

6/8/2020

Edcgovus Mail - June 9 BOS Meeting-Open Forum

Open Forum



EDC COB <edc.cob@edcgov.us>

June 9 BOS Meeting-Open Forum

1 message

Nicole Zaborsky <NicoleZaborsky@charter.net>

Sun, Jun 7, 2020 at 4:57 PM

To: edc.cob@edcgov.us

Cc: annehdavidson <annehdavidson@gmail.com>, Wendy David <davidwendylou@gmail.com>

El Dorado County Board of Supervisors Clerk:

I plan to join the June 9th meeting and speak during the Open Forum on behalf of the Tahoe Coalition for the Homeless.

Attached is a letter to accompany my presentation.

In Health,

Nicole Zaborsky, Board Member

Tahoe Coalition for the Homeless

<http://tahoehomeless.org/>



Our Mission: To support our neighbors experiencing homelessness by partnering with our community to promote awareness, provide warm beds, and encourage self-sufficiency.



TCH-Letter to El Dorado County BOS-6.9.20 mtg.pdf

454K



Tahoe Coalition for the Homeless

Report on 2019-2020 Winter Shelter Season

El Dorado County
Board of Supervisors
330 Fair Lane
Placerville, CA 95667
edc.cob@edcgov.us

June 9, 2019

Good Morning Board of Supervisors:

I hope you're doing well and staying healthy. Our amazing frontline team is tired but incredibly proud of their achievements this season -. With your help, we accomplished so much to support and protect our most vulnerable South Shore neighbors. We've been reflecting on the past six months and wanted to share some season highlights with you.

In response to successive snowstorms and the evolving COVID-19 pandemic, Tahoe Coalition for the Homeless chose to extend our emergency shelter season and shift to 24/7 operations. We owe much gratitude to the City Council and City staff for procuring the Recreation Center facility to safely accommodate the social distancing while sheltering in place. We did this quickly to limit contagion spread, cold weather exposure, emergency room visits, and law enforcement interactions. The decision wasn't easy - our team worked many long hours wearing masks, carefully cleaning spaces and educating clients, and giving up personal time with their own families to keep our clients safe. With an outpouring of financial and in-kind support from the Tahoe community, we experienced a record-breaking shelter season:

- We served **148 guests**, nearly 35 more than last year - that's a ~25% increase
- Our average population was **27 guests per night**, with a record high of **42 guests**
- Our team provided **575 showers** and processed **367 loads of laundry**
- Clients attended more than **214 support group sessions** and **85 individual sessions**
- Our staff secured **housing for 13 individuals** and made **5 rehab referral placements**
- We provided **16 motel nights** for homeless families with young children
- Our motel program helped **31 highly vulnerable clients** shelter in place for 5 weeks

Additional support from the community included:

- Barton Hospital for advising and supporting the Warm Room with recommendations for best practice
- The County of El Dorado for their forming an Emergency Response Team led by Dr. Martin Entwistle, VP of Population Outreach at Marshall Hospital
- Dawson DeTarr, landlord of our winter Warm Room location
- Continuum of Care, a county level group working on coordinating services, including chair Dr. Marissa Muscat
- Bread and Broth for doing what they can to support food in town
- Tahoe Magic financial contribution and ongoing work to shelter people through grants for housing
- Nikki's Chaat Cafe which donated 50 meals for our Warm Room guests, Samurai and Starbucks graciously donated food.
- Hotel Becket which house some individuals temporarily who needed isolation and sheltering
- Econolodge which rented rooms to TCH for individuals who needed isolation and sheltering

- [Tahoe.is](#) for listing us as a non-profit in the area and how people can provide donations
- Michelle Gomez, resident, who has been organizing donations
- Lila, Hazel, and Ellie Bugarske who make 100 masks for Warm Room staff and guests
- Financial contributions from:
 - Vanguard Charitable
 - The El Dorado Community Foundation
 - Saint Theresa Parish
 - Tahoe Magic
 - Numerous individuals

Some of our favorite WR Season 2019/20 moments were:

- Housing a high vulnerability veteran during the COVID-19 pandemic!
- We only had one case of COVID-19 at our shelter with no additional transmissions!
- Assisted a client in reuniting with his long lost son.
- We worked with a couple who had been homeless for 7 years. We connected them with appropriate mental health care and benefits, and they were able to move into their own apartment with their two dogs without any financial assistance.
- The community stepped up in a huge way and donated enough food for us to provide a ham dinner for our guests at Easter.
- Two high vulnerability clients who were staying in our motel program to self-isolate were able to transition into permanent housing.

While our emergency sheltering programs have now ended, we're excited to share some good news.

For the first time in our organization's lifespan, we have a permanent office space, thanks to Barton Health. We're now located at **1120 3rd Street, Suite B** right above Christmas Cheer. Our team is excited to offer a wide range of services to clients, including:

- A coffee and snack bar for clients visiting to receive case management services
- A basic needs pantry for warm socks, hygiene supplies, and snacks
- An open, vented meeting space for small group counseling sessions
- A small telehealth therapy room for clients to access service providers remotely
- A computer station for clients to check email, create a resume, or apply for jobs
- Small, waterproof storage bins to keep client personal belongings safe and secure
- A restroom with toilet, sink, shower, and tub so clients can stay clean and dignified
- Several private staff offices for conducting meetings and continuing case management

Our clients are so appreciative of the space, resources, and staff support. We look forward to **maintaining momentum** in our case management programs and helping clients on their journey to safe, stable housing. We're actively **adapting and expanding** our programs to meet client needs.

Serving our vulnerable South Shore neighbors feels good - **because it's the right thing to do**. No human should live without shelter, without dignity, without community. And we couldn't do any of this without you, so we want to thank you for that continued support - it has made all the difference.

Truly,

Nicole Zaborsky
Board Member, Tahoe Coalition for the Homeless



EDC COB <edc.cob@edcgov.us>

6/9/20 Open Forum documents

1 message

Melody Lane <melody.lane@reagan.com>

Tue, Jun 9, 2020 at 9:23 AM

To: edc.cob@edcgov.us, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Cc: Donald Ashton <don.ashton@edcgov.us>, david.livingston@edcgov.us

Please ensure these documents are entered into the public record under Open Forum.

Melody Lane

Founder – Compass2Truth

"All that is necessary for the triumph of evil is that enough good men do nothing." ~ Edmund Burke ~

2 attachments

 **ML Affidavit_Serena Wilke.pdf**
10847K

 **6-9-20 Serena Wilke Affidavit.docx**
22K

AFFIDAVIT/DECLARATION OF TRUTH

Serena Wilke, Records Supervisor
El Dorado County Sheriff's Office
200 Industrial Drive
Placerville, CA 95667

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

This Affidavit/Declaration of Truth is lawful notification to you, Serena Wilke, and is hereby made and sent to you pursuant to the national Constitution, specifically, the Bill of Rights, in particular, Amendments I, II, IV, V, VI, VII, IX and X, and The Declaration of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1, and requires your written rebuttal to me, specific to each and every point of the subject matter stated herein, within 30 days, via your own sworn and notarized affidavit, using true fact(s), valid law and evidence to support your rebuttal.

You are hereby noticed that your failure to respond, as stipulated, and rebut, with particularity and specificity, anything with which you disagree in this Affidavit/Declaration, is your lawful, legal and binding tacit agreement with and admission to the fact that everything in this Affidavit/Declaration is true, correct, legal, lawful, and fully binding upon you in any court in America, without your protest or objection and that of those who represent you. See: *Connally v. General Construction Co.*, 269 U.S. 385, 391. Notification of legal responsibility is "the first essential of due process of law." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "*Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.*"

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

On March 16, 2020, I sent you, Serena Wilke, El Dorado Sheriff's Office Records Supervisor, via USPS certified mail, a letter which you received on March 18, 2020. That letter, attached hereto, incorporated herein as if fully set forth in this Affidavit/Declaration, and marked **Exhibit A**, was sent to inform you of these events and statements made by you, and also as an inquiry to ascertain whether you, Serena Wilke, support and uphold them or would rebut them.

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

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

- 1) On October 18, 2019, I approached the EDSO Records and requested to speak specifically with you, Serena Wilke, about specific records and case file reports that I am entitled **by law** to access. However, instead of executing your duties, pursuant to your oaths, you denied me access to the requested records and handed me off to another staff member. On October 31, 2019, I again entered EDSO and requested access to specific records, case file reports, and investigations that I am lawfully entitled to view and receive copies of. That was my eighth visit to EDSO, but again you deprived me access to those records. It was at that time that Sheriff D'Agostini intervened on your behalf and falsely accused me of harassing staff.

Whenever constitutional violations are committed by public officers, 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 officers, 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. Fraud vitiates any action.

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, thereby perjured your oaths and invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 2) The public is entitled to honest services. All actions by public officers conducted in the performance of their official duties either support and defend their Constitutional oaths of office, or oppose and violate them. Any enterprise, undertaken by any public official, such as you, who tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your oath by

violating my Constitutionally guaranteed Rights, in particular those secured in the Bill of Rights, including but not limited to my 1st Amendment Rights. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 - Concealment, removal, or mutilation generally. By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me.

- 3) As I stated previously, any obstructive, deceptive enterprise undertaken by any public official, such as you, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. You have been made aware of unlawful government practices within your department, yet you have failed to take any corrective measures against the individuals under your direction and control. In so, doing you have aided and abetted the perpetuation of government fraud, and are therefore culpable, complicit and liable. Your failure to stop and correct any unlawful actions committed by those working in your department, which actions I reported to you, constitutes misprision of any crimes committed by those entities.

Since 2016, every time I have come into EDSO to speak specifically with you concerning access to specific case file reports, I was told you were "not available" and I was handed down to someone else under your supervision. In several instances, those individuals denied me immediate access to records which later turned out to have been falsified.

The requirements of *Tweel*, cited above, are incumbent upon you in both your personal and professional capacities, pursuant to the oath under which you hold and exercise the duties of your position. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. Instead of upholding your duties, pursuant to your oaths, you have conspired with county staff in multiple acts of obstructionism, fraud, and deprivation of my secured rights, all of which constitute serious crimes. See USC Title 18, § 241 and § 242.

By refusing to respond to my direct questions or permitting me access to documents concerning crimes committed against me, you egregiously deprived me honest public services and my Citizen Rights to due process and my right, secured in the First Amendment, to seek redress of grievances. In so doing, you stepped outside of your limited delegated authority and acted as a renegade, thus, you cannot be lawfully protected by the jurisdiction for which you work. Should that jurisdiction do so, then that jurisdiction acts in direct violation and opposition to the state and national Constitutions, by unlawfully ignoring and/or condoning and exonerating unconstitutional, unlawful actions committed by its staff members, as the ordinary, usual, routine unlawful custom, practice and

unwritten policy of that jurisdiction. If the jurisdiction so acts, and protects you, then the jurisdiction admits that it is a criminal, treasonous body, acting in sedition and insurrection to the Constitutions and in treason to the people.

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

- 4) When I was finally able to speak with you on the two aforementioned dates in October 2019, you made a concerted effort to evade my direct questions, and both you and Sheriff D'Agostini referred me to county counsel. See *U.S. v. Tweel*, 550 F. 2d. 297. *"Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."*

By not responding to and/or not rebutting Citizens' questions, statements and comments, public officers, holding positions under oath-bound mandates, such as you, Serena, deny the Citizen remedy, in the instant matter, me. Thus, by your actions, you have denied me, the Citizen, constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, *and has the Right and duty to demand*, that government officials, such as you, 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 lawfully claim and exercise.

- 5) The Supreme Law and **superseding authority** over every public office, public officer and every other form of "law" 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."*)

Having knowledge of wrong doing, and your failure to take remedial action, makes you culpable and liable. As such, my claims pertain to your failure to provide honest public services pursuant to your oaths. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which, the oath taker, pursuant to his oath, is mandated to uphold. You failed this requirement, thus, you violated two provisions of the First Amendment, the Public Trust and perjured your oath.

You failed to provide honest public services pursuant to your duties mandated under your Constitutional oaths of office, betrayed the Public Trust, and in so doing, you perjured those oaths by violating my constitutionally-guaranteed Rights, in particular those secured in the Bill of Rights, including, but not limited to, my inherent Rights guaranteed in the First Amendment. By your unlawful actions, you acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or other public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. All American Citizens, can expect, and have the Right and duty to demand, that government officers, uphold their oaths to the Constitution(s) and abide by all Constitutionally-imposed mandates of their oaths. Again, this is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

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

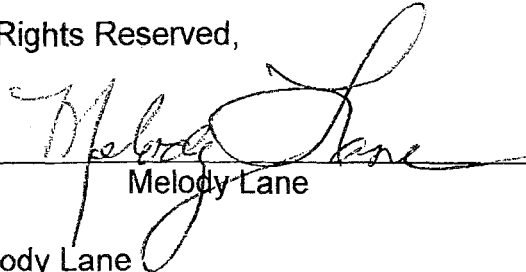
Lawful notification has been provided to you stating that if you do not truthfully and factually rebut the statements, charges and averments made in this Affidavit/Declaration, then, you agree with and admit to them.

Pursuant to that lawful notification, if you disagree with anything stated under oath in this Affidavit/Declaration of Truth, then rebut that with which you disagree, with particularity, within thirty (30) days of receipt thereof, by means of your own *written, sworn, notarized affidavit of truth*, based on specific, relevant fact and valid law to support your disagreement, attesting to your rebuttal and supportive positions, as valid and lawful, under the pains and penalties of perjury under the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth and fact before any court.

Your failure to respond, as stipulated, is your agreement with and irrevocable admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, fully binding upon you, Serena Wilke, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By:


Melody Lane

Date:

5/26/20

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

(See attached California Notarization)

Attachments:

Exhibit A – March 16, 2020 Letter to Serena Wilke

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
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 26 day of May, 2020
Date Month Year

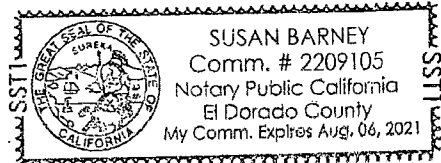
by Melody Lane

Name of Signer

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature:

Susan Barney, Notary Public
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:

5/26/20

Document Date:

Affidavit of Truth - Serena Wilke

Number of Pages:

7

Signer(s) Other Than Named Above:

—

*Melody Lane
Compass2Truth
P.O. Box 598
Coloma, CA 95613*

March 16, 2020

Serena Wilke, Records Supervisor
El Dorado County Sheriff's Office
200 Industrial Drive
Placerville, CA 95667

Ms. Wilke,

This letter is lawful notification to you, 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 California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23, and Article 3 Section 1. This letter requires your written rebuttal to me, specific to each claim, statement and averment made herein, within 30 days of the date of this letter, using fact, valid law, and evidence to support your rebuttal.

You are hereby noticed that your failure to respond within 30 days as stipulated, and rebut with particularity everything in this letter with which you disagree is your lawful, legal and binding agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful and binding upon you, in any court, anywhere in America, without your protest or objection or 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." Also, see: *U.S. v. Tweel*, 550 F. 2d. 297. "Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading."

What I say in this letter is based in the supreme, superseding authority of the Constitution for the United States of America, circa 1787, as amended in 1791, with the Bill of Rights, and the California Constitution, to which all public officers, including you, have sworn or affirmed oaths, under which they are bound by Law. It is impossible for you, the oath taker, to lawfully defy and oppose the authority of the documents to which you swore or affirmed your oath. My claims, statements, and averments, based in truth, specific, relevant facts and valid law, also pertain to your actions committed in deprivation of my rights to view EDSO records, to your denial and violation of due process of law, and to your failure to provide honest services pursuant to your oaths of office. When I use the term "public officer(s)", this term includes you.

Any deceptive, obstructive 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. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the constitutional mandates contained within their oaths, and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive association that perniciously violates the rights of the people as its apparent routine custom, practice and policy.

Any action committed by you, Serena Wilke, either supports and upholds the Constitutions, or opposes and violates them. You have no constitutional authority, or any other form of valid authority, to oppose and violate the very documents to which you swore or affirmed your oaths. However by your actions, as stated herein below, this is exactly what you have done by unlawfully denying me access to EDSO records relevant to crimes committed against me. In so doing, you have unlawfully deprived me of due process of law and my inherent rights secured in the Constitution(s), including, but not limited to my rights secured in the First Amendment to the Bill of Rights which guarantee me the rights to free speech and redress of my grievances.

CLAIMS AND AVERMENTS:

- 1) On October 18, 2019, I approached the EDSO Records window and requested to speak specifically with you, Serena Wilke, about specific records and case file reports that I am entitled **by law** to access. However, instead of executing your duties, pursuant to your oaths, you denied me access to the requested records and handed me off to another staff member. The audio recorded transcript of our conversation is attached hereto as **Exhibit A**, fully incorporated herein and made part hereof, as are Exhibit B, Exhibit C and Exhibit D, all of which are referenced herein below:

On October 31, 2019 I again entered EDSO and requested access to specific records, case file reports, and investigations that I am lawfully entitled to view and receive copies of. This was my eighth visit to EDSO, but again you deprived me access to those records. The transcript of my interaction with the clerks, with you, and the confrontation with Sheriff D'Agostini in the EDSO lobby is attached hereto as **Exhibit B**.

Prior to the above mentioned incidents, my requests to view specific EDSO records have typically been processed within minutes of making the request, as required by law. The law states specifically:

"Access is immediate and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not

adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b)) **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1) **These time periods may not be used solely to delay access to the records. (§ 6253(d))”**

Whenever constitutional violations are committed by public officers, 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 officers, 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. Fraud vitiates any action.

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, thereby perjured your oaths and invoked the self-executing Sections 3 & 4 of the 14th Amendment. You have been made aware of unlawful government practices within your department, yet you have failed to take any corrective measures against the individuals under your direction and control. In so, doing you have aided and abetted the perpetuation of government fraud, and are therefore culpable, complicit and liable. Your failure to stop and correct any unlawful actions by committed by those working in your department, which actions I reported to you, constitutes misprision of any crimes committed by those entities.

- 2) Since 2016, every time I have come into EDSO to speak specifically with you concerning access to specific case file reports, I was told you were “not available” and I was handed down to someone else under your supervision. In several instances, those individuals denied me immediate access to records which later turned out to have been **falsified**, necessitating that I file Citizen Complaints of Officer Misconduct which were also filed with District Attorney Vern Pierson. When I was finally able to speak with you on the two aforementioned dates in October 2019, you made a concerted effort to evade my direct questions, and both you and Sheriff D’Agostini referred me to county counsel. Your attitude and demeanor were strongly indicative that you were operating outside of the law and had something to hide. See *U.S. v. Tweel*, 550 F. 2d. 297. *“Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading.”*

With respect to Citizen Rights, the law has not changed. The Supreme Law and **superseding authority** over every public office, public officer and every other

form of "law" 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.*") Furthermore, the law is not open to your personal interpretation as demonstrated by the following exchange excerpted from my audio recording that took place on October 18, 2019:

Melody: No...what I'm saying is... So who told you to basically NOT give a response for ten days?

Serena: We are doing the best that we can. ***And I follow the policy.***

M: No...that's not the policy. I'm asking you... Who told you that?

S: ***I'm following the policy of the law. And that's how I interpret it.*** If you'd like to contact county counsel...

M: No.

S:...I can get you their contact information.

M: No, no, no.

S: I'm going to end the conversation we're having here. It's not going anywhere.

M: County counsel is not your mouthpiece.

On October 31, 2019, the following dialog took place:

Melody: OK. And um...the other question is, is when I was in to see you last time you refused to speak with me. ***Who was it that gave you the directive not to speak with me or answer my questions?***

Serena: I never refused to speak with you.

M: Yes you have, and you did. And you referred me to county counsel.

S: What can I help you with today?

M: I'm asking you a direct question.

S: (annoyed) Is there anything I can do for you today?

M: ***I'm asking you a direct question. Are you refusing to answer and to provide public services?***

S: No. I'm asking what I can help you with today.

M: OK, but you're not answering my question...

S: OK.

M: ***...and the question is, one more time, you are a public servant whose salary is paid for by my taxes. I'm asking you, who gave you the directive to refer me to county counsel on matters that refer to you and your department?***

By refusing to respond to my direct questions or permitting me access to documents concerning crimes committed against me, you egregiously deprived me honest public services and my Citizen Rights to due process and my right,

secured in the First Amendment, to seek redress of grievances. In so doing, you stepped outside of your limited delegated authority and acted as a renegade, thus, you cannot be lawfully protected by the jurisdiction for which you work. Should that jurisdiction do so, then that jurisdiction acts in direct violation and opposition to the state and national Constitutions, by unlawfully ignoring and/or condoning and exonerating unconstitutional, unlawful actions committed by its staff members, as the ordinary, usual, routine unlawful custom, practice and unwritten policy of that jurisdiction. If the jurisdiction so acts, and protects you, then the jurisdiction admits that it is a criminal, treasonous body, acting in sedition and insurrection to the Constitutions and to the people. *Refer to Title 18, Sections 241 and 242.*

- 3) The questions I posed to you last October were abundantly clear and well within my First Amendment rights, but it was evident that you had no intention of responding to any of my inquiries. During that exchange, Sheriff D'Agostini interrupted, then baselessly and fraudulently threatened a Restraining Order against me without any justification whatsoever. **(Refer to Exhibit B)** The Sheriff is not your proxy, nor was there any lawful justification for you to direct me to county counsel. The law is quite clear about my right to view EDSO records pertaining to crimes committed against me. This was made evident in the following excerpts from a letter dated August 12, 2016 that I addressed to you and Sheriff D'Agostini, attached herewith as **Exhibit C**:

I am the **victim of crimes** relevant to the above referenced incidents. As such I am entitled access to the associated records as per Government Code 6254(f). You are hereby reminded that you are bound by your Constitutional Oath of Office and Government Code 6254(f) to accommodate my right to know the status of the inter-related investigations. Please note specifically the following:

(f) ...However, state and local law enforcement agencies **shall disclose** the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, **statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident,** or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, **or a crime** as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation.

In respect to inter-related case files EG15-5698 and EG15-5793, it is my understanding that Deputy Bernie Brown's investigation was handed off to

Deputy Engelbrecktson. However the last phone conversation I had with Deputy Engelbrecktson was on 2/21/16 at which time it sounded like he was in a bar and/or at a very rowdy party. Since he was very reticent to speak with me he sent Deputy Ishmael to my home to pick up additional materials. Despite making several inquiries I never received a reply or heard from EDSO again regarding the status of this investigation.

Yet, by your actions against me, committed repeatedly on the aforementioned dates and several other occasions, you have deprived me of my inherent rights for redress of grievances, secured in the First Amendment, and due process.

- 4) Ethics laws, federal anticorruption law, broadly guarantee the public "honest services" from public officials. As stated previously, any deceptive, obstructive 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. All public employees within whatever branch or level of government, and whatever their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law. Anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your limited duties and authority, you are personally liable.

For example, on multiple occasions you and your staff attempted to charge me \$10 for a three-page heavily redacted report, whereas the law states EDSO is only permitted to charge for the direct costs of duplication. Logic dictates that duplication costs for providing me a three-page, nearly undecipherable report do not amount to the \$10 I was charged. It has been brought to your attention before that such an abuse of your fiduciary obligation is referred to as Unjust Enrichment. *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.*

As you are aware, my interactions with you and all EDSO staff are personally audio recorded. In nearly every instance when I have come into EDSO Records Department to examine documents, pertinent records were missing, critical information was deceptively obfuscated or fraudulently redacted, and staff under your supervision refused to assist or respond to my direct inquiries. The First Amendment guarantees the Right of free speech and the Right to petition government for redress of grievances, which you, the oath taker, are mandated to uphold. Since you failed this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your oath. In so doing, you unconstitutionally deprived me of due process and my right to seek redress of grievances.

- 5) With respect to my Carry Concealed Weapon (CCW), I received verification that my CCW permit was approved. Approximately two hours after my 1/7/16

appointment with Detective Sean Fitzpatrick I received the following phone message:

*"Melody, this is Deputy Gillespie with the Sheriff's Office calling to tell you that **your CCW permit has been approved.** What you need to do now is schedule an appointment with our **Records division** at the main Sheriff's Office where you got your finger prints done and their phone number to schedule an appointment is 621-5703. Thank you."*

As I was instructed, an appointment was scheduled with EDSO Records to pick up my CCW permit five weeks later on 2/16/16 at 11:20 AM. However, just three days before my scheduled appointment with the Records department I received a certified letter bearing your signature that stated my CCW permit was denied. **(See Exhibit D)**

In that letter you falsely claimed that I *"failed to disclose information on the application regarding being involved in an incident involving a firearm (case file EG07-1796)."* You also impugned my *"good moral character."* The case file you referred to involved Deputy Terrie Cissna against whom I've filed multiple truth-based Citizen Complaints of Officer Misconduct, as well as for her deliberate falsification of records. Those complaints are on file with the District Attorney, and notarized affidavits containing the audio transcripts were also entered into the public record during Board of Supervisors meetings. Despite my going through the appeal process as your letter instructed, you unlawfully deprived me of the right to examine documents pertaining to my Carry Conceal Weapon (CCW), in particular the CCW permit interview report of Detective Sean Fitzpatrick. This was one of the purposes of my eight visits to EDSO Records during the latter part of 2019. In addition to your refusal to respond to my inquiries and deprivation of my right to examine those reports, you added insult to injury by your fraudulent accusations and malicious libel against me.

By your not responding to my written and verbal grievances, you, the oath taker, denied me, the Citizen, due consideration and access to lawful remedy, thus, denied me 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 have the right and duty to demand, that government officers, such as you, 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 lawfully claim and exercise.

By stepping outside of your limited 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, as can all those in your jurisdiction, including your supervisors and anyone having oversight responsibility for you, including 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:

"Personal involvement in deprivation of constitutional rights is prerequisite to award of damages, but defendant may be personally involved in constitutional deprivation by direct participation, failure to remedy wrongs after learning about it, creation of a policy or custom under which unconstitutional practices occur or gross negligence in managing subordinates who cause violation." (Gallegos v. Haggerty, N.D. of New York, 689 F. Supp. 93 (1988)).

If those superiors referenced above fail to act and correct the matter, then, they condone, aid and abet your criminal, unconstitutional 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 the Citizens of El Dorado County, in the instant case, me. 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 and 18 USC § 242. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

When public officers 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. As stated previously, fraud vitiates any action. Again, any deceptive, obstructive enterprise undertaken by any public official, such as you have undertaken, tends to weaken public confidence and undermines the sense of security for individual rights, and is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word:

*"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** of Title 18 U.S.C., Sections 241, and 242, **Treason** under the Constitution at Article 3, Section 3., and Intrinsic **Fraud**. [Auerbach v Samuels, 10 Utah 2nd. 152, 349 P. 2nd. 1112, 1114. Alleghany Corp v Kirby Keeton Packing Co. v State., 437 S.W. 20, 28]. (See also U.S. v. Tweel previously cited above.)*

As stated previously, anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your LIMITED, delegated duties and authority, you are **personally** liable. In fact, the national Constitution provides remedy for the people when public servants, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14th

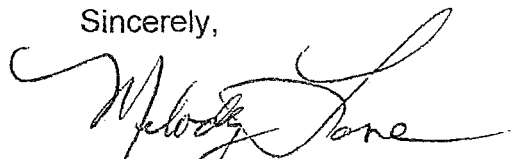
Amendment, which essentially state that a public officer's perjury of oath vacates his/her office and forfeits all benefits of that former office, including salary and pension.

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 and uphold. The mandates and protections set forth in the Constitutions are all-encompassing, all-inclusive, and fully binding upon all public officers, without exception, as they are upon you. All of the facts, claims and charges stated herein clearly demonstrate that you, pursuant to your oath, acted outside the lawful scope of your LIMITED duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. If government were to protect and defend your unconstitutional actions, then, that government becomes complicit in those actions, condones, aids and abets them.

If you disagree with anything in this letter, then rebut that with which you disagree, *in writing, via a notarized affidavit, with particularity*, to me, within thirty (30) days of the date of this letter, and support your disagreement with valid evidence, fact and law.

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, in any court in America, without your protest or objection and that of those who represent you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melody Lane', with a large, sweeping flourish at the end.

Melody Lane

Founder - **Compass2Truth**

Attachments:

Exhibit A – 10/18/19 Transcript

Exhibit B – 10/31/19 Transcript

Exhibit C – Letter to D'Agostini c/o Serena Wilke

Exhibit D – Serena Wilke CCW denial letter

10-18-20 Transcript with Serena Wilke and Sheriff D'Agostini:

Melody: Hey Serena, long time no see.

Serena: Sorry.

M: As you know I've been having a lot of problems getting records from you. Um, I did get one a little while ago from Angela.

S: Um hum.

M: However, again as in the past, it's been falsified. And it did not go to Code Enforcement as I requested which is part of the law, which is part of the process we're trying to get documented for Tiffany Schmid to do what she is required by law to do...

S: Um hum.

M: ...with the revocations. Uh, the report that I requested did not include the Temporary Use Permit that supposedly, um, the reason why this Deputy Ferguson did, you know, did not...uh...somebody issued a TUP and apparently it is through your department.

S: It's through the Office of Emergency Services issued it.

M: That should be...that should be part of this.

S: They're considered evidence and identity is protected and not released...

M: No, no they're not.

S: We're just following our policies.

M: Now your policy...as you are aware...(opening document folder)...Angela should have shown this to you...It says right here "Access is IMMEDIATE" and it also says on here...I don't have my glasses on...but you should "be able to suggest any ways to overcome any practical basis for denying access."

S: Um hum.

M: "The agency MUST justify the withholding"...and I don't know what's on this one...I can't see real good...you "can NOT adopt your own rules and regulations."

S: And we're not Melody. It states right here that we have ten days to decide whether or not...it's protected by law.

M: No, no, no, no. No you do not.

S: I don't want to argue with you.

M: We've gone through this before. And I want to know who...in the past...told you when you denied me immediate access...and even said you don't have staff. You know there have been times I've waited and it's only taken a couple of minutes. As of recent it's gotten to the point where you're denying me access to public records. Who is it that told you not to give me access for ten days?

S: No...I...No one told me not to give you access. And we're processing the best that we can. The volume that we receive is very high.

M: No. Uh-uh. It says right here...

S: (interrupting) I can refer you to our Admin Sergeant but I'm not going to argue with you. We're just trying to do our jobs.

M: Uh-uh. I'm just asking you because you are a public servant and you have taken an oath of office. The public has a First Amendment right to access this and it's very clear. And it seems that the Sheriff's Department is changing the law. And they're changing and adopting their own policies which is against the law. Now last time I was in here I talked to, um, I talked to Ed Faulkenstein. And he even said, "We're not going to give it to you Melody."

S: I can't answer to what's going on. I can tell you...

EXHIBIT A

M: But I'm just asking...

S: ...I can get you what you need in a timely manner.

M: But who told you though?

S: Melody, again...we're trying to process them as fast as we can. I can refer you to somebody if you'd like to make a complaint. I can refer you to county counsel, but we're just trying to...

M: No, county counsel is not your mouthpiece. And if...

S: (interrupting) I'm asking you to listen and...and...please understand we're trying to process them as fast as we can. I don't want to argue with you.

M: I'm not...I'm not...

S: (interrupting) I can refer you to the Admin Sergeant. That's your next option.

M: OK...

S: I can give you somebody else, but I have nothing else to tell you.

M: I'm not arguing. I'm asking YOU a direct question. Who...

S: (interrupting) And I'm telling you...

M: Who is it?

S:...that we're following what we have to process...a lot of volume. So there's nothing for me to answer for. I don't know what you're trying to get me to answer...

M: No...what I'm saying is...So who told you to basically NOT give a response for ten days?

S: We are doing the best that we can. And I follow the policy.

M: No...that's not the policy. I'm asking you...Who told you that?

S: I'm following the policy of the law. And that's how I interpret it.

M: OK but...

S: If you'd like to contact county counsel...

M: No.

S:...I can get you their contact information.

M: No, no, no.

S: I'm going to end the conversation we're having here. It's not going anywhere.

M: County counsel is not your mouthpiece.

S: Let me contact somebody else for you. (She abruptly turns and walks away from me.)

M: What about Ed Faulkenstein?

S: Let me see if he's available.

Sgt. Pebly came out instead of Ed Faulkenstein but Pebly had no idea of what was going on so he couldn't answer my questions. Although Pebly checked, nobody was available in OES either. I later left another message for Ed Faulkenstein to call me but he never returned my call.

Exhibit A

October 31, 2019 Transcript with Serena Wilke and Sheriff D'Agostini:

Melody: Hi. I'd like to speak with Serena please.

Young female clerk with red hair: And you are?

Melody: Melody.

Young clerk: OK. Will you have a seat please?

Another older female clerk with short brown hair comes out to reception and exchanges places at the window with the young clerk. With her back to me she audibly tells the younger clerk, "The Sheriff told her not to come back to the building last week."

Older Female Clerk turns around to address me through the window: (inaudible)... Would you step over here? Is there something you want to ask her?

M: I asked to speak with Serena.

OFC: OK. She's not available. (Younger clerk is now standing beside the older seated clerk)

M: OK. Now I've heard that before, and I also just heard what she just told you about the Sheriff telling me not to come back.

OFC: I don't expect...

M: I'm asking for public information that only Serena can give me and I need to speak with her...Hi Maryanne. (Maryanne Lilliput joins the women at the reception window.)

Maryanne Lilliput: Hi! She's not at her desk. I don't know where she went off to. But what can we do for you?

M: Well again, you know I need...you know this is my 8th trip back...

ML: Sure.

M: ...and I need to speak with Serena about questions only she can answer. And so...

ML: Do you have a request that you need to submit?

M: Noooo. I need to speak with Serena directly. She knows what it's about, and so at this point rather than waste my time and going around in circles...

ML: Right.

M: ...could, um, I please have Serena's telephone number and I will call her directly...

ML: OK.

M:...and ask for an appointment to speak with her directly. I don't want to talk to anybody else.

ML: OK. (Maryann walks out of the room)

Melody: (Serena enters from the right side of the room & I motion her to come to the window) If you can come out here again...?

Serena: I can stand here but I'd be happy to help you.

M: OK, but I need to show you something so if you would come out here please.

S: I'm going to stand behind the counter but I'd be happy to help you.

M: OK. Uh...I've been given the run around for quite some time on some issues, and I need to know who it is, whose signature is on this report, and who blacked this all out. (pointing to the left illegible black signature)

S: So that's Angela's signature (pointing to the right red imprint). The redactions are done to...

M: Angela...?

S: Sterling.

M: Angela Sterling.

EXHIBIT B

S: Correct.

M: And the redactions are done by whom?

S: You're talking about the signature for release?

M: (pointing to left signature) Who signed this?

S: That I'd have to look that up. The number is here...

M: This...this individual who signed this permit. (pointing to left signature)

S: The control document stamp here is Angela Sterling who did... (pointing to the right red stamp)

M: OK. I'm asking THIS signature (pointing to left signature)

S: That's David 1148.

M: David?

S: That's...that's the number of David's signature, 1148. Is that what you see?

M: Uh-huh. Yes.

S: OK. Let me go look that up. (leaves reception area and returns) That's Deputy Jared Melton. He's in the OES department.

M: What's his name?

S: Jared...Melton.

M: In OES? (I write his name down on report)

S: Right.

M: OK. And um...the other question is, when I was in to see you last time you refused to speak with me. Who was it that gave you the directive not to speak with me or answer my questions?

S: I never refused to speak with you.

M: Yes you have, and you did. And you referred me to county counsel.

S: What can I help you with today?

M: I'm asking you a direct question.

S: (annoyed) Is there anything I can do for you today?

M: I'm asking you a direct question. Are you refusing to answer and to provide public services?

S: No. I'm asking what I can help you with today.

M: OK, but you're not answering my question...

S: OK.

M: ...and the question is, one more time, you are a public servant whose salary is paid for by my taxes. I'm asking you, who gave you the directive to refer me to county counsel on matters that refer to you and your department? (EDSO Records)

S: Any time that somebody has an issue with what we're doing here, county counsel can assist you and what we're...

M: No, no, no. OK, you're not answering the question.

S: Melody...

M: You're not answering the question.

S: I'm trying to assist you.

M: OK, did...

S: (interrupting) Is there anything that you need today from...

M: I'm asking you who gave you that directive? In the past you've been cooperative, but you've stopped being cooperative on providing public information and try to divert it to county counsel which has zero authority to answer for you or over what you do. You alone are responsible. That is why I'm asking you, who gave you the directive?

S: Is there anything I can help you with today?

M: Are you refusing to answer?

S: I'm asking if there is anything I can answer?

M: I'm asking YOU a question.

S: Melody, I don't know what you want me to say.

M: OK, I'm just asking you, are you refusing to give me that information of your own volition?

S: I don't know what information you need. I need to know what you're asking.

(John D'Agostini enters reception area)

M: I told you. I told you exactly. And you're playing games. I asked you who gave you...

S: (interrupting) OK. There's nothing I have to say.

M: ...the directive?

S: Have a nice day.

M: (Still addressing Serena) OK. You're refusing. I'm taking that as your refusal.

John D'Agostini: Melody, what are you asking?

Melody: I'm asking why she is refusing to give me public information, and who gave her the directive?

D'Agostini: Wait, wait, wait. Ask the question. What are you asking for?

M: The question is: Who gave the directive to refer me to county counsel about Sheriff's Department issues that county counsel has no authority over?

D: What issues are you talking about?

M: What I just came in here to talk to her about. This...about this... (fumbling for documents in my folder)

D: We don't know what your question is Melody. We can't help you. We don't know what your question is.

M: I made the question quite clear. I asked Serena who gave her the directive when she referred me last time to county counsel?

Exhibit B

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

August 12, 2016

Sheriff John D'Agostini
c/o Serena Wilke, EDSO Records Supervisor
El Dorado County Sheriff's Office
300 Fair Lane
Placerville, CA 95667

**REQUEST TO VIEW CASE FILES EG15-5698, EG15-5793 & EG16-6732
CCW Approval/Denial Report**

Dear Sheriff D'Agostini,

I am the **victim** of crimes relevant to the above referenced incidents. As such I am entitled access to the associated records as per Government Code 6254(f). You are hereby reminded that you are bound by your Constitutional Oath of Office and Government Code 6254(f) to accommodate my right to know the status of the inter-related investigations. Please note specifically the following:

Government Code 6254:

(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. **However, state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking,**

EXHIBIT C

vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation.

In respect to inter-related case files EG15-5698 and EG15-5793, it is my understanding that Deputy Bernie Brown's investigation was handed off to Deputy Engelbrechtson. However the last phone conversation I had with Deputy Engelbrechtson was on 2/21/16 at which time it sounded like he was in a bar and/or at a very rowdy party. Since he was very reticent to speak with me he sent Deputy Ishmael to my home to pick up additional materials. Despite making several inquiries I never received a reply or heard from EDSO again regarding the status of this investigation.

Regarding EG16-6732, Sergeant Danny Bears informed me on Friday that he reviewed Deputy Stockeland's report therefore I presume he is responsible for the investigation of the materials I'd handed him late the evening of July 29, 2016. I have not heard from Deputy Stockeland since then, nor have I been contacted by EDSO regarding additional documents I have in respect to this particular new incident that appears to be related to EG15-5698 & 5793. So what exactly is going on?

As for the letter dated July 29, 2016 from EDSO Records Supervisor Serena Wilke (**See Exhibit A**) with respect to a CPRA submitted publicly on 7/19/16 requesting a copy of the CCW interview report by Detective Sean Fitzgerald, this too is a record I am indeed entitled to examine as a victim of EDSO misconduct. (**Reference highlighted portions of GC 6254(f) above**) Additionally please note:

- **Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. An agency may not adopt rules that limit the hours records are open for viewing and inspection. (§ 6253(d); 6253.4(b))
- **The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to overcome any practical basis for denying access. (§ 6253.1)
- **The agency may never make records available only in electronic form.** (§ 6253.9(e))
- **Access is always free.** Fees for "inspection" or "processing" are prohibited. (§ 6253)
- **Copy costs are limited to "statutory fees"** set by the Legislature (*not* by local ordinance) or the "direct cost of duplication", typically 10-25 cents per page. Charges for search, review or deletion are not allowed. (§ 6253(b)); *North County Parents v. DOE*, 23 Cal.App.4th 144 (1994).

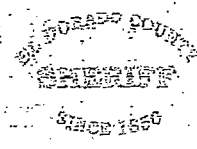
Thank you in advance for your anticipated cooperation.

Melody Lane
Founder – Compass2Truth

Attachments:

1. Exhibit A – 7/29/16 EDSO letter signed by Serena Wilke

CENO 1102222
2/17/16



JOHN D'AGOSTINI

SHERIFF - CORONER - PUBLIC ADMINISTRATOR
COUNTY OF EL DORADO
STATE OF CALIFORNIA

February 9, 2016

Melody Lane
6771 Mt Murphy Rd
Coloma, CA 95613

Dear Mrs. Lane,

I regret to inform that your application to renew your Concealed Weapons Permit has been denied. The reason for denial is failure to disclose information on the application regarding being involved in an incident involving a firearm (case #EG07-1796), pursuant to our Policy Manual specifically.

218.2 QUALIFIED APPLICANTS

In order to apply for a license to carry a concealed weapon, the applicant must meet the following requirements:

- (c) Fully complete the State of California, Department of Justice Standard Application for License to Carry a Concealed Weapon (CCW), FD4012.
- (e) Be of good moral character.

Should you desire to appeal this decision you may do so in writing within thirty days of receipt of this letter to Captain Bryan Golmitz at 300 Fair Lane, Placerville, CA 95667.

If you have any questions please do not hesitate to contact me at (530) 621-5877 Monday Friday 0800-1600 hours.

Sincerely,

JOHN D'AGOSTINI
Sheriff-Coroner
Public Administrator

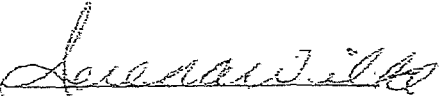
By: 
Serena Wilke
Sheriff's Records Supervisor

EXHIBIT D

My purpose today is to address EDSO Bureaucratic Shenanigans, specifically that of Records Supervisor, Serena Wilke.

Last October I made 8 trips into EDSO and requested access to specific records, case file reports, and investigations that I am lawfully entitled to view and receive copies of. Each time Serena, or her staff, deprived me access to those records. Prior to the aforementioned incidents, my requests to view specific EDSO records have typically been processed within minutes of making the request, **as required by law**.

Whenever constitutional violations are committed by public officers there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as Serena has done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public officers, 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. Fraud vitiates any action.

Since 2016, every time I have come into EDSO to speak specifically with Serena concerning access to specific case file reports, I was told she was “not available” and I was handed down to someone else under her supervision. In several instances, those individuals denied me immediate access to records which later turned out to have been **falsified**, necessitating that I file Citizen Complaints of Officer Misconduct which were also filed with District Attorney Vern Pierson. When I was finally able to speak with Serena on the two aforementioned dates in October 2019, Serena made a concerted effort to evade my direct questions, and both Serena and Sheriff D’Agostini referred me to county counsel. Serena’s attitude and demeanor were strongly indicative that EDSO was operating outside of the law and had something to hide.

With respect to Citizen Rights, the law has not changed. The Supreme Law and **superseding authority** over every public office, public officer and every other form of “law” in this nation is the national Constitution. In Article IV, Section 4 of the 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."*)

With respect to all that is currently happening throughout the nation, it’s high time for some law enforcement reform and accountability right here in EDC.

FACT SHEET

SELLING COUNTY PROPERTY



El Dorado County

When the County sells property to another government entity, there are basic steps that must be taken. These include:

- The Board of Supervisors must designate the property as surplus
- The County must make a written offer to sell to certain government agencies within whose jurisdiction the surplus property is located. Some examples of government agencies include cities, redevelopment agencies, housing authorities, community service districts, school districts, and public transportation agencies.
- Those entities then have 60 days to respond with interest in obtaining the property. The County must wait the full 60 days before moving on to the next step.
- The County must engage in good faith negotiations for at least 90 days after receipt of notice from an interested buyer. If more than one offer is received, the first priority is given to the entity that agrees to make at least 25% of the property available for affordable housing for at least 55 years.
- If the County is able to reach an agreement, the local planning agency must provide a finding of conformity with the adopted general plan and then present the agreement to the Board of Supervisors for approval.
- If the parties are unable to reach agreement on a price or terms during the 90 day negotiation period, the County's obligations under Gov. Code 54222 are discharged and the County may proceed to the next step and initiate the public sale process.

When the County engages in a public sale, the following process must be implemented:

- The Board of Supervisors adopts a Resolution of Notice of Intent to Sell (needs a 4/5 vote). This resolution must contain the property description, minimum price, terms and conditions of the sale, and the time and place for the public sale.
- The Board can choose one of two approaches:
 - a. Gov. Code 25363 approach – Provide five days' notice and perform a public auction with sale to the highest cash bidder. Sale must be reported back and confirmed by the Board of Supervisors
 - b. Gov. Code 25520 approach – Provide at least three weeks' notice and call for bids. The time and place of sale would take place at a regular Board of Supervisors meeting and the Board would open all seal bids and call for oral bids. If an oral bid is the highest bid, it does not need to be accepted unless it exceeds written bids by at least 5%.

- *There are several exemptions from the public sale process:*
 - The Board of Supervisors may convey or exchange property with other public agencies within the county.
 - The Board of Supervisors may exchange equal value property with any person, firm or corporation.
 - The County can sell residential property for less than fair market value to persons or families of low or moderate income.
 - Development of affordable housing for low or moderate income.
 - For public park purposes, the County may convey the property to the city where the property is located.
 - The Board of Supervisors can issue a Request for Proposal for cultural, residential, commercial or industrial use or development.
 - The Board of Supervisors may donate the property to certain 501(c) (3) nonprofit organizations. Qualified nonprofits are those organized for the care, teaching or training of children or Native Americans; or nonprofits that provide health or human services.
 - The Board of Supervisors may convey any property that is determined to be of general historical interest to the County historical society as long as the historical nature of the property is preserved for the benefits of county residents.
 - The Board of Supervisors may make available surplus property to any public or private entity or any individual with whom the County has a contract to provide or operate programs deemed by the Board to be necessary to meet the social needs of the County population.

Exceptions: Surplus property valued at \$25,000 or less may be disposed as the Board of Supervisors chooses. There is no requirement to go through a public bid process.

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EDC COB <edc.cob@edcgov.us>

6/9/20 BOS meeting - Consent & Open Forum comments

1 message

Melody Lane <melody.lane@reagan.com>

Tue, Jun 9, 2020 at 4:18 PM

To: brian.veerkamp@edcgov.us

Cc: lori.parlin@edcgov.us, sue.novasel@edcgov.us, john.hidahl@edcgov.us, shiva.frentzen@edcgov.us, edc.cob@edcgov.us, Donald Ashton <don.ashton@edcgov.us>, Sheriff DAgostini <john.dagostini@edso.org>, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Brian,

This morning when I questioned Consent Item #43 regarding the Sheriff's dump truck, you failed to respond to me as required by law. After all public comments, you remarked that you "don't usually respond" but in this case you replied that the Sheriff would use the dump truck for hauling cannabis. If county counsel gave you advice not to respond or dialog with me, they are in grave error.

In case you need a reminder about the rights of the public, the Brown Act preamble states:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

Furthermore, it states:

Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body. As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest...prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

You are aware that fraud vitiates all action. 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*. As you heard from me and Rod Miller during Open Forum, there is a necessity to call all public officials into accountability, especially EDSO and county counsel who act like they are above the law. Your actions today

were in defiance to the Constitutional rights of the public, and as such, you've aided and abetted government corruption.

The BOS & OES should also be aware of a battle to contain a wildfire at Cronan Ranch which puts District #4 residents in peril with **no emergency evacuation routes/plans**. This is information the public has a need and a right to know. Therefore you are all put on notice for failing to lawfully respond to CPRAs in that regard making you complicit and liable.

Melody Lane

Founder – Compass2Truth

“Resistance to tyranny becomes the Christian and social duty of each individual...Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us.” ~ John Hancock ~



Brown Act Rights of the Public.docx

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CALIFORNIA BROWN ACT

PREAMBLE:

"The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people do not yield their sovereignty to the bodies that serve them. The people insist on remaining informed to retain control over the legislative bodies they have created."

CHAPTER V.

RIGHTS OF THE PUBLIC

§54954.3 Public's right to testify at meetings. (c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.

As such, members of the public have broad constitutional rights to comment on any subject relating to the business of the governmental body. Any attempt to restrict the content of such speech must be narrowly tailored to effectuate a compelling state interest. Specifically, the courts found that policies that prohibited members of the public from criticizing school district employees were unconstitutional. (*Leventhal v. Vista Unified School Dist.* (1997) 973 F. Supp. 951; *Baca v. Moreno Valley Unified School Dist.* (1996) 936 F. Supp. 719.) These decisions found that prohibiting critical comments was a form of viewpoint discrimination and that such a prohibition promoted discussion artificially geared toward praising (and maintaining) the status quo, thereby foreclosing meaningful public dialog.

54954.2 E (3) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3.

Where a member of the public raises an issue which has not yet come before the legislative body, the item may be briefly discussed but no action may be taken at that meeting. The purpose of the discussion is to permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)