

You've heard the saying, "As goes California, so goes the rest of the nation." It could also be said that when it comes to dysfunction and corruption, "As goes El Dorado County, so goes the rest of California." This county seems to be setting new standards.

By now you're aware that I'm a fourth generation evangelist. My style may not be politically correct, but it is biblically correct. In the book of Matthew Jesus said, "Take heed that no man deceives you." Frequently Jesus addressed the leaders of His day as "hypocrites and a brood of vipers." How about when He modeled righteous indignation using a whip to overturn the money changers tables? I think you'll agree that's not exactly what most people would call politically correct. Just imagine citizens all over the nation taking a similar bold approach to their elected officials today!

I am of the firm belief that I have the best Jewish lawyer in the universe backing me, and with that a conviction I take an unpopular stand today to address the controversial topics of the Sheriff's abuse of the public trust and unjust enrichment for his own political agenda.

My father was the closest thing to Jesus that I'll ever know on this earth. He taught me at a young age that if I can read, there's nothing I can't do...and that includes interpreting the law. The Holy Bible is the foundation of all Constitutional law and the Bill of Rights (book) also known as common law or law of the land. Generally speaking, the application of Constitutional law trumps administrative law (i.e. County Counsel).

Sheriff D'Agostini is not above the law, nor can he pick & choose which laws he will enforce. As a member of Oathkeepers he has pledged to uphold the Constitution even if it means taking a stand contrary to what County Counsel may advise him to do. As I explained last week when I quoted from the Public Service Ethics manual:

*"Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be lawful under state law, it may not be lawful under federal law."*

Sheriff D'Agostini has crossed that line...

There's not enough time today for me to detail the number of violations emanating from EDSO and associated department within Sheriff D'Agostini's jurisdiction. Some you've already heard previously but have chosen to ignore as demonstrated this morning. That does not bode well for the quality of El Dorado County's leadership.

For the public's reference I'm again entering into the public record again a few excerpts from the Institute for Local Government manual which apply to EDSO in regard to AB1234, Resolution 113-95, and Fair Political Practices Commission rules.

Violation of these requirements constitutes misconduct in office. The usual penalty for misconduct in office is removal from office based upon grand jury proceedings and then judicial pronouncement.

Keep in mind that when you have knowledge of wrong doing and fail to take remedial action, you in essence become accessories to the fact and can be held liable. That would apply to your fiduciary responsibilities as members of this financial committee having oversight of the Sheriff's new facilities. The same personnel rules and ethical standards of conduct apply to ALL public servants. I expect that HR Director Pamela Knorr will take the necessary steps to ensure remedial action where necessary.

With that being said, I'm entering another CPRA into the public record involving auditor Joe Harn's obtuse and unacceptable "red herring" reply to questions posed during last week's presentation for the Sheriff's new facilities. It's also requested that the matter of Unjust Enrichment be addressed by this finance committee as it applies to AB1234 which superseded Resolution 113-95. Norma, I trust that you'll provide appropriate direction in this regard as per our most recent meeting.

As an addendum, I'm also submitting yet another CPRA into the public record based upon a conversation with the deputy at the rear of the room during the break this morning. (Briefly describe circumstances). A copy of Sheriff D'Agostini's signed EDC Code of Ethics and his Constitutional Oath of Office are due within 10 days.

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

1. This transcript
2. Public Service Ethics excerpts
3. Joe Harn CPRA email 8/4/14 @ 9:51 PM
4. CPRA – Sheriff's signed EDC Code of Ethics & Constitutional Oath of Office



# Compass2Truth

*Citizens Serving God in Truth and Liberty*

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

August 5, 2014

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

## 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 copies of the following:

- Sheriff John D'Agostini's signed EDC Code of Ethics policy.
- Sheriff John D'Agostini's signed Constitutional Oath of Office.

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.

To avoid unnecessary costs of duplication, electronic copies are acceptable and may be emailed to [meiodv.lane@reagan.com](mailto:meiodv.lane@reagan.com). It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thanks for your anticipated cooperation.

  
Melody Lane  
Founder - Compass2Truth

3 of 8

8/5/14 - #6

## Melody Lane

---

**From:** Melody Lane <melody.lane@reagan.com>  
**Sent:** Monday, August 04, 2014 9:51 PM  
**To:** 'Joe Harn'; Terri Daly; norma.santiago@edcgov.us; Sheriff DAgostini  
**Cc:** 'Ross Branch'; 'Russell Fackrell'; Pamela Knorr; bob.toscano@edcgov.us; bosfive@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us; 'Ron Briggs'  
**Subject:** RE: EDSO LEASES - CA Public Records Act Request  
**Attachments:** FY14 Operating Leases\_Rental Expense.xls; 7-10-14 EDSO Records Revenues AB1234.doc; 7-15-14 EDC Revenues Res 113-95.doc; Sheriff's Deposits PRA response.pdf

EDSO - PUBLIC RECORDS ACT REQUEST

Hi Joe,

I may not be a CPA, but my professional resume does reflect a fair amount of accounting experience. By the brevity of your response, it's reasonable to presume the public has just been tossed another red herring...

The attached FY14 Operating Leases spreadsheet fails to answer the questions posed during Item #24 of the 7/29/14 BOS meeting:

- 1) What is the monthly cost for EDSO to lease the lower portion of the Freemason Lodge on Peroz/Cold Springs Roads?
- 2) What is the yearly expense for all EDSO leased buildings combined? (Please provide documentation that identifies each EDSO leased facility address/location and corresponding monthly lease amount.)
- 3) How much revenue has the EDSO Records Department generated yearly for duplication of records since 2005? (Refer to 7/10/14 CPRA due 7/24/14.)
- 4) Likewise, what are the revenues collected yearly for duplication of records for ALL EDC departments since 2005? (i.e. Recorder Clerk, BOS, Env. Mgt., Tax Collector, etc. - See attached 7/15/14 CPRA due on 7/29/14.)
- 5) Relevant to #3 above, please refer to the attached CPRAs and Ross Branch's "B.S." response (i.e. Bureaucratic Shenanigans.) Although I'm confident County Counsel drafted the reply, I take issue with these particular portions of his response:

Please note that between the years 2005-2007, the Sheriff's Office did not have available record keeping practices that detailed Records Revenues. Therefore, the only years that might be available are 2008-2014.

If it is determined that either of the provisions applies to your request we will forward you the cost, and require confirmation from you that you are willing to pay the amount associated before moving forward with your request.

Surely the Auditor-Controller has kept a handle on EDSO financial data for all the years you've been in office?!?

1. What happened to the 2005-2007 data?
2. Please provide evidence where that information is buried in the CAFR.

4 of 8

In addition, County Counsel and Norma Santiago are aware the direct costs of duplication **DO NOT** include costs affiliated with the research, retrieval, or redaction of a record. An agency **CANNOT** charge a person requesting copies of records for these costs. **As per AB1234 - Public Service Ethics, the theory is that these costs must be born by the agency as part of its duty to serve the public.** Direct costs include:

- Pro-rata cost of duplication equipment.
- Pro-rata cost of equipment operator (salary and benefits for clerical employee).
- Does not include costs for research, retrieval, or redaction. Example: California Department of Justice charges \$.10 per page.

This email constitutes yet another CA Public Record Act request for information.

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.

To avoid unnecessary costs of duplication, electronic copies are acceptable and may be emailed to [melody.lane@reagan.com](mailto:melody.lane@reagan.com). It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thanks in advance for your timely and comprehensive response.

*Melody Lane*

Founder – Compass2Truth  
Conservatives Serving God in Truth and Liberty

***“Our lives begin to end the day we become silent about things that matter.” ~ Martin Luther King ~***

**From:** Joe Harn [<mailto:joe.harn@edcgov.us>]  
**Sent:** Thursday, July 31, 2014 2:18 PM  
**To:** [melody.lane@reagan.com](mailto:melody.lane@reagan.com)  
**Cc:** Ross Branch; Russell Fackrell  
**Subject:** Fwd: LEASES at County of El Dorado

Joe Harn  
Auditor-Controller  
El Dorado County

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

From: **Robert Toscano** <[bob.toscano@edcgov.us](mailto:bob.toscano@edcgov.us)>

Date: Thu, Jul 31, 2014 at 9:27 AM  
Subject: LEASES  
To: Joe H Harn <[joe.harn@edcgov.us](mailto:joe.harn@edcgov.us)>

Here is the summary of leases.

Bob Toscano  
Assistant Auditor-Controller  
El Dorado County

## Melody Lane

---

**From:** MAILER-DAEMON (Mail Delivery System)  
**Sent:** Monday, August 04, 2014 9:51 PM  
**To:** melody.lane@reagan.com  
**Subject:** Undelivered Mail Returned to Sender  
**Attachments:** details.txt; Undelivered Message Headers.txt

This is the mail system at host smtp1.relay.ord1c.emailsrvr.com.

I'm sorry to have to inform you that your message could not be delivered to one or more recipients. It's attached below.

For further assistance, please send mail to postmaster.

If you do so, please include this problem report. You can delete your own text from the attached returned message.

The mail system

<[john.dagostini@edso.org](mailto:john.dagostini@edso.org)>: host edso.org.s9a1.psmt.com[74.125.148.10] said:  
550-5.7.1 The user or domain that you are sending to (or from) has a policy  
that 550-5.7.1 prohibited the mail that you sent. Please contact your  
domain 550-5.7.1 administrator for further details. For more information,  
please visit 550 5.7.1  
<http://support.google.com/a/bin/answer.py?answer=172179> gv10si603123pbd.90  
- gsmtmp (in reply to end of DATA command)

## What Happens if an Official is Disqualified?

- If an official is disqualified from participating on a specific agenda item under the conflict of interest rules established by the Political Reform Act, the official must:
- At the meeting, publicly identify the financial interest or potential conflict of interest in sufficient detail to be understood by the public.
- Not attempt to influence the decision in any way This includes talking with colleagues or staff about the matter.
- Refrain from discussing or voting on the matter (ask for the item to be considered separately if it is on the consent calendar).

Here are a few miscellaneous items from the Public Service Ethics manual:

- A key element of public service ethics is the responsibility to do what's best for the community, even when it's not best for the decision-maker.
- The law provides only minimum standards for ethical conduct. Just because a course of action is legal, doesn't make it ethical/what one ought to do.
- Because of the breadth of federal anticorruption law, avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law. Even though a course of action may be lawful under state law, it may not be lawful under federal law.
- Cannot retaliate against those who whistle-blow.
- Cannot simultaneously hold certain public offices or engage in other outside activities that would subject them to conflicting loyalties.
- Allow the public to participate in meeting, listening to the public's views before decisions are made.
- The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- The statutory language could be clearer, but it appears that violation of these requirements constitutes misconduct in office. The usual penalty for misconduct in office is removal from office based upon grand jury proceedings and then judicial pronouncement.