

Before I begin, Madam Clerk, please distribute these copies to each of the supervisors for their reference.

Sunshine Week is March 16-22nd. It's about the public's right to know what its government is doing, and why. The purpose is to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger. One of the core principles of **Compass2Truth** was established upon the preamble of the Brown Act which states,

“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.”

As you've heard me say before, the issues of transparency and accountability need to be addressed from the very top of the org chart...

You've also heard me quote Sheriff D'Agostini before, *“Hold their feet to the fire. Mine too. I work for you.”* That's why we elected him to office.

In recent weeks you've been made keenly aware of the legal, moral and fiduciary concerns expressed by citizens regarding elected officials who've grossly abused their duties, violated their oaths of office and the public trust. In an Official Request delivered this morning to Sheriff D'Agostini I referred to a segment of the **American Jurisdiction - Public Official Trustee Duties and Authorization and Employees** that was just distributed to you. Section 247 states in part:

[5] Furthermore, it has been stated that 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. Fraud is its elementary **common law** sense of deceit and this is one of the meanings that fraud bears [483 U.S. 372] in the statute.

First, the purpose of that letter to the Sheriff was in reference to repeated RMAC censorship and the Sheriff's duty to his constituents. He is not above the law and therefore this letter is being submitted into the public record.

Second, I'd like to address the matter of California Public Records Act Requests. An appropriate response to CPRAs appears to be problematic for our civil servants. That was one of the purposes of the Official Request delivered to Sheriff D'Agostini and copied to Vern Pierson and Ed Knapp. HR Director Pam Knorr was also copied since these issues are germane to personnel policies delineated during her presentation. I hope the Board will give Pam the full support she needs to properly address these core issues and ensure her success. In that regard I

have another very specific CPRA regarding malpractice bonding insurance for El Dorado County. Your response is due within 10 days.

Next I'd like to present a **Notice of Default** dated February 3, 2014 addressed to Al Hamilton and County Counsel Edward Knapp. It states in part: *"It is further noticed as of this date February 3, 2014 that the parties listed above by way of this NOTICE OF DEFAULT have by Law defaulted within the time requirements so stated in this notice and all previous notices."*

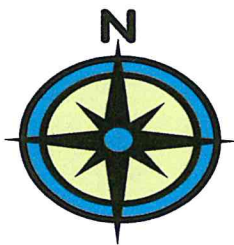
Last, regarding the 5 core questions I posed to the Board last week during the anti-bully policy Consent Item #4, I requested a time frame but I've not yet received a response from staff. Madam Chair, since this is the appropriate time to address the people's business I'd appreciate your direction please.

Do you have any questions or comments at this time?

Mr./Madam Clerk: I order you to enter these materials into the public record:

1. This transcript
2. 2/4/14 Official Request to Sheriff D'Agostini
3. 2/3/14 Notice of Default – Al Hamilton & Ed Knapp
4. CPRA – Malpractice bonding company for EDC

CC: D.A. Vern Pierson & Sheriff D'Agostini



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melody.lane@reagan.com

February 4, 2014

To: Sheriff John D'Agostini

CC: D.A. Vern Pierson
County Counsel Ed Knapp
Pamela Knorr, Director of Human Resources

OFFICIAL REQUEST
RE: River Management Plan & CPRAs

Dear Sheriff D'Agostini,

Since its inception in 2009 **Compass2Truth** has been striving to deal proactively in resolving the many volatile issues concerning residents adjacent to the Marshall Gold Discovery Historic State Park and the South Fork American River (SFAR).

As you were apprised when we initially met in your office shortly after you were elected, the Sheriff's Office plays a significant role in code and law enforcement as mandated by the River Management Plan (RMP). It was for this reason I provided you a copy of the RMP and carefully prepared an agenda to ensure each of our subsequent meetings remained focused. SFAR residents were very grateful to finally have the cooperation and commitment of EDSO to address their concerns and properly coordinate services. The understanding was that we were to conduct follow-up meetings every 3 months in your office in order to keep concerned citizens properly updated.

However since our last meeting on September 4, 2012 with Planning Director Roger Trout, MGD Park Superintendent Jeremy McReynolds and Lt. Tim Becker it appears you've rescinded that commitment to the SFAR community by refusing to schedule follow-up meetings or answer written correspondence.

During the January 28th RMAC meeting the issue of censoring of the minutes and lack of EDSO representation to RMAC came up once again. Steve Lyles insisted that there is no EDSO representative to RMAC. Parks Manager Vicki Sanders corrected Mr. Lyles by indicating Jim Byers and Tim Becker are the appointed EDSO representative/alternate. Additionally you failed to respond to the 12/15/13 RMAC letter concerning lack of code & law enforcement which I submitted to the BOS and RMAC for the public record. Your written response is required to clear up this matter for before the Annual November minutes can be approved during the February RMAC meeting and the Annual RMP submitted to the Planning Commission.

Furthermore since September 18, 2013 until February 3, 2014 I've remained blocked from sending any emails to EDSO staff. All my correspondence, calls and material evidence delivered to EDSO have been legitimate and need to be properly addressed. During the October 23rd "*We Work for You*" community meeting held at Garden Valley High School you even acknowledged my inquiry by stating, "*You're taking up too much of my staff's valuable time.*"

How so Sheriff? YOU work for US and thereby have a fiduciary duty to be accessible to your constituents. As a representative for the community my email access to EDSO staff needs to be remedied ASAP.

I'm sure by now you are aware of the legal, moral and fiduciary concerns expressed by citizens in recent months regarding the gross abuse by elected officials who've violated their oaths of office and the public trust. In that regard I've attached a segment of the American Jurisdiction - Public Officers and Employees §247 which states in part [See Exhibit A]:

[5] Furthermore, it has been stated that 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. Fraud is its elementary **common law** sense of deceit and this is one of the meanings that fraud bears [483 U.S. 372] in the statute.

Pertaining to the matter of California Public Record Act Requests (CPRA) submitted to EDSO I made a presentation to the Board of Supervisors on October 22, 2013:

*The specific CPRA submitted to the BOS on 9/24/13 regarding the American River Resort was **never received at all.** Note it was **due October 8th.***

*Here's my favorite example: On **October 1st** I submitted a very specific CPRA to the Sheriff's Office requesting an appointment to view 2 case files. A response was due 10/15/13. The response I received from Lt. Golmitz was dated **September 23rd** prior to my CPRA submission on 10/1 yet it was postmarked the very day I submitted it to the BOS. Additionally his letter included 2 other CFS numbers that I did NOT request via that CPRA.*

*On October 8th I received another response to the same CPRA from Lt. Golmitz. This one was dated October 4th. In his letter he refers to Government Code Section 54985 and an El Dorado County **Resolution 113-95** dated May 16, 1995.*

That resolution no longer exists on the EDC Resolution website because it was superseded by AB1234 which was signed by the Governor October 7, 2005.

*AB1234 is the **Ethics Training bill** that stipulates agencies may charge the direct cost of producing a copy of a record.*

The direct cost of duplication includes the pro-rata (proportionate cost) of copying equipment as well as the pro-rata cost of the person running the equipment.

The direct costs of duplication do not include costs affiliated with the research, retrieval, or redaction of a record as Sheriff D'Agostini claimed on September 18th when he addressed a group of us in El Dorado Hills.

The theory is that these costs must be born by the agency as part of its duty to serve the public. In other words, charging \$10 for a report requested via a CPRA that actually costs 10-15 cents per page is referred to as **AN UNJUST ENRICHMENT.**


Please inform Lt. Golmitz that the two certified letters I received from him on January 27, 2014 [See Exhibit B] do not lawfully satisfy the requirements outlined in the CPRAs submitted to the Board of Supervisors on January 14th concerning the Coloma Resort and the American River Resort. Furthermore the unnecessary expense of mailing those two certified letters at a cost in excess of \$12 is a gross misuse of taxpayer funds which could have been avoided had he responded via email.

I am still awaiting a reply to my previously written requests for an appointment to view two specific EDSO case files and make photocopies of the applicable reports for 10-15 cents per page as stated by the clerk when I initially filled out an EDSO form and submitted the request in person.

Sheriff, your staff is a reflection of you. You are hereby given **fourteen (14) calendar days** in which to personally reply in writing and remedy the situations outlined above.

If the items listed above are not adequately addressed then it appears you leave the citizens of El Dorado County with limited options. One of the available options is to seek legal recourse and filing an official complaint with the CA Attorney General's office.

Sincerely,



Melody Lane
Founder – Compass2Truth

Exhibits Attached:

- A. American Jurisdiction - Public Official Trustee Duties & Authorization
- B. 1/22/14 Lt. Golmitz Letters (2)

PUBLIC OFFICIAL TRUSTEE DUTIES AND AUTHORIZATION

****63C Am. Jur.2d, Public Officers and Employees §247* “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised on behalf of the government or of all citizens who may need the intervention of the officer.**

[1] Furthermore the view has been expressed that all public officers 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.

[2] That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.

[3] and owes a fiduciary duty to the public.

[4] It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.

[5] Furthermore, it has been stated that 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. Fraud is its elementary common law sense of deceit and this is one of the meanings that fraud bears [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. A public official is a fiduciary toward the public, including, in the case of a judge.

EXHIBIT A

Rec'd 1/27/14 ML



JOHN D'AGOSTINI
SHERIFF - CORONER - PUBLIC ADMINISTRATOR
COUNTY OF EL DORADO
STATE OF CALIFORNIA

January 22, 2014

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

Re: Public Records Request

Dear Ms. Lane,

I have received and reviewed your Public Records Act Request dated January 14, 2014.

You are requesting all Temporary Special Use Permits issued by the Planning Department and the EL Dorado County Sheriff's Office. The Sheriff's Office does not issue Temporary Special Use Permits; as such we have no documents for this request.

Your second request references a formal petition of signatures dated June 4, 2002, regarding the revocation of the American River Resort SUP #S91-06 and the Coloma SUP #S93-03. The El Dorado County Sheriff's Office does not possess, control, or maintain this type of documentation.

Sincerely,

Lt. Bryan Golmitz
El Dorado County Sheriff's Office
Support Services

"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

EXHIBIT B

Rec'd 1/27/14 ML



JOHN D'AGOSTINI

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

January 22, 2014

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

Re: Public Records Request

Dear Ms. Lane,

I have received and reviewed your Public Records Act Request dated January 13, 2014.

You have requested relevant El Dorado Sheriff's Office case file report for an event at the Coloma Resort on 8/3/2013. I have researched your request and concluded that El Dorado County Sheriff's Office Case # 13-6887 is the appropriate case.

This is the third time you have requested this specific case. The prior two requests, September 16, 2013 and September 28, 2013 were complied with, but you failed to collect the documentation from the Sheriff Office Records Division. The Sheriff's Office sent you a letter stating the requested material was available to you for pick up at the Records Division along with the appropriate fees.

The Sheriff's Office has again complied with this most recent request and a copy of the report is available to you at the Records Division located at 300 Fair Lane, Placerville, CA 95667 or they can be contacted at (530) 621-5703 to schedule an appointment.

Government Code Section 54985 allows the Board of Supervisors to pass ordinance allowing for full reasonable cost recovery. Per El Dorado County Resolution 113-95 there is a \$10.00 fee for each report requested. For your convenience, I have attached a copy of El Dorado County Resolution 113-95.

Sincerely,

Lt. Bryan Golmitz
El Dorado County Sheriff's Office
Support Services

"Serving El Dorado County Since 1850"

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



see R ~~113-95~~ 283-98 for
fingerprinting
only

RESOLUTION No. 113-95

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

WHEREAS Government Code Section 54985 authorizes the El Dorado County Board of Supervisors to adopt new fees, fee levels, and charges.

THEREFORE BE IT RESOLVED that the following fees, fee levels and charges be adopted by El Dorado County effective July 1, 1995.

<i>Service</i>	<i>Authorized by Government Code Section</i>	<i>Current Fee</i>	<i>Proposed Fee (rounded to nearest \$)</i>
Good Conduct Letter	54985	\$ 2.00	\$30.00
Itinerant Permit	54985	5.00	15.00
Explosive Permit	54985	3.50	15.00
Records Check	54985	5.00	5.00
Concealed Weapon	54985	3.00	30.00
Report Copies	54985	3.50	10.00
File Search	54985	0.00	15.00
Fingerprint	54985	5.00	10.00
Second Hand Dealer	54985	27.00	27.00
Card Rooms	54985	40.00	50.00
Service Notice	26721	24.00	25.00
Cancel Service	26736	24.00	25.00
Not Found Return	26738	24.00	25.00
Delivery of Instruments	26742	24.00	25.00
Service of Pre- judgement	26721.1	25.00	25.00
Service Possession/Property	26722	75.00	75.00
Service on Real Property	26725	25.00	25.00
Keeper	26726	75.00	75.00
Personal Property Sales	26728	21.00	21.00
Notice for Publication	26729	10.00	10.00
Writ of Possession	26733.5	75.00	75.00
Subpoena	26743	25.00	25.00
Bench Warrant	26744	50.00	50.00

RESOLUTION NO. 113-95

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 16TH day of MAY, 1995, by the following vote of said Board:

Ayes: SUPERVISORS William S. Bradley, Raymond J. Nutting, J. Mark Nielsen, Walter L. Shultz, John E. Upton

ATTEST

DIXIE L. FOOTE

Clerk of the Board of Supervisors

By

Margaret B. Moody
Deputy Clerk

Noes: none
Absent: none

J. Mark Nielsen
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

PUBLIC OFFICIAL TRUSTEE DUTIES AND AUTHORIZATION

****63C Am. Jur.2d, Public Officers and Employees §247* “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised on behalf of the government or of all citizens who may need the intervention of the officer.**

[1] Furthermore the view has been expressed that all public officers 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.

[2] That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.

[3] and owes a fiduciary duty to the public.

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[5] Furthermore, it has been stated that 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. Fraud is its elementary common law sense of deceit and this is one of the meanings that fraud bears [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. A public official is a fiduciary toward the public, including, in the case of a judge.

M. Lane Open Forum
2-4-14



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melody.lane@reagan.com

February 4, 2014

To: El Dorado County Board of Supervisors
EDC Clerk to the Board

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following:

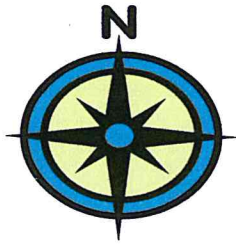
- The name of the malpractice bonding company, the agent, the address and the respective policy number for the County of El Dorado.

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the legal authorities on whom you rely.

It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act.

Thanks for your anticipated cooperation.

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



Compass2Truth

Citizens Serving God in Truth and Liberty

M. Lane Open Forum
2-4-14

P.O. Box 598
Coloma, CA 95613
(530) 642-1670
melody.lane@reagan.com

February 3, 2014

TO: **Al Hamilton**, President Taxpayers Association of El Dorado County
Edward Knapp, El Dorado County Counsel
330 Fair Lane
Placerville, CA 95667

NOTICE OF DEFAULT
ALFRED LAURENCE HAMILTON JR.
CA BAR ASSOCIATION #41385 – CASE #14-10427

Ref: Notice and Demand, Dated December 15, 2013
Ref: Notice of Fault, Dated January 20, 2014

I, Melody Lane, personally presented to Alfred L. Hamilton the above referenced **NOTICE and DEMAND** on December 16, 2013 during the meeting the Taxpayers Association of EDC and to Edward Knapp on December 17, 2013 during the Board of Supervisors meeting the same **NOTICE and DEMAND** giving them thirty (30) days to respond to the **NOTICE and DEMAND**.

On January 20, 2014 I, Melody Lane, personally handed Alfred L. Hamilton during the meeting of the Taxpayers Association of EDC a **NOTICE of FAULT** and to Edward Knapp on January 21, 2014 during the El Dorado County Board of Supervisors said **NOTICE of FAULT**.

Therefore be advised by way of this **NOTICE of DEFAULT** on this date February 3, 2014 that Alfred L. Hamilton and Edward Knapp are hereby noticed.

It is further noticed as of this date February 3, 2014 that the parties listed above by way of this **NOTICE of DEFAULT** have by Law defaulted within the time requirements so stated in this notice and all previous notices.

Sincerely,


Melody L. Lane
Founder – **Compass2Truth**

CC: Vern Pierson, EDC District Attorney
Bernard Carlson, 2014 Secretary – Taxpayers Association of EDC
CA BAR Association