

Events of recent weeks have reinforced the necessity of citizens to hold the BOS and law enforcement officials accountable to abiding by the law. But more importantly we've witnessed the extent to which the government has given itself free rein to abuse the law, immune from reproach. I tend to think the "perfect storm" has struck El Dorado County...

Last month this board made a public commitment to the citizens of this county to abide by the Respectful Workplace Policy. Human Resources Director Pamela Knorr said in a press release, *"The action plan will build a bridge over to the new culture and a much more positive future for El Dorado County, its employees and its citizens."*

The public was assured that bullying, retaliation, harassment and discrimination by any public employee or elected official will not be tolerated. All complaints will be investigated and they will then be sent back to the proper county officials with a formal recommendation on what disciplinary or corrective actions should be taken. My purpose today is to address remedial action.

During our initial 2011 meeting with newly elected Sheriff D'Agostini said, ***"You need a new Board. All of them. Hold their feet to the fire. Mine too. I work for you."***

You've all been reminded that even though certain conduct may be legal, that doesn't necessary make it ethical. Over the course of the past 20 months it's been necessary to hold the Sheriff and certain staff's feet to the fire. Sometimes this has been conveyed in public forums, and on other occasions via formal documentation. Like other public officials who've been in the news recently, Sheriff D'Agostini is being held to a "higher standard of conduct."

**In apparent retaliation** the Sheriff has remained unresponsive to legal correspondence, refused to meet regarding concerns within his jurisdiction, and cut off my email access to EDSO staff. The Sheriff is not above the law. However he has demonstrated intentional disrespect of Personnel Policies, ethical standards, Title 18 Sections 241 & 242, and has violated his Constitutional Oath of Office. It is a prime example of abuse of the public trust that needs to be remedied.

A unanimous U.S. Supreme Court concluded that the government may be held liable for abuses intentionally carried out by law enforcement officers in the course of their employment. The Court's ruling sent a strong message to the government's various law enforcement agencies that they need to do a better job of policing their employees and holding them accountable to respecting citizens' rights, especially while on the job. As you are well aware, it is the taxpayer who is typically forced to pay the penalty for the government's misdeeds.

On June 5<sup>th</sup> D. A. Vern Pierson was one of the guest speakers at the "Crime on the Divide" meeting held at the Garden Valley Fire Department. It was especially awkward when certain



county staff scheduled to speak that evening failed to show up. The room was packed and filled to standing room only with passionate residents, firefighters, candidates for Supervisor and victims of the increasing rash of crime.

Several citizens wondered why the Sheriff wasn't present to address their concerns about rising crime statistics and public safety. Although Vern fielded the questions pretty well, ultimately citizens were encouraged to be persistent in expressing their concerns to the BOS, the Sheriff, and to the DA's office. Attendees were also assured that meetings with the DA would be scheduled upon request, provided there was specific substantiation.

As the meeting adjourned I handed Vern a package containing my written request to meet for the purpose of investigation into formal complaints made against EDSO staff. The cover letter for that package is being submitted today into the public record. Also included is a Sacramento Bee editorial entitled, "***Sheriff's don't get to pick laws they will enforce.***" Referring to Sheriff D'Agostini, the article concludes, "*His county has serious crime issues that demand his attention. Voters should remember how he has been spending his time when he runs for re-election.*"

What's good for the goose is good for the gander...

If you are afraid to speak your mind because of the consequences of perhaps losing your job, your livelihood, or that it may invite some government investigation or ruination, you are a victim of tyranny. The Cultural Assessment Survey expenditure was an investment in El Dorado County's future. Now is the time to put the taxpayer's money where your mouth is. This is a golden opportunity for the Board to lead by example, encouraging others to boldly come forward without fear of retaliation...and let the healing begin.

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

1. This transcript
2. 6/5/14 Vern Pierson RE: EDSO Dereliction of Duty/Violation of Public Trust
3. 6/22/14 Bee article "Sheriff's Don't Get to Pick the Laws They Enforce"



# Compass2Truth

*Citizens Serving God in Truth and Liberty*

P.O. Box 598  
Coloma, CA 95613  
(530) 642-1670  
Melody.lane@reagan.com

June 5, 2014

TO: District Attorney Vern Pierson

**RE: REQUEST FOR MEETING TO DISCUSS  
EDSO Dereliction of Duty & Violation of the Public Trust**

Dear Mr. Pierson,

Please find enclosed a small sample of materials which have been submitted to the Board of Supervisors involving the El Dorado County Sheriff's Office. These issues warrant your attention and action.

I'm confident you are aware by now that Sheriff D'Agostini, as well as several other public officials, is in violation of the public trust and his Constitutional Oath of Office. The Board of Supervisors recently affirmed during the 4/28/14 Special BOS meeting addressing the Cultural Assessment Survey that retaliatory, harassing, bullying or unethical conducts will not be tolerated.

The potential liability for El Dorado County against its bonding insurance policy is another concern of taxpayers who ultimately pay for the exorbitant cost of litigation.

Therefore I respectfully request a one-hour meeting with you to discuss the significance of the above issues. Another individual will accompany me as a representative for mutually concerned citizens. As with all meetings with public officials, an agenda will be prepared to keep us on track.

Please have your administrator contact me to coordinate schedules for this important meeting. I can be reached at (530) 642-1670. We look forward to your anticipated cooperation and hearing from you soon.

Sincerely,

Melody Lane  
Founder - **Compass2Truth**

Attachments: 5/22/14 Cessna Citizen Complaint  
4/29/14 CA Public Records Act Requests (non-compliant) Coordination/EDSO Refusal to Serve  
4/28/14 BOS Transcript - Cultural Assessment  
4/22/14 CPRA - Emergency Evacuation Plan/Fire Stations (non-compliant)  
4/7 & 29/14 CPRAs re: EDSO MOUs  
2/25/14 BOS Transcript - Bullying/Retaliation/Discrimination

CC: EDC Grand Jury



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May 22, 2014

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

**RE: Citizen Complaint - Deputy Terrie Cessna**  
**Coloma Resort Incident 4/4/14 - Case File #14-3120**

Dear Sheriff D'Agostini,

The purpose of this correspondence is to file a formal complaint and request disciplinary action against Deputy Terrie Cessna for discrimination, improper conduct, and violation of the public trust stemming from an incident that transpired 4/4/14 at 6771 Mt. Murphy Road involving agents working for the owners of the Coloma Resort at the base of my property.

To ensure the investigation is thorough, objective, and focused on maintaining public confidence and departmental integrity, I request the opportunity to state this complaint in person before a Hearing Board.

A notarized, sworn Affidavit of Fact is enclosed that includes a verbatim transcription of the 19 minute dialog that took place on my property when I requested EDSO assistance in making a citizen's arrest. **(See Exhibit A)**

Deputy Cessna argued on 4/4/14 that she was not responding to my request for assistance. She claimed the Coloma Resort had called EDSO prior to my call for assistance and she was therefore responding to the Coloma Resort's call for assistance. I have formally requested documentation and the assigned Case File number per Deputy Cessna's claim but I have been denied that information as required by law:

6252.7. Notwithstanding Section 6252.5 or any other provision of law, when the members of a legislative body of a local agency are authorized to access a writing of the body or of the agency as permitted by law in the administration of their duties, the local agency, as defined in Section 54951, shall not discriminate between or among any of those members as to which writing or portion thereof is made available or when it is made available.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. The cost of duplication shall be limited to the direct cost of producing a copy of a record in an electronic format.



(f) Records of complaints to, or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes.

The code and law enforcement issues involved in the 4/4/14 incident with the Coloma Resort have been stonewalled for years necessitating meetings with EDSO, State Parks and County staff. Since this is matter of citizen rights and public safety, a group of us have been meeting regularly with the Chairman of the Board of Supervisors for the purpose of resolution once and for all. That has been the purpose of *Compass2Truth* submittals of CA Public Records Act requests (CPRAs). As of this date appropriate responses are still outstanding for several CPRAs involving the Coloma Resort, Mt. Murphy Road and EDSO. (See Exhibit B)

This is not the first time it has been necessary to file a formal complaint against Deputy Cessna. In 2007 a formal complaint was filed against Deputy Cessna for falsifying documentation after I had requested EDSO respond to repeated calls for assistance to make an arrest for trespassing.

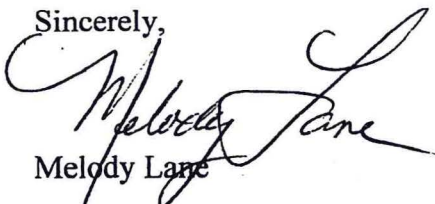
Instead of responding, Deputy Cessna aided and abetted the trespasser (Alan Ehrgott, Director of American River Conservancy and his staff). Deputy Cessna then falsely filed a report with the District Attorney against me instead of the trespassers whom I asked to press charges against. Evidence submitted to EDSO included photographs and audio recordings of the incidents. However EDSO and the District Attorney's office were reluctant to provide the report of the incident which took months of phone calls and bureaucratic runaround to finally obtain. I find it hard to believe a thorough investigation of that complaint was actually conducted. (See Exhibit C)

Furthermore many members of District #4 were offended when Deputy Cessna was named 2012 Deputy of the Year. Her past history of discriminatory and unprofessional conduct has tainted the reputation of EDSO making residents reluctant to call upon law enforcement for assistance. Rather than being honored as a role model, many felt she should be disciplined and/or relieved of her position.

Sheriff, your staff is a reflection of you and your Constitutional Oath of Office. Such egregious misconduct by staff is a violation of the public trust and does nothing to enhance community relations with EDSO.

Instead of taking a whole year to respond to this formal complaint with a typical form letter, your cooperation is expected in order that the investigation process will be appropriately expedited.

Sincerely,



Melody Lane

CC: Case File #14-3120  
District Attorney Vern Pierson  
Board of Supervisors, Districts #1-5

Attachments: EDSO Complaint Form and Exhibits A-C



# Editorial: Sheriffs don't get to pick laws they will enforce

By the Editorial Board

Published: Sunday, Aug. 25, 2013 - 12:00 am | Page 6E

County sheriffs in California take oaths promising to uphold and defend the laws and constitutions of California and the United States.

But a growing group of sheriffs in this state and in other states has signed on to tenets of a deeply misguided and ill-informed organization whose reckless rhetoric directly challenges federal and state laws.

So far, members affiliated with the Constitutional Sheriffs and Peace Officers Association have merely rattled sabers, and have not overtly defied duly adopted laws. But they are not shy about expressing disdain for state and federal regulations. In so doing, these law enforcement officials foster contempt for the laws they promise to uphold.

As elected law enforcement officers, sheriffs have bully pulpits. By pushing rhetoric that encourages law enforcement officers to neglect state laws, these self-proclaimed "constitutional sheriffs" abuse their position in favor of ideology. Their stated intent is to pick and choose which laws to enforce. Among the laws they see as unworthy are gun-control measures.

This is relevant in California, where the Legislature has imposed tough gun-control measures, and is contemplating several measures this year to further limit access to certain types of firearms, and to restrict gun ownership by people who have been convicted of some misdemeanors, or have histories of mental illness.

The Constitutional Sheriffs and Peace Officers Association advocates a "line in the sand" approach to gun control, claiming a sheriff's responsibility is to reject enforcement of gun-control measures.

Three California sheriffs – Dean Wilson of Del Norte County, John D'Agostini of El Dorado County and Jon Lopey of Siskiyou County – are part of the organization's leadership.

The Constitutional Sheriffs and Peace Officers Association lists 21 other sheriffs from California who have taken stands against any new federal gun-control measures. The 21 include Fresno County Sheriff Margaret Mims, Stanislaus County Sheriff Adam Christianson and San Luis Obispo County Sheriff Ian S. Parkinson.

Richard Mack founded the organization. Mack served two terms as sheriff in Graham County, Ariz., which has a population of 37,000, and ran for a congressional seat twice and lost by wide margins.

Mack is fond of tea party catch phrases, promising in his mission statement to "protect us from tyranny" and "take our country back."

The organization says on its website that its aim is to recruit law enforcement officers across the nation to "issue our new Declaration to the Federal Government regarding the abuses that we will no longer tolerate or accept. Said declaration will be enforced by our Constitutional Sheriffs and Peace Officers. In short, the CSPOA will be the army to set our nation free."

The Constitutional Sheriffs and Peace Officers Association purports to act in the name of the U.S. Constitution. Certainly, its extremist rhetoric is protected by the First Amendment. But this tripe, coming from men and women who carry guns, and wear badges and uniforms, could encourage its own brand of lawlessness.

The people of California empower sheriffs to enforce state laws, and expect them to do their jobs. Although law enforcement officers do have discretion, they don't have the right to pick and choose which laws to enforce based on their ideology and overestimation of their status.

D'Agostini, as part of this group's leadership, is of special concern. He has stripped the U.S. Forest Service of authority for enforcing state law within his county, and has been spending far too much time organizing against federal habitat protections for amphibians. His county has serious crime issues that demand his attention. Voters should remember how he has been spending his time when he runs for re-election.

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Read more here: <http://www.sacbee.com/2013/08/25/5676473/editorial-sheriffs-dont-get-to.html#storylink=cpy>