



Open Forum
 County of El Dorado Clerk of the Board <edc.cob@edcgov.us>
BOS RCUV 9-28-21

Public comment for 9/28 BOS meeting and Stephen Petty mask affidavit

Laura Bradley <lbradley1964@yahoo.com>

Tue, Sep 28, 2021 at 3:34 PM

To: El Dorado BOS District 1 <bosone@edcgov.us>, El Dorado BOS District 2 <bostwo@edcgov.us>, El Dorado BOS District 3 <bosthree@edcgov.us>, El Dorado BOS District 4 <bosfour@edcgov.us>, El Dorado BOS District 5 <bosfive@edcgov.us>
 Cc: El Dorado BOS Clerk <edc.cob@edcgov.us>

Hello Board,

Attached please find my comments from today's BOS meeting, as well as a sworn affidavit regarding the effectiveness of masks. Kim, please record these in the public record.

It is deeply concerning to me that this board will not respond publicly to my comments, confirming their oaths of office and obligation to uphold my rights, and I did not appreciate the hour wait for public comment today. It seems that in America, the response to my query today should be, of course we will do everything in our power to uphold our oaths of office and your rights. One can only conclude from your silence, that you really do not intend to do that.

We have been waiting to meet with Don Ashton about our resolution to make El Dorado a Constitutional County per the request of Supervisor Hidahl, but that has not yet happened. I would appreciate it if someone could help make sure this meeting occurs in the near future, as our rights are being rapidly eroded.

Does this board want to be the heroes that set the example and protects this county and this country from tyranny, or the zeros who did nothing while our home and our country was systematically destroyed by Big Pharma fascists? There is no doubt there will be blood on your hands if you continue to allow the California Department of Public Health to enforce unconstitutional mandates in this County.

Sincerely,

Laura Bradley

2 attachments



BOSComments9:28:21.docx
 16K



StephenPettyMaskAffidavit.pdf
 494K

Today Supervisor Hidahl suggested that the board recognize October as National Bullying Prevention month. Bullying is defined as the abuse and mistreatment of someone vulnerable by someone stronger, and more powerful. The first thing that came to mind when I read this agenda item was, when will this BOS stop engaging in bullying?

A few weeks ago, I watched this board engage in bullying with the removal of Cheryl Bly-Chester as District 2 planning commissioner. This was clearly a witch hunt by three of our supervisors, and the most disgusting abuse of power I have ever personally witnessed, during a time when the board should have been focused on the needs of the community with the Caldor Fire. I have also personally witnessed this boards attempt to bully the public by limiting speech and walking out during public comment, in violation of the Brown Act

This county is also bullying its employees who choose not to inject themselves with experimental Covid injections. They are being coerced into getting the jab by forcing them to wear masks at work, while those who have complied are not required to do so. We have all seen that those who receive the injection can still get, transmit and die from Covid, so why aren't they required to wear masks?

And what about our children? Our schools are still forcing masks, despite the very small risk children have of getting or transmitting Covid. I have a sworn affidavit in front of me from Stephen Petty, an expert in the field of industrial hygiene, which I will send you all via email. He states that all masks leak around the edges, and do not "dilute, destroy or contain airborne hazards". He also notes that wearing a mask can be detrimental to health, causing measurable drops in oxygen saturation in the blood, and an increase in CO2. This can result in increased heart rates and blood pressure. Children who have medical exemptions from wearing a mask are being bullied by their teachers and their peers, making their daily lives a struggle.

So, if the injected can still get and transmit Covid, and we know masks do not work, why are we continuing to enforce mandates and discriminate against those who choose to trust their God given immune system? Why is our President labeling only those who refuse to get injected as dangerous? Why is it that Israel, one of the most vaccinated countries in the world, is currently having one of the biggest Covid outbreaks? Why are we not allowed discuss any of this on the internet, the new public square, without being heavily censored? Is that the way science works now? We ignore facts and silence any dissent from the narrative being fed to us by our government and our media? One can only conclude that all of this is an attempt to bully us into compliance with an injection, and eventually a system of total electronic surveillance and control.

What we are witnessing is medical apartheid, and bullying from our government that is leading to the steady erosion of our society, and our God given rights. Although our Constitution should be enough to protect us from tyranny, we are seeing unconstitutional mandates and laws going unquestioned. It is clear the final variant of Covid is communism, yet most of our leaders continue to take us down this dangerous path, without even questioning it.

My concerns over the steady erosion of my rights have led me and others to ask this board to sign off on a resolution to make our County a Constitutional County. It seems like a simple ask for you confirm your oaths of office, yet we have received little to no response. So in light of your proclamation today, I will ask you all, if the State or Federal government attempts to violate my rights and bully me into getting an injection to participate in society, what will you do in this county to stop the bullying and protect my rights?

AFFIDAVIT OF STEPHEN E. PETTY, P.E., C.I.H., C.S.P.

Before me, the undersigned authority, on this day personally appeared STEPHEN E. PETTY ("Affiant") who, being by me first duly sworn, deposes and says:

1. I am an adult in sound mind and body and have personal knowledge of the fact averred herein.

2. Since April 14, 1996, I have owned and operated EES Group, Inc., a consultancy corporation specializing in health and safety and forensics.

3. I hold relevant industry certifications including board certifications as a C.I.H. (Certified Industrial Hygienist), a C.S.P. (Certified Safety Professional), and a P.E. (Professional Engineer) in six states (Florida, Kentucky, Ohio, Pennsylvania, Texas, and West Virginia). My curriculum is attached hereto as **Exhibit i**.

4. I have served as an expert in personal protective equipment and related disciplines in approximately 400 legal cases. I am certified in and have provided testimony as an expert in these areas. My list of representative cases is attached hereto as **Exhibit ii**.

5. For example, I am currently serving as an expert in the Monsanto Roundup and 3M PFAS litigation. Recently I testified in four trials for the DuPont C8 litigation.

6. I taught Environmental and Earth Sciences as an adjunct professor at Franklin University.

7. I hold nine U.S. patents relating to heating, ventilation and air conditioning (HVAC) systems.

8. I am a current member in good standing of the following relevant associations: American Industrial Hygiene Association (AIHA), American Board of Industrial Hygiene (ABIH), American Conference of Governmental Industrial Hygienists (ACGIH), American Institute of Chemical Engineers (AIChE), American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE); Member ASHRAE 40 Std. and TC 2.3, and Sigma Xi.

9. I am an expert in the field of Industrial Hygiene, which is the science and art devoted to the anticipation, recognition, evaluation, and control of those environmental factors or stressors — including viruses — arising in or from the workplace, which may cause sickness, impaired health and well-being, or significant discomfort among workers or among the citizens of the community.

10. Industrial Hygiene is fundamentally concerned with the proper methods of mitigating airborne/dermal hazards and pathogens, as well as with the design and use of engineering controls, administrative controls, and personal protective equipment, among other things.

Affidavit of Stephen E. Petty, P.E., C.I.H., C.S.P.

11. Medical doctors, virologists, immunologists, and many public health professionals are not qualified experts in these areas by virtue of those aforementioned credentials.

12. On May 7, 2021, the Centers for Disease Control (CDC) updated its guidance, providing that the primary mechanism for transmission of Covid-19 is through airborne aerosols, and not, as previously stated, by touching contaminated surfaces or through large respiratory droplets, as also stated during previous periods of the pandemic.

13. Airborne viral aerosols can consist of a single viral particle or multiple viral particles clumped together, and usually smaller than $5\ \mu$ (microns) in size. By comparison, droplets are $>5\ \mu$ to $>10\ \mu$ in size.

14. The area of a micron by a micron is approximately 1/4,000th of the area of the cross-section of a human hair and 1/88th the diameter of a human hair. Covid particles are 1/10 of a micron or \sim 1/40,000th of the area of a cross section of a human hair and \sim 1/880th the diameter of a human hair.

15. A recent University of Florida study capturing air samples within an enclosed automobile cabin occupied by a Covid-positive individual showed that the only culturable Covid-19 virus samples obtained were between $0.25\ \mu$ to $0.5\ \mu$ in size. Particles smaller than $5\ \mu$ are considered very small and/or very fine or aerosols.

16. Very small particles do not fall by gravity in the same rate that larger particles do and can stay suspended in still air for a long time, even days to weeks.

17. Because they stay suspended in concentration in indoor air, very small particles can potentially accumulate and become more concentrated over time indoors if the ventilation is poor.

18. Very small airborne aerosols pose a particularly great risk of exposure and infection because, since they are so small, they easily reach deep into the lung. This explains in part why Covid-19 is so easily spread, and why so little Covid-19 is required for infection.

19. Exposure to airborne aerosols is a function of two primary parameters: concentration and time. Less is better regarding both parameters.

20. For many reasons, personal protective equipment (PPE) is the least desirable way to protect people from very small airborne aerosols. Moreover, masks are not PPE since they cannot be sealed and do not meet the provisions of the Occupational Safety and Health Administration (OSHA) Respiratory Protection Standard (RPS), namely 29 CFR 1910.134.

21. Regarding PPE, facial coverings do not effectively protect individuals from exposure to very small airborne aerosols. A device referred to as a respirator is required to provide such protection.

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22. The AIHA, in their September 9, 2020 Guidance Document for COVID-19 (**Exhibit iii**) noted that the acceptable relative risk reduction methods must be $\geq 90\%$; masks were shown to be only 10% and 5% (see Exhibit iii - Figure 2) and far below the required 90% level.

23. Similarly, Shah et al, 2021 (**Exhibit iv**), using ideally sealed masks and particles 1 micron in size, reported efficiencies for the more commonly used cloth masks and surgical masks of 10% and 12% respectively. No mask can be perfectly sealed, thus “real world” effectiveness would be even lower.

24. Industrial hygienists refer to a “Hierarchy of Controls” that are typically implemented to minimize exposures, including exposures to very small airborne aerosols like Covid-19.

25. Regarding practical or “engineering” controls, industrial hygienists focus on practices that dilute, destroy, or contain airborne hazards (or hazards in general).

26. PPE — especially facial coverings — do not dilute, destroy, or contain airborne hazards. Therefore, facial coverings are not contained in the Industrial Hygiene (IH) Hierarchy of Controls. Even respirators (part of the PPE Category and not masks) are in the last priority on the Hierarchy of Controls.

27. Facial coverings are not comparable to respirators. Leakage occurs around the edges of ordinary facial coverings. Thus, ordinary facial coverings do not provide a reliable level of protection against inhalation of very small airborne particles and are not considered respiratory protection.

28. For example, during the seasonal forest fires in the summer of 2020, the CDC issued public guidance warning that facial coverings provide no protection against smoke inhalation. That is because facial coverings do not provide a reliable level of protection against the small particles of ash contained in smoke. Ash particles are substantially larger than Covid-19 aerosolized particles.

29. I have reviewed the Mayfield City School District (MCSD) “Protective Facial Covering Policy During Pandemic/Endemic Events” as set forth in the Policy Manual of the MCSD Board of Education.

30. Ordinary facial coverings like the ones required by the MCSD facial covering policy do not meet any of the several key OSHA Respiratory Protection Standards for respirators.

31. Because of the gaps around the edges of facial coverings required by MCSD’s policy, they do not filter out Covid-19 aerosols. The policy stating masks will be worn without gaps defies known science that masks worn today cannot be sealed and always have gaps.

32. The effectiveness of a cloth facial covering falls to zero when there is a 3% or more open area in the edges around the sides of the facial covering.

33. Most over-the-counter disposable facial coverings have edge gaps of 10% or more. When adult-sized facial coverings are used by children, edge gaps will usually greatly exceed 10%.

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32. Even short breaks (e.g. to eat) expose individuals to Covid-19 aerosols in indoor spaces.

33. Ordinary cloth facial coverings like the ones required by the MCSD mask requirement do not provide any filtering benefit relative to particles smaller than 5μ if not sealed.

34. Substantial mitigation of Covid-19 particles could be immediately achieved by:

- a. opening windows and using fans to draw outdoor air into indoor spaces (diluting the concentration of aerosols),
- b. setting fresh air dampers to maximum opening on HVAC systems,
- c. overriding HVAC energy controls,
- d. increasing the number of times indoor air is recycled,
- e. installing needlepoint ionization technology to HVAC intake fans, and
- f. installing inexpensive ultraviolet germicide devices into HVAC systems.

35. All of the above-referenced techniques are more effective and meet standard industrial hygiene hierarchy of controls (practices) for controlling exposures in place for nearly 100 years. The use of cloth facial coverings do not fit within these basic hierarchy of controls since masks are not PPE and cannot be sealed. There are no OSHA standards for facial coverings (masks) as respiratory protection.

36. Extended use of respiratory PPE is not indicated without medical supervision.

37. As explained in an article titled "Is a Mask That Covers the Mouth and Nose Free from Undesirable Side Effects in Everyday Use and Free of Potential Hazards?" that was published on April 20, 2021, in the *International Journal of Environmental Research and Public Health* and that is attached to this Affidavit as **Exhibit v**, the following negative effects from wearing masks was reported in the literature:

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Increased risk of adverse effects when using masks:		
<p><u>Internal diseases</u> COPD Sleep Apnea Syndrome advanced renal Failure Obesity Cardiopulmonary Dysfunction Asthma</p>	<p><u>Psychiatric Illness</u> Claustrophobia Panic Disorder Personality Disorders Dementia Schizophrenia helpless Patients fixed and sedated Patients</p>	<p><u>Neurological Diseases</u> Migraines and Headache Sufferers Patients with Intracranial Masses Epilepsy</p>
<p><u>Pediatric Diseases</u> Asthma Respiratory diseases Cardiopulmonary Diseases Neuromuscular Diseases Epilepsy</p>	<p><u>ENT Diseases</u> Vocal Cord Disorders Rhinitis and obstructive Diseases</p> <p><u>Dermatological Diseases</u> Acne Atopic</p>	<p><u>Occupational Health Restrictions</u> moderate / heavy physical Work</p> <p><u>Gynecological restrictions</u> Pregnant Women</p>

Figure 5. Diseases/predispositions with significant risks, according to the literature found, when using masks. Indications for weighing up medical mask exemption certificates.


Example statements made in the paper include the following: “The overall possible resulting measurable drop in oxygen saturation (O₂) of the blood on the one hand and the increase in carbon dioxide (CO₂) on the other contribute to an increased noradrenergic stress response, with heart rate increase and respiratory rate increase, in some cases also to a significant blood pressure increase.” Exhibit v, p. 25. In fact, “Neither higher level institutions such as the WHO or the European Centre for Disease Prevention and Control (ECDC) nor national ones, such as the Centers for Disease Control and Prevention, GA, USA (CDC) or the German RKI, substantiate with sound scientific data a positive effect of masks in the public (in terms of a reduced rate of spread of COVID-19 in the population).” Exhibit v, p. 24, for these reasons, students who are required to wear masks pursuant to a mandate suffer immediate and irreparable injury, loss, or damage.

38. In summary:

- a. PPE is the least desirable way to protect people from very small airborne aerosols.
- b. Facial coverings as required by the MCS D policy are not recognized as PPE since they cannot be sealed and are not covered by the OSHA RPS.
- c. If PPE were to be used for protection, respirators, not facial coverings as required by the MCS D policy are needed to provide any effective protection from very small airborne aerosols.
- d. Very small aerosol particles are more likely to be a greater cause of disease than respiratory droplets because they can evade PPE and reach deep into the lungs, whereas respiratory droplets have to work against gravity in order to travel up a person's nose into the sinus.

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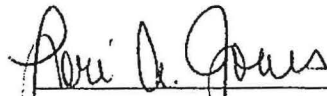
- e. Much better alternatives to controlling exposure are available (i.e., engineering controls of dilution – ventilation with increased fresh air and destruction), and should be used to minimize exposures as opposed to masks.
- f. Individuals who are required to wear masks pursuant to a mandate suffer immediate and irreparable injury, loss, and damage due to the overall possible resulting measurable drop in oxygen saturation of the blood on one hand and the increase in carbon dioxide on the other, which contributes to an increased noradrenergic stress response, with heart rate increase and respiratory rate increase and, in some cases, a significant blood pressure increase.


Stephen Petty, P.E., C.I.H., C.S.P.

STATE OF OHIO

COUNTY OF FRANKLIN

Sworn to and subscribed before me this 1st day of September, 2021, by Stephen Petty, () who is personally known to me or () who produced FL. drivers license as identification.


NOTARY PUBLIC, State of Ohio

Commission No. _____

My commission expires: 2-3-2026



LORIA JONES
Notary Public
State of Ohio
My Comm. Expires
February 3, 2026

Whenever constitutional violations are committed by public servants, 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. When public servants 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**.

The BOS have been apprised of numerous unlawful practices within Planning and Development Services, including falsification of records and failure to respond to CPRAs, yet you've failed to take any corrective action. Tiffany Schmid has ignored my numerous requests to respond directly to me and not through any of her staff. You are well aware that CAO Don Ashton and Sheriff D'Agostini have **UNLAWFULLY** blocked my ability to communicate electronically with most county staff. For example, Code Enforcement representative Todd Young can email me, but I cannot email him.

This is relevant to the SUP revocations of Villa Florentina, the Coloma Resort, and American River Resort. Tiffany failed to respond to me, as did Supervisor Lori Parlin, who was tasked to ensure follow-up to the aforementioned specific concerns to our community. Your silence indicates you have something to hide, thus making you complicit in obstructing my First Amendment rights to petition government for redress of grievances and depriving me of due process of law.

A warning letter concerning excessive noise levels emanating from the Coloma Resort that were far and beyond the decibel levels permitted in the Quiet Zone of the S. Fork American River, as well as **annual incidents of illegal fireworks**, was brought to Tiffany's attention for immediate action, but no action was ever taken. As you know, EDSO has been reluctant to respond to calls by residents endangering the safety of those of us who live on the northeast side of the South Fork American River. You have also been made aware that there is **no emergency evacuation plan/route in the event of yet another Mt. Murphy arson fire**. It is an abuse of the public trust for you to ignore these issues until disaster eventually strikes this region, not to mention the legal liability.

Ms. Schmid's failure to lawfully respond to CPRAs and constituent concerns makes it evident that she maintaining the status quo by depriving me of public services and information necessary to petition government for redress of grievances. As stated in **Element 4 of the RMP**, Planning and Development is required to maintain all records of the SUP violations and accordingly take the necessary actions for SUP revocations for the American River Resort, Coloma Resort, and Villa Florentina. Correspondence and petitions containing pages of resident signatures requesting implementation of the SUP revocation process for the aforementioned businesses have disappeared from the

Planning Department files, thus I have been deprived of such records necessary for redress of grievances and due process of law.

When a public official has knowledge of wrong doing, but fails to take remedial action against employees under their jurisdiction, namely those in Planning and Code Enforcement, then they become complicit and liable for aiding and abetting their unconstitutional actions against me. Thus Tiffany Schmid, as an individual, can also be held personally accountable and liable for any and all harm she has inflicted upon me and my inherent, constitutionally secured rights by failure to take remedial action. The same applies to the Board of Supervisors.

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

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

- 1) This transcript
- 2) Affidavit addressed to Tiffany Schmid

AFFIDAVIT/DECLARATION OF TRUTH

Tiffany Schmid
Director Development & Planning Services
2850 Fairlane Court
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, Tiffany Schmid, acting as Director of Development and Planning Services, 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*.

(Refer also 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."*)

We live in the United States of America, a country where the highest of public officials are held answerable to the law, even when they find it to be inconvenient to their own personal objectives, policy or practice. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

Any act committed by you, Tiffany Schmid, acting as Director of Planning and Development Services, 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, Tiffany Schmid, 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. You've been apprised of numerous unlawful practices within your department and jurisdiction, including falsification of records, yet you've failed to take any corrective action. For example, the transparency and accountability in the administration of the River Management Plan (RMP), and the public's right to address their grievances concerning the RMP, have been blatantly avoided literally for decades by county staff. Your predecessor, Roger Trout, was served with notice of his legal responsibility to take corrective actions pertaining to his role in government fraud. It is apparent that you

have followed in Mr. Trout's footsteps, and in so doing you are culpable, complicit and liable for aiding and abetting the perpetuation of government fraud.

When you and other public officers violate the Constitutions, at will, as an apparent custom, practice and policy of office, you and they subvert the authority, mandates and protection of the Constitutions, thereby act as domestic enemies to these Republics and their people. When large numbers of public officers so act, this reduces America, California, and the County of El Dorado to the status of frauds operating for the benefit of governments and their corporate allies, and not for the people they theoretically serve.

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, and such fraud vitiates any action. See *United States v. Throckmorton*.

2. You, Ms. Schmid, have ignored my numerous requests to respond directly to me and not through any of your staff. You are well aware that CAO Don Ashton and Sheriff D'Agostini have UNLAWFULLY blocked my ability to communicate electronically with staff under your direction and control. For example, Code Enforcement representative Todd Young can email me, but I cannot email him. My correspondence was directed to you for action, therefore it is **your responsibility** to respond rather than pass the buck to those who work under you and are in the habit of being unresponsive to constituents.

This is relevant to the matter of the update on the Villa Florentina SUP revocation process, as well as the Coloma Resort SUP and American River Resort SUP revocations. You personally failed to respond to me, as did Supervisor Lori Parlin who was tasked to ensure follow-up to the aforementioned specific concerns to our community. Your silence indicates you have something to hide, thus making you complicit in obstructing my First Amendment rights to petition government for redress of grievances and depriving me of due process of law. See *U.S. versus Tweel, [Supra.]*

3. A copy of the Joseph Prutch warning letter concerning excessive noise levels emanating from the Coloma Resort that were far and beyond the decibel levels permitted in the Quiet Zone of the S. Fork American River, as well as annual incidents of illegal fireworks, was brought to your attention for immediate action. As you are well aware, EDSO has been reluctant to respond to calls by residents about such illegal activities endangering the safety of those of us who live on the northeast side of the South Fork American River. You have also been made aware that there is **no emergency evacuation plan/route in the event of yet another Mt. Murphy arson fire**. There have already been 5 arson fires within an 8 year period that were ignited either directly on my property, or within ¼ mile of my property bordered by the Marshall

Gold Discovery Historic State Park. It is an abuse of the public trust for you to ignore these issues until disaster eventually strikes this region.

To add insult to injury, you have been apprised that the Coloma Resort has publicly libeled and slandered me and my organization, Compass2Truth, for exercising our rights to obtain public information concerning their flagrant activities in violation of the RMP and their Special Use Permits (SUP).

Mr. Prutch's warning letter indicated there may have been update(s) to the Coloma Resort's SUP #93-03; however Planning and Development staff have been reticent to respond to my previous CPRA requests for information in that regard. These matters have been discussed at length in several meetings before with CAO Don Ashton, former Planning and Development Director Roger Trout, District #4 Supervisors, and County Counsel. The purpose of our meetings were clearly delineated, but have been met with consistent stonewalling, nor has there ever been a response from any of the aforementioned public officials as required by law and pursuant to their oaths of office. Your abuse of the public trust, and failure to lawfully respond to constituents, makes it evident that you are maintaining the status quo and depriving the public their First Amendment rights to petition government for redress of grievances.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. Transparency and accountability are EDC Core Values as stated within the Good Governance policy. Therefore, the burden falls upon your shoulders to appropriately respond in a timely and transparent manner to constituent concerns pursuant to your oaths of office:

*"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, 242. **Treason** under the Constitution at Article 3, Section 3., and intrinsic **fraud**..."*

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 [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.

4. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. Despite my numerous inquiries, it is apparent you have something to hide. As previously mentioned, there has

been no response forthcoming from you or staff under your supervision and control. Depriving the public of honest services is a federal crime.

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 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. By your unlawful actions and abuse of the public trust, you acted in sedition and insurrection against the Constitutions, both federal and state, and in treason against the People, in the instant case, me. 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*.

5. Violations of the RMP have particular relevance to the SUP violations and other unlawful activities primarily taking place at the American River Resort, Coloma Resort, and Villa Fiorentina. As stated below in **Element 4 of the RMP**, Planning and Development is required to maintain all records of the RMP/SUP violations and accordingly take the necessary actions for SUP revocation. Formal petitions and other correspondence containing pages of resident signatures requesting the SUP revocation process be implemented for the aforementioned business establishments have apparently disappeared from the Planning Department files, thus you have deprived me of such records necessary for redress of grievances and due process of law. The RMP specifically states in Element 4 – Monitoring and Reporting Programs:

4.3 Public Comments/Complaints

4.3.1 Landowners, residents and river users will be provided with standardized comment/complaint forms. These forms will be distributed in annual landowner/resident informational mailings and made available at river-area kiosks. The forms will include checklists for comment/complaint type, occurrence date and time, location and descriptions of follow-up actions(s).

4.3.2 The County Department of General Services will continue to operate a telephone line and voicemail system dedicated to receiving comments and complaints related to river management issues. Reported traffic and trespass issues will be forwarded to the **Sheriff's Department for action**.

4.3.3 **Public comments/complaints will be distributed by the County Department of General Services to the County Planning Department (Planning Department) and Sheriff's Department.** This information also will be tabulated in the County Parks data base, spatially recorded in the County GIS, and reported in the post-season report.

4.8 Noise Monitoring – The County will develop and implement a system for conducting noise monitoring and reporting for noise sensitive areas near project area campgrounds and at other sensitive locations along the river, **with focus on areas within the Quiet Zone.**

4.8.1 Observed or reported violations of Quiet Zone regulations or County noise standards will be reported to the County Code Enforcement Officer or the Sheriff's Department, as appropriate, within 2 working days of the occurrence.

4.8.2 More than two noise exceedance citations per year issued to SUP holders may result in a formal hearing considering the noise exceedances and the possible imposition of fines and other disciplinary measures on violators.

4.8.3 More than two noise exceedance citations in two consecutive years may result in a formal recommendation for limitation or revocation of an SUP to the County Code Enforcement Officer and Planning Director.

It is evident that Case File reports and Citizen Arrest forms have never been forwarded by the Sheriff's Department to you for action as required in the RMP Element 4.3.2 and 4.8.3 as stipulated above. Despite a history of numerous meetings with staff, requests for investigation, coordination of services, and appropriate follow up, you have remained unresponsive to these concerns and violations of public policy. This highly suggests your collusion with other county staff to deprive Citizens, in the instant case me, of honest public services and First Amendment rights to due process of law. See *USGC Title 18, Sections 241 & 242.*

6. My claims, statements and averments also pertain to your actions taken regarding 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.

Issues relevant to the topics of public safety and retaliation against Citizens that I have addressed to you have been ignored, particularly as it pertains to the River Management Plan, and the lack of code and law enforcement. Public Record Act requests for information pertinent to the River Management Plan are routinely ignored, are late, or are insufficiently responded to as required by law.

On numerous occasions you have failed to respond appropriately to correspondence regarding the aforementioned issues and/or failed to lawfully provide public information. Not only are your actions, or lack thereof, discriminatory and in violation of public policy, they constitute fraud and dereliction of your fiduciary obligations to Citizens whose taxes pay your salary. You, Ms. Schmid, have failed your fiduciary responsibilities and duty, and in so doing, have deprived the rights of the People, in the instant case me, and thus violated your oaths of office. . *Refer to California Public Records Act (Government Code Section 6250 et seq.).*

7. If the aforementioned public officials 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 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. *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.*

Additionally, when you, Tiffany Schmid, have knowledge of wrong doing, but fail to take remedial action against employees under your jurisdiction, namely those in Planning and Code Enforcement, then you become complicit and liable for aiding and abetting their unconstitutional actions against me. On numerous occasions you have been provided notice that staff within your department violated First Amendment guarantees, betrayed the Public Trust, and perjured their oaths of office. Thus you, Tiffany Schmid, 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]*

*See also: 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); *Siegert v. Gilley*, 500 U. S. 226, 231 (1991) [Emphasis added]

8. 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.

By your own actions and the actions of other public officers, it is clear that you have violated all of these requirements in letter and spirit, thus, you have violated the law, the rights of the people, and have perpetrated ongoing government fraud as your usual custom, practice and policy in accordance with that of the other aforementioned public officials. See *USGC Title 18 Sections 241 and 242. [Supra]*

9. 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. An American Citizen, such as I, can expect, and has the Right and duty to demand, that his government officers 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.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or meeting requests, 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. 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, as are you, 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.**

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 including your supervisors and anyone having oversight responsibility for you, and 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:

10. Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is **no discretion** on the part of public officers, such as 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 public officers, without exception, as they are upon you.

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 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. 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*.

11. Anytime public officers, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, as you did on several occasions, which are now a matter of public record. 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, defied the Constitutions, and perjured your oaths.

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 vacated your office, thereby you invoked the self-executing Sections 3 & 4 of the 14th Amendment, and forfeit all benefits thereof, including salaries and pensions,. See: *U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239*.

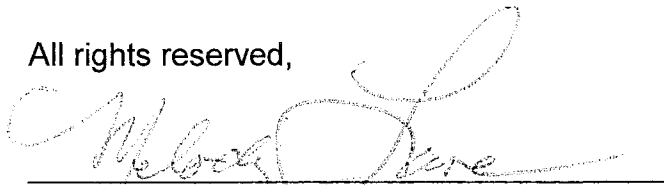
Lawful notification has been provided to you stating that if you, Tiffany Schmid, do not rebut the statements, charges and averments made in this Affidavit/Declaration, then, you tacitly agree with and admit to them. Pursuant to that lawful notification, if you disagree with anything stated under oath 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

9/24/21
Date

(See attached California Notarization) TA

- 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
- CAO Don Ashton
- 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 }

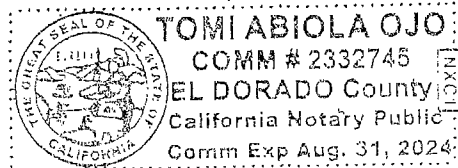
Subscribed and sworn to (or affirmed) before me on this 24th day of September, 2021
Date Month Year

by Melody 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: 9/24/21

Number of Pages: 10

Signer(s) Other Than Named Above: _____