

M. Lane Open Forum
BOS 8/16/14

Melody Lane

P.O. Box 598

Coloma CA 95613

(530) 642-1670

melody.lane@reagan.com

August 12, 2016

Sheriff John D'Agostini
c/o Serena Wilke, EDSO Records Supervisor
El Dorado County Sheriff's Office
300 Fair Lane
Placerville, CA 95667

**REQUEST TO VIEW CASE FILES EG15-5698, EG15-5793 & EG16-6732
CCW Approval/Denial Report**

Dear Sheriff D'Agostini,

I am the **victim** of crimes relevant to the above referenced incidents. As such I am entitled access to the associated records as per Government Code 6254(f). You are hereby reminded that you are bound by your Constitutional Oath of Office and Government Code 6254(f) to accommodate my right to know the status of the inter-related investigations. Please note specifically the following:

Government Code 6254:

(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. **However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking,**

1 of 4

vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation.

In respect to inter-related case files EG15-5698 and EG15-5793, it is my understanding that Deputy Bernie Brown's investigation was handed off to Deputy Engelbreckton. However the last phone conversation I had with Deputy Engelbreckton was on 2/21/16 at which time it sounded like he was in a bar and/or at a very rowdy party. Since he was very reticent to speak with me he sent Deputy Ishmael to my home to pick up additional materials. Despite making several inquiries I never received a reply or heard from EDSO again regarding the status of this investigation.

Regarding EG16-6732, Sergeant Danny Bears informed me on Friday that he reviewed Deputy Stockeland's report therefore I presume he is responsible for the investigation of the materials I'd handed him late the evening of July 29, 2016. I have not heard from Deputy Stockeland since then, nor have I been contacted by EDSO regarding additional documents I have in respect to this particular new incident that appears to be related to EG15-5698 & 5793. So what exactly is going on?

As for the letter dated July 29, 2016 from EDSO Records Supervisor Serena Wilke (See Exhibit A) with respect to a CPRA submitted publicly on 7/19/16 requesting a copy of the CCW interview report by Detective Sean Fitzgerald, this too is a record I am indeed entitled to examine as a victim of EDSO misconduct. (Reference highlighted portions of GC 6254(f) above) Additionally please note:

- Access is immediate and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))
- The agency must provide assistance by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1)
- The agency may never make records available only in electronic form. (§ 6253.9(e))
- Access is always free. Fees for "inspection" or "processing" are prohibited. (§ 6253)
- Copy costs are limited to "statutory fees" set by the Legislature (not by local ordinance) or the "direct cost of duplication", typically 10-25 cents per page. Charges for search, review or deletion are not allowed. (§ 6253(b)); *North County Parents v. DOE*, 23 Cal.App.4th 144 (1994).

Thank you in advance for your anticipated cooperation.


Melody Lane
Founder – Compass2Truth

Attachments:

1. Exhibit A – 7/29/16 EDSO letter signed by Serena Wilke

2 of 4

JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR
COUNTY OF EL DORADO
STATE OF CALIFORNIA



July 29, 2016

Compass 2 Truth
Attn: Melody Lane
PO Box 598
Coloma, CA 95613

RE: CA Public Records Request

Dear Mrs. Lane,

This letter is in response to your CA Public Records Act request wherein you requested the following information:

1. A copy of the written Carry Concealed Weapon interview report and recommendation conducted by Detective Fitzgerald on January 7th which was submitted to Sheriff John D' Agostini for his approval. Unless I am mistaken, this is the same Detective named in the closed session portion of the July 11th Special Meeting of the BOS, Richard Fitzgerald v. El Dorado County; Sheriff John D'Agostini, Undersheriff Rich Williams and DOES 1 through 20, inclusive, United States District Court, Eastern District, Case 2:12-CV-02932-MCE-KJN.
2. Documentation (laws, ordinances, regulations, statutes, policies or procedures) providing legal justification why my APPROVED CCW was DENIED just four days prior to my scheduled February 16th appointment to pick up my CCW permit from EDSO Records Department.
3. A copy of all *correspondence between all County and/or EDSO personnel relevant to both the CCW APPROVAL and justification for the DENIAL letter received February just 3 days prior to the scheduled appointment to pick up my APPROVED CCW.

Your request for the CCW interview report and correspondence between personnel relevant to your CCW application approval and denial is being denied pursuant to CA Government Code Section 6254(f). Records of investigations conducted by a local police agency for law enforcement, or licensing purposes are exempt from disclosure.

"Serving El Dorado County Since 1850"

HEADQUARTERS- 300 FAIR LANE, PLACERVILLE, CA 95667
JAIL DIVISION- 300 FORNI ROAD, PLACERVILLE, CA 95667
TAHOE JAIL- 1051 AL TAHOE BLVD., SOUTH LAKE TAHOE, CA 96150
TAHOE PATROL- 1360 JOHNSON BLVD., SUITE 100, SOUTH LAKE TAHOE, CA 96150

3 of 4

El Dorado County Sheriff's Office Policy 218 – Concealed Weapon License and a copy of the California Penal Code Section 26150-26225 have been prepared and are ready for release.

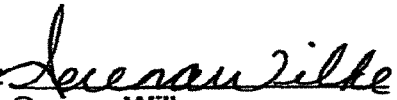
The information available has been gathered and saved in electronic format on a CD. The total cost for the requested material is \$10.

Please make checks payable to EDSO and mail to the El Dorado County Sheriff's Office Records Division at 300 Fair Lane, Placerville, CA 95667, reference PRA request.

If you have any questions or if I can be of further assistance I can be contacted at (530) 621-5877 Monday – Friday between 0800-1600 hours.

Sincerely,

John D'Agostini
Sheriff-Coroner
Public Administrator

By 
Serena Wilke
Sheriff Records Supervisor

4 of 4

In Matthew 24:4 Jesus said, “Take heed that no man deceive you.” Morality is doing what’s right regardless of what you’re told. Obedience is doing what you’re told regardless of what is right. It is apparent that we’ve reached a crisis of morality as evidenced by the increasing number of lawsuits filed against the county, most of which could have been avoided if our public servants would have just done the “right thing” in accordance with their Constitutional Oaths of Office.

On August 3rd we met with Don Ashton, Supervisor Ranalli & Roger Trout for a “Come to Jesus” meeting concerning the River Management Plan, Code & Law Enforcement and Public Record Act requests. Sheriff D’Agostini refused to participate. Just prior to our meeting I received the following phone message from Lt. Danny Bears:

“Hello Miss Lane. This is Sergeant Danny Bears at the Sheriff’s Office returning your phone call. I have reviewed the report that deputy Stockeland completed and he did include in there that he is forwarding the information through the chain of command to the Sheriff. And just FYI it is against the law to record people, especially law enforcement officers. It’s under Code 632 PC. It’s just FYI for you. I’m not going to...I’m not looking to going out there and prosecuting you. I’m just giving you a heads up about that. Alright. I hope you have a great day. Bye.”

Apparently Sgt. Bears hadn’t heard my 8/2 BOS Open Forum presentation when Sheriff D’Agostini & Randy Peshon were in the audience. As you know I’ve been the victim of multiple crimes but the Sheriff has abused his authority by denying me due process of law in accordance with his Constitutional Oath of Office.

You’ll recall I mentioned the Ninth Circuit Court of Appeals recognized the First Amendment right to record the police and/or other public officials regardless of whether the police or officials consent. **This Constitutional right would override any state or federal laws that would otherwise prohibit such recording.** The rationale is public officials need to be held accountable for their actions.

In the interim I’ve exchanged several phone calls with Sgt. Bears regarding public record act requests and specific case file reports to which I am entitled access but have been denied under color of law. The following is an excerpt from the letter addressed to the Sheriff and handed yesterday to the EDSO Records Supervisor Serena Wilke, specifically Government Code 6254(f) which states in part:

“However state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than

1 of 2

confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, **statements of the parties involved in the incident, the statements of all witnesses** other than confidential informants, **to the victims of an incident**, or an authorized representative thereof..."

Additionally the letter before you also mentions specific violations of the CA Public Records Act. These issues were exhaustively discussed in meetings with Norma Santiago, County Counsel, other county officials and State Parks personnel. They are aware of the 2013 Tea Party Patriots of EDH meeting when Sheriff D'Agostini was the guest speaker. Supervisor Ranalli will recall how I challenged the Sheriff about crime statistics, CPRAs, Unjust Enrichment and "paying for justice." Consequently the Sheriff stormed out of the room visibly upset and retaliated by cutting off my ability to communicate electronically with EDSO. The Sheriff is NOT above the law...

In closing I'd like to quote again the words of Sheriff D'Agostini during our initial 2011 meeting, "*You need a new Board (of Supervisors). All of them...Hold their feet to the fire. Mine too; I work for you.*" The Sheriff's staff is a reflection of his leadership; they're just obediently doing what they are told by errant County Counsel.

The Board is either part of the problem or part of the solution. This is your opportunity to persuade the Sheriff to do what is morally right. In so doing you will succeed in honoring your Constitutional Oaths of Office thereby saving EDC taxpayers a lot of unnecessary and costly litigation.

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

- 1) This transcript (4:30 min.)
- 2) 8/12/16 letter to D'Agostini c/o Serena Wilke Records Supervisor

2 of 2