

public comment #23
 BOS Recd 6/22/26
 26-0981

6/23/26 BOS Agenda Consent Item #23 Public Comment - Reappointment of Kris Payne to LEAI Hearing Panel

From melody.lane@reagan.com <melody.lane@reagan.com>

Date Mon 6/22/2026 2:39 PM

To BOS-Clerk of the Board <edc.cob@edcgov.us>; David A Livingston <david.livingston@edcgov.us>; Joseph Carruesco <Joseph.Carruesco@edcgov.us>; AD-EDCCAO <edccao@edcgov.us>; George Turnboo <George.Turnboo@edcgov.us>

Cc BOS-District I <bosone@edcgov.us>; BOS-District II <bostwo@edcgov.us>; BOS-District III <bosthree@edcgov.us>; BOS-District IV <bosfour@edcgov.us>; BOS-District V <bosfive@edcgov.us>

3 attachments (2 MB)

HR cover letter Kris Payne 7-25-24.doc; Kris Payne Affidavit 7-15-24.doc; ML_Payne Affidavit.doc;

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Report Suspicious

Dear members of the BOS, David Livingston, and HR Director Joseph Carruesco:

Please ensure that the entirety of this correspondence, including the attachments, is entered into the 6/23/26 BOS Agenda Consent Item #23.

I object to the reappointment of Kris Payne to the Local Enforcement Agency Independent Hearing Panel since he is ineligible to serve on any board, committee, commission, or panel due to his repeated evidence of his violations of my 1st Amendment rights, the Brown Act, and his oaths of office.

Members

First Name	Last Name	Role	Appointed By	District	Appt Date	Original Appt	Exp Date
Doug	Venable	Technical Expert	Full Board		1/6/2026	1/6/2026	1/1/2030
George	Turnboo	Board of Supervisors - Member	Full Board	None	1/6/2026	1/5/2021	1/1/2027
Kris	Payne	General Public Member-At-Large	Full Board	None	7/19/2022	7/19/2022	7/19/2026

On 6/30/20 and on 7/16/24 the attached two affidavits were submitted into the BOS public record, resulting in the eventual removal of Kris Payne from the Parks & Recreation Commission and the Planning Commission. HR Director Joseph Carruesco received the attached letter advising him of his obligation under SB 807, that California law requires that documented complaints, such as these, be investigated and retained in Mr. Payne's personnel file for a minimum of four years. In the event of a lawsuit, the County may be required to produce these records. Failure to do so can lead to fines and other adverse actions.

It is significant that David Livingston was a witness to Mr. Payne's egregious violations of his oath and the Brown Act, particularly during the 2/3/20 Parks & Recreation Commission meeting. Furthermore, Mr. Livingston evidently colluded to obfuscate the facts and commit fraud as corroborated by staff in the following excerpt:

"Factual documents that I had submitted to all the Commissioners were required to be publicly posted to a specific Parks and Recreation February agenda item concerning the River Management Plan due to the fact they contained relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. However, those documents were apparently obfuscated and diverted. When I questioned Vickie Sanders about what happened to my public documents, she replied, **"Because that wasn't how County Counsel wanted to handle it."** Vickie's reply could imply that County Counsel's handling of this matter was to keep the evidence of collusion contained in those factual documents I submitted away from the public's eyes and ears, which constitutes public deception."

Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word.

If you move forward with the reappointment of Kris Payne, then Mr. Livingston and the entire BOS becomes culpable and liable. Any actions by any public officer either uphold the Constitutions and rights secured therein or oppose them. By stepping outside of the limited scope of your delegated duties and 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 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.

Sincerely,

Melody Lane

Founder - Compass2Truth

By identifying the people's sovereign will with its oldest expression, the Framers succeeded in identifying the people's authority with the Constitution, not with the statutory law made by their representatives.



Compass2Truth

Citizens for Constitutional Liberty

P.O. Box 598
Coloma, CA 95613

July 25, 2024

Joseph Carruesco, HR Director
El Dorado County
330 Fair Lane
Placerville, CA 95667

RE: Kris Payne

Dear Mr. Carruesco,

Enclosed you will find the most recent affidavit addressed to former District #2 Planning Commissioner, Kris Payne. Please be advised that notification of legal responsibility is the first essential of due process of law, and an un rebutted affidavit stands as truth before any court of law in America.

Although Kris Payne was just recently removed as a Planning Commissioner, that does not absolve Mr. Payne or the County of liability. Mr. Payne's violations of his oaths of office, and other discriminatory and unlawful conduct described in the attached affidavit, took place with the full knowledge and consent of Supervisor Turnboo, the BOS, and County Counsel. In so doing, the County became complicit and liable for aiding and abetting Mr. Payne's unlawful conduct.

Since being removed, Mr. Payne colluded with Planning Commissioner Andy Nevis and other directors of the Taxpayers Association, in a nefarious plan to retaliate against me for whistleblowing. Their libelous and fraudulent conduct will not be tolerated.

You are aware of the myriad federal and state laws requiring HR to maintain certain records regarding employees and/or BOS appointed representatives such as Mr. Payne. Under SB 807, California law requires that documented complaints, such as this, be investigated and retained in Mr. Payne's personnel file for a minimum of four years. In the event of a lawsuit, the County may be required to produce these records. Failure to do so can lead to fines and other adverse actions.

Sincerely,

Melody Lane

Melody Lane
Founder – *Compass2Truth*

Enclosure

AFFIDAVIT/DECLARATION OF TRUTH

Kris Payne
President, Taxpayers Association of EDC
P.O. Box 2023
Placerville, CA 95613

I, Melody Lane, domiciled in Coloma, California, a living, breathing, flesh and blood woman on the land, one of We the People, not a “U.S. citizen”, not a “municipal citizen”, not a “person”, not a “corporation”, not a “vessel”, an American Citizen, with and claiming all of my inherent, unalienable Constitutionally-secured rights, with my name properly spelled only in upper and lower case letters, 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, pursuant to due process of law, and requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within fourteen (14) days, via your own sworn and notarized affidavit, providing true fact(s), valid law and evidence to support, with particularity, your rebuttal of any aspect of the specific subject matter stated in this Affidavit/Declaration.

On February 16, 2024, I emailed you, and later hand-delivered to you in the presence of a room full of witnesses, a letter addressed to Treasurer Jim Alderink with exhibits concerning my paid 2023 and 2024 membership dues, and your collusion with Todd White to commit the December 11, 2023, TPA election fraud. The package of evidence was also emailed to TPA officers, directors, and members, including the Board of Supervisors. Despite repeated attempts to publicly address the fraudulent conduct of the Association, you censored me, and on numerous occasions falsely accused me of disrupting meetings. **(Attached Exhibit A)**

On February 26, 2024, Supervisor Brooke Laine was the Taxpayers Association guest speaker. During the latter portion of the recorded meeting Carol Louis falsely stated that the private meeting of Directors held at Ponderosa High School two years ago was due to Covid. In actuality, the private meeting attended by you, Carol Louis, Todd White, and other directors of the Association, was an illicit tribunal spearheaded by Planning Commissioner/TPA President Andy Nevis for the purpose of my character assassination and removal from the Association in retaliation for whistleblowing. During the same February 26th meeting Leo Cauchon objected to closed meetings as it is against the Bylaws. He also quoted parliamentary procedures, but you and Carol Louis censored him. Carol remarked that she

spoke with Denny's management about locking the doors for a closed meeting and you agreed to consider it. When Leo called a point of order about you conducting a closed meeting on March 11th, you censored him and abruptly adjourned the meeting. Consequently, during the February 27, 2024, BOS meeting I exercised my right for the BOS to investigate my formal complaints and remove EDC Planning Commissioners Kris Payne and Andy Nevis for violating their oaths of office and other public policies. **(Attached Exhibit B)**

On March 10, 2024, I emailed you, and later hand-delivered to you in the presence of a room full of witnesses, a letter with attached exhibits concerning your role in December 2023 Taxpayers Association election fraud and violations of the Bylaws. That package was also emailed to officers, directors, members and the Board of Supervisors. It is information the public has a right to know. **(Attached Exhibit C)**

On June 11, 2024, I replied to your libelous email regarding your June 9, 2024, libelous "TPA administrative record" pertaining to the fallacious letters of reprimand sent by Planning Commissioner and former TPA President Andy Nevis. My reply was also emailed to TPA officers, the BOS, David Livingston, and the Mtn. Democrat staff. Attached to my response is correspondence previously addressed to you on June 8, 2024, in addition to an un rebutted affidavit addressed to Mr. Nevis, informing you that the TPA had no legal standing, whereas my factual notarized affidavits stand as truth before any court in America. **(Attached Exhibit D)**

It is the moral and civic duty of citizens to expose the works of darkness to the light of truth. You had requested that Tax Assessor Jon Deville attend the June 16, 2024, TPA meeting which was for the purpose of ousting Vice President Gay Willyard as a director of the TPA. On June 17, 2024, you received email correspondence from me concerning your illicit conduct during the June 16th Taxpayers Association meeting and your false accusation that I created a "disruption" when I attempted to hand you and Andy Nevis documentation proving your collusion to fraudulently deprive me membership and the blessings of freedom. Witnesses can attest to the fact that you created the disruption, not I, and then you abruptly adjourned the meeting. **(Attached Exhibit E)**

On June 25, 2024, you received correspondence concerning the assault by Carol Louis on June 24th when Carol charged me like a raging bull and nearly knocked me down necessitating the Manager of Denny's call the Placerville Police. The Board of Supervisors and County Counsel David Livingston received the same correspondence containing photos. Statements of witnesses taken by PPD confirmed your collusion with Carol Louis, Lee Tannenbaum, and other directors of the Association to prevent me and a guest, invited by Carol, from entering a public meeting, held in a public restaurant, and attended by public officials. However, you made no effort whatsoever to respond to my correspondence or to rectify the situation concerning locking the door and conducting another illicit closed meeting which contradicts the Bylaws, objectives, and policies of the Association. **(Attached Exhibit F)**

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 agreement with and admission to the fact that everything attested to in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection, or that of those who represent you. Your silence is your acquiescence. *"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."*, U.S. v. Tweel, 550 F. 2d. 297.

CLAIMS AND AVERMENTS:

The Supreme Law and superseding authority in this nation is the national Constitution, as declared in its Article VI. In Article IV, Section 4 of the same Constitution, every state is guaranteed a republican form of government. ALL "laws", rules, regulations, codes, ordinances, and policies which conflict with, contradict, oppose, or otherwise violate the national and state Constitutions are null and void, ab initio. (Refer to *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."*) The Constitution is one of the founding documents of this nation and enshrines its underlying religious and personal freedoms based on the 20 centuries of Christian thought and the principles of Biblical Natural Law. You have no constitutional or any other valid authority to defy the Constitution, to which you owe your LIMITED authority, delegated to you by and through the People, and to which you swore your oaths. Some of the things to which you admit, by your failure to rebut, include but are not limited to the following:

- 1.) The public has a right to know how the TPA conducts its business. My audio recording proves there was no quorum for the chaotic December 11, 2023, Taxpayers meeting. Mark Pappas submitted his letter of resignation as Treasurer *"due to various irregularities in the operation of the association."* Despite numerous objections by directors about how the entire meeting was conducted outside of the law, and valid concerns about your collusion with Todd White in the apparent **ballot vote fraud**, you and Gay Willyard illicitly assumed the roles of President and Vice President without a vote of directors. At that time, you were the Planning Commissioner, and Gay Willyard was the appointed representative to the EDC Fair Board for District #2 Supervisor George Turnboo.

During the January 8, 2024, TPA meeting you had apparently reinstated Mark Pappas as a director without a vote of directors. Lee Tannenbaum became a director, also without a vote of directors. However, Cheri Raffety never announced Lee's name after the December count of ballots indicating that he was even eligible. A lot of questions remain unanswered about the role that you, Todd White, and Carol Louis played in the fraudulent December ballot count. On February 16, 2024 you and Treasurer Jim Alderink were provided documents regarding the vote fraud and my membership dues, but you purposely avoided honestly and transparently addressing the situation as expected of an officer of the Association. **(Exhibit A)**

The public is entitled to honest services. When public officers, such as you, 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 failed, this suggests that the public officers may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute 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: 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]*

- 2.) You, Kris Payne, ordered the obstruction of delivery and return of my USPS correspondence addressed to the TPA Treasurer. This was not the first time the Association has mishandled correspondence and reneged on their fiduciary to record my membership dues. For example, my 2023 dues were returned to me unopened via certified mail from the home address of Carol Louis. Obstructing, delaying, or otherwise unlawfully interfering with the delivery of mail to the intended recipient is a federal offense with consequences of fines and up to six months of jail time. *See 18 U.S. Code § 1701 - Obstruction of mails generally, 18 U.S. Code § 1702 - Obstruction of correspondence.*



Per the Bylaws and Roberts Rules of Order, the President must address my grievances against the Association. Furthermore, your deceit, obstructionism, censorship, and overall failure to provide honest services are inconsistent with the goals, objectives, and Bylaws of the Association. Treasurers Mark Pappas and Jim Alderink accepted my 2023 and 2024 dues checks, including my June 3, 2024, cash dues payment made in the presence of a roomful of witnesses. Therefore, despite your fraudulent claims against me, I AM INDEED A PAID MEMBER OF THE TAXPAYERS ASSOCIATION. Meanwhile, you have consistently slandered, libeled, discriminated against me, and deprived me of the benefits of membership and the blessings of liberty. (See Exhibit A)

Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. 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. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus, you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured your oaths of office. By abusing your position and limited authority, you deprived me of the blessings of liberty, specifically my 1st Amendment rights. *See United States v. Dial, 757 R2d 163, 168 (7th*

Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.

- 3.) The Taxpayers Association website claims to be a “voice” for El Dorado County Taxpayers, but you have consistently censored my voice and treated me as a second-class citizen. During the June 3, 2024, Taxpayers meeting you acknowledged receiving and reading my correspondence, yet you have persisted in your unethical conduct as though you are above the law. In so doing you egregiously harmed me, specifically by depriving me of 1st Amendment rights and due process of law:

Kris: I’ve read everything you’ve written about me.

Melody: It is factual.

Kris: I’ve read everything.

Melody: I’ve filed a formal complaint against you, Todd White, and Andy Nevis.

Kris: Yes.

Melody: And it’s all based on facts.

Kris: I know that, Melody, I do know this.

Melody: You are not following the law. You are violating local, state, and federal laws.

Kris: Ok. Yeah. Look, I read everything you write.

Melody: Ok. The thing is my audio recorder does not lie. And those transcripts are a matter of public record proving that you have violated the law.

Kris: OK. Look, let me ask you about the transcripts. The transcripts, the things that you wrote up and then transcribed and gave to everybody to sign.

Melody: To sign?

Kris: The things you gave to the CAO, the BOS, to me, to Andy, all of us. What was that all about?

Melody: What are you talking about? The affidavits?

Kris: The affidavits.

Melody: The affidavits were addressed to you. You had 14 days to respond with your own written affidavit based upon truth, facts, valid evidence, and law which is impossible for you to do.

- 4.) No individual, organization, or public servant has authority to deprive another Citizen of the blessings of liberty. You were a participant in the illicit tribunal spearheaded by Andy Nevis on January 9, 2021, at Ponderosa High School pertaining to the November 5, 2020, incident during the Taxpayers Association meeting regarding Sheriff D’Agostini and his former staff member, Stacy Walls. At that time, you shouted that I was “being disruptive”, when in fact, it was you, Ms. Walls, and her daughter who created the disruption after I **lawfully**, and **silently**, served the Sheriff with three notifications in the form of Affidavits of Truth relevant to EDSO misconduct. The letters of reprimand written by Andy Nevis that you referred to in **Exhibit D** are based upon fraud, therefore they are without legal standing, whereas my un rebutted affidavits stand as truth before any court in America. You even had the audacity to demand I apologize for the exercise

of my moral and civic duty to hold your feet to the fire when I have done nothing wrong, nor have I been disruptive as you have falsely accused.

Acting as judge, jury, and executioner, you colluded with **Lee Tannenbaum** and **Carol Louis** to accommodate their request for another illicit tribunal held on July 1, 2024, after guest speaker, former Sheriff John McGinnis, addressed the Taxpayers Association. It is my understanding that you colluded with Lee Tannenbaum to arrange the illicit tribunal for the specific purpose of my character assassination. I have a right to know who my accusers are. Secretary Andy Nevis is required to maintain the minutes of all meetings, including names of participants, and make them available for public inspection. The Bylaws state the following pertaining to his role as Secretary of the Association:

- Section I.A(1) -The organization shall be governed by the Articles of the Incorporation, Bylaws, Policies and Procedures, Standing Rules, Special Rules, and Resolutions. It **shall adhere to and comply with all applicable Federal, State and local laws, codes, regulations and ordinances.**
- Section I.A (4) – The organization shall strive to operate in a manner consistent with non-profit best practices and **shall maintain all records required to be made available for public inspection.** [Emphasis added]

Whenever a rogue 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, overt malice and discrimination against me, an *evangelical senior citizen*, only serves to maintain the corrupt status quo. The Constitution does not restrict, or limit rights guaranteed in the Constitution. By your own words and actions, and in some cases inaction, you have obstructed my rightful efforts in pursuit of redress of grievances pertaining to the Association's illicit actions against me. Furthermore, you have failed to address, respond to and give due consideration to correspondence and factual information conveyed to you by me, therefore your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my rights of due process secured in the Bill of Rights and elsewhere in the national and state Constitutions.

It is evident that you, along with other directors and officers of the Association, conspired to libel, slander, harass, threaten a restraining order, and deprive me of my inherent, God-given liberties. Thus, you violated due process of law and are personally responsible and liable for your actions because you have stepped outside the lawful scope of your limited duties and authority. *See USC 18 § 241 and USC 18 § 242, respectively, Conspiracy Against Rights, and Deprivation of Rights Under Color of Law.*

- 5.) Until recently, you were the appointed District #2 Planning Commissioner for Supervisor George Turnboo. However, your removal as a Planning Commissioner does not absolve you of the liability for the harm you have caused me by your retaliatory, discriminatory, and malicious actions. Furthermore, your unethical abuse of the Taxpayers Association for your own personal agenda is against all public policy.

One example concerned the April 17, 2023, Taxpayers Association meeting when you disruptively shouted, "You're no longer a member!" When I calmly and firmly confronted you after the meeting adjourned, it triggered another one of your crazy, libelous rants, "Don't point at me! Don't point at me! Don't point at me! You shouldn't be attacking me. I can't believe it. I've never seen anybody like her that treats us so disrespectfully. You are terrible to us! I've worked my ass off for you. You have not worked with me even when I've supported you. Oh my god! I'm older than you. I can't take this! This is terrible! You're horrible! **I'm a senior and I'm still working for the county.** You're not working for the county. You won't work for the county. Why do you treat us so bad? Why don't you do something for the county? It's so bad the way you treat us. You don't respect us. You are terrible. **You're mad because I wouldn't let you talk at the Planning Commission meeting,** but you wanted to go early and wouldn't wait till the end." Meanwhile, your fellow Planning Commissioner, Andy Nevis, recorded your verbal attack with his cell phone.

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon those executing the duties of any public office, at any level, without exception, as they are upon you and the directors of the Taxpayers Association.

By not responding and/or not addressing my grievances pertaining to your fraudulent claims about my membership status, you have denied me remedy, thus, I've been denied constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens, can expect, and have the civic right and duty to demand, that government officers and their agents, 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.

- 6.) No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath:

"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..."

All actions by public employees whether conducted in the performance of their official duties, or in associated activities, such as your role as President of the Taxpayers Association of El Dorado County, 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. You are expected

to uphold these principles, being **ever conscious that public office is a public trust**. Any enterprise undertaken by any public employee, such as you, which 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. By your continued unlawful actions, you have committed fraud on numerous occasions, as herein described.

- 7.) You, Kris Payne, have conspired with Directors of the Taxpayers Association, and other public officials, to censor me and maliciously impugn my good name and reputation solely because I have had the temerity to exercise my rights and civic duty to challenge those who brazenly dare to infringe on my God-given liberties and violate rights guaranteed to the people in the state and national Constitutions.

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 1st 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: USC Title 18, § 241- Conspiracy Against Rights.*

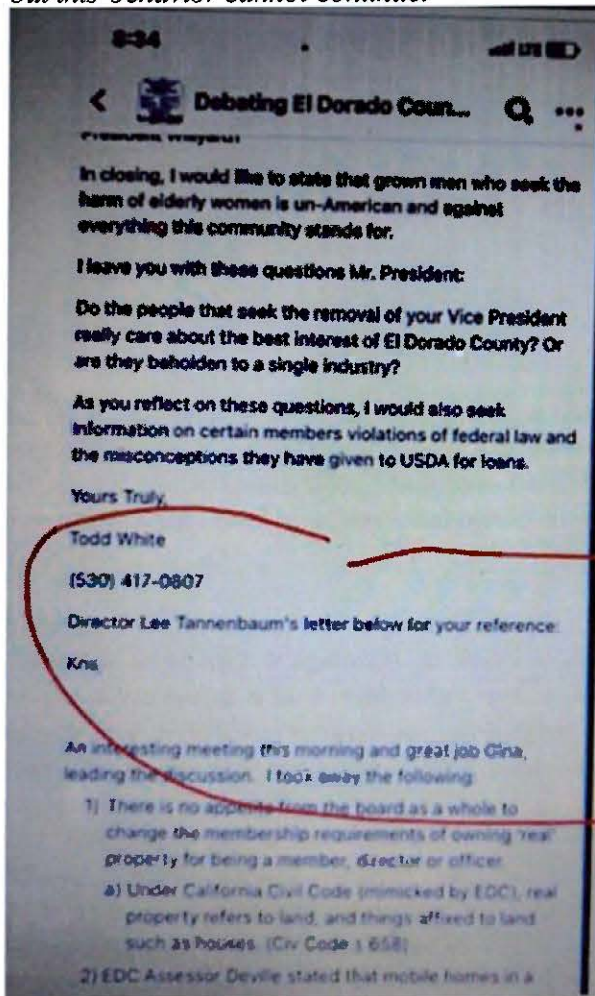
- 8.) My claims, statements and averments also pertain to the actions taken regarding your failure to provide honest services. By your deprivation of my benefits of membership and failure to respond to my inquiries, you extended no due process of law whatsoever to me, yet by your unconstitutional actions, as described herein, you harmed me in direct violation of your oaths. Your repeated deprivation of my right to actively engage in public meetings, 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.

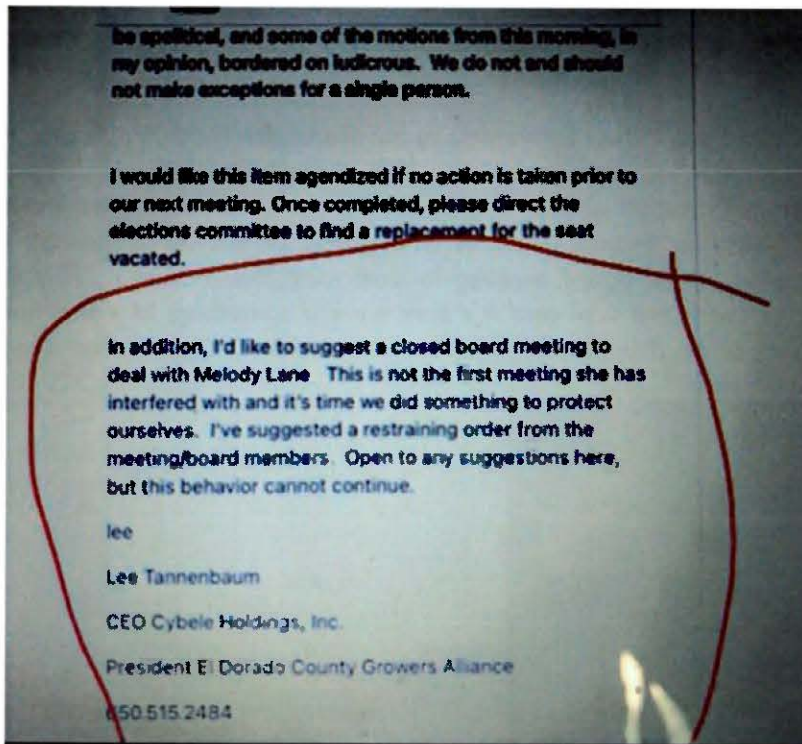
Retaliation and abuse of power, such as you have brazenly displayed against me, demonstrates your contempt for the Supreme Law of the Land and violated my constitutionally secured rights and due process of law. *(See Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988.) "Personal involvement 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." See also: Government Code 8547 GC et seq; 42 U.S. Code § 1997d. - Prohibition of retaliation; and 403 U.S. 388 (91 S.Ct. 1999, 29 L.Ed.2d 619).* The above-cited case clearly upholds the Constitution, my inherent rights and due process guaranteed therein, which you by your actions have consistently violated.

- 9.) In March 2024 Lee Tannenbaum specifically solicited my assistance to “destroy” Todd White and get him removed as President of the Republican Central Committee. Lee knew I had compelling evidence which was submitted into the public record for the January 17, 2023 Special BOS hearing for the dismissal of Todd White. Because he violated his oaths of office, and other public policies, Todd may never work in public office again. Having worked for Capitol legislators, Lee also knew I had the influence to arrange the high-level meetings

necessary for Todd's removal from the RCC. However, Lee got caught in his web of lies and betrayal by the same individuals he sought to destroy.

On June 19, 2024, a concerned individual forwarded to me snapshots Todd White had posted on social media of correspondence addressed to you, Kris Payne, in which Lee Tannenbaum solicited your cooperation as President of the Taxpayers Association to implement his nefarious plan of betrayal and defamation against a senior evangelical conservative, namely me: *"In addition, I'd like to suggest a closed board meeting to deal with Melody Lane. This is not the first board meeting she has interfered with and it's time we did something to protect ourselves. I've suggested a restraining order from the meeting/board members. Open to any suggestions, but this behavior cannot continue."*





It has been made evident that you conspired with directors Lee Tannenbaum, Carol Louis, Andy Nevis, and Kevin McCarty to censor me on social media for exposing the unlawful conduct of the Taxpayers Association. You know perfectly well that I have done nothing wrong. In fact, it is you who has consistently operated outside of the law and gaslighted me, a senior evangelical conservative, in retaliation for whistleblowing.

Your collusion with other directors and county staff to threaten, harm, and defame me perfectly fits Black's Law definition of **Libel** – *A method of defamation expressed by print, writing pictures, or signs. In its most general sense, any publication that is injurious to the reputation of another. A false and unprivileged publication in writing of defamatory material. A maliciously written or printed publication which tends to blacken a person's reputation or to expose him to public hatred, contempt or ridicule, or to injure him in his business profession. Accusation in writing or printing against the character of a person which affects his reputation, in that it tends to hold him up to ridicule, contempt, shame, disgrace, or obloquy, to degrade him in the estimation of the community, to induce an evil opinion of him in the minds of right-thinking persons to make him an object of reproach, to diminish his respectability or abridge his comforts, to change his position in society estimation of the public, or his friends and acquaintances, or to deprive him of friendly intercourse in society, or cause him to be shunned or avoided.*

- 10.) On numerous occasions you failed to respond to direct inquiries and correspondence addressed to you concerning redress of grievances, namely my membership status and your fraudulent actions. The law makes it evident you have no authority or lawful justification to discriminate, deny me services, withhold information, or equal benefits of paid membership such

as you have consistently demonstrated during Taxpayers Association meetings. Your blatant refusal to provide me equal 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 to assist my efforts for redress of grievances—all lawful actions on my part that fall under the protections of the First Amendment. Further, you failed to provide honest public services pursuant to your oaths, and 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 1st Amendment Rights.

- 11.) The TPA website states, *“Providing a voice for El Dorado County taxpayers through advocacy, voter education, and weekly public meetings.” The object of the Taxpayers Association is the creation and maintenance of a forum within which to study the issues of government and the problems of those who are governed. This shall occur through an ongoing weekly discourse that will be open to members of the Association, the public, and those who govern. These discussions shall be directed by the Association in an effort to educate all taxpayers as to the current issues, how they may be affected, how to reveal and understand the true costs of government, and to encourage awareness of individual responsibility. The Association shall monitor and be involved in the process of governance to help insure that the blessing of freedom shall be forever perpetuated.*

You, Kris Payne, have made a sham out of the Taxpayer Association object and principles. No individual, organization, or any public servant has authority to discriminate, censor, or deprive any citizen of the blessings of freedom. However, you have perpetuated a long-standing pattern of unlawful and discriminatory conduct, thereby you egregiously harmed me by conspiring with directors of the Association and county staff to suppress and/or censor my inherent right of free speech, preventing and/or restricting my access to public officials, and depriving me of 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.”* See also USC 18 § 241 and USC 18 § 242, respectively *Conspiracy Against Rights and Deprivation of Rights Under Color of Law.*

Lawful notification has been provided to you, stating that if you do not rebut the statements, claims and averments made in this Affidavit/Declaration, then, you agree with and admit to them. Pursuant to this lawful notification, if you disagree with anything stated in this Affidavit/Declaration of Truth, then rebut that, with which you disagree, with particularity, within fourteen (14) calendar days of receipt thereof, by means of your written, notarized affidavit of truth, based in specific, relevant fact and valid, Constitutionally-compliant law to support your disagreement. Your failure to respond, as stipulated, is your 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 or that of those who represent you.

Affiant further sayeth naught.

All Rights Reserved,

Melody Lane Affiant/Declarant

Date

Attachments: Exhibits A-F

NOTARY STATEMENT (attached)

Cc: Franchise Tax Board
Secretary of State
Board of Supervisors, District #1, 2, 3, 4, & 5
Asm. Joe Patterson
Senator Brian Dahle
Congressman Tom McClintock
Media and other interested parties

Affidavit hand delivered to Kris Payne at TPA 7/15/24

Response to Payne's 8/7/24 mockery of affidavit sent certified mail 8/15/24:

Tracking Number:

70183090000026513371

Your item arrived at the PLACERVILLE, CA 95667 post office at 11:02 am on August 21, 2024 and is ready for pickup. Your item may be picked up at PLACERVILLE, 3045 SACRAMENTO ST, PLACERVILLE, CA 956679998, M-F 0830-1700; SAT 1000-1300.

 **Delivered**

Delivered, Individual Picked Up at Post Office

PLACERVILLE, CA 95667
September 11, 2024, 1:27 pm

AFFIDAVIT/DECLARATION OF TRUTH

Kris Payne
District #3 Parks and Recreation Commissioner
330 Fair Lane
Placerville, CA 95613

I, **Melody Lane**, the undersigned, hereinafter: Affiant/Declarant, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and solemnly swear, under oath, before a certified California Notary Public, that I am of legal age and of sound mind and hereby attest that all the information contained in this Affidavit/Declaration is true, correct and admissible as evidence.

This Affidavit/Declaration of Truth is lawful notification to you, Kris Payne, 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 Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

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 or that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, 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.*"

Affiant/Declarant hereby affirms that the following actions and events took place:

On February 28, 2020, I sent you, Kris Payne, El Dorado County District #3 Parks and Recreation Commissioner and Chairman, via USPS certified mail, a letter which you received on March 4, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether you, Kris Payne, support and uphold them or would rebut them.

My claims, statements and averments also pertain to your actions, committed against me, by which you failed to provide honest public services, pursuant to the oaths

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official/principal has knowledge of wrongdoing in his jurisdiction committed by his appointed agent, yet fails to take corrective action, then that public official/principal aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

Some of the things to which you admit include, but are not limited to, the following:

- 1) On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised by me concerning threats, retaliation, assaults, and slander committed against me, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens. You have obstructed my rightful efforts in pursuit of redress of grievances pertaining to any of the crimes committed against me, you have failed to address, respond to and give due consideration to correspondence and information conveyed to you, thereby you have denied me rights secured in the First Amendment, in violation of the Principal Agent oath and in blatant defiance to the Constitution(s).

- 2) All actions by public officers, or their agents, conducted in the performance of their official duties either support and defend their Constitutional oaths of office, or oppose and violate them. Any enterprise, undertaken by any public official, such as you, who 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. You failed to provide honest public services pursuant to your oaths, and 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 1st Amendment Rights. *See United States v. Dial, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. 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 federal and state, and in treason against the People, in the instant case, me.

- 3) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently, Public Record Act requests for information that I submitted produced evidence that the outcomes of those meetings were *predetermined* via serial meetings which the Brown Act strictly prohibits. Thus, those meetings and their outcomes were and are unlawful, without lawful force and effect, and you and all other public officials who conducted and/or participated in those serial meetings have acted **criminally** and deceptively, in violation of the Public Trust and in perjury of their oaths.
- 4) It is significant that you nor any of the Commissioners reside anywhere near the river, so are not adversely affected by the River Management Plan, as are the people who live near it. Your involvement and collusion with county staff to promote special interest groups **to the exclusion of local residents** demonstrates your bias, conflict of interest, and disrespect for the people you theoretically serve, maintains the corrupt status quo and constitutes deceptive, criminal behavior which harms me and other Citizens of Coloma and Lotus. Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and the oaths of office under which you were delegated your limited duties and authority, and is a flagrant violation of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens in the national and state Constitutions.
- 5) During the December 2019 Parks and Recreation meeting when I attempted to exercise my rights, you became argumentative and falsely accused me of "name calling", apparently intending to slander me and discredit my statements. However, witnesses and audio recordings prove I did no such thing. Your discrimination against me and repeated attempts to discredit, slander and censor me, and control how I frame my remarks was a direct assault on and violation of my First Amendment rights. You have similarly abused your position and harassed me during Taxpayer Association meetings. Your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my right, secured in the First Amendment, to freely speak during the referenced December 2019 meeting. At one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Again you intensified your verbal assaults and discrimination during the February 3, 2020 Parks and Recreation meeting. This is yet another example of how you have openly violated, denied and deprived me of my rights secured in the First Amendment.

- 6) 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, as well as his delegated agent, is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured the oaths of office taken by your principal, under whose oath-bound authority you hold your position and conduct the duties thereof. Without any authority to do so, Deputy CAO, Creighton Avilla, interrupted to advise you to "close public comments." And instead of upholding the mandates of the Brown Act, which all public officials should fully understand and follow, you unlawfully closed public comments, thus, acted criminally and in violation of my constitutionally guaranteed rights and those of other attendees, secured in the First Amendment.
- 7) During the February 3rd meeting when all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks, again violating the Brown Act and flagrantly depriving me of my rights secured in the First Amendment. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them. Obviously, you could not lawfully justify your actions, because there is NO LAWFUL justification for depriving me, or any Citizen, of rights secured in the First Amendment and protected by the Brown Act.
- 8) Factual documents that I had submitted to all the Commissioners were required to be publicly posted to a specific Parks and Recreation February agenda item concerning the River Management Plan due to the fact they contained relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. However, those documents were apparently obfuscated and diverted. When I questioned Vickie Sanders about what happened to my public documents, she replied, "Because that wasn't how County Counsel wanted to handle it." Vickie's reply could imply that County Counsel's handling of this matter was to keep the evidence of collusion contained in those factual documents I submitted away from the public's eyes and ears, which constitutes public deception. Furthermore, the minutes failed to reflect your self-serving "statement" about the suspiciously missing February 3rd audio from the EDC government website because it appears that it was obviously prepared for you by county counsel whenever there are liability issues. The public is entitled to honest services. As I stated previously, any obstructive, deceptive enterprise undertaken by any public official, such as you, which 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.

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, whether directly sworn or under Principal Agent oaths, then that is a Constitutional crime. Furthermore, I asked for your direct official email address, which you refused to give me. By your evasive response to me, it is evident that you do not want to be contacted, nor do you want to be transparent or held accountable to your oaths by the people you purportedly serve. Instead, you have conspired with county staff in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, including me, all of which constitute serious crimes. See *USC Title 18, § 241*.

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. Pursuant to your principal agent oath of office, you have a duty to be **accessible** and **responsive**, in kind, to the public. Since you failed this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your principal agent oath. In this way, the public, including me, is deprived of their constitutionally guaranteed rights secured in the First Amendment.

- 9) By not responding to and/or not rebutting Citizens' questions, statements and comments, public officers, holding positions under oath-bound mandates, such as you, Kris, deny the Citizen, in the instant matter, me, remedy. Thus, by your actions you have denied me, the Citizen, constitutional due process of law, as stated within the Bill of Rights. 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, whether direct or agent principal oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby lawfully claim and exercise.

Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. Notably, you refused me the right to respond publicly by foreclosing meaningful public dialog for purposeful cover up of government malfeasance and, thus, maintained the status quo. Furthermore, you failed to provide honest public services pursuant to your duties under the referenced Principal Agent oaths, betrayed the Public Trust, and in so doing, you perjured those oaths by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my First 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.

- 10) You have no authority whatsoever to arbitrarily engage in dialog with some Citizens, or discriminately refuse to dialog with others. During the December 19th and February 3rd Parks and Recreation Commission meetings, I was discriminated against by you, Commissioner Kris Payne. You denied me equal rights when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publicly made against me. In violation of the Brown Act and your Principal Agent Oath of Office, you thus deprived me the right to due process for the purpose of redressing grievances.
- 11) As Chairman for the Parks and Recreation Commission, it has been brought to your attention on numerous occasions, as well as to the Board of Supervisors, that Parks and Recreation staff is habitually submitting erroneous data and/or false information regarding recommendations made to the Planning Commission and Board of Supervisors. Having knowledge of wrong doing, and your failure to take remedial action makes you culpable and liable. As such, my claims pertain to your failure to provide honest public services pursuant to your oaths. 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. You failed this requirement, thus, you violated two provisions of the First Amendment, the Public Trust and perjured your oath.

By not responding and/or not rebutting, such as you have demonstrated, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens, can expect, and have the Right and duty to demand, that government officers and their agents, 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.

Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive and fully binding upon those executing the duties of any public office, at any level, without exception, as they are upon you.

Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you 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 that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own written, sworn, notarized affidavit of truth, based on specific, 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 agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, District #3 Parks and Recreation Commissioner Kris Payne, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By: _____ Date: _____
Melody Lane

Melody Lane
Compass2Truth
C/o P.O. Box 598
Coloma, California [95613]

(See attached California Notarization)

Attachments:
Exhibit A – February 28, 2020 letter to Kris Payne

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
CAO Don Ashton
Marshall Gold Discovery Historic State Park Superintendent Barry Smith
CA State Parks Director Lisa Mangat
Media and other interested parties

Tracking Number: 70183090000026510127

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May 22, 2020 in PLACERVILLE, CA 95667.

Status

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May 22, 2020 at 9:21 am
Delivered, Individual Picked Up at Postal Facility
PLACERVILLE, CA 95667