



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613
melody.lane@reagan.com

July 19, 2016

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

CA PUBLIC RECORDS ACT REQUEST

On the morning of January 7, 2016 I was interviewed by Detective Fitzgerald for my Carry Concealed Weapon permit. Subsequent to that interview I received a phone call from Deputy Gillespie indicating my CCW had been APPROVED. The transcript and audio recording of that phone message was publicly submitted into the public record during the May 3rd BOS meeting. The appointment to pick up my APPROVED CCW permit was scheduled for February 16th at 11:20 AM. However on February 12th I received a certified letter from EDSO indicating my CCW permit was suddenly DENIED without evident cause or justification.

Additionally the Sheriff has cut off my ability to correspond electronically with EDSO. This sends a very dangerous message in light of current events transpiring throughout the nation further undermining the public trust in law enforcement and the justice system.

If the Sheriff is authentically transparent, operating within the ethical mandates required by his Constitutional Oath of Office, and is truly accountable to the citizens who elected him to office then it should not be necessary for me to be subjected to the unnecessary legal expense to subpoena the following information. *This is information every citizen has a right to know.*

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

1. A copy of the written Carry Concealed Weapon interview report and recommendation conducted by Detective Fitzgerald on January 7th which was submitted to Sheriff John D'Agostini for his approval. Unless I am mistaken, this is the same Detective named in the closed session portion of the July 11th Special Meeting of the BOS, Richard Fitzgerald v. El Dorado County; Sheriff John D'Agostini, Undersheriff Rich Williams and DOES 1 through 20, inclusive, United States District Court, Eastern District, Case 2:12-CV-02932-MCE-KJN.
2. Documentation (laws, ordinances, regulations, statutes, policies or procedures) providing legal justification why my APPROVED CCW was DENIED just four days prior to my scheduled February 16th appointment to pick up my CCW permit from EDSO Records Department.

1 of 8

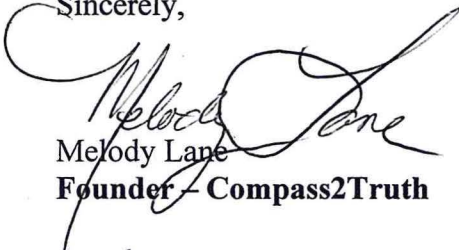
3. A copy of all ***correspondence** between all County and/or EDSO personnel relevant to both the CCW APPROVAL and justification for the DENIAL letter received February just 3 days prior to the scheduled appointment to pick up my APPROVED CCW.

(*). Such writings and communications to include any handwriting, typing, printing, photocopying, transmitting by facsimile or electronic mail, any form of communication or representation including letters, words, pictures, sounds or symbols, or combination thereof, and any record thereby created, regardless of the manner in which the record has been stored.

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 melody.lane@reagan.com. It is requested that your determination be made within **10 days** as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Sincerely,



Melody Lane
Founder - Compass2Truth

Attachments:

- 2/23/16 BOS Open Forum CCW Appeal transcript
- 5/3/16 BOS Open Forum EDSO Notice of Fault transcript
- 5/13/16 Notice of Fault

CC: D.A. Vern Pierson
DOJ
Sheriff Richard Mack, CSPOA

The reason America is in the miserable shape it's in today is primarily because the American electorate is mostly ignorant of constitutional principles and, therefore, is either incapable or unwilling to hold their civil magistrates accountable to the Constitution.

First and foremost, I have been supportive of Sheriff D'Agostini since 2010. I helped campaign to get him elected. He was aware of my Capitol ministry involvement where we vetted candidates for political office. The Sheriff promised to do a clean sweep. He even requested we pray for him and his wife during the campaign battle of seven candidates for EDC Sheriff.

It is a fact that the Sheriff has denied my email access to EDSO and refuses to meet even if I'm accompanied by witnesses. I have found it necessary to question the Sheriff on more than one occasion regarding his Constitutional Oath. His motive appears to be retaliation for holding his feet to the fire.

Due to threats and concerns about my personal protection I was strongly urged by friends to apply for a Carry Concealed Weapon permit. I applied for my CCW on August 10, 2015. At that time I was told it would take 6-8 weeks to complete the Permit process. The appointment for my CCW interview wasn't scheduled until **January 7, 2016**. It was during my interview with Detective Sean Fitzgerald that I discovered my background check had been held at EDSO since **October 21st**.

The interview with Detective Fitzgerald was actually an interrogation about multiple Citizens Complaints filed against EDSO staff for misconduct and their falsification of reports involving American River Conservancy, the Coloma Resort, and unauthorized entry by two detectives to my property without notice or just cause.

Citizens have broad Constitutional liberties in the freedom of speech and exercise of their civil rights. One of those rights is to file formal Citizen's Complaints for EDSO misconduct and the right to give testimony before a disciplinary hearing. The Sheriff was provided eight Citizens Complaints contained in (this binder) sent to the EDC Grand Jury as well as Vern Pierson for investigation. The Grand Jury eventually handed it over to the CAO to return to me, a serious breach of confidentiality.

Despite audios and other documentation submitted to EDSO, the complaints were never investigated and dismissed by a standard form letter stating "No Misconduct." The Sheriff appears above the law and protects his own.

Then Sean told me that it was illegal to audio record law enforcement. I reminded him that 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.”

Sean also used techniques to suggest I committed perjury. After an hour of interrogation it was looking dubious that he had any intention of granting my CCW permit. He was assured I had been truthful in all my replies and documentation provided to Sheriff D’Agostini. After examining my weapon I was told I’d receive a letter in the mail within 1-2 weeks.

Approximately two hours after my 1/7/16 appointment with Detective Fitzgerald I was elated to receive a phone message from Deputy Gillespie stating my **CCW permit had been approved** and I needed to schedule an appointment with Records.

My appointment to pick up my approved CCW wasn’t scheduled for five weeks until February 16th at 11:20 AM. However on February 12th I received a certified letter in the mail from EDSO stating my CCW was denied. ***What happened in the interim between the 1/7/16 APPROVAL and the 2/12/16 DENIAL of my CCW???***

EDSO staff is a reflection of the Sheriff’s leadership. How he handles staff misconduct is a measure of his integrity and effectiveness in law enforcement. To cover up EDSO misconduct violates his Constitutional Oath of Office further undermining the public’s trust in law enforcement. Is John D’Agostini truly a Constitutional Sheriff, or just in name only? The potential for liability and scandal is mind boggling.

Sheriff Richard Mack’s 2013 email reply to my concerns about Sheriff D’Agostini’s role in ***Last Line of Defense*** says it best, “*We don’t take responsibility for the Sheriffs or other public officials conduct or the lack of it. We will remove them if they don’t maintain a certain level of commitment to their oath, but other than that they answer only to you...”*

My greatest concern at this point is the precarious Catch-22 situation the Sheriff has created by putting me directly in harm’s way. Whether or not Sheriff D’Agostini approves my CCW permit is moot. The damage has been done. How he chooses to resolve the situation will be a test of his own character and commitment to his Constitutional Oath of Office.

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

1. This transcript
2. Appeal of CCW Permit Denial – cc: D.A., DOJ, CSPOA

4 of 8

I'll begin by stating I don't like being lied to or lied about, especially when it's instigated by a public servant or elected official.

On March 24th Supervisor Ranalli was present along with approximately 50 other citizens at the Garden Valley Fire Department to witness Sheriff D'Agostini being publicly served a Notice and Demand pertaining to his denial of my previously approved CCW. When the Sheriff failed to respond within the 30 days he was served by way of certified mail with a Notice of Fault received on April 27th. It reads as follows: (read Notice of Fault)

However I'm doubtful the Sheriff will respond within the 14 day deadline. Apparently the Sheriff needs to be reminded of his fiduciary, campaign promises, Constitutional Oath of Office, and ethical obligations to the public he professes to serve.

Ultimately taxpayers will bear the burden of the costs of litigation as evidenced by the growing number of backlogged court cases. The majority of cases forced into the legal arena could likely be avoided if the county would simply do the right thing, effectively communicate and be transparent and accountable to EDC citizens.

During yesterday's Taxpayers Association meeting we had the opportunity to question the judicial candidates on these very same matters. As Shiva witnessed, both judges stood on the supremacy of Constitutional law. When asked whether he would make a determination based on rule of law or Constitutional law of the land, Judge Brooks remarked that he weighs the evidence presented to him.

This recorder doesn't lie as EDSO staff has been known to do on many occasions. The voice mail delivered January 7th by Deputy Gillespie telling me to make an appointment with Records to pick up my APPROVED CCW permit says it all. (Play audio)

Three days prior to my appointment to pick up my CCW I received a certified letter from the Sheriff REVOKING my approved permit and impugning my good character. Such evidence sends an unmistakably clear message that local government and law enforcement cannot be trusted.

By now you know I'm not afraid of challenging the Sheriff with the TRUTH...

5 of 8

In closing, I'd like to remind you of Jesus Christ, an itinerant preacher and revolutionary activist, who not only died challenging the police state of his day—namely, the Roman Empire—but provided a blueprint for standing up to tyranny that would be followed by those, religious and otherwise, who came after him.

Jesus may have died at the hands of a police state, but he spent his life speaking TRUTH to power. He knew only too well the risks associated with challenging the Establishment of his day.

I challenge this Board to choose this day whom *you* will serve.

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

- 1) This transcript
- 2) 4/25/16 Notice of Fault served to Sheriff D'Agostini

Melody Lane
P.O. Box 598
Coloma, CA 95613

May 13, 2016

El Dorado County Sheriff's Office
Sheriff John D'Agostini
300 Fair Lane
Placerville, CA 95667

NOTICE OF DEFAULT
RE: 3/24/16 Notice & Demand &
4/25/16 Notice of Fault

Dear Sheriff D'Agostini,

I, Melody Lane, hand-delivered to Sheriff John D'Agostini a **NOTICE and DEMAND** on March 24, 2016 at the Garden Valley Fire Department in the presence of 50+ citizens giving the Sheriff thirty (30) days to respond to the **NOTICE and DEMAND**. No response was received.

Therefore on April 25, 2016 I, Melody Lane, sent via Certified Mail to Sheriff D'Agostini a **NOTICE of FAULT and Opportunity to Cure** received by EDSO April 27th giving you an additional fourteen (14) days to respond. Again there was no response.

Therefore be advised by way of this **NOTICE of DEFAULT** on this date May 13, 2016 that the El Dorado County Sheriff John D'Agostini is hereby served Notice.

It is appalling that an elected official who professes to be a member of the Constitutional Sheriffs and Peace Officers Association (CSPOA) would disrespect his oath of office and professional code of ethics by denying a law-abiding woman a previously APPROVED CCW permit. No logical explanation whatsoever was provided in your letter of March 14, 2016 to appeal the denial for a second time. It is apparent you had no intention of granting the CCW in the first place. Additionally you failed to provide factual evidence substantiating the initial denial. Such retaliatory action only undermines the public's trust in law enforcement by forcing this matter into unnecessary and costly litigation.

7 of 8

Note: A public official has a fiduciary toward the public...and if he/she deliberately conceals material information from them, he/she is guilty of fraud. U.S. v. **Throckmorton, 98 US 61. Also See 18 USC 1001, 18 USC 1343, 18 USC 241 & 242.**

Therefore be Noticed as of this date May 13, 2016 that Sheriff John D'Agostini has by way of this **NOTICE of DEFAULT** by Law defaulted within the time requirements so stated in this notice and all previous notices.

Sincerely,

Melody Lane

Date: May 13, 2016

CC: D.A. Vern Pierson
CSPOA, Sheriff Richard Mack
DOJ, Law Enforcement Division
EDC Board of Supervisors, Dist. #1, 2, 3, 4 & 5

Attachments: Notice & Demand – dated March 24, 2016
Notice of Fault – dated April 25, 2016

In the county of El Dorado

On this 13th day of May, 2016, before me a Notary Public, the undersigned officer, personally appeared Melody Lane, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained.

In Witness Whereof, I have hereunto set my hand and Notarial seal.

Notary Public _____ Expires _____

8 of 8