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Melody: You have no right not to respond to constituents or lie to them like you are prone to do. Same with your staff. You are a public employee and you are denying public services.

Rafael responds with a broad grin: I know.

Melody: ***You know?!*** And you are arrogant about it! Get that smug look off of your face. (Rafael broadens his smile sarcastically)

By depriving me of the blessings of freedom, your unlawful actions prove beyond doubt to be antithetical to our recent national holiday commemorating the birth of liberty. Refer to **New York Times versus Sullivan** which essentially says this nation is founded upon the "*profound national commitment to the principle that **debate** on public issues shall be **uninhibited, robust and wide open**, and that it may well include **vehement, caustic and sometimes unpleasantly sharp attacks on government and public officials.***"

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

Sent: Monday, July 4, 2022 2:29 PM

To: lori.parlin@edcgov.us; george.turnboo@edcgov.us; david.livingston@edcgov.us; Vern R Pierson

Cc: 'Donald Ashton'; joseph.carruesco@edcgov.us; Tonya Digiorno; rafael.martinez@edcgov.us;

matt.smeltzer@edcgov.us; Kim Dawson; edc.cob@edcgov.us; Sheriff DAgostini;

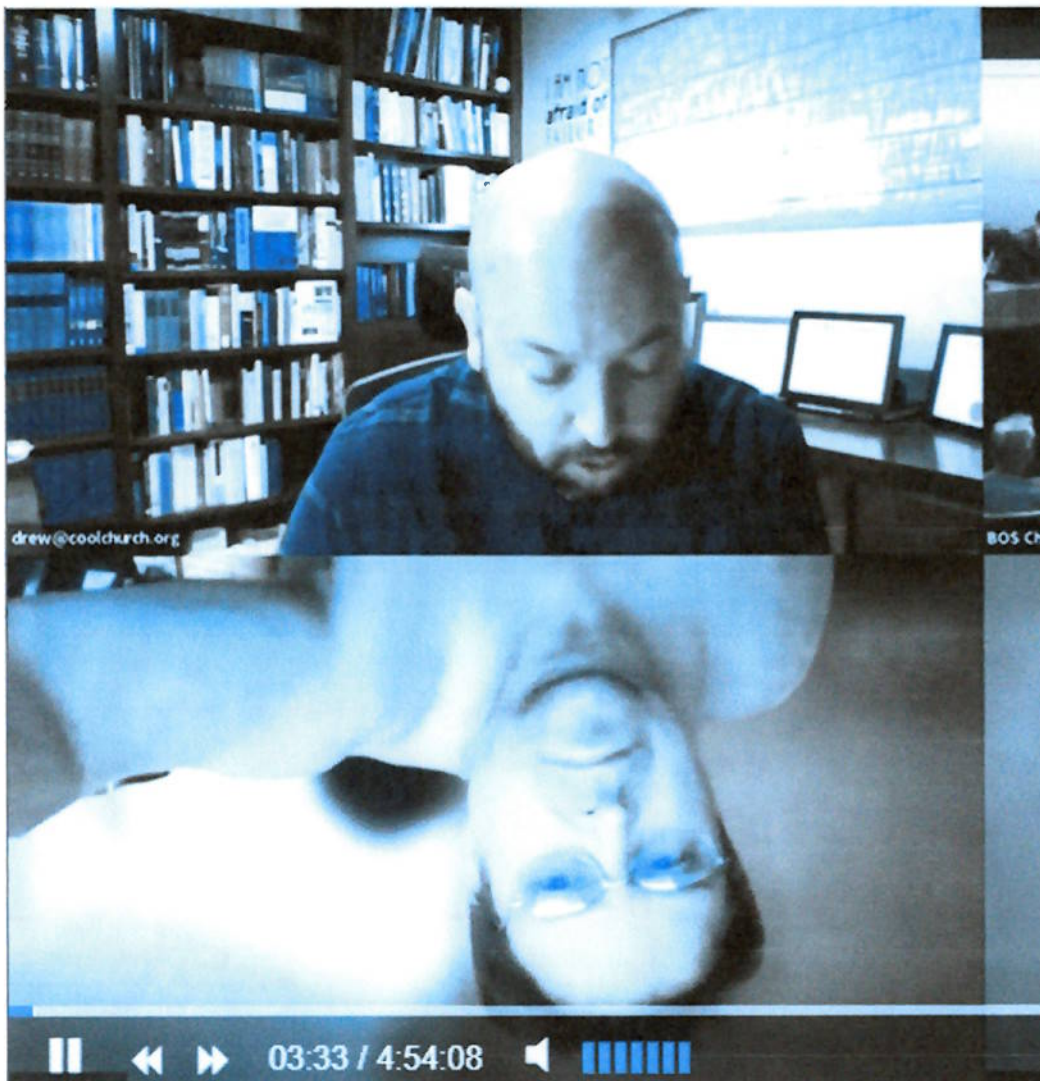
pastorjacob@parkcommunity.org; pastorfred@parkcommunity.org; drew@coolchurch.org; Richard Esposito;

Noel Stack; Eric Jaramishian; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us;

bostwo@edcgov.us

Subject: DOT Matt Smeltzer appears nude during 6/21/22 BOS invocation & pledge - Agenda Item #7

Please review the 6/21/22 BOS video, in particular during Pastor Drew's invocation and the pledge of allegiance. DOT employee Matt Smeltzer appears to be nude while participating via Zoom in the BOS meeting. You'll find the snapshots below are indicative of problems associated with hybrid meetings. You'll also recall my public comments about associated issues stemming from hybrid meetings during BOS agenda Item #7:





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I've cc'd Matt Smeltzer on this correspondence, but in light of the fact that CAO Don Ashton unlawfully blocked my ability to communicate electronically with most county staff (see attached affidavit), I presume that David Livingston can be entrusted to forward this correspondence to Mr. Smeltzer. You should be aware by now that DOT Director Rafael Martinez and his staff refuse to respond to my correspondence or return phone calls. Therefore it is the responsibility of the BOS to ensure Mr. Livingston direct HR Director Joseph Carruesco to investigate this incident and take **disciplinary action against Mr. Smeltzer for his inappropriate conduct**, as well as the refusal of **Rafael Martinez to provide public services pursuant to his oaths of office and the Good Governance Policy.**

In light of the significance of this holiday weekend, I additionally demand steps be taken to immediately remediate my First Amendment rights to correspond electronically with ALL EDC staff, including EDSO. I

expect those to whom this message is directed to inform me as soon as this task has been accomplished. Please note: "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)).

Sincerely,

Melody Lane
Founder – Compass2Truth

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



Kim Dawson <kim.dawson@edcgov.us>

7/19/22 BOS Agenda Item #47 - DOT/HR allocations - Public Comments

1 message

Melody Lane <melody.lane@reagan.com>

Tue, Jul 19, 2022 at 6:44 PM

To: lori.parlin@edcgov.us, john.hidahl@edcgov.us, wendy.thomas@edcgov.us, george.turnboo@edcgov.us, sue.novasel@edcgov.us, edc.cob@edcgov.us, Kim Dawson <Kim.Dawson@edcgov.us>

Cc: Donald Ashton <don.ashton@edcgov.us>, david.livingston@edcgov.us, rafael.martinez@edcgov.us, matt.smeltzer@edcgov.us, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us, Andy Nevis <andy.nevis@edcgov.us>, Daniel Harkin <daniel.harkin@edcgov.us>, John Clerici <john.clerici@edcgov.us>, Jon Vegna <jvegna@edcgov.us>, Kris Payne <kpayne@edcgov.us>

Supervisors,

Below are my public comments made during today's BOS Agenda Item #47 and the evidence of Matt Smeltzer's nude debut made on Zoom during the June 21st BOS meeting. You seem to have lost sight of the significance of the preamble to the Brown Act:

"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.*"

Although CAO Don Ashton acted as spokesperson for HR Director Joseph Carruesco and dismissing Matt Smeltzer's nude debut during the 6/21/22 BOS meeting, I find the excuse that Matt was sick at home to be very disingenuous. If Matt was so ill, then why did Matt actually show up for work that day, albeit briefly as Don claimed? Why couldn't Rafael or other DOT staff fill in for him to answer questions during the BOS meeting?

I wish to point out that you deliberately ignored the fact that Rafael Martinez and his staff refuse to respond to constituent phone calls and correspondence or to provide public services. Need you be reminded, that is the JOB OF EVERY PUBLIC SERVANT!

Furthermore, the public is entitled to honest services. You are aware Rafael has been caught lying about policies that do not exist and other dishonest DOT practices. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. *See: 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.*

Most significantly you neglected the collusion of Lori Parlin and Andy Nevis with Rafael Martinez in the unethical practice of obstructionism during the 7/11/22 Taxpayers meeting. Their unlawful conduct is a blatant abuse of the public trust. CAO Don Ashton bears the weight of the blame ever since he unlawfully

blocked my ability to communicate electronically with most EDC staff, with the full knowledge and blessing of County Counsel and the BOS, thereby depriving me of First Amendment rights and the blessings of freedom. Such Bureaucratic Shenanigans sets a dangerous precedent, thus signaling to all other departments that "dishonesty is the best policy."

DOT has some serious management issues, problems that HR Director Joseph Carruesco needs to address and ensuring that Mr. Martinez and Mr. Smeltzer both receive some remedial training in their professional responsibilities and obligations to serve all Citizens of this county. If they don't show some significant improvement, then that should be reflected in their performance evaluations. I hereby request that this correspondence be entered into their respective personnel files for appropriate follow up.

Melody Lane

Founder – Compass2Truth

"It does not take a majority to prevail... but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men." ~ Samuel Adams ~

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Madam Clerk: Please enter these documents into the public record

1) This transcript 2) 7/4/22 email/photos of nude Matt Smeltzer

 **7-19-22 nude Smeltzer.docx**
640K

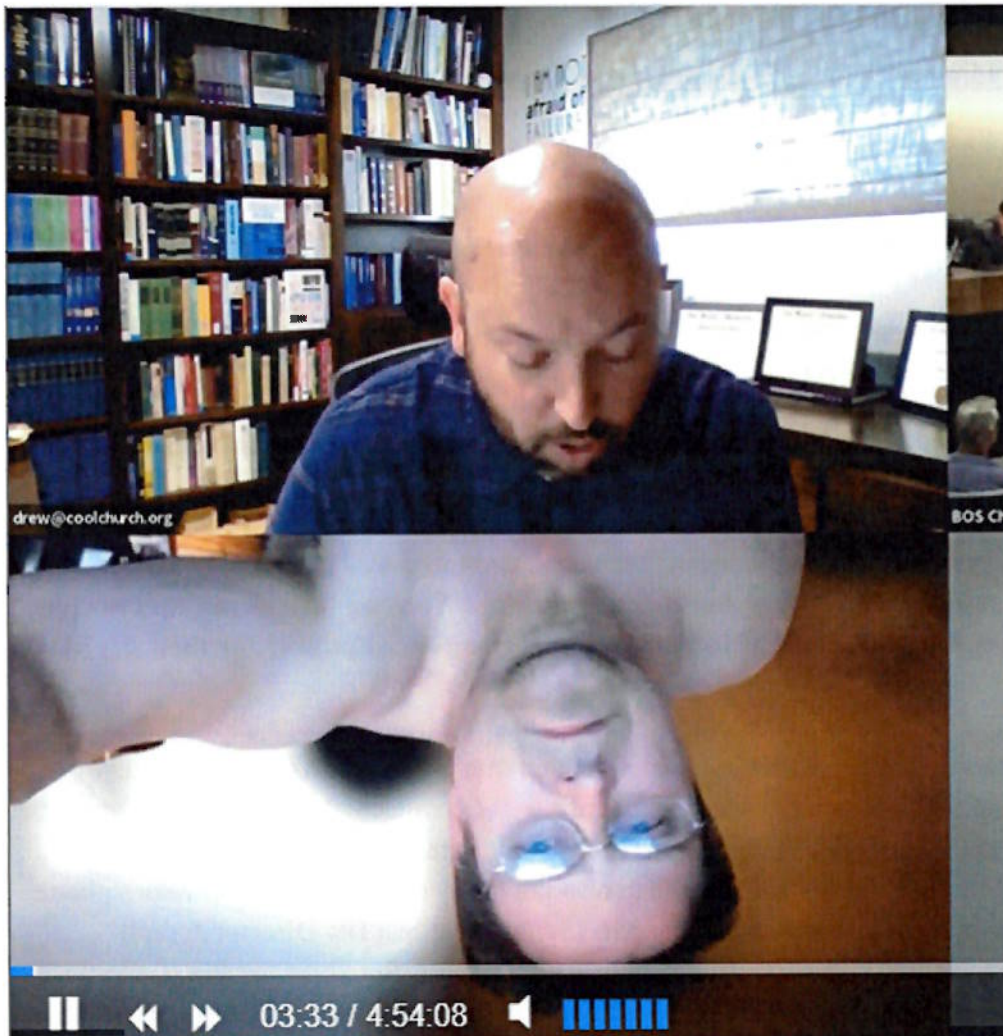
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