

Unfortunately, officials at all levels of government have succeeded in insulating themselves from their constituents through the use of free speech zones, electronic town hall meetings, security barriers, regulations restricting what is said at public meetings, and other tactics that run afoul of the First Amendment’s safeguards for free speech, public assembly and the right to petition the government for a redress of grievances. These guidelines are intended to empower citizens to push back against those who would stifle the ardor of citizens, arbitrarily silence critics and impede efforts to assure transparency in government.

As history teaches us, if the people have little or no knowledge of the basics of government and their rights, those who wield governmental power inevitably wield it excessively. After all, a citizenry can only hold its government accountable if it knows when the government oversteps its bounds. Examples:

- 1) 10/11/16 – BOS laughed at Harn’s disrespectful comment re: Open Forum EDSO above the law.
- 2) Vern Pierson caught lying at Taxpayers yesterday re: GJ investigation into EDSO operations.
- 3) Ashton, Ranalli, Trout, D’Agostini & Pierson refuse to meet = violation of Constitutional Oaths of Office.
- 4) Al Hamilton threat @Taxpayers – lawyers Constitutional Oaths of Office – Bully tactics & Retaliation encouraged with no fear of reprisal.
- 5) Bernie Brown – Political consultant from Delaware hired by D’Agostini. Investigating computer hacking & identity theft; subsequent CCW denial. See John McGinnis CCW lawsuit handed to Vern Pierson yesterday.
- 6) RMAC lies – Roger Trout/Ranalli/D’Agostini “Come to Jesus Meeting” re: CPRAs, SUPs managed by Liars Club (lawyers).
- 7) CL Fire Safe Council – BLM, American River Conservancy, CA State Parks takeover of American River Corridor = Agenda 21 roll out.

IT'S TIME TO DRAIN THE SWAMP...

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

- 1) McGinnis CCW lawsuit & 10/11/16 BOS Open Forum transcript
- 2) 11/8/16 @ 9:43 AM email to Judith Kerr, BOS re: Hamilton threat
- 3) ~~11/14/16 Harn email re: CPRA CTO salary~~

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9 Attorneys for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**

11 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 -ooOoo-

13 JAMES ROTHERY, Esq.; ANDREA
14 HOFFMAN

15 Plaintiffs,

16 vs.

17 Former Sheriff LOU BLANAS; SHERIFF
18 JOHN MCGINNIS; Detective TIM SHEEHAN;
19 SACRAMENTO COUNTY SHERIFF'S
20 DEPARTMENT, an independent branch of
21 government of the COUNTY OF
22 SACRAMENTO; COUNTY OF
23 SACRAMENTO; STATE OF CALIFORNIA
24 ATTORNEY GENERAL JERRY BROWN;
25 DOES 1 through 225, unknown co-conspirators

26 Defendants.

CASE NO.: 2:08-cv-02064-JAM-KJM

FIRST AMENDED COMPLAINT FOR:

1. RACKETEER INFLUENCED AND
CORRUPT ORGANIZATIONS statute
(hereafter "RICO"), Title 18, United
States Code, Sections 1961 through 1968
(Former Sheriff LOU BLANAS;
SHERIFF JOHN MCGINNIS only)
2. 42 U.S.C. SECTION 1983 (Equal
Protection - 14th Amendment -
unconstitutional policy and statute on
their face and as applied)
3. 42 U.S.C. § 1983 (Second and Fourteenth
Amendment (incorporation) -
unconstitutional CCW statute and Policy
- on their face and as applied)
4. 42 U.S.C. § 1983 (14th Amendment
Privileges and Immunities - -
unconstitutional CCW statute and Policy
- on their face and as applied)
5. 42 U.S.C. § 1983 (Ninth and Fourteenth
Amendment - unconstitutional CCW
statute and Policy - on their face and as
applied)
6. 42 U.S.C. § 1983 (Fourteenth
Amendment - unconstitutional CCW

1 statute and Policy - re Honorably Retired
2 Peace Officers and Prima Facie Good
3 Cause Standard - on their face and as
4 applied)

5 **7. SEVENTH OF ACTION 42 U.S.C. §**
6 **1983 (Declaratory and Injunctive**
7 **Relief) [all Defendants except Sheehan]**

8 **CLASS ACTION CERTIFICATION**
9 **REQUESTED**

10 **JURY TRIAL DEMANDED**

11 **COMES NOW** Plaintiffs who aver as follows:

- 12 1. Plaintiffs JAMES ROTHERY, Esq., and ANDREA HOFFMAN are competent adults
13 residing in the County of Sacramento, who have applied for permits to Carry Concealed
14 Weapons (CCW) by filling out the appropriate applications and paying the required fees.
15
- 16 2. Plaintiffs have exhausted all CCW administrative appeal rights.
17
- 18 3. The CCW application and/or appeal process is futile.
19
- 20 4. Plaintiffs, and others similarly situated, have been denied CCWs even though they were both
21 qualified to have CCWs and they met the purported "good cause" criteria for issuance of a
22 CCW, as that purported standard was applied to other approved applications.
23
- 24 5. Both would have sought to apply for Honorary Deputy Sheriff's Commissions, had such
25 commissions been allowed to the general public.
26
- 27 6. By obtaining an Honorary Deputy Sheriff Commission, the Honorary Deputy Sheriff is given
28 the same wallet badge as is given to full time deputy sheriffs with a signed written credential
issued by the Defendant Sheriff's themselves, allowing these individuals to use such
credentials for the purposes of graft and favors (e.g. getting out of traffic tickets).
29
- 30 7. In addition, Plaintiff Hoffman requested an Honorary Deputy Sheriff's Commission, to join
the Sheriff's Posse, and to join the Sheriff's Aero-Squadron, and she was denied all such oral
applications. There is no written application made available to the public and, to this date, no
response to her appeal regarding her deputy commission or her Sheriff's Aero-Squadron
membership.
31
- 32 8. Plaintiff Hoffman applied for a CCW in November of 2007, and was denied a CCW.
Thereafter, she appealed the decision, and was again denied in 2008.

Any act by any public officer either supports and upholds the Constitution, or opposes and violates it.

On August 3rd we met with Don Ashton, Supervisor Ranalli & Roger Trout for a “Come to Jesus” meeting concerning the River Management Plan, Code & Law Enforcement and Public Record Act requests. Sheriff D’Agostini refused to participate. The same day of our meeting Sergeant Danny Bears left me a phone message with an implied threat when he stated, *“And just FYI it is against the law to record people, especially law enforcement officers.”*

Police officers are not attorneys. They are not trained in constitutional law. Not only do most police officers demonstrate a serious lack of constitutional acumen, some police officers even demonstrate a serious animus AGAINST the Constitution. These same officers consider people who believe in the Constitution to be “anti-police.” Such an attitude does nothing but insure increasing abusive behavior against the very people police officers are sworn to protect: the American citizenry.

Look at the average police officer today: his equipment, dress, and mannerisms more resemble a special ops military soldier than a peace officer. Three times in a matter of weeks two deputies showed up unannounced in separate cars at my home. Not only is that a poor use of EDSO resources, it undermines the public’s trust in law enforcement.

After Deputy Ragusano showed up unannounced at my home I called Laura Lyons to request a meeting with Sheriff D’Agostini advising that somebody would accompany me.

Laura called back the following day at 10:29 AM and left the following message: *“Hello Melody. This is Laura at the Sheriff’s office. I’m just returning your call from our conversation last night and I just want to let you know I will NOT be making an appointment for you. This command made comes from Sheriff D’Agostini. Alright. Thank you. Bye bye.”*

Former EDSO Deputy Bernie Brown was assigned to interview community members suspected of hacking of my computer, Face Book, email, identity theft, and harassment. During one of our conversations about whether or not Sheriff D’Agostini would approve my CCW, Deputy Brown stated, *“Maybe he thinks you’ll bring a gun to an RMAC meeting.”*

For the record you've all received copies of the Guide to Public Record Act Requests prepared for our October 4th meeting with Don Ashton and attorney Paula Franz. In violation of his Oath of Office Mike Ranalli refused to participate in the meeting I'd requested to address specific Code & Law Enforcement issues within District #4 and non-compliance of related CPRAs.

In closing I'd like to play the audio of a recent encounter with Sheriff D'Agostini and Mike Ciccozzi in the lobby of EDSO and witnessed by others. (play 9/22/16 D'Agostini/Ciccozzi audio)

Melody: Hey John. When are we going to talk?

D'Agostini: We're not.

Melody: We're not going to talk?

D'Agostini: Not to you.

Melody: Oh really? I think you've got a little problem with the Constitution and who you work for? You too Mike.

Ciccozzi: I don't have a problem with the Constitution. (approaching me to shut the door)

Melody: Yeah you do...and your Oath of Office.

The Sheriff is not above the law. It's time "we the people" start demanding that their crooked, self-absorbed politicians start honoring their oaths of office to the Constitution and eviscerate the gun-control laws that make residents easy prey for the criminal element within their own neighborhoods so that people can start lawfully defending themselves. And "conservative" folks need to get their heads out of the sand and realize that there is a REAL problem with police abuse in this country and start demanding that their local judges and prosecutors start holding these lawless lawmen accountable to the same laws that the rest of us are held to.

Madam Clerk: Please enter these documents into the public record and note the previously submitted CPRA re: Proof of EDSO Disciplinary hearings.

- 1) This transcript (min.)
- 2) Guide to CA Public Record Act Requests\
- 3) 10/7/16 EDSO Proof of Disciplinary Hearings

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

Sent: Tuesday, November 8, 2016 9:43 AM

To: judith.kerr@edcgov.us; 'Donald Ashton'; Michael Ranalli; ron.mikulaco@edcgov.us; sue.novasel@edcgov.us; brian.veerkamp@edcgov.us; Shiva.frentzen@edcgov.us; Sheriff DAgostini

Cc: Karl Weiland; Vern R Pierson; bosfive@edcgov.us; bosfour@edcgov.us; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

Subject: FW: Taxpayers Association today - Threat by Al Hamilton

Ms. Kerr, et al,

Apparently Hillary and Comey aren't the only public officials experiencing a crisis of transparency and accountability...

Yesterday after the Taxpayers Association meeting and in the presence of witnesses self-declared dictator and county Senior Services lawyer Al Hamilton threatened me, a senior citizen. That was not the first time Hamilton threatened, censored or discriminated against me and other women.

After denying me the right to audio record meetings and threatening to call the Sheriff to have me removed from the building at the next meeting, Hamilton made another threat to "personally take a stand to prevent your detrimental political effects upon the county." The question is, by what means does he intend to accomplish his illicit goal?

Please note the following:

- 1) It is a crime for public servants to falsify information in response to CPRAs.
- 2) Deprivation of rights and forcing public issues into the prohibitively expensive civil arena is an abuse of the public's trust in law enforcement and the justice system:
 - "The Ninth Circuit U.S. Courts of Appeals have recognized the First Amendment right to record the police and/or other public officials. **The First Amendment protects the right to record audio and video regardless of whether the police/officials consent. This constitutional right would override any state or federal laws that would otherwise prohibit such recording. The rationale is public officials need to be held accountable for their actions.**"
 - "[A] citizen's right to film government officials, including law enforcement officers, in the discharge of their duties in a public space is a basic, vital, and well-established liberty safeguarded by the First Amendment."
 - "Gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs."

In compliance with your Constitutional Oaths of Office it is your duty to the citizens of El Dorado County to address Al Hamilton's bully tactics by taking immediate remedial action before it escalates into yet another public scandal. (Please refer to the post below.)

Your anticipated cooperation and timely response is appreciated.

6 of 8

Melody Lane

Founder – Compass2Truth

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

From: Melody Lane

Sent: Monday, November 7, 2016 2:30 PM

Subject: Taxpayers Association today - Threat by Al Hamilton

Posted to Debating EDC Politics...

[Melody Lane](#)

34 mins

After this morning's Taxpayers Assn. meeting held at Denny's Restaurant I was approached by Al Hamilton, president and self-described Dictator of the GOB group. In the presence of witnesses Al threatened to call the Sheriff and have me removed from the building for audio recording the meetings as has been the practice for years. He also declared his lack of respect of me and further threatened to "personally take a stand to prevent your detrimental political effects upon the county." Apparently Al was upset that I'd submitted a Public Records Act request for information which asked for his Oath of Office as well as that of County Counsel, Clerk to the Board, EDSO and other county staff.

[Like](#)

Comments

[Melody Lane](#) **Info every citizen needs to know:** The Ninth Circuit Court of Appeals have recognized the First Amendment right to record the police and/or other public officials. The First Amendment protects the right to audio and video record regardless of whether the police/officials consent. This constitutional right would override any state or federal laws that would otherwise prohibit such recording. The rationale is public officials need to be held accountable for their actions.

[Like](#) · [Reply](#) · 1 · 31 mins

[Melody Lane](#) September 26, 2016

To: El Dorado County Board of Supervisors
EDC Clerk to the Board
CAO Don Ashton
County Counsel Paula Franz

CA PUBLIC RECORDS ACT REQUEST

Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following:

1. Copies of the U.S. and California Constitutional Oaths of Office of the following public servants:

- CDA Director Steve Pedretti
- Supervising Code Enforcement Officer John Desario
- Sr. Services lawyer Al Hamilton
- County Counsel Paula Franz
- CAO Don Ashton
- Clerk to the Board Jim Mitrison
- District Attorney Vern Pierson
- Chief Investigator Bob Cosley
- Deputy Steve Ragusano
- Deputy Marcos Sosa

If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.

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

Thank you for your compliance and timely response.

7 of 8

Sincerely,

Melody Lane
Founder – Compass2Truth
[Like](#) · [Reply](#) · [2](#) · 28 mins

[Barbara Driskell Rogers](#) Sorry to hear that Melody.
[Like](#) · [Reply](#) · [1](#) · 19 mins

[Melody Lane](#) Actually [Barbara Driskell Rogers](#) the good news is it just means that bully Al Hamilton is showing his true colors and the degree to which he has been empowered by the corrupt GOBs in the Taxpayers Association.
[Like](#) · [Reply](#) · 7 mins

[Melody Lane](#) Al Hamilton - PAY ATTENTION!!!: Other info the public NEEDS to know pertaining to EDC Personnel Rules, Part 1, Code of Ethics and Commitment to County Public Service:
101. GENERAL: This part recites the Code of Ethics adopted for the County and establishes the standards of conduct required of all County officers and employees for the proper operation of County Government. These standards are intended to strengthen public service and to maintain and promote faith and confidence of the people in their government.
102: CODE OF ETHICS: The County has adopted a Code of Ethics to guide County officers and employees in the performance of their duties. The Code of Ethics in effect as of the date of adoption of these Rules reads as follows: (specific excerpts)
(e) Outside activities should be compatible with the objective performance of your duties or delivery of government service.
(f) Treat all individuals encountered in the performance of your duties in a respectful, courteous and professional manner.
(g) Promote only decisions that benefit the public interest.
(h) Conduct and perform job duties diligently and promptly.
(i) Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone.
(j) Promote the public interest through a responsive application of public duties.
(k) Demonstrate the highest standards of personal integrity, truthfulness and honesty in all public activities.
(l) Uphold these principles being ever conscious that public office is a PUBLIC TRUST.
[Like](#) · [Reply](#) · [2](#) · 16 mins

[Melody Lane](#) 103. RESPONSIBILITIES OF PUBLIC SERVICE: County officers and employees serve for the benefit of the public. They shall uphold and adhere to the **CONSTITUTION OF THE UNITED STATES**, the Constitution of the State of California, and the Charter of El Dorado as well as County rules, regulations and policies, and shall carry out impartially the laws of the nation, state, and County. In their official acts, they shall discharge faithfully their duties, recognizing that the public interest is paramount. All County officers and employees must demonstrate the highest standards of **morality and ethics** consistent with the requirements of their positions and **CONSISTENT WITH THE LAW**.
[Like](#) · [Reply](#) · [1](#) · 14 mins

[Melody Lane](#) 104. DEDICATED SERVICE: County officers and employees shall adhere to work rules and performance standards established for their positions. The County requires all County officers and employees to be courteous and considerate, to be **ACCURATE and TRUTHFUL** in statement, and to exercise sound judgment in the performance of their work. During the hours covered by active County employment, no County officer or employee shall work for any other employer or agency, nor shall they conduct or pursue any unauthorized activity for remuneration. County officers and employees shall neither exceed their **AUTHORITY nor BREACH THE LAW**, nor shall they ask OTHERS TO DO SO.
[Like](#) · [Reply](#) · 10 mins

[Melody Lane](#) 105. CONFLICT OF INTEREST: During their assigned work hours, County officers and employees shall devote all their time and efforts to their assigned duties. No County officer or employee shall engage in any business or transaction or have a financial or other personal interest or association that is inconsistent, incompatible, in conflict with or adverse to the proper discharge of official duties, or would tend to impair their independence of judgment or the performance of their official duties. "Personal" (as distinguished from "financial") interest includes an interest arising from blood or marriage relationships or **CLOSE BUSINESS, PERSONAL, OR POLITICAL ASSOCIATION**. (i.e. EDC Taxpayers Association)
[Like](#) · [Reply](#) · 3 mins

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