stay in business. You hold the key to that. You want El Dorado County to grow and small businesses to come here but yet you are not willing to support these businesses to stay open. No one said you had to go eat there. People who wanted to eat there ate there so why does that concern you?

Danette's Pubb provided grocery items when our community could not get them. They also served many of the Fire Crew that helped us to fight the fire that threatened our County. I know as I was there, I bought some of those meals to thank them for their service to our County. As Danette mentioned - she supports many fundraisers and people in this community. You need to think about that when you are fining a business for things that you should not control.

I am sure you have heard this before but let it be a reminder that if this virus was as deadly and awful as you want us to believe it is, we ourselves would know that we need to self quarantine, we would not need to be told to quarantine.

Thanks,

Chris Cowan
ksclcowan@gmail.com



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

Nov. 16th, 2021 Meeting - Open Comments

Rebecca Sue Smith <rebeccasuesmith@att.net>
To: edc.cob@edcgov.us

Tue, Nov 16, 2021 at 3:27 PM

Please help to stop all action against Apple Bistro, El Dorado Café, etc! Leave small businesses alone! If people don't like the protocols then they do not have to go to those businesses!!!! It's not anymore discriminatory than what people who do NOT want to wear masks experience on a far larger scale!!

Rebecca Sue Smith
1934 Portsmouth Dr.
El Dorado Hills, CA 95762

L. Rodarte Open Forum BOS 11/16/2021

El Dorado County Board of Supervisors
Board Meeting

November 16, 2021

Public Comment – November Board Meeting

Good afternoon, members of the Board.

My name is Laura Rodarte, and I am happy to address you today on behalf of my family. My family has lived in Cool for 30+ years and have purchased 60 acres of zoned Residential 5 (R5) property in Pilot Hill. My husband and I, as well as my brother and his wife are in the process of building homes on that property. Currently, we have a building permit application in review with El Dorado County (County). Access for our property is served by two 50-foot-wide public road and utility easements.

Last week, our neighbor to the south, All About Equine, was approved an administrative permit by the County for gates on the property lines across those public road and utility easements. This would be four gates in total. The administrative review application process requires consensus and participation of all dominant tenement holders of the easements regarding conditions of the permit. In this case, the location and use of the gates. My family, along with the two other property owners to the north of us, Saunders and Wilson, did not consent to such gates being placed on our access easements nor were consulted on the approval of this permit.

We, collectively, will not consent to gates being placed on both 50-foot public road and utility easements because there would now be 2 gates on our easterly access as well as 2 gates on our westerly access. When we purchased the property, prior to All About Equine, there was only one gate. As you can imagine, we are thinking about the unreasonable burden this creates once we are living on our properties. We will have to get in and out of our vehicles 4 separate times to open and close gates. We are upset about such a burden being placed on us and our aging family members when we intend to be living here for a long time. Not to mention the loss of value this creates for our properties.

All About Equine was cited in May 2020 for their two illegal gates and subsequently appealed that citation. The Appeal was then declined by the County Planning and Building Department and County Council, Mr. Runkel. I have printed copies of the Appeal and County Council decision for your reference.

I understand that this Board heard the issue at the May 4th Board meeting and that the County Planning and Building Department staff recommended that this Board deny the Appeal because it violated County Code Section 130.30.030. The Board motioned to move this matter off the Calendar and pause the Appeal for 90 days. Since this time, we have not been notified of the status of the Appeal, a decision being made, or the affects it may have on our property access.

The affected property owners and I would like to know how El Dorado County was able to approve and issue a permit if it was not agreed to by the dominant tenement easement holders. If the County Board of Supervisors allows this permit to go forward as-is, this is setting a major precedent in the County that easements and public rights-of-way can be gated off without consulting the affected property owners. Tens of thousands of residents within the County will be affected by this decision and have become vulnerable to disruption of access and significant loss of property value. The County needs to have a clear and equitable solution to this problem. This is an unreasonable burden placed on 300 acres of property and over a dozen people of the community, significantly affects traffic flow, and renders our property worthless.

In conclusion, we would like to request a small group meeting with two Supervisors and a dedicated staff member to oversee the resolution of this permit issue. Additionally, we would like to request the approval documentation from County Council, Mr. Runkel, on this permit and for the Board to hear this item again.

I appreciate your time this afternoon and look forward to working with you for years to come. Thank you.

Sincerely,

Laura Rodarte

P.O. Box 184

Pilot Hill, CA 95664

530-401-3592

Laurabyrd_22@yahoo.com

Attachment: Notice of Appeal of Administrative Decision

Public Comment – November Board Meeting

- **Goal:** Help the County Board of Supervisors understand that the Byrd-Rodarte-Wilson-Saunders are not in agreement with All About Equine's administrative permit that was approved and address that it did not complete the full extent of the administrative process.
- **Request for BOS:** Byrd, Rodarte, Wilson, and Saunders property owners would like to request a small group meeting with two supervisors and a dedicated staff member to oversee the resolution of this permit issue. Additionally, we would like to request the approval documentation from County Council, Mr. Runkel, on this permit and for the County Board of Supervisors to hear this item again.

1 BURTON & SWETT
2 Thomas M. Swett, Esq. (232423)
3 47 Main Street
4 Sutter Creek, California 95685
5 Phone: (209) 267-9217
6 Fax: (209) 992-4077
7 Email: tom@burtonswett.com

8 Attorneys for All About Equine, Inc.

9 **BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS**
10 **FOR THE COUNTY OF EL DORADO**

11 EL DORADO COUNTY CODE
12 ENFORCEMENT DIVISION

13 Petitioner,

14 vs.

15 ALL ABOUT EQUINE, INC.

16 Respondent.

Case No.: CE20-0198

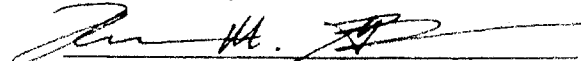
**NOTICE OF APPEAL OF
ADMINISTRATIVE DECISION**

17
18 **NOTICE OF APPEAL**

19 TO THE CLERK OF THE ELDORADO COUNTY BOARD OF SUPERVISORS AND
20 THE PARTIES HERETO: Pursuant to El Dorado County Code section 9.02.470 and section 2.09
21 et seq., respondent All About Equine Animal Rescue, Inc. hereby appeals the administrative order
22 in this proceeding issued by the Hon. William M. Wright on April 9, 2021. Said decision is
23 attached to this notice as Exhibit 1. Pursuant to El Dorado County Code section 9.02.470, this
24 matter is to be heard at the next regular meeting of the Board.

25 DATED: April 16, 2021

26 BURTON & SWETT

27 

28 Thomas M. Swett, Esq.
Attorneys for Respondent

1 **PROOF OF SERVICE**

2 I, James D. Wiggen, Esq. certify that my business address is 47 Main Street, Sutter Creek,
3 California and that I am an active member of the State Bar of California. On April 21, 2021, I
4 electronically served the document to which this certificate is attached to the individuals listed
5 below. The electronic service addresses below was/were confirmed pursuant to Code of Civil
6 Procedure section 1010.6, subdivision (e). A copy of the attached document was also sent vial
7 Priority Mail, delivered to the U.S. Postal Service in Sutter Creek, California, postage paid, and
8 addressed to the Clerk of the El Dorado County Board of Supervisors as set forth below.

9 Roger Runkle, El Dorado County Council's Office: roger.runkle@edcgov.us

10 Teresa Konstantinidis, El Dorado County: teresa.konstantinidis@edcgov.us

11 Hon. William M. Wright, Hearing Officer: billofwrights@sbcglobal.net

12 Kim Dawson, Clerk of the Board: kim.dawson@edcgov.us

13 Clerk of the Board of Supervisors: edc.cob@edcgov.us
14 330 Fair Lane
Placerville, CA 95667

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 _____
18 James D. Wiggen
19
20
21
22
23
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25
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28

Exhibit 1

1 **WRIGHT LAW OFFICE**
2 **William M. Wright (SBN 095651)**
3 **P.O. Box 347**
4 **Rescue, CA 95672**
5 **Phone: (530) 306-0217**
6 **Email: billofwrights@sbcglobal.net**

7 **Administrative Hearing Officer**

8
9 **BEFORE THE ADMINISTRATIVE HEARING OFFICER**
10 **FOR THE COUNTY OF EL DORADO**

11 **EL DORADO COUNTY CODE**
12 **ENFORCEMENT DIVISION,**

Case No.: CE20-0198
APN No. : 071-051-56-100

13
14 **Petitioner,**

ADMINISTRATIVE ORDER

15 **vs.**

16
17 **ALL ABOUT EQUINE, INC.,**

18 **Respondent.**

19
20
21 **INTRODUCTION**

22 The above matter came on for hearing before the Administrative Hearing Officer under
23 Chapter 9.02 of the El Dorado County Code on March 10, 2021. The hearing was
24 conducted in a video conference format with all parties connecting via zoom. Thomas
25 Swett, attorney for the owner of the property, All About Equine Inc., was present.
26 Wendy Digiorno, the CEO of All About Equine was present. Roger Runkle with the El
27 Dorado County Counsel's Office appeared representing the Code Enforcement Division
28 of the County Planning Department. Rob Peters, Deputy Director of Planning in the
29 Planning and Building Department of the County and Jeff Weiler, Code Enforcement
30 Supervisor, were present on behalf of the Department. Alexander Brooks served as the
31 clerk for the proceeding.

1
2 The clerk read a statement about the zoom hearing and noted that the hearing was being
3 recorded. The Hearing Officer briefly described the nature of the hearing and noted that
4 the documents previously submitted in email correspondence would not be considered
5 as evidence in the hearing unless formally submitted at the hearing.
6

7
8 Mr. Swett and Mr. Runkle previously discussed this matter and recommended the
9 parties each submit a brief since the issue is largely a matter of construing the County
10 Code. Exhibits 1-10 submitted by the Department ("Petitioner" herein) were admitted
11 without objection with the original Exhibit 7 submitted in Petitioner's Exhibit Binder
12 being replaced with a complete copy of Section 130.30.090 of the County Code. The
13 brief dated March 10, 2021 with Exhibits A-F submitted by All About Equine Inc.
14 ("Respondent" herein) was admitted without objection. Exhibit F, the Site Map which
15 was not attached to the original brief, was added without objection. The parties
16 established a briefing schedule and the matter was continued off calendar pending
17 receipt of the briefs. Petitioner submitted its brief on March 26, 2021 and Respondent
18 submitted its brief on April 2, 2021. Both parties subsequently agreed via email to
19 consider the matter submitted upon the above evidence and argument.
20

21
22 **FINDINGS OF FACT**
23

24 The facts in this matter are largely undisputed. As noted in Respondent's Brief dated
25 March 10, 2021, Respondent is a nonprofit organization that rescues and raises horses
26 and engages in the grazing of livestock including horses and cattle. Respondent is the
27 owner of a 62 acre parcel in Pilot Hill, El Dorado County. The parcel was created by
28 the parcel map recorded on October 31, 2011 in Book 50 of Parcel Maps at Page 128
29 (the "Parcel Map"), as shown on Exhibit A. The Parcel Map created three additional
30 parcels of approximately 58, 125, and 202 acres each. The Parcel Map created an access
31 easement across Respondent's property for the benefit of the parcels in the map. The

1 easement is designated on the Parcel Map as a "50.00' WIDE ROAD & PUBLIC
2 UTILITIES EASEMENT" and the parties have accepted this description of the
3 easement and have not submitted any additional information or evidence describing the
4 easement.¹ In its current state, the Road is an unimproved dirt road as depicted in the
5 photographs contained in Exhibit 6.
6

7
8 In early 2020 Respondent completed perimeter fencing of its parcel, including the
9 installation of gates across the Road. There was also a preexisting gate at the southerly
10 end of the Road installed at some time prior to the creation of the Parcel Map.
11

12 On May 1, 2020, the Code Enforcement Unit of the County Planning and Building
13 Department issued a Notice to Correct to Respondent ordering Respondent to remove
14 the gates as set forth in Exhibit 4. Respondent filed a timely appeal requesting an
15 administrative hearing and requesting a Certificate of Compliance as noted in Exhibits 5
16 and 8. On May 20, 2020 Code Enforcement sent out a notice stating that due to
17 unavoidable circumstances, hearings on the matter have been postponed as noted in
18 Exhibit 9.
19

20 STATEMENT OF ISSUE

21
22
23 The issue framed by the parties is whether Section 130.30.090 of the El Dorado County
24 Code requires Respondent to obtain an administrative permit in order to install or
25 maintain gates along the Road.² There was no assertion by either party that Section
26 130.30.090 is invalid or preempted by or in conflict with any State law.
27

28 DISCUSSION

29
30 ¹ This easement shall be referred to as "the Road" herein.

31 ² It is appropriate to note that this decision does not involve the rights of neighboring property owners or the
easement rights of the dominant tenements. This Administrative Order only addresses the limited issue addressed
by the parties, which is whether or not Section 130.30.090 of the Code requires the owner to obtain an
administrative permit prior to the installation of the gates on the subject road easement.

1
2 Section 130.30.090 of the County Code, provides in part as follows:
3

4 Sec. 130.30.090 - Gates. The placement of gates across county-maintained rights-of-
5 way shall be prohibited. The following regulations establish a supplemental review and
6 approval procedure for placing gates across non-county maintained roads or private
7 driveways entering residential and nonresidential development. The regulations in this
8 section do not apply to gates serving agricultural uses.

9 A. Single- and Multi-unit Residential Development. Single- and multi-unit
10 residential dwellings located on one lot are allowed to construct gates across driveways
11 providing the gates are located a minimum of 20 feet from the edge of pavement, will
12 not swing into a county right-of-way or non-county maintained road or alley, are
13 constructed consistent with applicable fire and building codes, and are in compliance
14 with Subsections D.2 to D.5 (Design Standards for Gated Developments), inclusive, and
15 D.9 ("Anti-directional" devices...) below in this Section.

16 B. Nonresidential Development. An Administrative Permit is required, in
17 compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in
18 Article 5 (Planning Permit Processing) of this Title, to establish gates at nonresidential
19 driveway entrances that will prohibit free access/egress to and from the site by either
20 remaining closed during business hours, such as with manned or automatic toll booths,
21 or when being used to prevent public access after close of business. In addition to
22 requirements under Section 130.52.010 (Administrative Permit, Relief, or Waiver), the
23 permit shall be in compliance with Subsections D.1 to D.5 (Design Standards for Gates
24 Developments), inclusive, and D.9 ("Anti-directional" devices at gated entrances...) below
25 in this Section.

26 C. Residential Subdivisions. An Administrative Permit shall be required to establish
27 gates across non-county maintained road(s) within a residential subdivision consisting
28 of two or more lots, including condominium developments. An Administrative Permit
29 to establish gates shall not be approved unless the Director finds all of the following:

- 30 1. The gate will not impede public access to a public resource, such as a public park,
31 or interfere with existing or planned traffic circulation patterns; and
32 2. The project conforms to the standards of Subsection D (Design Standards for
33 Gates Developments) below in this Section. (Emphasis added.)

34 Respondent initially argues that the Road is not a public road covered under Section
35 130.30.090. While it is clear that the Road is not a county-maintained right of way, the
36 ordinance also broadly covers non-county maintained roads and driveways. The
37 ordinance does not require the road or easement to be dedicated for a public use. The

1 ordinance regulates non-county maintained roads and private driveways entering
2 residential and nonresidential development. The Road falls within the definition of a
3 road included in the glossary of definitions in the El Dorado County Zoning Code, as
4 noted in Title 130, Article 8 as follows:
5

6 Roads. As used in this Title, roads shall be categorized as follows:

7 Easement. A grant by the property owner of the use of his/her property to another person,
8 the general public, or an entity such as a homeowner's association for transit, access, or
9 egress purposes where legal title to the underlying land is retained by the property owner
10 for all other purposes.

11 Right-of-Way. A strip of land acquired by fee title or easement that is occupied or
12 intended to be occupied by certain transportation and/or public use facilities, such as
13 roadways, walkways, trails, railroads, and/or utility lines, whether or not the entire area is
14 actually used for such purpose(s).

15 Subsection C of Section 130.30.090 states that "... [A]n Administrative Permit shall be
16 required to establish gates across non-county maintained road(s) within a residential
17 subdivision consisting of two or more lots, including condominium developments." Subsection
18 C of Section 130.30.090 essentially equates the term 'residential development' used in the
19 beginning of the ordinance to the term 'residential subdivision'. The Road enters into a
20 residential subdivision of two or more lots since the parcel map created four lots, as
21 noted above. The parcel map qualifies as a subdivision under Government Code
22 Section 66424. Residential uses are authorized on the parcels created under the Parcel
23 Map. As such, we conclude that the Road qualifies as a 'non-county maintained road or
24 private driveway entering residential or nonresidential development under Section
25 130.30.090. The question then becomes whether the provision in Section 130.30.090
26 that "[T]he regulations in this section do not apply to gates serving agricultural uses"
27 exempts the subject parcel from the regulations in the ordinance.
28

29 No evidence was submitted as to any legislative history or other evidence to help
30 construe Section 130.30.090. While it is clear that the agricultural exemption would
31 exclude gates serving solely agricultural uses from the permitting process, the question

1 is whether the agricultural exemption applies when the road is used to access a
2 residential subdivision if an owner along the road is engaged in agricultural pursuits. Is
3 an owner of property burdened with a non-county maintained road used to access a
4 residential subdivision exempt from applying for a permit to install a gate on the road if
5 the owner's property is used for agricultural purposes? A review of the permitting
6 requirements and the apparent purpose of the requirements is helpful in answering this
7 question.
8

9
10 Subsection C of the ordinance restricts the issuance of administrative permits for a gate
11 across the Road if the gate will interfere with public access to a public resource or
12 interfere with established traffic patterns. It also requires compliance with certain safety
13 requirements, design and width standards as well as the installation of an emergency
14 lock system on the gate that allows access by fire and emergency vehicles as set forth in
15 Subsection D.³
16

17 Although the ordinance is subject to multiple interpretations, the Hearing Officer
18 concludes that the agricultural exemption cannot be construed in a manner that ignores
19 the purpose of the ordinance of protecting the health and safety of County residents
20 through requirements imposed under the permitting process for gates leading to
21 residential lots and subdivisions. A contrary ruling could result in multiple gates being
22 installed by multiple owners along a single road leading to multiple residential
23 subdivisions without the health and safety gate design standards sought to be imposed
24 by the County if the owners claim the gates are necessary for their agricultural pursuits.
25 A single goat herder could install a gate on a road that would restrict or delay fire and
26 emergency vehicle access into multiple subdivisions. There is no indication that
27 agricultural uses cannot still be pursued by Respondent without the gates, although
28 some additional fencing might be required to keep the animals from entering the Road.
29 Agricultural gates can be installed without obtaining permits in the different pasture
30
31

³See Exhibit 7 for a full recitation of the ordinance, including Subsection D.

1 areas to control access in and out of the pastures on either side of the Road by
2 Respondents. However, Respondents cannot install gates over the Road that leads to
3 other subdivided parcels without complying with the permitting requirements under
4 Subsection C of the ordinance. On balance, it seems reasonable to conclude that in
5 crafting the ordinance the County did not intend to subordinate the health and safety
6 gate design permitting requirements for roads leading to residential subdivisions to the
7 agricultural exemption.
8

9
10 The Respondent raises the additional defense in its reply brief that the installation of the
11 southerly gate on the property predates the creation of the easement and is an existing
12 nonconforming use that should be allowed to remain. However, the use for this
13 property was altered when it was subdivided into four parcels and the Road was created
14 on the Parcel Map to serve the other lots in the subdivision. Thus, it is questionable
15 whether the nonconforming use doctrine would apply to this situation. This issue was
16 not identified as an issue when the briefing schedule was set and it is not entirely clear
17 whether this gate is even included as one of the two gates described in the Notice to
18 Correct. Therefore although the hearing officer declines to find that the gate is an
19 existing nonconforming use, the Hearing Officer acknowledges that under the code this
20 is an issue that should first be determined by the County and that there may be facts not
21 raised herein that establish this as a nonconforming use under the Code. Accordingly,
22 the Hearing Officer declines to address this issue at this time. Either party may request
23 a review hearing under Section 9.02.440 (F) of the County Code if necessary to further
24 address this issue.
25

26 27 SUMMARY AND CONCLUSION

28
29 The Petitioner has the burden of proof in this matter. The Hearing Officer finds that the
30 Petitioner met its burden of proof in this matter and established by a preponderance of
31 the evidence that a permit is required under Section 130.30.030 in order to install or

1 maintain a gate on the Road created under the above mentioned Parcel Map. The
2 Hearing Officer is mindful that additional fencing may be required in order to provide a
3 safe environment upon removal of the gates to insure that the animals do not wonder
4 onto the road or Highway 49 from the property. Accordingly, instead of imposing a
5 deadline for compliance as suggested under Section 9.02.440(C), the Hearing Officer
6 directs the owner and the County to reach a mutually agreed upon time frame for
7 compliance. Either party may request a review hearing under Section 9.02.440 (F) of
8 the County Code if necessary to further address this issue.
9

10
11 The Petitioner is directed and ordered to provide service of this order to the appropriate
12 parties as required under Section 9.02.120 of the Code.
13

14 REVIEW OF DECISION

15
16 Sec. 9.02.470 of the County Code provides the following procedures for the appeal and
17 review of this decision:
18

19 Section 9.02.470 - Administrative and judicial review.

20 A. Within 30 calendar days from service of an administrative order or other decision
21 by the Hearing Officer, any party may appeal the determination of the Hearing Officer
22 to the Board in accordance with the provisions under Chapter 2.09 et seq. The Board
23 shall thereafter set the matter for hearing at the next regular meeting of the Board.
24 Except as otherwise provided by specific Code provisions, the Board shall apply the
25 provisions of this chapter. The Board may consider any other non-cumulative and
26 relevant evidence at the hearing.
27

28 B. Within 20 calendar days from service of an order or other decision of the Board,
29 any party may appeal to the superior court.
30
31

1 C. Any party failing to timely file an appeal to the Board or the superior court shall be
2 deemed to have waived any and all objections to the administrative Hearing Officers or
3 the Board's decision. Any review of the matter conducted in court shall be de novo.
4

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6 DATED: April 9, 2021

Wm. M. Wright

WILLIAM M. WRIGHT

HEARING OFFICER

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M. Lane Open Forum

CONSENT #47

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

Sent: Tuesday, November 16, 2021 9:10 AM

To: Kim Dawson (Kim.Dawson@edcgov.us); edc.cob@edcgov.us

BOS 11/16/2021

Subject: BOS video/audio

Importance: High

The video/audio cut out for about 45 seconds when Karl Weiland's name came up on the screen. Lori Parlin's Consent comments couldn't be heard.

Melody

Messages did not go through BOS Item #47 –
Objection to Kris Payne appointment to Planning Commission:

- 1) **Sent:** Monday, November 15, 2021 9:03 AM
- 2) **Sent:** Monday, November 15, 2021 4:53 PM
- 3) **Sent:** Tuesday, November 16, 2021 9:21 AM
- 4) **Sent:** Tuesday, November 16, 2021 9:43 AM
- 5) **Sent:** Tuesday, November 16, 2021 10:18 AM

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, November 15, 2021 9:03 AM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us
Cc: todd.white@edcgov.us; lori.parlin@edcgov.us; wendy.thomas@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; 'Donald Ashton'; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'
Subject: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Please pull item #47 from Consent for public discussion and ensure the entirety of this correspondence is timely distributed and posted to Legistar – **Objection to Kris Payne appointment to Planning Commission.**

The attached documents speak volumes with respect to the cronyism within the Taxpayers Association whose directors are illicitly using the Association for their personal political agendas. This morning's Taxpayers meeting was no exception when Andy Nevis again CENSORED me and Kris Payne made a point to announce his appointment as District #2 Planning Commissioner.

Kris Payne has consistently demonstrated his inability to abide by the Brown Act and his oath of office. Furthermore, the Planning Commission is incapable of unbiased decisions, adherence to the EDC Core Values, ethics, or Good Governance policy.

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: Monday, November 15, 2021 4:53 PM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us; david.livingston@edcgov.us
Cc: 'Donald Ashton'; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna
Subject: FW: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Why was this item not publicly posted via Legistar as requested???

###

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Tuesday, November 16, 2021 9:21 AM
To: edc.cob@edcgov.us; Kim Dawson (Kim.Dawson@edcgov.us); george.turnboo@edcgov.us
Cc: john.hidahl@edcgov.us; wendy.thomas@edcgov.us; sue.novasel@edcgov.us; lori.parlin@edcgov.us; todd.white@edcgov.us; 'Donald Ashton'; david.livingston@edcgov.us; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'; Amanda Ross; Andy Nevis; John

Clerici; Jon Vegna

Subject: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission

Please ensure the entirety of this correspondence is entered into the public record.

Melody Lane

Founder – Compass2Truth

###

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

Sent: Tuesday, November 16, 2021 9:43 AM

To: Kim Dawson (Kim.Dawson@edcgov.us); edc.cob@edcgov.us

Cc: 'Donald Ashton'; david.livingston@edcgov.us; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'

Subject: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission

This bounced, so please acknowledge receipt of this message.

###

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

Sent: Tuesday, November 16, 2021 10:18 AM

To: edc.cob@edcgov.us

Subject: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission

Melody Lane

From: Melody Lane <melody.lane@reagan.com>
Sent: Tuesday, November 16, 2021 9:43 AM
To: Kim Dawson; edc.cob@edcgov.us
Cc: 'Donald Ashton'; david.livingston@edcgov.us; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us
Subject: FW: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission
Attachments: ML_Kris Payne Affidavit 5-2020.pdf; ML_Veerkamp Pre-letter.doc; Andy Nevis Affidavit.docx

This bounced, so please acknowledge receipt of this message.

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Tuesday, November 16, 2021 9:21 AM
To: edc.cob@edcgov.us; Kim Dawson (Kim.Dawson@edcgov.us); george.turnboo@edcgov.us
Cc: john.hidahl@edcgov.us; wendy.thomas@edcgov.us; sue.novasel@edcgov.us; lori.parlin@edcgov.us; todd.white@edcgov.us; 'Donald Ashton'; david.livingston@edcgov.us; 'bosfive@edcgov.us'; bosfour (bosfour@edcgov.us); 'bosone@edcgov.us'; 'bosthree@edcgov.us'; 'bostwo@edcgov.us'; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna
Subject: 11/16/21 BOS Consent Item #47 - Public Comments - Objection to Kris Payne appointment to Planning Commission

Please ensure the entirety of this correspondence is entered into the public record.

Melody Lane

Founder – Compass2Truth

Brown Act Preamble: “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created.”

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, November 15, 2021 4:53 PM
To: edc.cob@edcgov.us; george.turnboo@edcgov.us; david.livingston@edcgov.us
Cc: 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; Amanda Ross; Andy Nevis; John Clerici; Jon Vegna
Subject: FW: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Why was this item not publicly posted via Legistar as requested???

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: Monday, November 15, 2021 9:03 AM

To: edc.cob@edcgov.us; george.turnboo@edcgov.us

Cc: todd.white@edcgov.us; lori.parlin@edcgov.us; wendy.thomas@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: 11/16/21 BOS - Please pull #47 from Consent for public discussion and post via Legistar

Please pull item #47 from Consent for public discussion and ensure the entirety of this correspondence is timely distributed and posted to Legistar – **Objection to Kris Payne appointment to Planning Commission.**

The attached documents speak volumes with respect to the cronyism within the Taxpayers Association whose directors are illicitly using the Association for their personal political agendas. This morning's Taxpayers meeting was no exception when Andy Nevis again CENSORED me and Kris Payne made a point to announce his appointment as District #2 Planning Commissioner.

Kris Payne has consistently demonstrated his inability to abide by the Brown Act and his oath of office. Furthermore, the Planning Commission is incapable of unbiased decisions, adherence to the EDC Core Values, ethics, or Good Governance policy.

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: Wednesday, October 27, 2021 5:14 PM

To: george.turnboo@edcgov.us

Cc: lori.parlin@edcgov.us; sue.novasel@edcgov.us; john.hidahl@edcgov.us; wendy.thomas@edcgov.us; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: Ineligibility of Candidate Kris Payne for Dist. #2 Planning Commissioner

Hello George,

The attached un rebutted Affidavit of Truth addressed to Kris Payne should speak volumes about his ineligibility to be considered for the position of District #2 Planning Commissioner. This correspondence is not meant to disparage Kris. It is simply to remind you of your fiduciary obligation to examine the facts and take the evidence into consideration when appointing any candidate to serve as your district representative.

The corresponding notification of legal responsibility addressed to former Supervisor Brian Veerkamp provides additional evidence of government malfeasance. During our audio recorded meeting on February 26, 2020 Brian acknowledged Kris' mental health issues resulting in the termination of Mr. Payne's employment with the County of El Dorado.

More recently, on 7/20/21 David Livingston will recall Kris Payne joining our conversation *uninvited* during a recess at the rear of the BOS chambers. That's when Kris openly talked about his mental health issues with *total strangers* resulting in the termination of his county employment. That conversation was also captured on audio.

Additionally, Supervisor Lori Parlin witnessed Kris Payne's emotional outburst during the 10/11/21 Taxpayers meeting when I confronted him for his inappropriate conduct relative to Lori's appointment of Andy Nevis to the Planning Commission. Kris has a habit of interrupting and talking over people; even Steve Ferry has had to correct him about this on numerous occasions.

Lori (and several others) witnessed another one of Kris's inappropriate outburst after the 10/18/21 Taxpayers meeting when Robert D'Agostini was the guest speaker. I approached Kris from behind tapping him on the shoulder to get his attention, when Kris shouted, "*Did you touch me? Did you just TOUCH ME? DID YOU JUST TOUCH ME?! You're being a bully! Andy! Andy! Melody is harassing me!*" Kris made quite a scene. At that point it was necessary for me to remind Kris to take his medications. Both instances of Kris's inappropriate behavior were captured on my personal audio.

Kris Payne has clearly demonstrated that he is unstable. Kris has acknowledged he has issues requiring medications, and the affidavits confirm that he is an unsuitable candidate for District #2 Planning Commissioner, or any other appointment to a public position.

Regards,

Melody Lane

Founder – Compass2Truth

Brown Act Preamble: "The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

AFFIDAVIT/DECLARATION OF TRUTH

Kris Payne
District #3 Parks and Recreation Commissioner
330 Fair Lane
Placerville, CA 95613

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Kris Payne, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection or that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

Affiant/Declarant hereby affirms that the following actions and events took place:

On February 28, 2020, I sent you, Kris Payne, El Dorado County District #3 Parks and Recreation Commissioner and Chairman, via USPS certified mail, a letter which you received on March 4, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether you, Kris Payne, support and uphold them or would rebut them.

My claims, statements and averments also pertain to your actions, committed against me, by which you failed to provide honest public services, pursuant to the oaths

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official/principal has knowledge of wrongdoing in his jurisdiction committed by his appointed agent, yet fails to take corrective action, then that public official/principal aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

Some of the things to which you admit include, but are not limited to, the following:

- 1) On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised by me concerning threats, retaliation, assaults, and slander committed against me, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens. You have obstructed my rightful efforts in pursuit of redress of grievances pertaining to any of the crimes committed against me, you have failed to address, respond to and give due consideration to correspondence and information conveyed to you, thereby you have denied me rights secured in the First Amendment, in violation of the Principal Agent oath and in blatant defiance to the Constitution(s).

- 2) All actions by public officers, or their agents, conducted in the performance of their official duties either support and defend their Constitutional oaths of office, or oppose and violate them. Any enterprise, undertaken by any public official, such as you, who 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. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including but not limited to my 1st Amendment Rights. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 - Concealment, removal, or mutilation generally.* By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both federal and state, and in treason against the People, in the instant case, me.

- 3) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently, Public Record Act requests for information that I submitted produced evidence that the outcomes of those meetings were *predetermined* via serial meetings which the Brown Act strictly prohibits. Thus, those meetings and their outcomes were and are unlawful, without lawful force and effect, and you and all other public officials who conducted and/or participated in those serial meetings have acted **criminally** and deceptively, in violation of the Public Trust and in perjury of their oaths.

- 4) It is significant that you nor any of the Commissioners reside anywhere near the river, so are not adversely affected by the River Management Plan, as are the people who live near it. Your involvement and collusion with county staff to promote special interest groups **to the exclusion of local residents** demonstrates your bias, conflict of interest, and disrespect for the people you theoretically serve, maintains the corrupt status quo and constitutes deceptive, criminal behavior which harms me and other Citizens of Coloma and Lotus. Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and the oaths of office under which you were delegated your limited duties and authority, and is a flagrant violation of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens in the national and state Constitutions.

- 5) During the December 2019 Parks and Recreation meeting when I attempted to exercise my rights, you became argumentative and falsely accused me of "name calling", apparently intending to slander me and discredit my statements. However, witnesses and audio recordings prove I did no such thing. Your discrimination against me and repeated attempts to discredit, slander and censor me, and control how I frame my remarks was a direct assault on and violation of my First Amendment rights. You have similarly abused your position and harassed me during Taxpayer Association meetings. Your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my right, secured in the First Amendment, to freely speak during the referenced December 2019 meeting. At one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Again you intensified your verbal assaults and discrimination during the February 3, 2020 Parks and Recreation meeting. This is yet another example of how you have openly violated, denied and deprived me of my rights secured in the First Amendment.

- 6) 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, as well as his delegated agent, is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured the oaths of office taken by your principal, under whose oath-bound authority you hold your position and conduct the duties thereof. Without any authority to do so, Deputy CAO, Creighton Avilla, interrupted to advise you to "close public comments." And instead of upholding the mandates of the Brown Act, which all public officials should fully understand and follow, you unlawfully closed public comments, thus, acted criminally and in violation of my constitutionally guaranteed rights and those of other attendees, secured in the First Amendment.
- 7) During the February 3rd meeting when all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks, again violating the Brown Act and flagrantly depriving me of my rights secured in the First Amendment. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them. Obviously, you could not lawfully justify your actions, because there is NO LAWFUL justification for depriving me, or any Citizen, of rights secured in the First Amendment and protected by the Brown Act.
- 8) Factual documents that I had submitted to all the Commissioners were required to be publicly posted to a specific Parks and Recreation February agenda item concerning the River Management Plan due to the fact they contained relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. However, those documents were apparently obfuscated and diverted. When I questioned Vickie Sanders about what happened to my public documents, she replied, "*Because that wasn't how County Counsel wanted to handle it.*" Vickie's reply could imply that County Counsel's handling of this matter was to keep the evidence of collusion contained in those factual documents I submitted away from the public's eyes and ears, which constitutes public deception. Furthermore, the minutes failed to reflect your self-serving "statement" about the suspiciously missing February 3rd audio from the EDC government website because it appears that it was obviously prepared for you by county counsel whenever there are liability issues. The public is entitled to honest services. As I stated previously, any obstructive, deceptive enterprise undertaken by any public official, such as you, which 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.

The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities, pursuant to the oath under which you hold and exercise the duties of your position. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, whether directly sworn or under Principal Agent oaths, then that is a Constitutional crime. Furthermore, I asked for your direct official email address, which you refused to give me. By your evasive response to me, it is evident that you do not want to be contacted, nor do you want to be transparent or held accountable to your oaths by the people you purportedly serve. Instead, you have conspired with county staff in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, including me, all of which constitute serious crimes. See *USC Title 18, § 241*.

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. Pursuant to your principal agent oath of office, you have a duty to be **accessible** and **responsive**, in kind, to the public. Since you failed this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your principal agent oath. In this way, the public, including me, is deprived of their constitutionally guaranteed rights secured in the First Amendment.

- 9) By not responding to and/or not rebutting Citizens' questions, statements and comments, public officers, holding positions under oath-bound mandates, such as you, Kris, deny the Citizen, in the instant matter, me, remedy. Thus, by your actions you have denied me, the Citizen, constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, *and has the Right and duty to demand*, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally-imposed mandates of their oaths, whether direct or agent principal oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby lawfully claim and exercise.

Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. Notably, you refused me the right to respond publicly by foreclosing meaningful public dialog for purposeful cover up of government malfeasance and, thus, maintained the status quo. Furthermore, you failed to provide honest public services pursuant to your duties under the referenced Principal Agent oaths, betrayed the Public Trust, and in so doing, you perjured those oaths by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my First Amendment Rights. By your unlawful actions, you acted in sedition and

insurrection against the constitutions, both national and state, and in treason against the People, in the instant case, me.

- 10) You have no authority whatsoever to arbitrarily engage in dialog with some Citizens, or discriminately refuse to dialog with others. During the December 19th and February 3rd Parks and Recreation Commission meetings, I was discriminated against by you, Commissioner Kris Payne. You denied me equal rights when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publicly made against me. In violation of the Brown Act and your Principal Agent Oath of Office, you thus deprived me the right to due process for the purpose of redressing grievances.
- 11) As Chairman for the Parks and Recreation Commission, it has been brought to your attention on numerous occasions, as well as to the Board of Supervisors, that Parks and Recreation staff is habitually submitting erroneous data and/or false information regarding recommendations made to the Planning Commission and Board of Supervisors. Having knowledge of wrong doing, and your failure to take remedial action makes you culpable and liable. As such, my claims pertain to your failure to provide honest public services pursuant to your oaths. 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 oath.

By not responding and/or not rebutting, such as you have demonstrated, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens, can expect, and have the Right and duty to demand, that government officers and their agents, uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

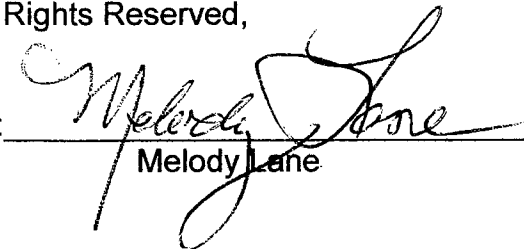
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon those executing the duties of any public office, at any level, without exception, as they are upon you.

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them.

Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth and fact before any court.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, District #3 Parks and Recreation Commissioner Kris Payne, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By:  Date: 5/18/20
Melody Lane

Melody Lane
Compass2Truth
C/o P.O. Box 598
Coloma, California [95613]

(See attached California Notarization)

Attachments:

Exhibit A – February 28, 2020 letter to Kris Payne

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
CAO Don Ashton
Marshall Gold Discovery Historic State Park Superintendent Barry Smith
CA State Parks Director Lisa Mangat
Media and other interested parties

CALIFORNIA JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF El Dorado }

Subscribed and sworn to (or affirmed) before me on this 18 day of May, 2020
Date Month Year

by Melody Lane

Name of Signers

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature: Susan Barney, Notary Public
Signature of Notary Public



Seal
Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of Truth - Kris Payne A&R Commissioner

Document Date: 5/18/20

Number of Pages: 8

Signer(s) Other Than Named Above: —

*Melody Lane
Compass2Truth
P.O. Box 598
Coloma, CA 95613*

February 28, 2020

Kris Payne, Chairman
District #3 Parks and Recreation Commissioner
c/o 330 Fair Lane
Placerville, CA 95667

Mr. Payne,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using true fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut, with particularity, everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is “the first essential of due process of law.” Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. “*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*”

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791 with the Bill of Rights, and the California Constitution, to which all public officers have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to lawfully defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. My claims, statements and averments pertain to your actions taken regarding violations of the California Ralph M. Brown Act and the deprivation of my rights pursuant to your Principal Agent Oath of Office. When I use the term “public officer(s)”, this term includes you.

It is a fallacy that you are a mere “volunteer” representative on the Parks and Recreation Commission, or any other committees that you currently serve. As the principal, District #3 Supervisor Brian Veerkamp has delegated authority to you, Kris Payne, to act on his behalf, as his agent, which was unanimously approved by the Board of Supervisors. As such, you are

EXHIBIT A

bound by the Principal Agent Oath of Office that requires you to support the national and state Constitutions and the rights of the people secured therein.

The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*.

All public officers are required to abide by their oaths in the performance of their official duties. No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers conducted in the performance of their official duties either support the national and state Constitutions, or deny them.

My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. When any public official has knowledge of wrongdoing, yet fails to take corrective action, then that public official aids and abets the unlawful action of the agent, thereby maintaining the status quo, and thus becomes complicit and liable. As you know, in some cases, it's the agent who can be held responsible for misconduct, illegal activity, or violations of business standards such as you have committed.

CLAIMS AND AVERMENTS:

It is the duty of every Citizen to demand that government representatives, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice, and policy. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services pursuant to your oaths.

Whenever constitutional violations are committed by public officers such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised concerning threats, retaliation, assaults, and slander, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens.

Any enterprise undertaken by any public official, such as you, 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 [483 U.S. 372] in the statute. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation.* You've demonstrated that your role as chairman of the Parks & Recreation Commission serves to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest groups known for decades as the "River Mafia Mob." It is a matter of public record that the Mob has proven their hostility and retaliation against me for whistleblowing while operating outside of the law with the full knowledge and cooperation of county staff. Your public administration of their self-serving plan aids and abets the ill-concerted and incongruous projects of the "River Mafia Mob" rather than a policy which supports and defends Constitutional rights of all El Dorado County residents.

- 1) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) serial meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently Public Record Act requests for information that have been submitted produced evidence that the outcomes of those meetings have been predetermined via serial meetings which the Brown Act strictly prohibits.

For example, the February 5, 2018 RMAC meeting was another serial meeting held in the Coloma Grange Hall. You sat right next to me as I audio recorded the meeting. It is significant that you dominated that very chaotic meeting that failed to abide by the Brown Act. The purpose of the meeting was to draft the River Management Plan Resolution in order for special interest groups to retain their control over the S. Fork American River. You are well aware that the River Management Plan (RMP) has been a bone of contention with Coloma-Lotus residents for decades, and it is a topic frequently addressed during other relevant public meetings. Lori Parlin and Sue Taylor also attended and actively participated in the drafting of the RMP Resolution. However, it is significant that none of you reside anywhere near the river. Your involvement and collusion with county staff to promote special interest groups to the exclusion of local residents represents your bias, conflict of interest, and maintenance of the corrupt status quo. My written public comments about that particular serial meeting were submitted into the public record during the 2-13-18 Board of Supervisors meeting, agenda item #29 attached herewith as **Exhibit A**.

- 2) Over the past decade, the county has provided regular Brown Act training to all committees and commissions. During the December 19, 2019 Parks and Recreation Commission meeting, county counsel Janeth SanPedro warned the Commissioners about participating in serial meetings, which the Brown Act strictly prohibits. To wit, the Brown Act states:

54952.2. (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

*The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. **The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues.** The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); Stockton Newspapers, Inc. v. Redevelopment Agency (1985) 171 Cal.App.3d 95, 103.)*

Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and your oaths of office.

- 3) At my request, you and three other individuals were asked to witness my factual presentation during the September 14, 2015 RMAC meeting regarding lack of Code and law enforcement within the Quiet Zone of the S. Fork American River. At that time you witnessed another setup by the River Mafia Mob whose illicit tactics were aided and abetted by Parks and Recreation Supervisor Vickie Sanders, Planning and Development Director Roger Trout, and Supervisor Mike Ranalli. You also witnessed RMAC members Tim Lasko and Adam Anderson create a sudden distraction by falsely accusing me of using profanity, but the truth was that I was seated quietly in the audience, which was indisputably proven by multiple audio recordings and a room full of witnesses. You also witnessed as I took my turn at the podium when Chairman Nate Rangel falsely accused me of violating the Brown Act and he began admonishing me when it was obvious I was perfectly within my First Amendment rights.

Since Supervisor Veerkamp appointed you as District #3 Parks and Recreation Commissioner, you have abused your position to emulate the same River Mafia Mob bully tactics against me. You've demonstrated the same aberrant conduct even during Taxpayers Association meetings attended by government officials, where you have interrupted, heckled, and publicly harassed me.

A recent example took place during the December 19, 2019 Parks and Recreation meeting, when county counsel Janeth SanPedro conducted a tutorial on the Brown Act. Several times during the meeting, you discriminated against me by refusing to respond to direct questions and repeatedly interrupted me when it was obvious that I was fully within my rights. After Ms. SanPedro left the meeting, at one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. Depriving the public of honest services is a federal crime and a collaborative “set up” by county officials to discredit and permanently silence me for whistleblowing. *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.)) See also USGC Title 18, § 241 and § 242.) Your collusion with staff and failure to **lawfully** and **publicly** respond to constituents, in this case me, aids and abets the perpetuation of El Dorado County dishonest services and 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 by failing to rebut my lawful notices; thus you violated two provisions of the First Amendment, the Public Trust, and perjured your oaths of office.

- 4) During the December 2019 meeting agenda item #5, regarding the Parks and Trails Master Plan and the River Management Plan, you violated the Brown Act by heckling and repeatedly interrupting me before I could even finish my first sentence. Apparently you didn't like the way I framed my remarks when I attempted to explain the nexus to Agenda 21, the Marshall Gold Discovery Park, American River Conservancy, and the grant money. You'll recall that was the same topic discussed during the December 17, 2019 Taxpayers Association business meeting with 36 members, including public officials in attendance. When I exercised my rights, that is when you became argumentative and accused me of “name calling”. But witnesses and audio recordings prove I did no such thing. To wit, the Ralph M. Brown Act states:

§54954.3 **Public's right to testify at meetings.** (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. **Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body.** Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist. (1997) 973 F. Supp. 951; Baca v. Moreno Valley Unified School Dist. (1996) 936 F. Supp. 719.*) **These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.**

Your discrimination and repeated attempts to discredit and censor me, and control how I frame my remarks is a direct assault on my First Amendment rights.

- 5) When I challenged you during the December 2019 meeting regarding your violations of the Brown Act, you openly questioned county counsel Janeth SanPedro for personal legal advice, which was clearly outside of the law. Ms. San Pedro was clearly reluctant to respond and soon thereafter left the room.

During the same meeting, Jackie Neau and I inquired about agenda items which you ignored, and District #4 Commissioner Julia McIver would not respond to my direct questions. One of the issues being discussed had to do with conflicts of interest, which was an agenda item that was deferred to the January 16th Parks and Recreation Commission meeting. Without any authority to do so, Deputy CAO Creighton Avilla interrupted to advise you to “close public comments.” To wit, the Brown Act states:

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

On numerous occasions, I have distributed copies of specific excerpts stating the Brown Act Preamble and the Rights of the Public. Despite having the law right in front of you, you ignored it as you continue to discriminate and show your contempt for the law, demonstrated by violating the Brown Act, your Principal Agent Oath of Office, and depriving me of the right to make inquiries and provide testimony. *See U.S. v. Tweel*, 550 F. 2d. 297. “*Silence can only be equated with **fraud** where there is a legal or moral duty to speak or where an inquiry left unanswered would be **intentionally misleading**.*”

- 6) During the February 3, 2020 Parks & Recreation meeting, you again refused to respond to specific questions or allow me to provide public testimony. You arrogantly interrupted and continued to talk over me before I even finished the first sentence of my prepared written comments concerning agenda item #2 – Parks & Trails Master Plan, the River Management Plan, and the Water Quality Plan:

Kris Payne: (interrupting) Excuse me, I’m speaking about Item 2 and I assume that you’re going to read this...

Melody Lane: You did this last time, Kris. I know exactly what I’m doing. Would you please allow me to proceed, Kris...

Kris: But are you also going to speak the same comments on Item 3, Item 4, and whatever else I bring up?

Melody: Kris, you are violating my First Amendment rights right now. Don’t argue with me.

Kris: You’re wasting our time Melody.

Melody: I’m going to continue.

Kris: No! That has nothing to do with Item 2...(interrupting, talking over me, arguing)...I have to go to the bathroom...

When I requested to proceed so I could finish my prepared remarks, you then created a disturbance, claiming to need to go to the bathroom. Then you abruptly called a recess and stormed out of the room with another commissioner. The audio proves you and the other commissioners were clearly out of order by depriving me of my First Amendment

rights. Meanwhile I firmly stood my ground at the podium with my own audio recorder still on as the remaining commissioners demonstrated their hostility by threatening to have me removed from the building and alluding to county legal action:

Wayne Lowery: What are you going to do about it?

Melody Lane: You'll see.

Wayne: Is that a threat?

Melody: It is not a threat. It is a factual statement.

Wayne: It sounds like you are litigating this with the county. If that's the case, we can no longer talk to you about it.

When all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them.

After the meeting adjourned and with my audio recorder still turned on, I inquired of Vickie Sanders why the January 16, 2020 Parks and Recreation meeting was cancelled only 24 hours in advance instead of just moving the meeting across the street as had been the practice in the past. Parks and Recreation was aware that two days prior, I had submitted relevant documents to be publicly posted to the Parks & Trails Master Plan and the River Management Plan agenda item. Those factual documents were relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. Vickie replied, "*Because that wasn't how County Counsel wanted to handle it.*"

One of the other items to be discussed on the 1/16/20 agenda was Conflicts of Interest, but the entire agenda disappeared from the government calendar and was replaced with a cancellation notice. However, Conflicts of Interest did not appear again on either of the next three Parks and Recreation Commission agendas. My public testimony about your February 3rd debacle and deprivation of my rights was entered into the public record during the February 4th the Board of Supervisors meeting when I demanded Supervisor Veerkamp remove you from the Commission pursuant to his oaths. **(See Exhibit B).**

- 7) On February 25th, I brought to the attention of the Board of Supervisors that, although another Parks and Recreation meeting took place on February 20th, the incriminating audio of the February 3rd Parks and Recreation Commission meeting still had not yet been posted to the government calendar. **(See Exhibit C)**

However, on February 26th, it was brought to my attention that the minutes and the audio of the February 20th meeting suddenly appeared on the government calendar. Not only were the minutes deceptively inaccurate, it was obvious you had colluded with staff as you read your contrived statement about the missing and incriminating February 3rd audio:

Kris Payne: So we have the adoption of the agenda and the approval of the Consent calendar, ah, so let's just go. I'm going to skip that for this meeting. I need a motion

to accept the agenda as prepared, or if you've found something Vickie that is incorrect, let me know please at this time.

Vickie Sanders: (inaudible)...the audio recording of the February 3rd meeting did not tape.

Kris Payne: I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. **Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3rd, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: *An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted. That's my statement.***

The public is entitled to honest services. Any enterprise undertaken by any public official, such as you, which 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. The minutes failed to reflect your self-serving "statement" about the missing audio from the government website because it was obviously prepared for you by county counsel, who is known to use the "technical difficulties" excuse whenever there are liability issues.

Furthermore, you did not follow the agenda. You failed to abide by the Brown Act, you let Nate Rangel and other members of the public talk without limitation, you rambled on so long on Items #3 and #4 that Items #5 and #6 had to be skipped and deferred to a "Special" meeting scheduled for March 2nd. Additionally, Nate Rangel did NOT make any public comments during Items #5 and #6 as fraudulently reflected in the minutes because those items weren't even discussed or even open to public comment. The requirements of *Tweel*, cited above are incumbent upon you in both your personal and professional capacities, pursuant to your oath. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime.

You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my 1st Amendment Rights. By your unlawful actions, you acted in sedition and insurrection against the constitutions, both federal and state, and in treason against the People, in the instant case, me. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.*

- 8) Two purposes of the Brown Act are to ensure government transparency and the preservation of Citizens First Amendment rights during public meetings. As you know, government censorship is against the law. During the 12/19/19 Parks and Recreation Commission meeting, you publicly acknowledged the fact that CAO Don Ashton had **unlawfully** blocked my ability to communicate electronically with most county staff,

including Parks and Recreation Supervisor Vickie Sanders. It was during a 2018 BOS meeting when I asked you for your email address and you responded, “*I prefer not to provide it at this time. Vickie is working on something in that regard.*” I remarked that all the Commissioners have my contact information, but ever since Don Ashton created one generic general email for each committee and commission, that means the public has no way of contacting individual Commissioners. You responded, “I’m OK with a generic email.” I did NOT ask whether you were OK with a generic email. It is evident that you and the rest of the commissioners do not want to be contacted, nor do you want to be transparent or held accountable to your oaths. Instead, you have conspired with county staff in obstructionism, fraud, and deprivation of rights of the public. *See USC Title 18, § 241.*

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. Pursuant to your principle agent oath of office you have a duty to be ***accessible*** and ***responsive*** to the public. If you fail this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your oath. It is thus the public is deprived of their First Amendment rights and the “good old boys” status quo is maintained.

By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or verbal inquiries, which in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then, those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and ***must be opposed, exposed and lawfully removed from office.***

Any actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By stepping outside of your delegated authority, you lost any “perceived immunity” of your office and you can be sued for your wrongdoing against me, personally, privately, individually, and in your professional capacity, as can all those in your jurisdiction, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto.

If they fail to act and correct the matter, then they condone, aid, and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against the People, in the instant case, me, and based upon the actions taken and what exists on

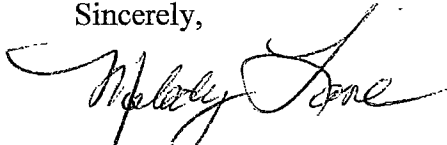
the public record, it is impossible for any public officer to defend himself against treason committed. *See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.*

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you.

If you disagree with anything in this letter, then, rebut that with which you disagree, in writing, with particularity, to me, within 30 days of the date of this letter, and support your disagreement with evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection or that of those who represent you.

Sincerely,

A handwritten signature in cursive script that reads "Melody Lane". The signature is written in black ink and is positioned above the typed name.

Melody Lane

Founder - **Compass2Truth**

Attachments:

Exhibit A – 2/13/18 BOS - my remarks – Agenda Item #29 – RMP/RMAC Resolution

Exhibit B – 2/4/20 BOS - my remarks – PRC Payne violated Brown Act

Exhibit C – 2/25/20 BOS - my remarks – Veerkamp > PRC Payne removal/audio missing

The idea of a “high Crime” which is referred to in our Constitution refer to those crimes committed by people in authority and especially those who are charged with securing the public trust. Hitler's propaganda chief, Joseph Goebbels, said “If you tell a lie big enough and keep repeating it, people will eventually come to believe it.”

Truth is the mortal enemy of the lie, and the list of the River Mafia lies and bully tactics lines up like something right out of the movie *The Godfather*. For example:

As discussed during yesterday's Taxpayers meeting, EDC code and law enforcement is abysmally lacking. County staff routinely falsifies records, declares negative EIRs, and resorts to bureaucratic legal manipulations. The outcomes of public meetings are predetermined before anyone enters the room. RMAC is no exception because serial meetings are routinely held at Camp Lotus, American River Conservancy and the MGDGP.

Good governance is an oxymoron and transparency can only be described as a brick wall. Roger Trout's 3-strikes policy does not exist, therefore it cannot be enforced. He has consistently failed to lawfully respond to CPRAs concerning the RMP and specific business establishments within the Quiet Zone of the American River, thus demonstrating that mockery of the law is worse than no law at all. Retaliation by the mob is their modus operandi.

Last Monday night's chaotic RMAC meeting was held at the Coloma Grange Hall. When I entered the building RMAC business rep Adam Anderson immediately approached me in manner that can only be described as menacing. I ignored him until the point he invaded my personal space making it impossible to avoid him. Finally I turned around and questioned why he hadn't resigned as he stated and made part of the minutes of the 9/11/17 RMAC meeting. Adam replied to me with a sneer, ***“Oh that was just a legal manipulation.”***

At the very beginning of the meeting it was announced that this RMP resolution would be approved at today's BOS, thus substantiating that the outcome was already predetermined. ~~Park & Rec~~ Commissioner Kris Payne, Sue Taylor and Lori Parlin were present, and although none of them live anywhere near the Coloma-Lotus river community it is significant that Kris Payne monopolized the meeting and that Sue Taylor contributed to the resolution revisions. The chaotic first hour and a half had nothing to do with the agenda item discussion. Kris Payne demonstrated apparent conflict of interests, violations of his Principle Agent Oath of Office and it certainly does not bode well that yesterday afternoon it was announced that the regular meeting of the Parks and Recreation Commission, scheduled for Thursday, February 15, 2018 has been CANCELLED.

There's no question about the political motivation behind these surreptitious activities taking place that are clearly outside of the law. In reality it is the implementation of Agenda 21.

EXHIBIT A

My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19th Parks & Rec Commission meeting when county counsel provided Brown Act training. Not only did Kris blatantly violate the Brown Act and my First Amendment rights, he used and abused his position as chairman to repeatedly interrupt, heckle, and harass me throughout the meeting. He has demonstrated the same flagrant conduct even during Taxpayer Association meetings.

During the first agenda item five words hadn't escaped my lips before Kris interrupted. FIVE WORDS!! He continued to interrupt and unnecessarily question me about a document that he had right in front of him. When I read the section of the Brown Act about the requirement to respond to statements or questions posed by persons exercising their public rights, Kris refused to lawfully respond to my 3 specific questions. Note U.S. v. Tweel - "*Silence can only be equated with **fraud** where there is a **legal or moral duty to speak** or where an **inquiry left unanswered would be intentionally misleading.**"*

During the second agenda item I wasn't able to finish my *first sentence* when Kris cut me off again by persisting in controlling how I framed my prepared written remarks. Despite my objections, he proceeded to talk over me the entire time, called a bathroom break, and left the room. That was the cue for the other commissioners to launch a verbal attack while I stood my legal ground.

After Kris returned to the room he again refused to recognize me or address my inquiries as required by law. Vickie Sanders and Creighton Avilla sat mutely while Kris violated my rights and conducted the meeting like a Nazi Gulag. The only other person in the audience was a member of the River Mafia Mob—Nate Rangel—who appeared very amused by the spectacle.

It is obvious that the CAO and Parks and Rec have something to hide, and are incapable of dealing openly, honestly, or in congruence with the EDC Core Values of **accountability, integrity, collaboration, and service excellence**. Creighton left the room at 5 PM, but by 5:40 the commissioners still hadn't finished item #4 primarily due to Kris being self-absorbed with his own agenda.

Before adjourning Dist. #5 Commissioner Wayne Lowery publicly acknowledged that Kris had disrespected me and the rights of the public, but you can bet the minutes will obfuscate what really transpired in the meeting that went overtime by nearly an hour. Kris tried to defend himself, but it was obvious that ALL the commissioners realized they had crossed far over the line by operating outside of the law.

Kris Payne is on power trip and totally out of control. Audio recordings, witnesses, and factual evidence validate all my claims and averments. Does any of this sound

EXHIBIT B

familiar? It should, because that's the modus operandi of the River Mafia Mob and certain members of the BOS, county counsel, and even the CAO who have aided and abetted the same unethical, fraudulent, and unlawful behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS and is bound by his Principle Agent Oath of Office. His unlawful conduct represents a problem as well as a liability to the county. When this Board has knowledge of wrong doing, but fails to take corrective action, then you become complicit and liable. Maintaining the status quo is not an option. The only solution is that Kris Payne needs to be removed from the Parks & Rec Commission in order to send a strong message that such conduct will not be tolerated.

Pursuant to the Brown Act I assert my rights to receive a public answer while I'm at a podium as to how and when the Board intends to deal with Mr. Payne's unlawful conduct.

Madam Clerk: Please enter these documents into the public record:

- 1) This transcript
- 2) Brown Act Rights of the Public

Brian, I wish to bring to your attention that the incriminating audio of the 2/3/20 Parks & Rec Commission meeting *still has not yet been posted* to the government calendar. It will be necessary for you to listen to both the December 19th and February 3rd PRC audios in order to validate my claims and averments against Kris Payne violating the Brown Act and my First Amendment rights. It appears County Counsel has something to hide...

You should also be aware the 1/16/20 PRC was suddenly cancelled on 1/15/20 due to alleged "equipment failure." However when I asked Vickie Sanders why the meeting wasn't just moved across the street as they had done in the past, she claimed "*That wasn't how County Counsel wanted to handle it.*" A primary item on the January 16th PRC agenda addressed the issues of Conflict of Interest brought up by other concerned citizens. ***That entire agenda has since disappeared and was replaced with a cancellation notice.*** It's the same situation with the disappearing BOS video and altered minutes concerning Agenda 21 brought up during the December PRC meeting.

We have reason to believe the real reason the January 16th PRC meeting was suddenly cancelled was due to the issues brought up during the December meeting, as well as Kris Payne's discrimination, bully tactics, and participation in serial meetings which the Brown Act strictly prohibits, particularly as it affects the River Management Plan.

It is a fact that Lori Parlin has aligned herself with Kris Payne, the River Mafia Mob, and American River Conservancy who have black-listed and disenfranchised river residents. It is also apparent that the CAO and all Parks & Rec Commissioners have NOT been operating transparently or in accordance with EDC core values, meanwhile catering to special interest groups, violating the Brown Act and their oaths of office. "*Oh, what a tangled web they weave, when first they practice to deceive!*"

Any act by any public official either supports and defends the Constitution, or opposes and violates it. Your representative to the Parks & Rec Commission, Kris Payne, represents a liability to the county and needs to be removed without further delay. As a reminder, you agreed to respond in writing regarding the effective date of his removal prior to the target date we discussed in your office on February 6th. Please, no interference by county counsel. Is that understood by you?

Madam Clerk: Please enter this document into the public record.

EXHIBIT C

Melody Lane
Compass2Truth
P.O. Box 598
Coloma, CA 95613

May 16, 2020

Supervisor Brian Veerkamp, Dist. #3
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Supervisor Veerkamp,

This letter is lawful notification to you, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using fact, valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut with particularity everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791, with the Bill of Rights, and the California Constitution, to which all public officers have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to *lawfully* defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. When I use the term "public officer(s)", this term includes you.

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that

Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice and policy. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Whenever constitutional violations are committed by public officers, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud. Fraud vitiates any action.

When you and other public officers violate the Constitutions, at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California and the County of El Dorado to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve.

No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers, including you, conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. You have continuously violated the national and state Constitutions, your oaths, my inherent rights and due process guaranteed in the Constitutions, and the Brown Act, as stated below and throughout this letter to you. Your unconstitutional, unlawful actions have grievously harmed me.

CLAIMS AND AVERMENTS:

- 1) On February 4, 2020 during the Board of Supervisors meeting, I publicly apprised you and the other Supervisors that Commissioner Kris Payne repeatedly violated the Brown Act and deprived me of First Amendment rights during the 12/19/19 and the 2/3/20 Parks and Recreation Commission meetings. **See Exhibit A, attached hereto and incorporated herein as if fully set forth in this letter.**

At that time, I rightfully demanded your public response to my petition to have Payne removed from the Parks and Recreation Commission for violating his Principal Agent Oath of Office through his numerous unconstitutional, unlawful actions committed against me. Instead of responding publicly as required under the Brown Act, you agreed to meet with me privately on February 6th to discuss the matter. Such tactical manipulations to willfully avoid and unlawfully evade public transparency and accountability demonstrate your hypocrisy and flagrant violations of the Brown Act, as well as your oaths of office.

An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths. This is an unenumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails or public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions.

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. If he fails this requirement, as you have, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath, as you have. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.

- 2) On February 6, 2020, we met to discuss the removal of Kris Payne as your representative to the Parks and Recreation Commission, and the agenda for our brief meeting is attached herewith and incorporated herein, as if fully set forth in this letter, as **Exhibit B**.

One of the first things you said to me during our audio recorded meeting was that you shared my Christian values, therefore you urged me to remove the "log" in my own eye and "forgive" Mr. Payne for his transgressions. You should have learned through the mandatory Ethics Training required for all elected officials under AB1234, that not only was your tactic inappropriate and against all public policy, it was ethically and morally reprehensible, as well as totally hypocritical. Any public officer, such as you, who upholds and sanctions unconstitutional actions committed by his underling, and who attempts to exonerate and hold the underling harmless, is complicit in them, aids and abets them, commits misprision of the crimes, is directly responsible for them and can be held liable for them.

During our meeting, you were also specifically apprised of the assaults, armed intrusions, hacking, hate crimes, retaliatory actions, and falsification of records committed against me by the River Mafia Mob who work closely in conjunction with Mr. Payne and other Parks and Recreation staff. I refreshed your memory about several unlawful and unethical practices of Commissioner Payne, yet you failed to take any corrective measures, and in so doing you have aided and abetted the perpetuation of government fraud. Before our meeting adjourned, you verbally affirmed that you would respond *in writing* prior to March 11th--or *sooner*—providing me with the expected target date of Kris Payne’s removal from the Parks and Recreation Commission.

Afterwards, I sent you an email encouraging you to listen to the full length of both the December and February audios to hear for yourself how Mr. Payne blatantly violated his Principal Agent Oath of Office, but you did not respond. I also sent you an email on February 19th about the upcoming 2/20/20 Parks and Recreation Commission meeting involving the River Management Plan, but you also failed to reply to that email, thus you again deprived me of First Amendment rights for redress of grievances, lied, were derelict in your duties and committed malfeasance of office, all of which invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 3) Anticipating interference by county counsel, during the February 25th Open Forum, I again brought to your attention additional remarks made by Commissioner Kris Payne during the February 20th Parks and Recreation Commission meeting. Kris made the following statement in response to Vickie Sanders cue regarding the missing 2/3/20 audio:

*I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. **Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3rd, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted. That's my statement.***

When I questioned you during the aforementioned BOS meeting, you publicly affirmed your obligation to respond to me in writing with the effective date of Mr. Payne’s removal from the Parks and Recreation Commission. Since it was evident that Mr. Payne’s statement concerning the missing incriminating 2/3/20 audio was prepared for him by county counsel, accordingly you publicly affirmed that you understood that Mr. Payne’s removal from the Commission would take place *without any interference or bureaucratic shenanigans from county counsel*. My transcript was entered into the public record and is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit C**. Once again,

you lied, misrepresented, were derelict in your duties, committed malfeasance of office and again invoked Sections 3 & 4 of the 14th Amendment.

- 4) In other email correspondence apprising you of the illicit conduct of District #3 Commissioner Kris Payne, you failed to reply, or took no action whatsoever to either stop or correct his continued violations of the Brown Act, my rights secured in the Constitutions, due process of law and Principal Agent Oaths of Office. A few email examples were dated December 27, 2019 at 4:50 PM; December 30, 2019 at 1:06 PM; January 2, 2020 at 8:54 PM; February 6, 2020 at 7:02 PM, and on February 19, 2020 at 4:32 PM. In so doing, you aided and abetted Mr. Payne's unlawful actions and are therefore complicit and liable. This is a fact, and as John Adams said, "Facts are stubborn things."

When you and other public officers violate the Constitutions at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California, and the County of El Dorado to the status of frauds operating for the benefit of criminal, sinister, nefarious governments and their corporate allies, and not for the people they theoretically serve:

"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..."

As chairman of the BOS, you have demonstrated your unwillingness to stop the perpetual violations of constitutional mandates, my secured inherent rights and due process committed by Commissioner Payne. Your knowledge of his wrongdoing and your failure to take remedial action violates numerous constitutionally secured rights and due process, including, but not limited to, my First Amendment right to petition government for redress of grievances.

- 5) You, and the other Supervisors, have received copies of notifications of legal responsibility that were addressed to Kris Payne, Vickie Sanders, Don Ashton, and Gary Miller relevant to their participation in government fraud, violations of the Brown Act, and their Oaths of Office. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and violates the Public Trust. Fraud, which you have constantly committed in this instant matter, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths.

Our February 6th meeting resulted in your maintenance of the status quo position of non-action, so to me, you and the rest of the Board of Supervisors are frauds, totally worthless and useless in opposing and correcting unconstitutional actions and due process violations, yet very helpful in aiding and abetting unconstitutional actions committed by Mr. Payne and his Parks and Recreation cohorts, particularly as they pertain to the River Management Plan. As such, your actions, and/or failure to take action, have deprived me of numerous constitutionally secured rights, including, but not limited to, my due process rights secured by the First Amendment. Actions speak much louder than words, and by your actions and those of other Supervisors, pursuant to oaths taken, your combined actions have clearly established El Dorado County as a complete fraud which acts as a domestic enemy to the people it purportedly serves. You are all criminals in office and have all invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 6) The email I received from you on 3/2/20 at 3:35 PM, regarding the removal of Commissioner Payne, appeared to be composed for you by county counsel and was lacking your customary signature and title that was expected, as we discussed during our audio recorded February 6th meeting. It is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit D**.

The timing of your reply also raised red flags since it was sent during the 3/2/20 "Special" Parks and Recreation Commission meeting made necessary due to Kris Payne being long-winded and causing the meeting, held just ten days earlier, to go overtime by nearly an hour. As I warned before, Mr. Payne remains out of control and needs to be removed from office for the numerous unconstitutional, unlawful actions he has committed as stated to him, you and others.

Furthermore, I believe that you were not being truthful when you stated, *"In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately."* Brian, had you actually been there, then, it would have been perfectly evident that Chairman Kris Payne violated the Brown Act and that the minutes were deliberately **falsified**.

You publicly and privately lied to me concerning your lawful obligation to remove Kris Payne from the Parks and Recreation Commission for blatantly violating his Principal Agent Oath of Office. My audio recording and correspondence with Parks and Recreation staff corroborates that the following statement was another one of your deceptive fabrications: *"As you learned from the audio of the 2/20 P&R meeting, unfortunately, the recording of the previous meeting on 2/3 of the Parks & Recreation Commission did not work and only static can be heard."* In so doing you violated the public trust, discredited my factual testimony, and harmed me by depriving me of First Amendment due process rights for redress of grievances.

Your ending statement was the coup de grace signifying fraud and defiance to your Constitutional oaths, "*While we regret the disruption to the meeting of 2/3, we have a strong appreciation for the commitment and passion Kris brings to his volunteer service and we will not remove him as the District 3 representative to the Parks and Recreation Commission. Thank you for bringing your concerns to our attention, it has been a good learning opportunity for Kris.*" When you use the word "we", you imply collusion with all the Supervisors and other staff in a totalitarian decision to collectively defy your oaths and deny my God-given rights secured by the First Amendment. Not only were your remarks insulting, my audios of the December 19th and February 3rd meetings were perfectly audible, and proved beyond a shadow of a doubt your complicity in conspiring with county staff to maintain the corrupt status quo.

You also fail to grasp the fact that ***Kris Payne is not a volunteer***. He is ***your District #3 appointee*** to the Parks and Recreation Commission approved with the consent of the entire Board of Supervisors, and as such, he is bound by his Principal Agent Oath of Office. By failing to take remedial action, you have aided and abetted Mr. Payne's unlawful actions and egregiously deprived me of inherent rights secured by the First Amendment.

Additionally, you failed to respond to or rebut the averments in my email response which makes you complicit and liable for aiding and abetting government corruption. All of this constitutes further perjury of your oath and is actionable under Sections 3 & 4 of the 14th Amendment.

Depriving the public of honest services is a federal crime. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers, including you, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (See U.S. v. Tweel above)

Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Again, fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. See also USC Title 18, § 2071 – *Concealment, removal, or mutilation generally*. All of these pertain to you.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails, or meeting requests, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents

or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then, those public officers, as are you, are domestic enemies, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office**. Again, see Sections 3 & 4 of the 14th Amendment.

- 7) As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your stepping outside of the limited scope of your delegated duties and authority you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto:

"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)).

If those superiors referenced above fail to act and correct the matter, then, they condone, aid and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights and 18 USC § 242 – Deprivation of Rights Under Color of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

By your own actions, pursuant to your oath, you have violated these First Amendment guarantees. An American Citizen, such as I, can expect, and has the Right and duty to demand, that his government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths.

It is your choice to either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. Anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your duties and authority, you are personally liable. In fact, the national Constitution provides remedy for the people when public officers, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14th Amendment. Whenever public officers, such as you, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14th Amendment; thereby vacate their offices and forfeit all benefits thereof, including salaries and pensions, as you did, which is now a matter of public record.

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon public officers, without exception, as they are upon you.

If you disagree with anything in this letter, then rebut that with which you disagree, *in writing, with particularity*, to me within thirty (30) days of the date of this letter, and support your disagreement with valid evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection and that of those who represent you.

Sincerely,

All Rights Reserved

Melody Lane

Attachments:

Exhibit A – 2/4/20 BOS Open Forum transcript

Exhibit B - 2/6/20 meeting agenda

Exhibit C - 2/25/20 BOS Open Forum transcript

Exhibit D – 3/2/20 email prepared by County Counsel w/o Veerkamp signature

CC: Supervisor John Hidahl
Supervisor Sue Novasel
Supervisor Shiva Frentzen
Supervisor Lori Parlin

Tracking Number: 70183090000026510127

Your item was picked up at a postal facility at 9:21 am on May 22, 2020 in PLACERVILLE, CA 95667.

Status

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May 22, 2020 at 9:21 am
Delivered, Individual Picked Up at Postal Facility
PLACERVILLE, CA 95667

AFFIDAVIT/DECLARATION OF TRUTH

Andy Nevis
CA Water Resources Control Board
1001 I Street
Sacramento, CA 95814

I, Melody Lane, the undersigned, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and swear, under my oath and under the pains and penalties of perjury under the laws of the United States of America and of this state, that I am of legal age and of sound mind and hereby attest that the statements, averments and information contained in this Affidavit/Declaration are true and correct to the best of my knowledge.

This Affidavit/Declaration of Truth is lawful notification to you, Andy Nevis, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Bill of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23 and Article 3, section 1, which requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within 15 days, via your own sworn and notarized affidavit, using true fact, valid law and evidence to support your rebuttal of the specific subject matter stated in this Affidavit/Declaration.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. Your silence is your acquiescence. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. *Notification of legal responsibility is "the first essential of due process of law."* See also: *U.S. v. Tweel*, 550 F. 2d. 297. *"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."*

When I use the term "public officer(s)", this term includes you, Andy Nevis, technician for the CA Water Resources Control Board, and President of the Taxpayers Association of El Dorado County. Any act committed by you either supports and upholds the Constitutions, national, and state, or opposes and violates them. Your oath of office requires you to support and uphold the national and state Constitutions, and therefore you are constitutionally mandated to abide by that oath in the performance of your official duties. You have no Constitutional authority, or

any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and by which you were delegated by the people the limited authority to conduct the duties of your office. These three above stated positions are true, factual, lawful and constitutionally ordained.

However, despite the above-stated factual, lawful positions, your unconstitutional actions, as described throughout this Affidavit/Declaration of Truth, clearly demonstrate how you, Andy Nevis, have violated all of the above lawful positions, the Constitutions, your oath of office, acted against the public good by violating the public trust and committing sedition and insurrection. Pursuant to your unlawful and unconstitutional actions, you have invoked the self-executing Sections 3 & 4 of the 14th Amendment to the national Constitution, and thereby have lawfully vacated your office and forfeited all benefits thereof, including salary and pension. Please note that, as stated above and below, if you fail to specifically rebut, in kind, any of the charges, claims and positions set forth in this Affidavit/Declaration, by means of your own sworn notarized Affidavit, supported by truth, fact, valid law and evidence, then you tacitly admit to them, and these admissions will be lawfully used against you. The following paragraphs and others throughout this Affidavit/Declaration describe some of your unlawful, unconstitutional actions, which have harmed me and others:

1. You, Andy Nevis, are a public servant employed by the CA Water Resources Control Board and whose salary is paid for via my taxes, therefore you work for me and the other tax paying Citizens of El Dorado County.

*“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**...”*

All actions by public employees whether conducted in the performance of their official duties, or in associated activities such as your role as President of the Taxpayers Association of El Dorado County, either support and defend the national and state Constitutions, or oppose and violate them. All public employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their positions and consistent with the law. You are expected to uphold these principles, being **ever conscious that public office is a public trust**. Any enterprise undertaken by any public employee, such as you, which 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. By your actions, you have committed fraud on numerous occasions, as herein described. You have failed on numerous occasions to provide honest public

services relevant to your duties as a public employee and also acting as President of the Taxpayers Association, which actions are described throughout this document. Furthermore, you have conspired with Directors of the Taxpayers Association and other public officials to censor me and maliciously impugn my good name and reputation solely because I have had the temerity to exercise my rights and civic duty to challenge those who brazenly dare to infringe on my God-given liberties and violate rights guaranteed in the state and national Constitutions which are guaranteed to the people, in the instant case, me.

In so doing, you perjured your oath by violating my Constitutionally guaranteed Rights, particularly those secured in the Bill of Rights, including but not limited to my 1st Amendment Rights. By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. *See: USC Title 18, § 241- Conspiracy Against Rights.*

2. You have publicly professed your aspirations to run for public office, yet you have used and abused the Taxpayers Association to further your own political platform. As such, your personal interests present a conflict of interest which is against the Bylaws and Policies and Procedures of the Association. Since December 9, 2019, you have presided as President of the Taxpayers Association of El Dorado County. At that time you publicly stated, *"If we are going to be holding government accountable, then we need to make sure our internal process is as tight as possible. My plan was to bring this up at our first Business Meeting in January, but you have my pledge that it will definitely be an important topic."* Mr. Nevis, that internal process requires your own adherence to the following Bylaws and Policies and Procedures:

The Object of the Taxpayers Association of El Dorado County is the creation and maintenance of a forum within which to study the issues of government and the **problems of those who are governed**. This shall occur through an ongoing weekly discourse that will be open to members of the Association, the public and those who govern. These discussions shall be directed by the Association in an effort to educate all taxpayers as to the **current issues**, how they may be affected, how to **reveal** and **understand** the true costs of government, and to encourage awareness of **individual responsibility**. The Association shall monitor and be involved in the process of governance to help insure that the **blessings of freedom** shall be forever perpetuated." [Emphasis added]

The organization shall be governed by its Articles of Incorporation, Bylaws, Policies and Procedures, Standing Rules, Special Rules, and Resolutions. It **shall adhere to and comply with all applicable Federal State and local laws, codes, regulations and ordinances**. The organization shall strive to operate in a manner consistent with nonprofit best practices and shall **maintain all records** required to be **made available for public inspection**. The organization shall maintain a written **Conflict of Interest Policy, Non-Discrimination Policy,**

Records Retention/Destruction Policy, Whistle Blower Policy, and Mid-Term Director Replacement Policy. [Emphasis added]

You are cognizant that I have been a paid General member of the Taxpayers Association of El Dorado County since 2008: You are also aware that prior to retiring, I was employed by Capitol legislators and actively involved in Capitol ministries, as well as founding in 2009 the whistleblower organization, **Compass2Truth**. The Association is open to the general public and frequently attended by public officials, many of whom are the guest speakers. It is a matter of public record that I have been actively holding local officials' "feet to the fire" for violating their Constitutional oaths of office, including but not limited to: Sheriff D'Agostini, Parks and Recreation Commissioner Chris Payne, Sr. Services attorney Al Hamilton, Supervisor Shiva Frentzen, Supervisor Sue Novasel, Supervisor Brian Veerkamp, Commissioner Gary Miller, and Assemblyman Frank Bigelow. All my sworn and notarized affidavits *revealed problems* with public officials in order that the public could *understand* the issues and ensure that the *blessings of freedom shall be forever perpetuated*. But you, Mr. Nevis, by your actions, have apparently chosen to follow in the footsteps of self-proclaimed "dictator" Al Hamilton, the previous President of the Association, who has publicly harassed and threatened to "destroy" me as witnessed by members of the Association including Supervisor Lori Parlin whose notarized sworn affidavit is hereby attached as **Exhibit A**, made part hereof as if fully incorporated herein.

3. It is a matter of public record that the following Directors of the Taxpayers Association have threatened me, discriminated against me, or unlawfully deprived me equal benefits of membership: Sr. Services Attorney Al Hamilton, V.P. Chris Payne, Secretary Todd White, former Supervisor Jack Sweeney, and former Association Presidents Bill George and Bill Carey. You, Mr. Nevis, are demonstrating their same dysfunctional biases by discriminating against me, a well-known third generation evangelical senior citizen and Constitutional activist.

You have been apprised that I've filed two formal complaints against Al Hamilton with the CA State BAR Association. Furthermore, I entered into the public record during a Board of Supervisors meeting an un rebutted Affidavit of Truth relevant to Al Hamilton, which was also submitted to the Secretary of the Taxpayers Association as a *permanent record* to be made available for *public inspection*. It was during the July 28, 2020 Board of Supervisors meeting that you joined V.P. Chris Payne and Secretary Todd White in publicly praising Al Hamilton for his contributions to the Taxpayers Association when you knew full well his notorious reputation for discrimination against women, bully tactics, and failure to abide by the Association Bylaws, Policies and Procedures. It was at that time that I again entered into the public record the factual Affidavit of Truth containing Supervisor Lori Parlin's notarized affidavit documenting Hamilton's threat to "destroy" my reputation. During Al's closing remarks he publicly mocked me, meanwhile effusively encouraging you, Todd, and Chris to continue in his illicit footsteps.

4. You have made it a habit to regularly censor and discriminate against me during Taxpayers Association meetings. One such instance was during the October 12, 2020 District #1 Candidate forum. Because candidate Ron Briggs failed to show up, Democrat candidate John Hidahl had an entire hour solely to himself to answer questions. You then made a point to circumvent the purpose and intent of the submitted question that I ask at every candidate forum:

*"This question has some ambiguities, so just for transparency, I'll read the question as it was submitted and then I'll invite you to, uh, maybe take it into a little more broader form of theater, so it will be more insightful discussion. So I'll read the question, **All elected officials are required to sign an oath of office to protect and support the state and national constitutions. If you are elected, will you sign a Constitutional Affidavit that essentially says that if it is PROVEN that you have violated your oath of office, then you will immediately resign and/or allow the people to remove you from office without your protest or objection?** What I'm going to invite you to do is reflect on, since you have already been supervisor, reflect on taking the oath of office. What does that oath mean to you, and how does it, you know, guide your everyday operations as a supervisor?"*

Mr. Nevis, you have no authority whatsoever to re-word, circumvent, or qualify questions asked of any candidate for public office. Other examples include the June 15, 2020 business meeting when you disrespectfully dismissed me after I raised ongoing issues with Todd White. He has discriminated against me ever since he replaced Bernard Carlson as Secretary of the Association. Todd still refuses to include me in the distribution of monthly speaker schedules and all other Taxpayers correspondence that all members are entitled to receive. Furthermore, you have taken it upon yourself to aid and abet Todd White's refusal to produce records and expenditures which I requested in writing and are lawfully required to be made available for public inspection. Then on July 27, 2020 you repeatedly muted me in midsentence during the Zoom meeting. Again during the October 19, 2020 El Dorado Irrigation District Candidate Forum, you failed to ask my question of the candidates which I provided to you at the very beginning of the forum, and instead proceeded to ask your own questions of the candidates. Your tactics dilute the intent of public participation in candidate forums. You are aware this has been an extremely sensitive issue at all other candidate forums, where the Citizens are denied the First Amendment Right to ask the hard and revealing questions that would enable them to make intelligent voting decisions about the candidates. In so doing you have deprived me of my inherent Rights, violated your oaths and all of the provisions within the Taxpayers Objectives, Bylaws, and Policies and Procedures. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 - Concealment, removal, or mutilation generally.*

5. Your established pattern of behavior since you became President of the Association demonstrates that the Taxpayers Association of El Dorado County has no genuine

interest in abiding by the Association policies, bylaws, mission statement, reasonable standards of conduct or applicable state and federal laws. On numerous occasions, I've requested in writing from you and Secretary Todd White copies of records which the bylaws require be made available to the public. As a long standing member, all my requests have been either flatly denied or ignored, further betraying the Association's alleged mission statement "to monitor and be involved in the process of governance to help in order that the blessings of freedom shall be forever perpetuated." The only thing I despise more than being lied to is being lied about. On several occasions you audibly stated during Taxpayers meetings that Todd White would include me in distributions of all monthly schedules of speakers and other Association correspondence. But these were outright lies. Both you and Todd have failed to abide by the Association policies, procedures, and applicable law. By your obstructive actions against me, you demonstrated flagrant bias and discrimination against me in violation of equal treatment under the law.

6. It is a matter of public record that I've predicated statements made during Taxpayers Association meetings and during Board of Supervisors meetings that the federal and state Constitutions are the Supreme Law of the Land which clearly supersede any lesser "laws", statutes, rules, codes, regulations and policies, including the ones upon which the Taxpayers Association alleges to rely. A statute either supports and upholds the Constitutions or opposes and violates them and the due process of law and rights guaranteed therein.

Furthermore, you are aware that Chris Payne, Sr. Services Attorney Al Hamilton, Commissioner Gary Miller, and Supervisors Shiva Frentzen, Sue Novasel, Brian Veerkamp, and Sheriff D'Agostini have all been served with notifications of their legal responsibilities, which is the first essential of due process of law. Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. Depriving the public of honest services is a federal crime. Again, any enterprise undertaken by any public official, such as you, which tends to weaken public confidence and undermine the sense of security for individual rights, is against public policy. Fraud, in its elementary common law sense of deceit, is one of the meanings that fraud bears.

It is my duty to demand that you and other government officials uphold their oaths to the Constitution(s) and abide by all constitutionally-imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise. All of the facts, claims and charges stated herein clearly demonstrate that you, Andy Nevis, pursuant to your oaths, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. Thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights. You acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me.

7. During the November 9, 2020 Taxpayers Business Meeting, you recognized me to speak, but then you pounded your gavel and interrupted me when I commented about your inappropriate conduct, shameful disrespect, and the fact that you censor me during meetings, just as Al Hamilton consistently did to me when I stood up to his bully tactics. I remarked that it was deeply disturbing to hear you, Todd White and Kris Payne during the BOS Retirement Proclamation for Sr. Services Attorney Al Hamilton, actually praising him for his "honesty" and service to the county when it is a matter of public record that Al Hamilton brazenly threatened me and at least five other women during Taxpayers meetings. These facts are backed up by multiple witnesses and by an unrebutted Affidavit of Truth that includes the referenced sworn Affidavit of Supervisor Lori Parlin attached hereto as **Exhibit A**.

When I replied about your shameless hypocrisy, you again interrupted me by furiously pounding your gavel and stating: *"I have met Al Hamilton maybe three or four times. Other than that Board of Supervisors meeting you referenced, I just called to congratulate him on his retirement, and I have not spoken to Al Hamilton in at least three years. So that's just crazy."*

Not only was your remark disrespectful, it was a blatant lie. My records reveal Al Hamilton was still a Director of the Association in 2019, but he only occasionally attended meetings. Furthermore, my audio recordings revealed you actively engaged in conversation with him. However, when Hamilton stopped showing up at meetings altogether without submitting his resignation as required in the bylaws, Chris Payne announced to the group that the Elections Committee had opted to wait until the end of the year to replace Hamilton as a Director. It should be noted that Al Hamilton had also previously refused to accept the written resignation of Bernard Carlson and allowed him to remain a "placeholder" and an "absentee" Director of the Association, who is confined to an assisted living facility.

The public is entitled to honest services. You have consistently deprived me of honest services and the exercise of my right to access Taxpayers Association records as provided in the Policies and Procedures. As previously stated herein, any deceptive, obstructive enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy and against the Supreme Law of the land and any other laws which comply with the national Constitution. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. See also USC Title 18, § 2071 – *Concealment, removal, or mutilation generally*. See also: *United States v. Dial, supra*, - *Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy*. See also: *Morrison v. Coddington*, 662 P.2d. 155, 135 Ariz. 480 (1983) - *Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an untruth*. [Emphasis added]

8. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths which violated due process of law. The American people, including me, are constitutionally guaranteed the rights of life, liberty and property that cannot be taken from us except through due process of law. Since due process is a sworn duty of any action committed by any public official, in the instant case you, by your violations of due process of law nullify your actions. You extended absolutely no due process of law whatsoever to me, yet, by your unconstitutional actions, as described herein, you harmed me, and others, in direct violation of your oaths. As stated previously, any enterprise undertaken by any public official, such as you, which tends to weaken public confidence in the law, undermines the sense of security for individual rights, and is against public policy. Your repeated deprivations of my right to lawfully access records and your discriminatory actions against me, a law-abiding American Citizen dwelling in El Dorado County, are a direct assault upon my due process rights secured in the national and state Constitutions, including those secured in the First Amendment. Thus, your egregious violations of due process of law render you personally responsible and liable for your actions, because you have stepped outside the lawful scope of your limited duties and authority, usurped authority not possessed, and act as a renegade.
9. On November 16, 2020 I entered the Taxpayers Association meeting and silently handed Sheriff D'Agostini three (3) Affidavits addressed to **Deputy Jaime Toney**, and Senior Sheriff Technicians **Angela Sterling** and **Steve McCallum**, for depriving me of public services, violating their oaths of office, conspiracy against rights, and deprivation of rights under color of law.

Notification of legal responsibility is the first essential of due process of law, and un rebutted affidavits are admissible as factual evidence in any court in America. However, Sheriff D'Agostini tossed the legal documents onto my table as if to refuse them. When I retrieved the documents and again silently placed them on the table in front of the sheriff, he again tossed the documents towards two unidentified women seated on the opposite side of my table. The blonde woman interfered with due process of law by snatching the legal documents and then placing them on the chair beside her. I silently walked around the table to retrieve them, but that's when the blonde and the sheriff created a public spectacle. Then as if on cue, Chris Payne intensified the scene by loudly shouting that I was disrupting the meeting when, in fact, the sheriff had maliciously retaliated against me for publicly holding his feet to the fire—**exactly as he encouraged me to do when he first took office**—and which is my duty as an American Citizen.



It was later brought to my attention that the blonde woman is a retired member of the sheriff's clerical staff who was accompanied by her daughter seated next to her. She had no lawful authority to interfere with due process of law. From the appalling indifference and incompetence I have directly experienced from EDSO personnel, it is evident that the sheriff and the rest of his staff do not want to be contacted by any member of the public, nor do they want to be transparent or held accountable to their oaths by the people they purportedly serve. Instead, the sheriff has conspired with county staff, including members of the Taxpayers Association, in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, all of which constitute serious Federal CRIMES. The transcript of my brief interaction with Sheriff D'Agostini and the two women is attached hereto as **Exhibit B**, incorporated herein and made part hereof.

Then on November 16, 2020, a concerned individual sent me a 1.08-minute video clip of the aforementioned incident that was apparently posted on Facebook and distributed by you, Andy Nevis, in which you tagged Sheriff D'Agostini, Supervisor Shiva Frentzen, Supervisor Brian Veerkamp, Supervisor Sue Novasel, Supervisor John Hidahl, District Attorney Vern Pierson, Commissioner James Williams, and Commissioner Gary Miller. All except one of the aforementioned individuals have received from me notifications of legal responsibility for violating their Constitutional oaths of office, which were accordingly entered into the public record during Board of Supervisors meetings in the form of un rebutted Affidavits of Truth. The video you posted to Facebook generated considerable controversy and negative comments about me, including a false complaint made to you by the blonde woman who *unlawfully* grabbed the legal documents. After the meeting adjourned, the blonde woman exacerbated the situation with her unnecessarily melodramatic order to "Back up! Back up!" It is a fact that I never even approached her because I was on the opposite side of the table when I asked her to identify herself. Then she falsely claimed that I committed a crime by "touching" her when it was evident she interfered with due process of law by apparently acting as an unauthorized agent on behalf of the sheriff to impede my lawful actions protected in the First Amendment with my right to redress my grievances to

government. Government is the SERVANT of the people, not the belligerent master of the people.

10. Your Facebook posting and distribution of the one-minute video clip is a malicious and defamatory attack on my character. Furthermore, the subsequent email you sent on November 11, 2020 subject title of "Notice of Potential Taxpayers Association Disciplinary Action" has no merit or lawful standing. You state that the Board of Directors will be meeting in closed session (date to be determined) to review the allegations against me and determine any disciplinary action. **See Exhibit C**, attached hereto, made part of hereof, as if fully incorporated herein.

You have no lawful authority to hold a tribunal at an undisclosed time, to take disciplinary action against me, or to act as judge, jury and executioner when I have done nothing other than to appropriately exercise my Constitutional rights. I have been a paid member of Taxpayers for over 12 years in addition to being a candidate for Director of the Association. You have no legal standing to make your demands, or to discriminate against me by refusing to recognize me at upcoming public meetings. It is you, Andy Nevis, who have violated your oaths of office and maliciously maligned my good name in an attempt to "destroy" my reputation by evidently picking up the gauntlet that Al Hamilton laid down. In fact, your email appears to be written by a lawyer who has an axe to grind. Exercise of rights cannot be converted into a crime. Pursuant to your oaths, as described herein, by your own unlawful actions you have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law. Furthermore, you egregiously harmed me by conspiring with county officials and other individuals to suppress my inherent right of free speech, preventing and/or restricting my access to government officials, and depriving me of information or services necessary to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. See *Miller v. U.S.*, 230 F.2d. 486,489 "The claim and exercise of a Constitutional right cannot be converted into a crime." See also USC 18 § 241 and USC 18 § 242, respectively, *Conspiracy Against Rights and Deprivation of Rights Under Color of Law*.

11. By conspiring with other government officials, you have denied me due process of law as stated within the Bill of Rights. Constitutionally-compliant due process of law clearly requires that ALL Constitutionally-secured rights and ALL aspects of due process of law be upheld. Your repeated attempts to bully, discredit, defame, and censor me are in defiance of the Constitution(s), and your discriminatory actions are a direct assault upon my due process rights in the Constitutions, including rights secured in the First Amendment. Constitutionally-secured inherent rights and due process of law are guaranteed to me and all American Citizens. The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities. By your own actions, pursuant to your oaths, you have violated these First Amendment guarantees, betrayed the Public Trust, and perjured your oaths of office.

"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in

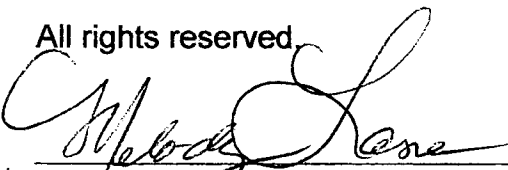
constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988).

By your stepping outside of your delegated authority, you lost any "perceived immunity" and you will be sued for your wrongdoing against me, personally, privately, individually and in your professional capacity, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including any judges or prosecuting attorneys and public officers for that jurisdiction, if, once they are notified of your wrongdoing, they fail to take lawful actions to correct it, pursuant to their oaths and their duties, thereto:

Lawful notification has been provided to you stating that if you, Andy Nevis, do not rebut the statements, charges and averments made in this Affidavit/Declaration, then you tacitly agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut to me that with which you disagree, with particularity, within fifteen (15) days of receipt thereof, by means of your own **written, sworn, notarized affidavit of truth, based on specific, true, relevant fact and valid law** to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An unrebuted affidavit stands as truth and fact before any court. Your failure to respond, as stipulated, is your tacit agreement with and admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Affiant further sayeth naught.

All rights reserved.



Melody Lane, Affiant/Declarant
Founder, Compass2Truth
P.O. Box 598
Coloma, CA 95613

12/4/20

Date

(See attached California Notarization)

Attachments:

Exhibit A – Lori Parlin notarized affidavit – Al Hamilton

Exhibit B – 11/3/20 Taxpayers/D'Agostini Transcript

Exhibit C - Andy Nevis – Disciplinary Action email

**CC: Charles DelGado, CA Water Resources Control Board
Eileen Sobeck - Executive Director, CA Water Resources Control Board
Taxpayers Association of EDC, Secretary Todd White
Sheriff John D'Agostini
District Attorney Vern Pierson
Dist. #1 Supervisor John Hidahl
Dist. # 2 Supervisor Shiva Frentzen
Dist. # 3 Supervisor Brian Veerkamp
Dist. #4 Supervisor Lori Parlin
Dist. # 5 Supervisor Sue Novasel
Media and other interested parties**

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of EL DORADO

Subscribed and sworn to (or affirmed) before me
 on this 4th day of DECEMBER 2023
 by Date Month Year

(1) MELODY LANE
 (and (2) _____),
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.



Signature _____
 Signature of Notary Public

Seal
 Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

**BELOW IS THE SWORN AFFADAVIT OF FACT BY LORI PARLIN,
THE WRITTEN RECORD OF EVENTS CONCERNING THE
TAXPAYERS ASSOCIATION OF EL DORADO COUNTY MEETINGS
ON NOVEMBER 7 AND 14, 2016**

I, Lori Parlin, the undersigned, do solemnly swear, declare and depose:

- 1) That I am over the age of 18 years and competent to state to the matters set forth herein;
- 2) That I have personal knowledge of the facts stated herein
- 3) That all the facts stated herein are true, correct, and certain, admissible as evidence, and if called upon as witness, I will testify to their veracity.

On Monday, November 7, 2016, at the conclusion of the weekly Taxpayers meeting held at Denny's in Placerville, California, I was talking to Melody Lane while seated across the table from her. Out of the corner of my eye I noticed that Al Hamilton, the President of the Taxpayers Association, was approaching us from behind Ms. Lane. My first thought was that Mr. Hamilton was coming over to talk to me about the Association's refusal to give me an application for membership. Instead, Mr. Hamilton leaned forward, over Ms. Lane's shoulder, and gestured with his hand toward her purse. He then asked if her audio recorder was on, inside her purse. She replied no, it was off because the meeting was over and it was inside her purse. Mr. Hamilton proceeded to tell Ms. Lane that she could not record the meetings without announcing to the entire room that she was recording the meeting. Ms. Lane replied that the law was very clear that no such announcement is necessary when public officials are speaking. Ms. Lane then got up out of her chair to address Mr. Hamilton face to face. There was arguing between them about the audio recordings. At some point during the arguing Mr. Hamilton said that he would call the Sheriff and have Ms. Lane removed from the building for causing a disturbance. Finally, Mr. Hamilton threatened Ms. Lane by saying that he would see to it that her reputation was destroyed in the county. I was shocked to hear him make such a threat, especially his use of "I" and "destroy" in his language. Ms. Lane then asked if Mr. Hamilton was threatening her. He said, no, that was not a threat. I then asked what exactly he meant by those words because it also sounded like a threat to me. Mr. Hamilton then backpedaled from his original statement and said that Ms. Lane's own actions would ruin her reputation in the county. I don't remember exactly how the conversation ended because I was shaken up by Mr. Hamilton's threatening words and tone.

At the beginning of the weekly Taxpayers meeting on Monday, November 14, 2016, Mr. Hamilton made an announcement that Ms. Lane was audio recording the meeting. He went on to say that at the prior meeting he had simply stated that he would call the Sheriff if Ms. Lane causes a disturbance during meetings. At some point during the meeting, Mr. Hamilton jokingly asked the group if he should take a vote to decide whether Ms. Lane was causing a disturbance. Given his threats the week prior, Mr. Hamilton's suggestion to call the Sheriff to remove Ms. Lane from the room appeared to be an intimidation tactic.

#

EXHIBIT A

I, Lori Parlin, the Undersigned Affiant, depose and certify being first duly sworn on oath according to law, deposes and says that I have written the forgoing with intent and understanding of purpose the 2 page Affidavit above and that the matters stated herein are true, correct, complete and just to the best of my information, knowledge and belief.

Lori Parlin

Lori Parlin

11-28-16

Date

Notary Public for California

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.


State of California
County of EL DORADO

Subscribed and sworn to (or affirmed) before me on this 28th
day of NOVEMBER, 2016, by LOREI A. PARDON

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature 

11/16/20 Taxpayers Association Meeting – Sheriff D’Agostini

Entering the 11/16/20 Taxpayers Association meeting, I SILENTLY hand the Sheriff a letter addressed to him clipped to three Affidavits of Truth concerning EDSO staff misconduct. Before I could take my seat, the Sheriff tosses them onto the table next to me as if to refuse them. I SILENTLY pick them up and place them on the table next to where he is standing addressing the group. Again, the Sheriff picks up the documents off the table and tosses them towards a large blond woman seated across the table from me.

As the blond pulls the documents towards her, Sheriff D’Agostini steps in front of me.

Sheriff D’Agostini: Thank you Melody. Have a seat.

Melody Lane: Special delivery. You just refused due process of law.

Before I can take my seat, I notice the blond woman places the legal documents on the chair next to her, so I SILENTLY walk around the end of the table and reach to retrieve them from the chair.

Simultaneously the following occurred:

D’Agostini: “Wait a minute!”

The blond quickly snatches the documents from the chair out of my reach, and in the process she firmly grabbed my right wrist while exclaiming, “Don’t touch me!”

D’Agostini: Whoa! Hey! Hey! Hey!

Melody Lane (addressing the large blond): You have no authority to take that.

D’Agostini: You served this on me, is that what you’re saying?

Melody: Special delivery.

Chris Payne (loudly): That’s inappropriate! You’re interrupting the meeting!

D’Agostini: Is that the purpose? I have it. You served that on me?

Melody: Special delivery.

D’Agostini: Served! Thank you. OK. Staffing...we are doing pretty good...

###

After the adjournment of the meeting I am gathering my belongings on the opposite side of the table from the Sheriff and the two large women:

Melody Lane: I don’t know who you are, but you have no authority to take...

Blond (who is now standing on opposite side of table and extending her palms across the table towards me): Back up. Back up! Back up!

Melody: You have no authority...

D’Agostini: She’s not going to talk to you Melody. Go!

Melody: Is that your daughter?

EXHIBIT B

D'Agostini: No.

Blond: No.

Melody (addressing the blond): Who are you?

Blond: As soon as you touched me you committed a crime.

Melody: No, YOU committed a crime.

Blond: You grabbed my arm first. (She again melodramatically extends her palms across the table towards me) Back up!

Melody: Listen...

Blond: Back up! Back up! (I was NOT approaching her)

Melody: You need to...

Blond: (hands still melodramatically extended across the table) Back up! Back up!

Melody: No. I'm just standing right here. (We are still on opposite sides of the table.)

Blond and her daughter now both extending their arms melodramatically: Back up! Back up!

Melody: You had no authority to interfere with due process of law.

Blond: Go!

Melody: You just interfered with official business...

Blond & daughter: You need to go. You need to go!

Melody: You had no authority to do what you did; either of you girls. You have violated the law, and you know it too, John.

D'Agostini: No, you have.

Melody: No I have not. You have been served.

D'Agostini: Have a nice day. Have a nice day.

###

From: Andy Nevis [mailto:andynevis@gmail.com]
Sent: Sunday, November 22, 2020 2:41 PM
To: Melody Lane
Subject: Notice of Potential Taxpayers Association Disciplinary Action

Ms. Lane,

The purpose of this e-mail is to notify you of an accusation which could result in disciplinary action against your Taxpayers Association of El Dorado County (Association) membership.

The complaint regards your behavior at the Association's meeting on November 16, 2020. As documented by [video](#), you disrupted the guest speaker's presentation, did not desist when requested, and physically grabbed the arm of a fellow attendee. Following the meeting, you once again engaged the attendee you grabbed and failed to back away despite repeated requests.

As a Taxpayers Association member, you are expected to abide by the Association's Policies and Procedures (attached). Among these procedures, attendees are expected to refrain from speaking unless called upon by the moderator, treat each speaker and fellow attendees with respect, and avoid personal attacks.

Pursuant to Section III(9) of the Bylaws, violation of the Policies and Procedures can be grounds for discipline, up to termination of membership. The Board of Directors will be meeting in closed session (Date to be determined) to review the allegations against you and determine any disciplinary action.

Prior to this meeting, you have the opportunity to respond to the above allegations. Your response is required within 14 days of this e-mail, by December 7, 2020. As part of the response, I encourage you to express whether you agree to abide by the Association's Policies and Procedures and avoid disruptions at future Association meetings. Your response will be shared with the Directors and you will be notified of their decision.

In the meantime, pursuant to my duty outlined in the Policies and Procedures to maintain decorum, I have determined that based on the above allegations there is fair reason to believe you will not follow our meeting conduct policies. If you choose to attend our upcoming public meetings, you will not be recognized. I will reevaluate this determination when I receive your written reply.

Please let me know if you have any questions about what is written above.

Sincerely,
Andy Nevis
President, Taxpayers Association of El Dorado County

Exhibit C