

M. De Anda Open Team Bus 8/10/2021

Michael DeAnda

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**From:** Kevin Hill <kevin.hill@edcgov.us>  
**Sent:** Tuesday, July 13, 2021 9:56 AM  
**To:** Michael DeAnda  
**Cc:** Clifford Rosalez; Francisco Meza; Amber Lopez  
**Subject:** South Lake Tahoe Custodial Staff

Hello Michael,

I am reaching out to you in advocacy of our custodial staff in South Lake Tahoe. It has been brought to my attention that there is an effort to lay off the staff and outsource the work they do. I want to voice that I think this is wrong. I have been a Program Manager over Child Protective Services in El Dorado County for over six years. I often work late, and have gotten to know several of the custodial staff during this time. I want you to know that in large, they are hard working, committed employees who do a great job keeping our buildings clean. I have directly observed their hard work and integrity in serving the public and our staff. I have asked them to do various things throughout the years, and have never gotten pushback from them. They have families that they support. During the pandemic, I came into the office every day and watched them wipe down surfaces, restock restrooms and put themselves at risk to make sure our buildings were clean. There have been times I have left valuables on my desk overnight, and I have never worried or considered that anything could happen. No one ever asks program staff about facility changes like this, but I want to voice that I am 100% objecting to laying off our custodial staff and outsourcing. My alternative suggestion would be to make that move through natural attrition in the position. I also think that some think that outsourcing these duties saves money. I have worked for County government for over 29 years. My personal experience is that the quality of services declines when it is outsourced. I can confidently say that it will if we lay off Cliff, Chico and Amber.

Please do not hesitate to contact me if you have any questions, and feel free to share this email with anyone you want to.

Kindest Regards,

--  
Kevin Hill  
Program Manager Protective Services  
El Dorado County Health & Human Services Agency  
3368 Lake Tahoe Blvd.  
South Lake Tahoe, CA 96150

(530) 573-3414 - Direct Line  
(530) 573-3201 - Main Line  
(530) 541-2803 - Fax

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## Michael DeAnda

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**From:** Kaci Smith <kaci.smith@edcgov.us>  
**Sent:** Thursday, July 22, 2021 12:22 PM  
**To:** Michael DeAnda  
**Cc:** Clifford Rosalez; Francisco Meza; Amber Lopez  
**Subject:** Experience with the SLT Custodial Staff

To whom it may concern:

I am writing to share my experiences with the South Lake Tahoe Custodial Staff. Cliff, Chico, and Amber all regularly clean the Juvenile Treatment Center and provide exceptional service and cleanliness to our spaces. I have worked with Cliff and Chico for many years and Amber since she joined the County. These are all polite and courteous staff who go out of their way to provide a high-quality work product.

Please let me know if you have any questions or I can provide more information or feedback on the custodial services received at the Juvenile Treatment Center.

Thank you,

Kaci

--

Kaci L. Smith  
Superintendent  
El Dorado County Probation Department  
Juvenile Treatment Center  
530 573 7985

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## Michael DeAnda

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**From:** Hilary Burns <hilary.burns@edcgov.us>  
**Sent:** Tuesday, August 3, 2021 11:33 AM  
**To:** Michael DeAnda  
**Cc:** Clifford Rosalez  
**Subject:** Attention Mike  
**Attachments:** doc01011920210803114007.pdf

Good morning Mike,

This is the staff of El Dorado County Child Support in the government building in South Lake Tahoe. We are writing in support of our custodians who take care of all of the facilities in South Lake. I've attached a letter to this email expressing our support for the custodians.

Thank you,

--

*Hilary Burns*

Child Support Specialist  
El Dorado County Child Support Services  
3368 Lake Tahoe Blvd., Suite 203, South Lake Tahoe, CA 96150  
Direct Phone: (530) 573-3457  
Office Fax: (530) 621-2022  
Customer Service: (866) 901-3212

[Child Support Payment Options](#)

<https://www.edcgov.us/Government/ChildSupport/WebForms/ExperienceSurvey/ages/default.aspx>

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El Dorado County DCSS  
3368 Lake Tahoe Blvd.  
South Lake Tahoe, CA  
96150

To whom it may concern,

It has been brought to our attention that there is a possibility the county will be eliminating the positions of our custodians. This is immensely concerning as the quality of work our county custodians provide is excellent and the standard in which they perform has given us immense security in a time where public safety and health has been of paramount importance. It would be deeply alarming if the condition and cleanliness of our buildings suffered, especially during the time of a world-wide pandemic. Sanitation and cleanliness should be a top priority as we are trying to prevent the spread of COVID-19 and its variant. We cannot push public safety to the wayside simply so the county can save a little money with no regard for the welfare of the community and the county's employees.

The department of child support services located at the El Dorado Government Building in South Lake Tahoe has had the great pleasure of coming into our office everyday knowing our facility is always clean and cared for. Amber has been an outstanding custodian throughout the entirety of this pandemic and has tended to each facility here in Tahoe with such great care and quality. She always makes sure all of our specific requests in regards to the condition of our building are granted. She goes above and beyond to keep our facilities in the best possible condition and has taken every precaution to make sure we are all safe and the spread of the virus is minimized. She keeps every surface sanitized and sterilized which has kept all of us in child support healthy throughout these uncertain times. We strongly insist you keep the custodians in El Dorado County employed as we cannot afford compromising quality, especially at a time like

this. Our custodians have been invaluable to us during this time and will continue to be as we safely exit this pandemic.

Sincerely,

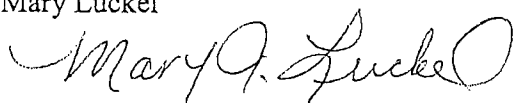
Hilary Burns

A handwritten signature in black ink, appearing to read 'Hilary Burns', with a long horizontal flourish extending to the right.

Laura Borek

A handwritten signature in black ink, appearing to read 'Laura Borek', with a long horizontal flourish extending to the right.

Mary Luckel

A handwritten signature in black ink, appearing to read 'Mary Luckel', with a long horizontal flourish extending to the right.

## **El Dorado County and Operating Engineers 3 (Trades & Crafts Unit)**

### **2021 Successor MOU Negotiation**

**County Proposal: 8**

**Date: June 11, 2021**

**Subject: Economic Package**

#### **Proposal:**

This is a package proposal. The County will independently respond to proposals made by the Union concerning subjects that are not discussed in this package. The County has made proposals about other subjects separate from this package and will make additional proposals concerning other subjects.

The County proposes that the Parties agree to a successor MOU with the following economic components:

1) Equity Adjustments: The County will increase base wages for benchmark classifications and internally tied non-benchmark classifications to approximately 7.0% (+/- 1%) behind the median of the County's April 2021 comparable agency compensation survey. These equity adjustments will take place the first full pay period following Board of Supervisors adoption of the successor MOU.

2) Base Wage Increases:

Effective the first full pay period in July 2022, the County will increase base wages for all classifications in the Trades & Crafts unit by 1.5%.

Effective the first full pay period in July 2023, the County will increase base wages for all classifications in the Trades & Crafts unit by 1.5%.

3) Longevity: The existing longevity pay MOU language will not change.

4) Custodians: The County proposes to delete all custodian job classifications and workforce with the exception of one custodial supervisor. The County shall contract with third-party vendors to provide custodial services in County facilities. The remaining custodial supervisor will be responsible for managing the contracts with the vendors.

5) Boot Allowance: The County will increase the annual boot allowance to \$325.00 but will not replace employee boots. This increase will apply to all job classifications that currently receive a boot allowance with the exception of custodial job classifications.

6) Term: July 1, 2021 to June 30, 2024 (three fiscal years).

For the County:

For the Union:

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Jack Hughes

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Michael De Anda

X. Grassi Open Forum BOS 8/10/2021

8/10/21

Hello my name is Krista Grassi and I'm here to circle back to a topic that we spoke on when we first start coming to these BOS meetings earlier this year. Forced vaccinations. Mobile medical units. FEMA camps. No one seemed to take us seriously when we talked about AB262, AB389 and CMS-9115-F. Together these give the local public health officer full discretion and power to issue orders to other governmental entities within his/her jurisdiction to take any action the local health officer deems necessary. Complete disregard for any constitutional rights.

Seems crazy? Look at what happening:

Counties throughout the state of CA are mandating vaccines or masking/testing – including our own County.

Businesses that will REQUIRE vaccinations once FDA approved.

New York cutting people out of society who aren't vaccinated.

Tennessee Executive Order issued 8/6/21 that spells out exactly what we have been saying is coming: National Guard is given the authority to set-up temporary emergency healthcare facilities (concentration camps)....transport people in unmarked vehicles (mobile med units pd by the County budget)....and quarantine without consent AND all authority for inspection of their actions and facilities are suspended as long as the emergency exists. The EO doesn't state it so plainly, but if you read the Order it does exactly that.

<https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee83.pdf>

Green Zones – which are part of the Shielding Approach stated on the CDC's website on 7/26/20 that is now making the news. High-risk individuals would be temporarily relocated to safe or "green zones" established at the household, neighborhood, camp/sector or community level depending on the context and setting. They would have minimal contact with family members and other low-risk residents.

<https://www.cdc.gov/coronavirus/2019-ncov/global-covid-19/shielding-approach-humanitarian.html>

You need to re-evaluate those you appoint such as the public health officer. Nancy Williams has made it clear that she sides with the CDC & abides by their rules. This would be which CDC – or both? In case not everyone is aware, we actually have 2 CDC's: One that operates as part of Health & Human Services. A second that congress created (CDC Foundation) that operates as a non-profit and is able to skirt around any government oversight & restrictions. When people quote the CDC & use their data, they are using information from an organization that is in effect laundering money & is not un-biased. One that has an agenda.



Now while I do have complete faith in our local law enforcement and Sheriff, I prefer to not put all my eggs in one basket. We can't count on one man or department. We need to make sure all bases are covered. The BOS needs to make it clear to the public that these actions will be tolerated. We need the public to be aware of what is heading our way & to be non-compliant.

I'm going to quote a post by KrisAnne Hall:

Peaceful Noncompliance is NOT civil disobedience. The people are not the disobedient ones.

Peaceful Noncompliance is when the people enforce the Constitution, the Supreme Law of the Land, because THOSE IN GOVERNMENT are being disobedient to rights of the people.

According to a Harvard study, looking at over 100 years of history, peaceful noncompliance is the most successful and most powerful way to control government.

Peaceful Noncompliance is over 2.5x more likely to succeed than violent protest and only requires less than 3.5% of the population to succeed.

So everyone needs to say: We will not comply.

Thank you.

It is my Right and duty to demand that all government officials uphold their oaths to the Constitution(s) and abide by all constitutionally-imposed mandates of their oaths. Whenever constitutional violations are committed by public officers, 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. I'm speaking specifically about the actions contained in (these) two notarized Affidavits of Truth addressed to IT Director Tonya Digiorno and CAO Don Ashton.

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 May 6th Ms. Digiorno was contacted by Recorder Clerk Janelle Horne to remedy my inability to email a member of her staff. At that time it was discovered that not even Ms. Digiorno could email me due to the fact that Don Ashton had conspired with others in 2018 to implement an unlawful edict restricting my ability to communicate electronically with most EDC staff, including Don's admin, Clay Russell.

Following are excerpts from communications with Janelle Horne:

*From what I understand, there were several emails that were **inappropriate**. I didn't get the whole story but Don felt the emails received could be **filtered** through the department heads and forwarded to the appropriate staff...Tonya wasn't aware until I brought it up, it was Don who mentioned it and also said that other Department Heads have requested it as well...Tonya was not part of the conversation until I had sent her the request to allow Catrina to have access. She said it was put in place before she came. I had reached out to Don to see if we could take you off of restriction to all county staff, he said **multiple department heads** had requested him restrict access...**He said that I would need to reach out to all the department heads individually and ask them if they wanted to allow access. So basically, he wasn't going to allow it without everyone's permission.***

When I was finally able to correspond directly with Tonya, I provided her with the facts explaining the unlawful blocks ordered by **Sheriff D'Agostini and CAO Don Ashton on my ability to correspond electronically with most EDC staff**. Tonya's unwillingness to respond to my demand to immediately remedy the IT block and other requests for public information, indicates her contempt for my rights, EDC Core Values, and her oaths of office.

Don Ashton's fraudulent accusations about "inappropriate emails" are libelous, slanderous, defamatory, and retaliatory in nature for my exposure of his role in government corruption. His blatant violation of my First Amendment rights and filtering of my communications was an egregious violation of legal, moral and ethical standards of his office, **one of the highest paid positions in the county**. For you to resort to such repugnant behavior, and then fraudulently induce Janelle Horne to do your dirty work for you by suggesting she canvass department heads on your behalf in order to obtain their "permission" for me to access public services, is beyond reprehensible.

In closing, all public officers within whatever level of government, and whatever their private vocations, are trustees of the people, and accordingly labor under every prohibition imposed by law relative to the making of personal financial gain from a discharge of their trusts. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. In addition to aiding and abetting government corruption, Don failed his fiduciary responsibilities and duty as CAO, and in so doing, he harmed me and ***all*** El Dorado County residents.

If you have any questions or comments, please make them at this time while I'm at the podium.

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

- 1) This transcript
- 2) Tonya Digiorno Affidavit
- 3) Don Ashton Affidavit #3

## AFFIDAVIT/DECLARATION OF TRUTH

Tonya Digiorno  
EDC Director of Information Technologies  
330 Fair Lane  
Placerville, CA 95667

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, Tonya Digiorno, acting as Director of Information Technologies, 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.”

Any act committed by you, Tonya Digiorno, 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 under 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, Tonya Digiorno, 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, 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, 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:

### **CLAIMS AND AVERMENTS:**

In addition to state 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. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. When I use the term “public officer(s)”, this term includes you.

1. You, Tonya Digiorno, are a public servant whose salary is paid for via my tax dollars; 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...”*

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.

All actions by public employees conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. It is my Right and 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.

2. On or about May 6, 2021, you were contacted by the EDC Recorder Clerk, Janelle Horne, to remedy my ability to communicate electronically with her staff member, Catrina Christiansen. Janelle also requested the restrictions imposed by CAO Don Ashton be lifted upon my ability to communicate electronically with all EDC staff. On May 10<sup>th</sup> Janelle Horne wrote:

*I only requested that the lift be for Catrina. But I am asking if you can have access to all EDC staff.*

*I am not aware of any other members of the public being blocked. But I wouldn't know as that is something that IT takes care of.*

*Tonya wasn't aware until I brought it up, it was Don who mentioned it and also said that other Department Heads have requested it as well. Her number is 530-621-5575.*

*Tonya was not part of the conversation until I had sent her the request to allow Catrina to have access. She said it was put in place before she came. I had reached out to Don to see if we could take you off of restriction to all county staff, he said multiple department heads had requested him restrict access. I let Tonya know that you might be contacting her about the access to email staff.*

3. On May 10, 2021 I contacted you requesting specific information. The following email dialog took place between us:

**Melody Lane:** *I understand you are the new IT Director for EDC. Is the Sheriff's IT Department under the scope of your authority, or does EDSO have their own designated IT Director?*

**Tonya Digiorno:** *The Sheriff's office is not supported by the IT Department and hasn't been under the IT Department authority since the early 1990's.*

**Melody Lane:** *If EDSO IT isn't under your authority, then does that mean the Sheriff has his own IT Director? And if so, what is the name of that person, and who they report to?*

*FYI, a few years ago Vern Pierson was receiving a supplemental salary for overseeing IT in EDC. Considering Vern had absolutely no IT experience, it raised a lot of controversy, but Vern adroitly avoided answering public inquiries.*

**Tonya:** *In response to your inquiry, I'm not sure who is in charge at EDSO IT, as I do not have any ties as it relates to IT support. You may want to reach out to EDSO for that*

information, there are several phone numbers listed on their website. <https://www.edcgov.us/Government/sheriff/>

Regarding Vern, I do know Vern was the Chief Technology Officer, but I'm unaware of his salary or IT experience. Sorry I can't be of more help.

**Melody:** Thanks for the suggestion, but here is a very good reason why I cannot "reach out" to EDSO. That is because in 2013 Sheriff D'Agostini **unlawfully** blocked my ability to communicate electronically with any of his staff. He even refused to continue to hold our quarterly Compass2Truth meetings in his office, or respond to Public Record Act requests for information. So we took the evidence to Vern Pierson, but after we presented Vern with the same evidence provided to the Grand Jury, he reneged on his audio recorded agreement to investigate EDSO. Apparently the Sheriff doesn't like having constituents hold his feet to the fire... (See attached Affidavit 2DAgostini entered into the public record during June 23, 2020 BOS meeting.)

As you may be aware, Don Ashton formerly worked as Sheriff D'Agostini's CFO, and was later promoted to CAO. I have also attached for your information the first Affidavit of Truth addressed to Don Ashton which was entered into the public record during the January 9, 2018 BOS meeting. I suggest you examine this notification of legal responsibility carefully. An unrebutted affidavit stands as truth and fact before any court in America.

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. On August 17, 2018 Don Ashton distributed an email indicating that **effective immediately**, the County was restricting my ability to email County staff, but he didn't specify who those individuals were. The First Amendment makes it very clear that there can be no lawful limitation on the rights of the people. Don's treasonous actions proved his fraud and obstructionism, and were clearly in violation of his Constitutional oaths of office and my First Amendment rights. Consequently Don received a second Affidavit of Truth which was entered into the public record during the April 9, 2019 BOS meeting after he falsely claimed my emails were "inappropriate" and then ordered the former IT Director to block my ability to communicate electronically with most EDC staff.

Therefore I am making three specific requests:

1. Pursuant to your Constitutional oaths of office, please contact the appropriate personnel to identify the name of the person currently responsible for the Sheriff's IT, specify their job title, and who they directly report to.
2. Also please identify the person currently responsible for the District Attorney's IT, specify their job title, and who they directly report to.

3. *I also request that you immediately remove the unlawful IT block that Don Ashton ordered in 2019 on my ability to communicate electronically with all other EDC personnel.*

*If you have any questions, don't hesitate to contact me. I look forward to the courtesy of your prompt reply.*

**On 5/26/21 Melody Lane wrote:** *Since I have not received the courtesy of your response to my below PRA, then it is reasonable to presume that you may have reinstated the unlawful block Don Ashton ordered placed upon my ability to correspond with county staff and thereby deprive me of First Amendment rights. Therefore, pursuant to your oaths of office, I anticipate your immediate response confirming receipt of this message.*

**Tonya Digiorno:** *Received. As stated before and guidance provided on May 17 regarding how to submit your Public Records request, for your convenience I'll restate, if you have a public inquiry, please submit your request via the Public Records Request system*

*at: [https://eldoradocountyca.mycusthelp.com/WEBAPP/rs/\(S\(goi0upjqr5pn5z4qzls5lw\)\)/support/home.aspx](https://eldoradocountyca.mycusthelp.com/WEBAPP/rs/(S(goi0upjqr5pn5z4qzls5lw))/support/home.aspx)*

**Melody Lane:** *And in case you didn't understand it the first time, I'll repeat again: You have no authority to dictate by which means a citizen submits a PRA. A PRA can be made on the phone, in person, sent USPS or via email, but there is no lawful requirement limiting/forcing a citizen to go through the County's PRA system which has a history of being problematic. **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)*

**On 5/27/21 Tonya Digiorno wrote:** *I understand that you are unwilling to submit your request through the County's Public Records Act request intake system. As a result, in order to assist you, I will forward your request to the Clerk of the Board to enter into that system and to assign the request to the appropriate departments, which appear to be some combination of the Human Resources department, the Sheriff's office, and the District Attorney's office. As I understand your request, you seek the following:*

*(1) records identifying the name of the person currently responsible for the Sheriff's IT, their job title, and who they directly report to; and*

*(2) records identifying the person currently responsible for the District Attorney's IT, their job title, and who they directly report to.*



*Your request number 3 (that I "immediately remove the unlawful IT block that Don Ashton ordered in 2019 on [your] ability to communicate electronically with all other EDC personnel") does not appear to seek records. Since your initial email requested answers to questions and made no mention of a request for records, we will consider your Public Records Act request to have been received as of the date of this email.*

**On 5/28/21 Melody Lane wrote:** *You are in error in your understanding, nor are you "assisting" me by dumping P003273-052721 into the PRA dysfunctional system. On Monday, May 10, 2021 7:32 PM I requested public information, which by law, you are required to make immediately accessible, but you were obviously unwilling to provide it to me. I did **not** request **records** as you falsely asserted below. Instead of complying with my request, you created more excuses and illicit delay tactics to obstruct my Constitutionally secured rights to access that public information.*

*After the Recorder Clerk apprised you on May 13<sup>th</sup> that my emails weren't getting through either to you or staff in the Recorders office, you subsequently unblocked your own email address as well as that of Catrina Christensen. When I was finally able to correspond directly with you, I provided you with the facts explaining the unlawful blocks ordered by **Sheriff D'Agostini and CAO Don Ashton on my ability to correspond electronically with most other EDC staff**. However you failed to respond to my demand to immediately remedy the IT blocks put in place by the former IT Director. Your unwillingness to appropriately respond to my requests indicates your contempt for my rights, EDC Core Values, and your oaths of office.*

*Certainly an intelligent woman like you is cognizant that you do not need "permission" from County Counsel, Don Ashton, or the Sheriff to adhere to the requirements of your job or your Constitutional oaths of office! When you have knowledge of their wrong doing, but fail to take remedial action, then you become complicit and liable for aiding and abetting their unlawful actions. The aforementioned factual evidence indicates that you are deliberately in violation of your oaths of office and apparently conspiring with other county officials to deprive me of my inherent rights.*

*As you are aware, our nation is currently facing a Constitutional crisis, and this Memorial Day weekend we are remembering those who died in defense of our Constitutional liberties. Ms. Digiorno, you are faced with two choices:*

- 1) You can continue to be part of the problem by conspiring with staff to deprive me of my inherent rights, or*
- 2) You can abide by your Constitutional oaths of office and be part of the solution by responding appropriately to all three May 10<sup>th</sup> questions submitted to you, and immediately confirm the restoration of my ability to communicate electronically with **all** EDC staff, including EDSO.*

*I anticipate your full cooperation and the courtesy of your response no later than 5:00 PM today, May 28<sup>th</sup>.*

Ms. Digiorno, I never heard from you again after the above exchange in regard to P003273-052721 in which you falsely asserted that I was “unwilling to submit” my request “through the County's Public Records Act request intake system.” It appears your bureaucratic diversion was another tactical delay orchestrated through county counsel and/or the CAO to obstruct my timely access to public information. Had I walked into your office and made the same request for public information, the law says you are required to make such information immediately available:

- **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 must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255)

As stated previously, your refusal to respond to my direct questions or permitting me immediate access to public information, you egregiously deprived me honest public services and my rights to due process secured in the First Amendment to seek redress of grievances. In so doing, you stepped outside of your *limited delegated authority* and acted as a renegade, thus, you cannot be lawfully protected by the jurisdiction for which you work. Should that jurisdiction do so, then that jurisdiction acts in direct violation and opposition to the state and national Constitutions, by unlawfully ignoring and/or condoning and exonerating unconstitutional, unlawful actions committed by its staff members, as the ordinary, usual, routine unlawful custom, practice and unwritten policy of that jurisdiction. If the jurisdiction so acts, and protects you, then the jurisdiction admits that it is a criminal, treasonous body, acting in sedition and insurrection to the Constitutions and to the people. *Refer to USGC Title 18, Sections 241 and 242.*

4. My demand to have you restore my ability to communicate with all EDC staff, and then confirm that task was accomplished, is indeed within the scope and authority of your jurisdiction. I never received a response from you as to whether my ability to contact other EDC personnel was restored. Since I have not yet received responses from certain personnel, then it is reasonable to conclude that you have maintained that block upon my access to EDC staff. Thus your dereliction of duty and refusal to provide me public information and/or public services is a deprivation of my First Amendment rights.

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.

5. The public is entitled to honest services. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. By your refusal to provide services and failure to respond to my inquiries, you extended absolutely no due process of law whatsoever to me, yet by your unconstitutional actions, as described herein, you harmed me in direct violation of your oaths. Your repeated deprivations of my right to lawfully access public information 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 by the First Amendment.

Additionally, by your unconstitutional actions, or inaction, and failure to respond to my specific inquiries, you have violated your oaths of office and committed fraud against me. *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.**” 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] See also USC 18 § 241 and USC 18 § 242, respectively, *Conspiracy Against Rights, and Deprivation of Rights Under Color of Law.**

6. You have no authority or lawful justification to discriminate, deny public services, or withhold information from any El Dorado County citizen. Your blatant delay tactics and refusal to provide me access to information and due process of law, as stated within the Bill of Rights, egregiously harmed me by depriving me of information and services necessary described herein to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. 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 1<sup>st</sup> Amendment Rights. *See United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> 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 national and state, and in treason against the People, in the instant case, me.
7. Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public servants, such as you, take oaths, yet are ignorant of the constitutional positions and mandates 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.

As herein described, by your actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or “immunity” of your office, 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. By violating and perjuring your sworn oaths, you invoked the self-executing referenced Sections 3 & 4 of the 14<sup>th</sup> Amendment.

8. All actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your 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 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:

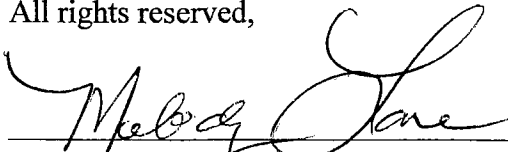
*"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional 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 the Citizens of El Dorado County, 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. If government were to protect and defend your unconstitutional actions, then, that government becomes complicit in those actions, condones, aids and abets them. *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.*

Lawful notification has been provided to you stating that if you, Tonya Digiorno, 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, 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 un-rebutted 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

8/4/21  
\_\_\_\_\_  
Date

**(See attached California Notarization)**

CC: Dist. #1 Supervisor John Hidahl  
Dist. # 2 Supervisor George Turnbo  
Dist. # 3 Supervisor Wendy Thomas  
Dist. #4 Supervisor Lori Parlin  
Dist. # 5 Supervisor Sue Novasel  
CAO Don Ashton  
District Attorney Vern Pierson  
HR Director, Joseph Carruesco  
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 4th day of August 2021  
Date Month Year

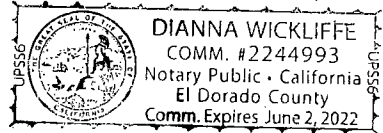
by Melody Lynn Lane

Name of Signers

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 attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Defidavit of Declaration of Truth

Document Date: 8/4/21

Number of Pages: 10

Signer(s) Other Than Named Above: \_\_\_\_\_

## AFFIDAVIT/DECLARATION OF TRUTH

Don Ashton  
El Dorado County Chief Administrative Officer  
330 Fair Lane  
Placerville, CA 95667

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, Don Ashton, acting as Chief Administrative Officer, 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.*"

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*. See *Marbury v. Madison* - "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*"

Any act committed by you, Don Ashton, acting as El Dorado County CAO, 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 under 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, Don Ashton, 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, 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, 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:

### CLAIMS AND AVERMENTS:

1. On January 8, 2018 and on March 29, 2020 you received via USPS certified mail notifications of legal responsibility in the form of Affidavits of Truth delineating how you have abused your position and violated the rights of the people, in the instant case me, by conspiring with other public officials to deprive me of my inherent rights. This is the third Affidavit you have received containing factual evidence of your continued contempt for Citizens, the law and your oaths of office.

When public officers take oaths, yet are ignorant of the constitutional positions and mandates to which they are bound by those oaths, then fail to abide by those positions and mandates in the performance of their official duties, as you have done, this suggests that you may have had no intention of ever honoring your oaths, and your signature upon the oath documents constitutes **fraud**. Fraud vitiates any action. 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 (7<sup>th</sup> Cir 1985), *includes the deliberate concealment of material information in a setting of fiduciary obligation*.

When public officers 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 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.***

2. Any action committed by you either supports and upholds the Constitution(s), or opposes and violates them. You have no constitutional authority, or any other form of valid authority, to oppose and violate the very documents to which you swore or affirmed your oaths. However, by your flagrant violations of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens, that is exactly what you have done. 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, then that is a Constitutional crime.

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. 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, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. 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.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters or emails, 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. An un rebutted affidavit stands as truth in any court in America. 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.*** [Emphasis added]

3. Pursuant to El Dorado County Charter, Section 401, Elected Department Heads shall cooperate with the Chief Administrative Officer so that the Chief Administrative Officer may achieve and complete coordination of all county activities. In the event of a constituent complaint regarding an elected department head or their staff, it is the responsibility of the Elected Department Head to handle that matter as they deem most appropriate and in accordance with federal and state law and County policy. However, each Elected Department Head is required to communicate necessary and relevant information to the Chief Administrative Officer in a timely manner in order to achieve the complete coordination of all county activities. The Chief Administrative Officer will then communicate with the District Supervisor. However, on August 18, 2018 at 3:45 PM you distributed an email announcing that you ordered the former IT Director to obstruct and/or filter my communications. The current IT Director, Tonya Digiorno, has maintained your unlawful order, and in so doing she violated my First Amendment rights and her oaths of office.

To wit, on or about May 7, 2021 I discovered that I could not communicate electronically with staff in the Recorder Clerks office which would enable me to work on a research project.

Shortly thereafter you were apprised by Recorder Clerk Janelle Horne that IT Director Tonya Digiorno refused to remove the unlawful restrictions that you ordered the former IT Director to place upon my ability to communicate electronically with most EDC staff. The following are excerpts from my correspondence with Recorder Clerk Janelle Horne:

I only requested that the lift be for Catrina. But I am asking if you can have access to all EDC staff.

**I guess you would need to get permission from Don to get it released. From what I understand, there were several emails that were inappropriate.** I didn't get the whole story but Don felt the emails received could be **filtered** through the department heads and forwarded to the appropriate staff. I would be willing to ask for you.

I am not aware of any other members of the public being blocked. But I wouldn't know as that is something that IT takes care of. Tonya wasn't aware until I brought it up, it was Don who mentioned it and also said that other Department Heads have requested it as well. Her number is 530-621-5575.

Tonya was not part of the conversation until I had sent her the request to allow Catrina to have access. She said it was put in place before she came. I had reached out to Don to see if we could take you off of restriction to all county staff, **he said multiple department heads had requested him restrict access.** I let Tonya know that you might be contacting her about the access to email staff. I believe that she reports to the Board of Supervisors.

**He said that I would need to reach out to all the department heads individually and ask them if they wanted to allow access. So basically, he wasn't going to allow it without everyone's permission. Honestly, I don't have the time to reach out to them individually and follow up. But if it is something that you want me to do, I will but it may take some time to get an answer from everyone.**

The unlawful block that you authorized the former IT Director to be imposed upon my ability to communicate electronically with staff included your administrator Clay Russell, IT Director Tonya Digiorno, and Parks and Recreation Supervisor Vickie Sanders. There has never been anything inappropriate about my communications with any county staff, so based upon strong prima facie evidence, it is reasonable to deduce that you are retaliating against me for blowing the whistle on EDC government corruption.

By conspiring with other county officials, such as you have done, to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of your Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. Your fraudulent accusations about "inappropriate emails" are libelous, slanderous, defamatory, and retaliatory in nature for my exposure of your role in government corruption and censorship. You crossed the line by inferring that

Ashton, you seem to forget that you are a public servant accountable to EDC Citizens, and you are not above the law.

Your blatant violation of my First Amendment rights and filtering of my communications was an egregious violation of legal, moral and ethical standards of your office, one of the highest paid positions in the county. For you to resort to such repugnant behavior, and then fraudulently induce Janelle Horne to do your dirty work for you by suggesting she canvass department heads on your behalf in order to obtain their "permission" for me to access public services, is beyond reprehensible. Refer to *U.S. v. Tweel supra*, and *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] Furthermore, your obstructive actions against me demonstrated flagrant bias and discrimination against me in violation of equal protection and equal treatment under the law.

In addition to state law, Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths, namely, your collusion with other county staff, to unconstitutionally and unlawfully deny me equal access to public services and due process of law, as stated within the Bill of Rights. You egregiously harmed me by conspiring with county staff to suppress my inherent right of free speech, preventing and/or restricting my access to government employees, and depriving me of public information or public 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.*"

4. Parks and Recreation Manager Vickie Sanders reports directly to the CAO. Your unlawful order blocking my ability to communicate electronically with Ms. Sanders obstructed me from providing factual input concerning the Chili Bar Park meetings leading up to 7/27/21 BOS agenda Item #29. You were made aware of Ms. Sanders' involvement in the legal action taken against members of her staff and American River Conservancy when you received a copy of the Affidavit addressed to Ms. Sanders that was entered into the public record on 5/14/19. Individuals under Ms. Sanders' supervision and control were routinely falsifying information relative to the River Management Plan in order to manipulate public perceptions and obstruct Citizens' rights to participate in public forums. As such, Ms. Sanders colluded with county and State Parks personnel to unethically circumvent the law and deny Citizens due process of law.

When you, Don Ashton, have knowledge of wrong doing, but fail to take remedial action against your employee, Vickie Sanders, then you become complicit and liable for aiding and abetting her retaliatory and unconstitutional actions against me. Furthermore, Ms. Sanders has violated First Amendment guarantees, betrayed the Public Trust, and perjured her oaths of office. Thus you, Don Ashton, as an individual, can also be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights by your failure to take remedial action, to wit:

*"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)*). [Emphasis added]

5. Depriving the public of honest services is a federal crime. My claims, statements, and averments also pertain to your failure to provide honest public services, pursuant to your oaths. 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. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. You have failed your fiduciary responsibilities and duty as Chief Administrative Officer, and in so doing, you have harmed all El Dorado County Citizens and me.

All actions by public officials, whether conducted in the performance of their official duties, or in their individual capacities, 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. Any enterprise undertaken by any public official 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. To wit:

*"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 USGC Title 28, and Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3, and intrinsic fraud..."*

Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public servants, such as you, take oaths, yet are ignorant of the constitutional positions and mandates 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. *See: United States v. Throckmorton.*

You, Don Ashton, acting as Chief Administrative Officer for the County of El Dorado, have violated all of the above lawful positions, the Constitutions, your oath of office, and acted against the public good by violating the public trust. 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 1<sup>st</sup> 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 above USC Title 18, § 241- Conspiracy Against Rights.*

6. The Supremacy Clause of the Constitution established that the Constitution and federal laws made pursuant to it, constitute the "supreme Law of the Land", and thus take priority over any conflicting state or local laws, ordinances, regulations, statutes or policies such as the Good Governance manual. Whenever a rogue government agency or individual, such as you, disregards the rule of law whenever, wherever, and however it chooses and operates above the law, that is exactly what gives rise to a government of wolves who abuse their power at the expense of the citizenry, in this case me. Your reckless disregard for the law and discrimination against me, an *evangelical senior citizen*, only serves to maintain the corrupt status quo rather than to protect the Citizens whom you profess to serve pursuant to your oaths of office.

The Constitution does not restrict or limit rights guaranteed in the Constitution. To wit, your "filtering" of my communications with county staff has also unlawfully hindered proper and/or timely responses to Public Records Act requests for information as per Government Code Section 6250 et seq. Thus, by your own unlawful actions you have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law. As Supervisor Lori Parlin can attest, we have met with you and county counsel on several occasions with regard to the county's deceitful custom of circumventing timely or proper responses to public record act requests. **(See attached Exhibit A)**

By your unconstitutional actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or "immunity" of your office, 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. By conspiring with other county officials, such as you have done, to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of your Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. 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: USGC Title 18 § 241 - Conspiracy Against Rights, and 18 USC § 242 – Deprivation of Rights Under Color of Law.*

7. 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. Any actions by a public officer, such as you, either uphold the Constitutions and rights secured therein, or oppose them. By your 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 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.

When you, Don Ashton, have knowledge of wrong doing, but fail to take remedial action against Tonya Digiorno and Vickie Sanders, then you become complicit and liable for aiding and abetting her unconstitutional actions against me. Furthermore, Tonya and Vickie have violated First Amendment guarantees, betrayed the Public Trust, and perjured their oaths of office. Thus you, Don Ashton, as an individual, can also be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights by your failure to take remedial action. *See: TANZIN v. TANVIR (a) Stewart v. Dutra*

*Constr. Co.*, 543 U. S. 481, 487 (2005). The phrase “persons acting under color of law” draws on one of the most well-known civil rights statutes: 42 U. S. C. §1983. That statute applies to “person[s] under color of any statute,” and this Court has long interpreted it to permit suits against officials in their individual capacities. See, e.g., *Memphis Community School Dist. v. Stachura*, 477 U. S. 299, 305–306, and n. 8 (1986). In 1871 Congress passed the precursor to §1983, **imposing liability on any person who, under color of state law, deprived another of a constitutional right**. 17 Stat. 13; see also *Myers v. Anderson*, 238 U. S. 368, 379, 383 (1915); See: *Procurner v. Navarette*, 434 U. S. 555, 561–562 (1978); *Siegerty. Gilley*, 500 U. S. 226, 231 (1991) [Emphasis added] See also: *Gallegos v. Haggerty, N.D. of New York*, 689 F. Supp. 93 (1988), *supra*.

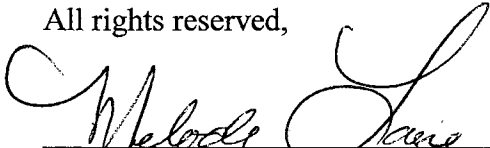
8. Because of the breadth of federal anticorruption law, the **Institute for Local Government Public Service Ethics** strictly warns to avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law, as well as retaliating against those who whistle-blow. By your own actions you have demonstrated your contempt for the law, your oaths of office, and the Citizens whom you profess to serve. It is glaringly evident your fraudulent actions are contrary to the EDC Core Values and Good Governance Policy. Any deceptive, obstructive enterprise undertaken by any public servant, 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 all 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 F.2d 163, 168 (7th Cir. 1985), *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: USC Title 18, § 2071 – Concealment, removal, or mutilation generally.
9. Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. By your actions and in some cases, inaction, it is clear that you have violated on numerous occasions each and every one of the above provisions and in so doing, deprived me of my rights secured in the First Amendment, violated due process of law, and defied the Constitutions.

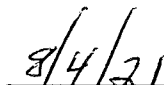
As herein described, by your actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or “immunity” of your office, thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights. By your actions and in some cases, inaction, it is evident that you have violated on numerous occasions each and every one of the above provisions and in so doing, deprived me of my rights secured in the First Amendment, violated due process of law, defied the Constitutions, thereby perjured your oaths. You acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. By violating and perjuring your sworn oaths, you invoked the referenced Sections 3 & 4 of the 14<sup>th</sup> Amendment.

Lawful notification has been provided to you stating that if you, Don Ashton, 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, 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 un-rebutted 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

  
\_\_\_\_\_  
Date

Attachment: Exhibit A – CPRA agendas

**(See attached California Notarization)**

CC: Dist. #1 Supervisor John Hidahl  
Dist. #2 Supervisor George Turnboo  
Dist. # 3 Wendy Thomas  
Dist. #4 Supervisor Lori Parlin  
Dist. # 5 Supervisor Sue Novasel  
EDC HR Director, Joseph Carruesco  
District Attorney Vern Pierson  
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 4th day of August, 2021  
Date Month Year

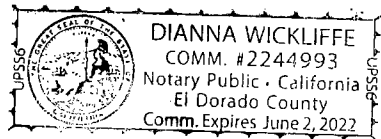
by Melody Lynn Lane

Name of Signers

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 attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit/Declaration of Truth

Document Date: 8/4/21

Number of Pages: 9

Signer(s) Other Than Named Above: \_\_\_\_\_



**Tuesday October 4, 2016 @ 2:30 PM**  
**Don Ashton, Mike Ranalli, Paula Franz**

- I. CPRAs - FOIA
  - A. Guide to CPRAs
  - B. Government PRA Tracking system – COB Discrepancies
  - C. Legal vs. Lawful
  
- II. Ethics & HR policies
  - A. Brown Act Violations
  - B. Transparency & Accountability
    - 1. BOS
    - 2. EDSO
    - 3. CAO
  
- III. Obstacles - Bureaucratic Shenanigans
  - A. Communication breakdown
  - B. Fees - Resolution 113-95 v. AB1234
  - C. Code/Law Enforcement policy inconsistencies
  
- IV. Follow up - Target date

*EXHIBIT A-1*

**Wednesday November 12, 2014 @ 10:00 AM**

**Robyn Drivon/Paula Franz**

- I. CPRAs - FOIA
  - A. CAO - Ross Branch
  - B. Process - Coordination, logging, tracking
  - C. Spreadsheet Discrepancies
  - D. EDSO
  
- II. Brown Act – Bagley Keene Act Violations
  - A. BOS Agendas
  - B. Censoring/minimizing info.
  - C. Technical Difficulties
  
- III. Obstacles - Bureaucratic Shenanigans
  - A. Communication breakdown
  - B. Resolution 113-95 v. AB1234
  - C. Fees - Paper v. electronic copies or CD
  - D. Code/Law Enforcement inconsistencies
  - E. Diverted responses/lack of response
  
- IV. Solutions – Follow up
  - A. 10/21 CPRA presentation – publish CPRAs to government website?
  - B. Transparency/Accountability
  - C. Right-to-know v. media blackout

*EXHIBIT A-2*



County of El Dorado Clerk of the Board &lt;edc.cob@edcgov.us&gt;

## 8/10/21 BOS Open Forum - public comments

**Melody Lane** <melody.lane@reagan.com>

Tue, Aug 10, 2021 at 5:04 PM

To: edc.cob@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, Tonya Digiorno <tonya.digiorno@edcgov.us>, lori.parlin@edcgov.us, sue.novasel@edcgov.us, wendy.thomas@edcgov.us, george.turnboo@edcgov.us, john.hidahl@edcgov.us, joseph.carruesco@edcgov.us

Cc: david.livingston@edcgov.us, Richard Esposito <resposito@mtdemocrat.net>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Please ensure that the entirety of this correspondence is entered into the public record during today's BOS Open Forum. Also ensure that Joseph Carruesco enters these affidavits in the corresponding HR files of IT Director Tonya Digiorno and CAO Don Ashton.

###

It is my Right and duty to demand that all government officials uphold their oaths to the Constitution(s) and abide by all constitutionally-imposed mandates of their oaths. Whenever constitutional violations are committed by public officers, 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. I'm speaking specifically about the actions contained in (these) two notarized Affidavits of Truth addressed to IT Director Tonya Digiorno and CAO Don Ashton.

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 May 6th Ms. Digiorno was contacted by Recorder Clerk Janelle Horne to remedy my inability to email a member of her staff. At that time it was discovered that not even Ms. Digiorno could email me due to the fact that Don Ashton had conspired with others in 2018 to implement an unlawful edict restricting my ability to communicate electronically with most EDC staff, including Don's admin, Clay Russell.

Following are excerpts from communications with Janelle Horne:

*"From what I understand, there were several emails that were **inappropriate**. I didn't get the whole story but Don felt the emails received could be **filtered** through the department heads and forwarded to the appropriate staff...Tonya wasn't aware until I brought it up, it was Don who mentioned it and also said that other Department Heads have requested it as well...Tonya was not part of the conversation until I had sent her the request to allow Catrina to have access. She said it was put in place before she came. I had reached out to Don to see if we could take you off of restriction to all county staff, he said **multiple department heads** had requested him restrict access...**He said that I would need to reach out to all the department heads individually and ask them if they wanted to allow access. So basically, he wasn't going to allow it without everyone's permission.**"*

When I was finally able to correspond directly with Tonya, I provided her with the facts explaining the unlawful blocks ordered by **Sheriff D'Agostini and CAO Don Ashton on my ability to correspond electronically with most EDC staff**. Tonya's unwillingness to respond to my demand to immediately remedy the IT block and other requests for public information, indicates her contempt for my rights, EDC Core Values, and her oaths of office.

Don Ashton's fraudulent accusations about "inappropriate emails" are libelous, slanderous, defamatory, and retaliatory in nature for my exposure of his role in government corruption. His blatant violation of my First Amendment rights and filtering of my communications was an egregious violation of legal, moral and ethical standards of his office, **one of the highest paid positions in the county**. For you to resort to such repugnant behavior, and then fraudulently induce Janelle Horne to do your dirty work for you by suggesting she canvass department heads on your behalf in order to obtain their "permission" for me to access public services, is beyond reprehensible.

In closing, all public officers within whatever level of government, and whatever their private vocations, are trustees of the people, and accordingly labor under every prohibition imposed by law relative to the making of personal financial gain from a discharge of their trusts. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. In addition to aiding and abetting government corruption, Don failed his fiduciary responsibilities and duty as CAO, and in so doing, he harmed me and *all* El Dorado County residents.

If you have any questions or comments, please make them at this time while I'm at the podium.

Hearing none, this entire Board is complicit in aiding and abetting Don Ashton and Tonya Digiorno by your failure to take remedial action.

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

- 1) This transcript
- 2) Tonya Digiorno Affidavit
- 3) Don Ashton Affidavit #3

*Melody Lane*

***Founder – Compass2Truth***

"A nation can survive its fools, and even the ambitious. But it cannot survive treason from within... An enemy at the gates is less formidable, for he is known and carries his banner openly. But the traitor moves amongst those within the gate freely, his sly whispers rustling through all the alleys, heard in the very halls of government itself. For the traitor appears not a traitor; he speaks in accents familiar to his victims, and he wears their face and their arguments, he appeals to the baseness that lies deep in the hearts of all men. He rots the soul of a nation, he works secretly and unknown in the night to undermine the pillars of the city, he infects the body politic so that it can no longer resist. A murderer is less to fear." —Cicero (106-43 BC)

**2 attachments**



**ML Affidavit\_Ashton3.pdf**  
5244K



**ML Affidavit\_Digiorno.pdf**  
4710K

## AFFIDAVIT/DECLARATION OF TRUTH

Don Ashton  
El Dorado County Chief Administrative Officer  
330 Fair Lane  
Placerville, CA 95667

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, Don Ashton, acting as Chief Administrative Officer, 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.*"

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*. See *Marbury v. Madison* - "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*"

Any act committed by you, Don Ashton, acting as El Dorado County CAO, 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 under 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, Don Ashton, 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, 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, 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:

#### CLAIMS AND AVERMENTS:

1. On January 8, 2018 and on March 29, 2020 you received via USPS certified mail notifications of legal responsibility in the form of Affidavits of Truth delineating how you have abused your position and violated the rights of the people, in the instant case me, by conspiring with other public officials to deprive me of my inherent rights. This is the third Affidavit you have received containing factual evidence of your continued contempt for Citizens, the law and your oaths of office.

When public officers take oaths, yet are ignorant of the constitutional positions and mandates to which they are bound by those oaths, then fail to abide by those positions and mandates in the performance of their official duties, as you have done, this suggests that you may have had no intention of ever honoring your oaths, and your signature upon the oath documents constitutes **fraud**. Fraud vitiates any action. 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 (7<sup>th</sup> Cir 1985), includes the deliberate concealment of material information in a setting of fiduciary obligation.*

When public officers 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 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.*

2. Any action committed by you either supports and upholds the Constitution(s), or opposes and violates them. You have no constitutional authority, or any other form of valid authority, to oppose and violate the very documents to which you swore or affirmed your oaths. However, by your flagrant violations of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens, that is exactly what you have done. 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, then that is a Constitutional crime.

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. 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, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. 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.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters or emails, 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. An un rebutted affidavit stands as truth in any court in America. 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.* [Emphasis added]

3. Pursuant to El Dorado County Charter, Section 401, Elected Department Heads shall cooperate with the Chief Administrative Officer so that the Chief Administrative Officer may achieve and complete coordination of all county activities. In the event of a constituent complaint regarding an elected department head or their staff, it is the responsibility of the Elected Department Head to handle that matter as they deem most appropriate and in accordance with federal and state law and County policy. However, each Elected Department Head is required to communicate necessary and relevant information to the Chief Administrative Officer in a timely manner in order to achieve the complete coordination of all county activities. The Chief Administrative Officer will then communicate with the District Supervisor. However, on August 18, 2018 at 3:45 PM you distributed an email announcing that you ordered the former IT Director to obstruct and/or filter my communications. The current IT Director, Tonya Digiorno, has maintained your unlawful order, and in so doing she violated my First Amendment rights and her oaths of office.

To wit, on or about May 7, 2021 I discovered that I could not communicate electronically with staff in the Recorder Clerks office which would enable me to work on a research project.



Shortly thereafter you were apprised by Recorder Clerk Janelle Horne that IT Director Tonya Digiorno refused to remove the unlawful restrictions that you ordered the former IT Director to place upon my ability to communicate electronically with most EDC staff. The following are excerpts from my correspondence with Recorder Clerk Janelle Horne:

I only requested that the lift be for Catrina. But I am asking if you can have access to all EDC staff.

**I guess you would need to get permission from Don to get it released. From what I understand, there were several emails that were inappropriate.** I didn't get the whole story but Don felt the emails received could be **filtered** through the department heads and forwarded to the appropriate staff. I would be willing to ask for you.

I am not aware of any other members of the public being blocked. But I wouldn't know as that is something that IT takes care of. Tonya wasn't aware until I brought it up, it was Don who mentioned it and also said that other Department Heads have requested it as well. Her number is 530-621-5575.

Tonya was not part of the conversation until I had sent her the request to allow Catrina to have access. She said it was put in place before she came. I had reached out to Don to see if we could take you off of restriction to all county staff, **he said multiple department heads had requested him restrict access.** I let Tonya know that you might be contacting her about the access to email staff. I believe that she reports to the Board of Supervisors.

**He said that I would need to reach out to all the department heads individually and ask them if they wanted to allow access. So basically, he wasn't going to allow it without everyone's permission. Honestly, I don't have the time to reach out to them individually and follow up. But if it is something that you want me to do, I will but it may take some time to get an answer from everyone.**

The unlawful block that you authorized the former IT Director to be imposed upon my ability to communicate electronically with staff included your administrator Clay Russell, IT Director Tonya Digiorno, and Parks and Recreation Supervisor Vickie Sanders. There has never been anything inappropriate about my communications with any county staff, so based upon strong prima facie evidence, it is reasonable to deduce that you are retaliating against me for blowing the whistle on EDC government corruption.

By conspiring with other county officials, such as you have done, to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of your Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. Your fraudulent accusations about "inappropriate emails" are libelous, slanderous, defamatory, and retaliatory in nature for my exposure of your role in government corruption and censorship. You crossed the line by inferring that

Ashton, you seem to forget that you are a public servant accountable to EDC Citizens, and you are not above the law.

Your blatant violation of my First Amendment rights and filtering of my communications was an egregious violation of legal, moral and ethical standards of your office, one of the highest paid positions in the county. For you to resort to such repugnant behavior, and then fraudulently induce Janelle Horne to do your dirty work for you by suggesting she canvass department heads on your behalf in order to obtain their "permission" for me to access public services, is beyond reprehensible. Refer to *U.S. v. Tweel supra*, and *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] Furthermore, your obstructive actions against me demonstrated flagrant bias and discrimination against me in violation of equal protection and equal treatment under the law.

In addition to state law, Under the Political Reform Act, federal anticorruption law broadly guarantees the public "honest services" from public officials. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths, namely, your collusion with other county staff, to unconstitutionally and unlawfully deny me equal access to public services and due process of law, as stated within the Bill of Rights. You egregiously harmed me by conspiring with county staff to suppress my inherent right of free speech, preventing and/or restricting my access to government employees, and depriving me of public information or public 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.*"

4. Parks and Recreation Manager Vickie Sanders reports directly to the CAO. Your unlawful order blocking my ability to communicate electronically with Ms. Sanders obstructed me from providing factual input concerning the Chili Bar Park meetings leading up to 7/27/21 BOS agenda Item #29. You were made aware of Ms. Sanders' involvement in the legal action taken against members of her staff and American River Conservancy when you received a copy of the Affidavit addressed to Ms. Sanders that was entered into the public record on 5/14/19. Individuals under Ms. Sanders' supervision and control were routinely falsifying information relative to the River Management Plan in order to manipulate public perceptions and obstruct Citizens' rights to participate in public forums. As such, Ms. Sanders colluded with county and State Parks personnel to unethically circumvent the law and deny Citizens due process of law.

When you, Don Ashton, have knowledge of wrong doing, but fail to take remedial action against your employee, Vickie Sanders, then you become complicit and liable for aiding and abetting her retaliatory and unconstitutional actions against me. Furthermore, Ms. Sanders has violated First Amendment guarantees, betrayed the Public Trust, and perjured her oaths of office. Thus you, Don Ashton, as an individual, can also be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights by your failure to take remedial action, to wit:

*"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). [Emphasis added]*

5. Depriving the public of honest services is a federal crime. My claims, statements, and averments also pertain to your failure to provide honest public services, pursuant to your oaths. 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. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. You have failed your fiduciary responsibilities and duty as Chief Administrative Officer, and in so doing, you have harmed all El Dorado County Citizens and me.

All actions by public officials, whether conducted in the performance of their official duties, or in their individual capacities, 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. Any enterprise undertaken by any public official 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. To wit:

*"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 USGC Title 28, and Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3, and intrinsic fraud..."*

Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public servants, such as you, take oaths, yet are ignorant of the constitutional positions and mandates 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. *See: United States v. Throckmorton.*

You, Don Ashton, acting as Chief Administrative Officer for the County of El Dorado, have violated all of the above lawful positions, the Constitutions, your oath of office, and acted against the public good by violating the public trust. 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 1<sup>st</sup> 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 above USC Title 18, § 241- Conspiracy Against Rights.*

6. The Supremacy Clause of the Constitution established that the Constitution and federal laws made pursuant to it, constitute the "supreme Law of the Land", and thus take priority over any conflicting state or local laws, ordinances, regulations, statutes or policies such as the Good Governance manual. Whenever a rogue government agency or individual, such as you, disregards the rule of law whenever, wherever, and however it chooses and operates above the law, that is exactly what gives rise to a government of wolves who abuse their power at the expense of the citizenry, in this case me. Your reckless disregard for the law and discrimination against me, an *evangelical senior citizen*, only serves to maintain the corrupt status quo rather than to protect the Citizens whom you profess to serve pursuant to your oaths of office.

The Constitution does not restrict or limit rights guaranteed in the Constitution. To wit, your "filtering" of my communications with county staff has also unlawfully hindered proper and/or timely responses to Public Records Act requests for information as per Government Code Section 6250 et seq. Thus, by your own unlawful actions you have violated, restricted, and denied my inherent constitutionally guaranteed rights and due process of law. As Supervisor Lori Parlin can attest, we have met with you and county counsel on several occasions with regard to the county's deceitful custom of circumventing timely or proper responses to public record act requests. **(See attached Exhibit A)**

By your unconstitutional actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or "immunity" of your office, 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. By conspiring with other county officials, such as you have done, to deprive me of public services and the ability to petition government for redress of grievances, further demonstrates a flagrant violation of your Oaths, the Constitutions, my secured inherent First Amendment rights and due process of law guaranteed therein. 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: USGC Title 18 § 241 - Conspiracy Against Rights, and 18 USC § 242 – Deprivation of Rights Under Color of Law.*

7. 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. Any actions by a public officer, such as you, either uphold the Constitutions and rights secured therein, or oppose them. By your 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 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.

When you, Don Ashton, have knowledge of wrong doing, but fail to take remedial action against Tonya Digiorno and Vickie Sanders, then you become complicit and liable for aiding and abetting her unconstitutional actions against me. Furthermore, Tonya and Vickie have violated First Amendment guarantees, betrayed the Public Trust, and perjured their oaths of office. Thus you, Don Ashton, as an individual, can also be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights by your failure to take remedial action. *See: TANZIN v. TANVIR (a) Stewart v. Dutra*

*Constr. Co.*, 543 U. S. 481, 487 (2005). The phrase “persons acting under color of law” draws on one of the most well-known civil rights statutes: 42 U. S. C. §1983. That statute applies to “person[s] **under color of any statute**,” and this Court has long interpreted it to permit suits against officials in their individual capacities. See, e.g., *Memphis Community School Dist. v. Stachura*, 477 U. S. 299, 305–306, and n. 8 (1986). In 1871 Congress passed the precursor to §1983, **imposing liability on any person who, under color of state law, deprived another of a constitutional right**. 17 Stat. 13; see also *Myers v. Anderson*, 238 U. S. 368, 379, 383 (1915); See: *Procunier v. Navarette*, 434 U. S. 555, 561–562 (1978); *Siegerty. Gilley*, 500 U. S. 226, 231 (1991) [Emphasis added] See also: *Gallegos v. Haggerty, N.D. of New York*, 689 F. Supp. 93 (1988), *supra*.

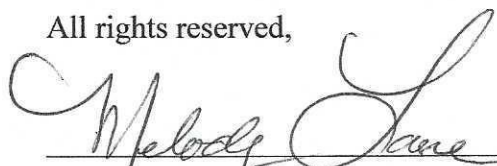
8. Because of the breadth of federal anticorruption law, the **Institute for Local Government Public Service Ethics** strictly warns to avoid any temptation to walk closely to the line that divides legal from illegal conduct under state law, as well as retaliating against those who whistle-blow. By your own actions you have demonstrated your contempt for the law, your oaths of office, and the Citizens whom you profess to serve. It is glaringly evident your fraudulent actions are contrary to the EDC Core Values and Good Governance Policy. Any deceptive, obstructive enterprise undertaken by any public servant, 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 all 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 F.2d 163, 168 (7th Cir. 1985), *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: USC Title 18, § 2071 – Concealment, removal, or mutilation generally.
9. Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. By your actions and in some cases, inaction, it is clear that you have violated on numerous occasions each and every one of the above provisions and in so doing, deprived me of my rights secured in the First Amendment, violated due process of law, and defied the Constitutions.

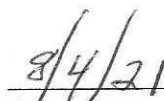
As herein described, by your actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or “immunity” of your office, thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights. By your actions and in some cases, inaction, it is evident that you have violated on numerous occasions each and every one of the above provisions and in so doing, deprived me of my rights secured in the First Amendment, violated due process of law, defied the Constitutions, thereby perjured your oaths. You acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. By violating and perjuring your sworn oaths, you invoked the referenced Sections 3 & 4 of the 14<sup>th</sup> Amendment.

Lawful notification has been provided to you stating that if you, Don Ashton, 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, 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 un-rebutted 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

  
\_\_\_\_\_  
Date

Attachment: Exhibit A – CPRA agendas

**(See attached California Notarization)?**

CC: Dist. #1 Supervisor John Hidahl  
Dist. #2 Supervisor George Turnboo  
Dist. # 3 Wendy Thomas  
Dist. #4 Supervisor Lori Parlin  
Dist. # 5 Supervisor Sue Novasel  
EDC HR Director, Joseph Carruesco  
District Attorney Vern Pierson  
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 4th day of August 2021  
Date Month Year

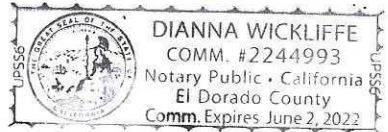
by Melody Lynn Lane

Name of Signers

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 attachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit/Declaration of Truth

Document Date: 8/4/21

Number of Pages: 9

Signer(s) Other Than Named Above: \_\_\_\_\_

**Tuesday October 4, 2016 @ 2:30 PM**  
**Don Ashton, Mike Ranalli, Paula Franz**

- I. CPRAs - FOIA
  - A. Guide to CPRAs
  - B. Government PRA Tracking system – COB Discrepancies
  - C. Legal vs. Lawful
  
- II. Ethics & HR policies
  - A. Brown Act Violations
  - B. Transparency & Accountability
    - 1. BOS
    - 2. EDSO
    - 3. CAO
  
- III. Obstacles - Bureaucratic Shenanigans
  - A. Communication breakdown
  - B. Fees - Resolution 113-95 v. AB1234
  - C. Code/Law Enforcement policy inconsistencies
  
- IV. Follow up - Target date

*EXHIBIT A-1*



**Wednesday November 12, 2014 @ 10:00 AM**

**Robyn Drivon/Paula Franz**

- I. CPRAs - FOIA
  - A. CAO - Ross Branch
  - B. Process - Coordination, logging, tracking
  - C. Spreadsheet Discrepancies
  - D. EDSO
  
- II. Brown Act – Bagley Keene Act Violations
  - A. BOS Agendas
  - B. Censoring/minimizing info.
  - C. Technical Difficulties
  
- III. Obstacles - Bureaucratic Shenanigans
  - A. Communication breakdown
  - B. Resolution 113-95 v. AB1234
  - C. Fees - Paper v. electronic copies or CD
  - D. Code/Law Enforcement inconsistencies
  - E. Diverted responses/lack of response
  
- IV. Solutions – Follow up
  - A. 10/21 CPRA presentation – publish CPRAs to government website?
  - B. Transparency/Accountability
  - C. Right-to-know v. media blackout

*EXHIBIT A-2*

## AFFIDAVIT/DECLARATION OF TRUTH

Tonya Digiorno  
EDC Director of Information Technologies  
330 Fair Lane  
Placerville, CA 95667

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, Tonya Digiorno, acting as Director of Information Technologies, 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.”

Any act committed by you, Tonya Digiorno, 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 under 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, Tonya Digiorno, 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, 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, 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:

### CLAIMS AND AVERMENTS:

In addition to state 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. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. When I use the term “public officer(s)”, this term includes you.

1. You, Tonya Digiorno, are a public servant whose salary is paid for via my tax dollars; 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...”*

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.

All actions by public employees conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. It is my Right and 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 unenumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

2. On or about May 6, 2021, you were contacted by the EDC Recorder Clerk, Janelle Horne, to remedy my ability to communicate electronically with her staff member, Catrina Christiansen. Janelle also requested the restrictions imposed by CAO Don Ashton be lifted upon my ability to communicate electronically with all EDC staff. On May 10<sup>th</sup> Janelle Horne wrote:

*I only requested that the lift be for Catrina. But I am asking if you can have access to all EDC staff.*

*I am not aware of any other members of the public being blocked. But I wouldn't know as that is something that IT takes care of.*

*Tonya wasn't aware until I brought it up, it was Don who mentioned it and also said that other Department Heads have requested it as well. Her number is 530-621-5575.*

*Tonya was not part of the conversation until I had sent her the request to allow Catrina to have access. She said it was put in place before she came. I had reached out to Don to see if we could take you off of restriction to all county staff, he said multiple department heads had requested him restrict access. I let Tonya know that you might be contacting her about the access to email staff.*

3. On May 10, 2021 I contacted you requesting specific information. The following email dialog took place between us:

**Melody Lane:** *I understand you are the new IT Director for EDC. Is the Sheriff's IT Department under the scope of your authority, or does EDSO have their own designated IT Director? .*

**Tonya Digiorno:** *The Sheriff's office is not supported by the IT Department and hasn't been under the IT Department authority since the early 1990's.*

**Melody Lane:** *If EDSO IT isn't under your authority, then does that mean the Sheriff has his own IT Director? And if so, what is the name of that person, and who they report to?*

*FYI, a few years ago Vern Pierson was receiving a supplemental salary for overseeing IT in EDC. Considering Vern had absolutely no IT experience, it raised a lot of controversy, but Vern adroitly avoided answering public inquiries.*

**Tonya:** *In response to your inquiry, I'm not sure who is in charge at EDSO IT, as I do not have any ties as it relates to IT support. You may want to reach out to EDSO for that*

information, there are several phone numbers listed on their website. <https://www.edcgov.us/Government/sheriff/>

Regarding Vern, I do know Vern was the Chief Technology Officer, but I'm unaware of his salary or IT experience. Sorry I can't be of more help.

**Melody:** Thanks for the suggestion, but here is a very good reason why I cannot “reach out” to EDSO. That is because in 2013 Sheriff D’Agostini **unlawfully** blocked my ability to communicate electronically with any of his staff. He even refused to continue to hold our quarterly Compass2Truth meetings in his office, or respond to Public Record Act requests for information. **So we took the evidence to Vern Pierson, but after we presented Vern with the same evidence provided to the Grand Jury, he reneged on his audio recorded agreement to investigate EDSO. Apparently the Sheriff doesn’t like having constituents hold his feet to the fire... (See attached Affidavit 2DAgostini entered into the public record during June 23, 2020 BOS meeting.)**

As you may be aware, Don Ashton formerly worked as Sheriff D’Agostini’s CFO, and was later promoted to CAO. **I have also attached for your information the first Affidavit of Truth addressed to Don Ashton which was entered into the public record during the January 9, 2018 BOS meeting. I suggest you examine this notification of legal responsibility carefully. An unrebutted affidavit stands as truth and fact before any court in America.**

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. On August 17, 2018 Don Ashton distributed an email indicating that **effective immediately**, the County was restricting my ability to email County staff, but he didn’t specify who those individuals were. The First Amendment makes it very clear that there can be no lawful limitation on the rights of the people. Don’s treasonous actions proved his fraud and obstructionism, and were clearly in violation of his Constitutional oaths of office and my First Amendment rights. Consequently Don received a second Affidavit of Truth which was entered into the public record during the April 9, 2019 BOS meeting after he falsely claimed my emails were “inappropriate” and then ordered the former IT Director to block my ability to communicate electronically with most EDC staff.

Therefore I am making three specific requests:

1. Pursuant to your Constitutional oaths of office, please contact the appropriate personnel to identify the name of the person currently responsible for the Sheriff’s IT, specify their job title, and who they directly report to.
2. Also please identify the person currently responsible for the District Attorney’s IT, specify their job title, and who they directly report to.

3. I also request that you immediately remove the unlawful IT block that Don Ashton ordered in 2019 on my ability to communicate electronically with all other EDC personnel.

If you have any questions, don't hesitate to contact me. I look forward to the courtesy of your prompt reply.

**On 5/26/21 Melody Lane wrote:** Since I have not received the courtesy of your response to my below PRA, then it is reasonable to presume that you may have reinstated the unlawful block Don Ashton ordered placed upon my ability to correspond with county staff and thereby deprive me of First Amendment rights. Therefore, pursuant to your oaths of office, I anticipate your immediate response confirming receipt of this message.

**Tonya Digiorno:** Received. As stated before and guidance provided on May 17 regarding how to submit your Public Records request, for your convenience I'll restate, if you have a public inquiry, please submit your request via the Public Records Request system

at: [https://eldoradocountyca.mycusthelp.com/WEBAPP/rs/\(S\(goi0upjgrsq5pn5z4qzls5lw\)\)/support/home.aspx](https://eldoradocountyca.mycusthelp.com/WEBAPP/rs/(S(goi0upjgrsq5pn5z4qzls5lw))/support/home.aspx)

**Melody Lane:** And in case you didn't understand it the first time, I'll repeat again: You have no authority to dictate by which means a citizen submits a PRA. A PRA can be made on the phone, in person, sent USPS or via email, but there is no lawful requirement limiting/forcing a citizen to go through the County's PRA system which has a history of being problematic. **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)

**On 5/27/21 Tonya Digiorno wrote:** I understand that you are unwilling to submit your request through the County's Public Records Act request intake system. As a result, in order to assist you, I will forward your request to the Clerk of the Board to enter into that system and to assign the request to the appropriate departments, which appear to be some combination of the Human Resources department, the Sheriff's office, and the District Attorney's office. As I understand your request, you seek the following:

- (1) records identifying the name of the person currently responsible for the Sheriff's IT, their job title, and who they directly report to; and
- (2) records identifying the person currently responsible for the District Attorney's IT, their job title, and who they directly report to.

*Your request number 3 (that I "immediately remove the unlawful IT block that Don Ashton ordered in 2019 on [your] ability to communicate electronically with all other EDC personnel") does not appear to seek records. Since your initial email requested answers to questions and made no mention of a request for records, we will consider your Public Records Act request to have been received as of the date of this email.*

**On 5/28/21 Melody Lane wrote:** *You are in error in your understanding, nor are you "assisting" me by dumping P003273-052721 into the PRA dysfunctional system. On Monday, May 10, 2021 7:32 PM I requested public information, which by law, you are required to make immediately accessible, but you were obviously unwilling to provide it to me. I did **not** request **records** as you falsely asserted below. Instead of complying with my request, you created more excuses and illicit delay tactics to obstruct my Constitutionally secured rights to access that public information.*

*After the Recorder Clerk apprised you on May 13<sup>th</sup> that my emails weren't getting through either to you or staff in the Records office, you subsequently unblocked your own email address as well as that of Catrina Christensen. When I was finally able to correspond directly with you, I provided you with the facts explaining the unlawful blocks ordered by **Sheriff D'Agostini and CAO Don Ashton on my ability to correspond electronically with most other EDC staff**. However you failed to respond to my demand to immediately remedy the IT blocks put in place by the former IT Director. Your unwillingness to appropriately respond to my requests indicates your contempt for my rights, EDC Core Values, and your oaths of office.*

*Certainly an intelligent woman like you is cognizant that you do not need "permission" from County Counsel, Don Ashton, or the Sheriff to adhere to the requirements of your job or your Constitutional oaths of office! When you have knowledge of their wrong doing, but fail to take remedial action, then you become complicit and liable for aiding and abetting their unlawful actions. The aforementioned factual evidence indicates that you are deliberately in violation of your oaths of office and apparently conspiring with other county officials to deprive me of my inherent rights.*

*As you are aware, our nation is currently facing a Constitutional crisis, and this Memorial Day weekend we are remembering those who died in defense of our Constitutional liberties. Ms. Digiorno, you are faced with two choices:*

- 1) You can continue to be part of the problem by conspiring with staff to deprive me of my inherent rights, or*
- 2) You can abide by your Constitutional oaths of office and be part of the solution by responding appropriately to all three May 10<sup>th</sup> questions submitted to you, and immediately confirm the restoration of my ability to communicate electronically with **all** EDC staff, including EDSO.*

*I anticipate your full cooperation and the courtesy of your response no later than 5:00 PM today, May 28<sup>th</sup>.*

Ms. Digiorno, I never heard from you again after the above exchange in regard to P003273-052721 in which you falsely asserted that I was “unwilling to submit” my request “through the County's Public Records Act request intake system.” It appears your bureaucratic diversion was another tactical delay orchestrated through county counsel and/or the CAO to obstruct my timely access to public information. Had I walked into your office and made the same request for public information, the law says you are required to make such information immediately available:

- **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 must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255)

As stated previously, your refusal to respond to my direct questions or permitting me immediate access to public information, you egregiously deprived me honest public services and my rights to due process secured in the First Amendment to seek redress of grievances. In so doing, you stepped outside of your *limited delegated authority* and acted as a renegade, thus, you cannot be lawfully protected by the jurisdiction for which you work. Should that jurisdiction do so, then that jurisdiction acts in direct violation and opposition to the state and national Constitutions, by unlawfully ignoring and/or condoning and exonerating unconstitutional, unlawful actions committed by its staff members, as the ordinary, usual, routine unlawful custom, practice and unwritten policy of that jurisdiction. If the jurisdiction so acts, and protects you, then the jurisdiction admits that it is a criminal, treasonous body, acting in sedition and insurrection to the Constitutions and to the people. *Refer to USGC Title 18, Sections 241 and 242.*

4. My demand to have you restore my ability to communicate with all EDC staff, and then confirm that task was accomplished, is indeed within the scope and authority of your jurisdiction. I never received a response from you as to whether my ability to contact other EDC personnel was restored. Since I have not yet received responses from certain personnel, then it is reasonable to conclude that you have maintained that block upon my access to EDC staff. Thus your dereliction of duty and refusal to provide me public information and/or public services is a deprivation of my First Amendment rights.

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.

5. The public is entitled to honest services. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. By your refusal to provide services and failure to respond to my inquiries, you extended absolutely no due process of law whatsoever to me, yet by your unconstitutional actions, as described herein, you harmed me in direct violation of your oaths. Your repeated deprivations of my right to lawfully access public information 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 by the First Amendment.

Additionally, by your unconstitutional actions, or inaction, and failure to respond to my specific inquiries, you have violated your oaths of office and committed fraud against me. *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.**” *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] *See also USC 18 § 241 and USC 18 § 242, respectively, Conspiracy Against Rights, and Deprivation of Rights Under Color of Law.*

6. You have no authority or lawful justification to discriminate, deny public services, or withhold information from any El Dorado County citizen. Your blatant delay tactics and refusal to provide me access to information and due process of law, as stated within the Bill of Rights, egregiously harmed me by depriving me of information and services necessary described herein to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. 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 1<sup>st</sup> Amendment Rights. *See United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> 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 national and state, and in treason against the People, in the instant case, me.
7. Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public servants, such as you, take oaths, yet are ignorant of the constitutional positions and mandates 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.

As herein described, by your actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or “immunity” of your office, 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. By violating and perjuring your sworn oaths, you invoked the self-executing referenced Sections 3 & 4 of the 14<sup>th</sup> Amendment.

8. All actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your 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 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:

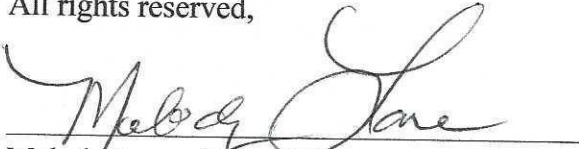
*"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional 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 the Citizens of El Dorado County, 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. If government were to protect and defend your unconstitutional actions, then, that government becomes complicit in those actions, condones, aids and abets them. *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.*

Lawful notification has been provided to you stating that if you, Tonya Digiorno, 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, 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 un-rebutted 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

8/4/21  
Date

**(See attached California Notarization)**

- CC: Dist. #1 Supervisor John Hidahl  
Dist. # 2 Supervisor George Turnboo  
Dist. # 3 Supervisor Wendy Thomas  
Dist. #4 Supervisor Lori Parlin  
Dist. # 5 Supervisor Sue Novasel  
CAO Don Ashton  
District Attorney Vern Pierson  
HR Director, Joseph Carruesco  
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 }

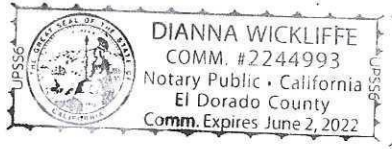
Subscribed and sworn to (or affirmed) before me on this 4th day of August 2021  
Date Month Year

by Melody Lynn Lane

Name of Signers

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

Signature: [Handwritten 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 attachment of this form to an unintended document.

Description of Attached Document  
Title or Type of Document: Affidavit/Declaration of Truth  
Document Date: 8/4/21  
Number of Pages: 10  
Signer(s) Other Than Named Above: \_\_\_\_\_