

**Public Comment #13**

County of El Dorado Clerk of the Board <edc.cob@edcgov.us>

BOS Rcvd. 7-15-2022**7/19/22 BOS Consent Agenda Item #13 - Objection to HHS appointment of Kris Payne to Local Enforcement Independent Hearing Panel****Melody Lane** <melody.lane@reagan.com>

Fri, Jul 15, 2022 at 3:49 PM

To: edc.cob@edcgov.us, Kim Dawson <Kim.Dawson@edcgov.us>, wendy.thomas@edcgov.us, george.turnboo@edcgov.us
Cc: sue.novasel@edcgov.us, john.hidahl@edcgov.us, lori.parlin@edcgov.us, bosfive@edcgov.us, bosfour <bosfour@edcgov.us>, bosone@edcgov.us, bosthree@edcgov.us, bostwo@edcgov.us

Supervisors:

Please timely post via GovDelivery and pull for public discussion BOS Consent Item #13.

Be sure to thoroughly read the attached documents which you have previously received and were duly submitted into the public record. These notifications of legal responsibility justify why Kris Payne is NOT a suitable individual for the Local Enforcement Independent Hearing Panel.

Mr. Payne has demonstrated on numerous occasions that he is incapable of professional conduct in accordance with the Brown Act and his oaths of office. Kris Payne has publicly admitted in the presence of David Livingston and witnessed by other individuals that he has mental health issues that necessitated his early retirement from EDC employment. It stands to reason that he should not be re-inserted into any position creating stress that could exacerbate his aberrant behavior.

Furthermore, his application mentions his affiliation with the Taxpayers Association and his experience on the Parks and Recreation Commission where his outbursts, harassment and unprofessional conduct have been disruptive and clearly outside of the law.


Considering his history of unprofessional conduct, which is a matter of public record, this brings into question the manner in which HHS and Supervisors George Turnboo and Wendy Thomas pre-selected Kris Payne. The position has been posted since 4/27/22, but Mr. Payne didn't complete his application until 7/7/22. Kris currently is paid as a Planning Commissioner which represents a conflict of interest. This raises serious questions that demand answers:

1. How many other applicants applied or were considered?
2. Why was Mr. Payne not reprimanded and removed from the Parks & Recreation Commission?

THIS NOTICE WILL BE POSTED FOR NO LESS THAN 10 WORKING DAYS.

Published: 04/27/2022 11:12:49 AM

22-1099 A 1 of 1

If known, indicate the member of the Board of Supervisors who will receive a copy of this application Wendy Thomas & George Turnbo	
File Attachments (no attachments added)	
Signature of Applicant* 	Date 07/07/2022

* You consent and agree that you are signing this document electronically. You further agree that your electronic signature is as valid as if you manually signed the document in writing.
07/07/2022 12:58:11, ID: 267, URL: <https://edcgov.us/Government/BOS/CommissionsAndCommittees/Pages/Application-Form.aspx>

Regards,

Melody Lane

Founder – Compass2Truth

If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter. ~ George Washington ~

2 attachments

 **ML_Kris Payne Affidavit 5-2020.pdf**
11211K

 **ML Affidavit_Veerkamp 06-2020.pdf**
10537K

AFFIDAVIT/DECLARATION OF TRUTH

District #3 Supervisor Brian Veerkamp
Chairman, El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95613

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.

This Affidavit/Declaration of Truth is lawful notification to you, Brian Veerkamp, 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 or 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 May 16, 2020, I sent you, District #3 Supervisor Brian Veerkamp, via USPS certified mail, a letter which you received on May 22, 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, Brian Veerkamp, 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

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official has knowledge of wrongdoing in his jurisdiction, yet fails to take corrective action of the agent, then that public official aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

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

- 1) On February 4, 2020 during the Board of Supervisors meeting, I publicly apprised you and the other Supervisors that Commissioner Kris Payne repeatedly violated the Brown Act and deprived me of First Amendment rights during the 12/19/19 and the 2/3/20 Parks and Recreation Commission meetings. At that time, I rightfully demanded your public response to my petition to have Payne removed from the Parks and Recreation Commission for violating his Principal Agent Oath of Office through his numerous unconstitutional, unlawful actions committed against me. Instead of responding publicly as required under the Brown Act, you agreed to meet with me privately on February 6th to discuss the matter. Such tactical manipulations to willfully avoid and unlawfully evade public transparency and accountability demonstrate your hypocrisy and flagrant violations of the Brown Act, as well as your oaths of office. The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, as you have, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath, as you have. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.
- 2) On February 6, 2020, we met to discuss the removal of Kris Payne as your representative to the Parks and Recreation Commission. I personally audio recorded our meeting. One of the first things you said to me during our audio recorded meeting was that you shared my Christian values, therefore you urged me to remove the "log" in my own eye and "forgive" Mr. Payne for his transgressions. Not only was your tactic inappropriate and against all public policy, it was ethically and morally reprehensible, as well as totally hypocritical. Any public officer, such as you, who upholds and sanctions unconstitutional actions committed by his underling, and who attempts to exonerate and hold the underling harmless, is complicit in them, aids and abets them, commits misprision of the crimes, is directly responsible for them and can be held liable for them. During our meeting, you were also specifically apprised of the assaults, armed intrusions, hacking, hate crimes, retaliatory actions, and falsification of

unconstitutional issues. 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 and violates the Public Trust. Fraud, which you have constantly committed in this instant matter, 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. Our February 6th meeting resulted in your maintenance of the status quo position of non-action, so to me, you and the rest of the Board of Supervisors are frauds, and useless in opposing and correcting unconstitutional actions and due process violations, yet very helpful in aiding and abetting unconstitutional actions committed by Mr. Payne and his Parks and Recreation cohorts, particularly as they pertain to the River Management Plan. As such, your actions, and/or failure to take action, have deprived me of numerous constitutionally secured rights, including, but not limited to, my due process rights secured by the First Amendment.

The email I received from you on 3/2/20 at 3:35 PM, regarding the removal of Commissioner Payne, appeared to be composed for you by county counsel and was lacking your customary signature and title that was expected, as we discussed during our audio recorded February 6th meeting. As I warned before, Mr. Payne remains out of control and needs to be removed from office for the numerous unconstitutional, unlawful actions he has committed as stated to him, you and others. Furthermore, I believe that you were not being truthful when you stated, *"In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately."* Given the way Kris Payne conducted that P & R meeting, then, if you had actually attended it, you would have, or should have, realized that Payne again violated the Brown Act. My audio recording and correspondence with Parks and Recreation staff corroborates that your statement was another one of your deceptive fabrications, demonstrates that the minutes were deliberately falsified and further demonstrates that you publicly and privately lied to me concerning your lawful obligation to remove Kris Payne from the Parks and Recreation Commission for blatantly violating his Principal Agent Oath of Office. In so doing you again violated the public trust, falsely discredited my factual testimony, and harmed me by depriving me of my First Amendment due process rights for redress of grievances.

- 6) Kris Payne is not a volunteer. He is ***your District #3 appointee*** to the Parks and Recreation Commission approved with the consent of the entire Board of Supervisors, and as such, he is bound by his Principal Agent Oath of Office. By failing to take any remedial action, you have aided and abetted Mr. Payne's unlawful actions and egregiously deprived me of inherent rights secured in the First Amendment. Additionally, you failed to respond to or rebut the averments in my email response which makes you complicit and liable for aiding and abetting government corruption. Depriving the public of honest services is a federal

crime. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers, including you, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (See *U.S. v. Tweel*, above.)

Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Again, fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. See also USC Title 18, § 2071 – *Concealment, removal, or mutilation generally*. All of these pertain to you. Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails, or meeting requests, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then, those public officers are **domestic enemies**, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office**. Again, see Sections 3 & 4 of the 14th Amendment.

By your stepping outside of the limited scope of your delegated duties and 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. See *Gallegos v. Haggerty, N.D. of New York*, 689 F. Supp. 93 (1988), which held:

"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."

Your actions, those of Kris Payne and others who now hold or once held offices in El Dorado County, and who denied and violated my inherent rights, constitutes treason by the entire jurisdiction against me, and based upon the actions they have taken against me and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - *Conspiracy against rights* and 18 USC § 242 – *Deprivation of Rights Under Color*

of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239. By your own actions, pursuant to your oath, you have violated the mandates and guarantees set forth in the Constitution, including, but not limited to, my First Amendment guarantees, by flagrantly denying and depriving me of my inherent rights guaranteed therein.

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, District #3 Supervisor Brian Veerkamp, in any court of law in America, without your protest, objection and that of those who represent you.

Further Affiant sayeth naught.

All Rights Reserved,

By: _____



Melody Lane

Date: _____

6/29/20

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

(See attached California Notarization)

Attachments:

Exhibit A – May 16, 2020 letter to Supervisor Brian Veerkamp

CC: District #1 Supervisor John Hidahl
District #2 Supervisor Shiva Frentzen
District #4 Supervisor Lori Parlin
District #5 Supervisor Sue Novasel
CAO Don Ashton
D.A. Vern Pierson
Parks and Recreation Commissioners
Planning Commissioners
CA State Parks Director Lisa Mangat
Media and other interested parties

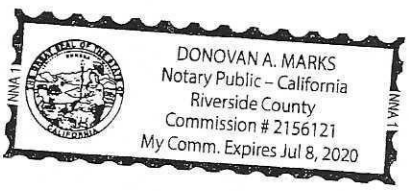
JURAT

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 JORADO

Subscribed and sworn to (or affirmed) before me on this 29th
day of JUNE, 2020, by MELODY LANE

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



(Seal)

Signature Donovan Marks

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

May 16, 2020

Supervisor Brian Veerkamp, Dist. #3
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Supervisor Veerkamp,

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 have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to lawfully defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. When I use the term "public officer(s)", this term includes you.

Since America and California are both Constitutional Republics, not democracies, they are required to operate under the Rule of Law, and not the rule of man. The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that

Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

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, 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. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

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 you, 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 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.

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

No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers, including you, conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. You have continuously violated the national and state Constitutions, your oaths, my inherent rights and due process guaranteed in the Constitutions, and the Brown Act, as stated below and throughout this letter to you. Your unconstitutional, unlawful actions have grievously harmed me.

CLAIMS AND AVERMENTS:

- 1) On February 4, 2020 during the Board of Supervisors meeting, I publicly apprised you and the other Supervisors that Commissioner Kris Payne repeatedly violated the Brown Act and deprived me of First Amendment rights during the 12/19/19 and the 2/3/20 Parks and Recreation Commission meetings. **See Exhibit A, attached hereto and incorporated herein as if fully set forth in this letter.**

At that time, I rightfully demanded your public response to my petition to have Payne removed from the Parks and Recreation Commission for violating his Principal Agent Oath of Office through his numerous unconstitutional, unlawful actions committed against me. Instead of responding publicly as required under the Brown Act, you agreed to meet with me privately on February 6th to discuss the matter. Such tactical manipulations to willfully avoid and unlawfully evade public transparency and accountability demonstrate your hypocrisy and flagrant violations of the Brown Act, as well as your oaths of office.

An American Citizen, such as I, can expect, and has 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. This is an unenumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails or public inquiries, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions.

The First Amendment guarantees the Right of free speech and the Right to petition government for **redress of grievances**, which, the oath taker, pursuant to his oath, is mandated to uphold. If he fails this requirement, as you have, then he has violated two provisions of the First Amendment, the Public Trust and perjured his oath, as you have. By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. By your own actions, pursuant to your oath, you have violated these First Amendment guarantees.

- 2) On February 6, 2020, we met to discuss the removal of Kris Payne as your representative to the Parks and Recreation Commission, and the agenda for our brief meeting is attached herewith and incorporated herein, as if fully set forth in this letter, as **Exhibit B**.

One of the first things you said to me during our audio recorded meeting was that you shared my Christian values, therefore you urged me to remove the "log" in my own eye and "forgive" Mr. Payne for his transgressions. You should have learned through the mandatory Ethics Training required for all elected officials under AB1234, that not only was your tactic inappropriate and against all public policy, it was ethically and morally reprehensible, as well as totally hypocritical. Any public officer, such as you, who upholds and sanctions unconstitutional actions committed by his underling, and who attempts to exonerate and hold the underling harmless, is complicit in them, aids and abets them, commits misprision of the crimes, is directly responsible for them and can be held liable for them.

During our meeting, you were also specifically apprised of the assaults, armed intrusions, hacking, hate crimes, retaliatory actions, and falsification of records committed against me by the River Mafia Mob who work closely in conjunction with Mr. Payne and other Parks and Recreation staff. I refreshed your memory about several unlawful and unethical practices of Commissioner Payne, yet you failed to take any corrective measures, and in so doing you have aided and abetted the perpetuation of government fraud. Before our meeting adjourned, you verbally affirmed that you would respond **in writing** prior to March 11th—*or sooner*—providing me with the expected target date of Kris Payne's removal from the Parks and Recreation Commission.

Afterwards, I sent you an email encouraging you to listen to the full length of both the December and February audios to hear for yourself how Mr. Payne blatantly violated his Principal Agent Oath of Office, but you did not respond. I also sent you an email on February 19th about the upcoming 2/20/20 Parks and Recreation Commission meeting involving the River Management Plan, but you also failed to reply to that email, thus you again deprived me of First Amendment rights for redress of grievances, lied, were derelict in your duties and committed malfeasance of office, all of which invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 3) Anticipating interference by county counsel, during the February 25th Open Forum, I again brought to your attention additional remarks made by Commissioner Kris Payne during the February 20th Parks and Recreation Commission meeting. Kris made the following statement in response to Vickie Sanders cue regarding the missing 2/3/20 audio:

I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3rd, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted. That's my statement.

When I questioned you during the aforementioned BOS meeting, you publicly affirmed your obligation to respond to me in writing with the effective date of Mr. Payne's removal from the Parks and Recreation Commission. Since it was evident that Mr. Payne's statement concerning the missing incriminating 2/3/20 audio was prepared for him by county counsel, accordingly you publicly affirmed that you understood that Mr. Payne's removal from the Commission would take place *without any interference or bureaucratic shenanigans from county counsel*. My transcript was entered into the public record and is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit C**. Once again,

you lied, misrepresented, were derelict in your duties, committed malfeasance of office and again invoked Sections 3 & 4 of the 14th Amendment.

- 4) In other email correspondence apprising you of the illicit conduct of District #3 Commissioner Kris Payne, you failed to reply, or took no action whatsoever to either stop or correct his continued violations of the Brown Act, my rights secured in the Constitutions, due process of law and Principal Agent Oaths of Office. A few email examples were dated December 27, 2019 at 4:50 PM; December 30, 2019 at 1:06 PM; January 2, 2020 at 8:54 PM; February 6, 2020 at 7:02 PM, and on February 19, 2020 at 4:32 PM. In so doing, you aided and abetted Mr. Payne's unlawful actions and are therefore complicit and liable. This is a fact, and as John Adams said, "Facts are stubborn things."

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

"The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, conspiracy under Title 28 U.S.C., Title 18 Sections 241 and 242, treason under the Constitution at Article 3, Section 3., and intrinsic fraud..."

As chairman of the BOS, you have demonstrated your unwillingness to stop the perpetual violations of constitutional mandates, my secured inherent rights and due process committed by Commissioner Payne. Your knowledge of his wrongdoing and your failure to take remedial action violates numerous constitutionally secured rights and due process, including, but not limited to, my First Amendment right to petition government for redress of grievances.

- 5) You, and the other Supervisors, have received copies of notifications of legal responsibility that were addressed to Kris Payne, Vickie Sanders, Don Ashton, and Gary Miller relevant to their participation in government fraud, violations of the Brown Act, and their Oaths of Office. 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 and violates the Public Trust. Fraud, which you have constantly committed in this instant matter, 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.

Our February 6th meeting resulted in your maintenance of the status quo position of non-action, so to me, you and the rest of the Board of Supervisors are frauds, totally worthless and useless in opposing and correcting unconstitutional actions and due process violations, yet very helpful in aiding and abetting unconstitutional actions committed by Mr. Payne and his Parks and Recreation cohorts, particularly as they pertain to the River Management Plan. As such, your actions, and/or failure to take action, have deprived me of numerous constitutionally secured rights, including, but not limited to, my due process rights secured by the First Amendment. Actions speak much louder than words, and by your actions and those of other Supervisors, pursuant to oaths taken, your combined actions have clearly established El Dorado County as a complete fraud which acts as a domestic enemy to the people it purportedly serves. You are all criminals in office and have all invoked the self-executing Sections 3 & 4 of the 14th Amendment.

- 6) The email I received from you on 3/2/20 at 3:35 PM, regarding the removal of Commissioner Payne, appeared to be composed for you by county counsel and was lacking your customary signature and title that was expected, as we discussed during our audio recorded February 6th meeting. It is attached herewith and incorporated herein as if fully set forth in this letter, as **Exhibit D**.

The timing of your reply also raised red flags since it was sent during the 3/2/20 "Special" Parks and Recreation Commission meeting made necessary due to Kris Payne being long-winded and causing the meeting, held just ten days earlier, to go overtime by nearly an hour. As I warned before, Mr. Payne remains out of control and needs to be removed from office for the numerous unconstitutional, unlawful actions he has committed as stated to him, you and others.

Furthermore, I believe that you were not being truthful when you stated, *"In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately."* Brian, had you actually been there, then, it would have been perfectly evident that Chairman Kris Payne violated the Brown Act and that the minutes were deliberately **falsified**.

You publicly and privately lied to me concerning your lawful obligation to remove Kris Payne from the Parks and Recreation Commission for blatantly violating his Principal Agent Oath of Office. My audio recording and correspondence with Parks and Recreation staff corroborates that the following statement was another one of your deceptive fabrications: *"As you learned from the audio of the 2/20 P&R meeting, unfortunately, the recording of the previous meeting on 2/3 of the Parks & Recreation Commission did not work and only static can be heard."* In so doing you violated the public trust, discredited my factual testimony, and harmed me by depriving me of First Amendment due process rights for redress of grievances.

Your ending statement was the coup de grace signifying fraud and defiance to your Constitutional oaths, "*While we regret the disruption to the meeting of 2/3, we have a strong appreciation for the commitment and passion Kris brings to his volunteer service and we will not remove him as the District 3 representative to the Parks and Recreation Commission. Thank you for bringing your concerns to our attention, it has been a good learning opportunity for Kris.*" When you use the word "we", you imply collusion with all the Supervisors and other staff in a totalitarian decision to collectively defy your oaths and deny my God-given rights secured by the First Amendment. Not only were your remarks insulting, my audios of the December 19th and February 3rd meetings were perfectly audible, and proved beyond a shadow of a doubt your complicity in conspiring with county staff to maintain the corrupt status quo.

You also fail to grasp the fact that ***Kris Payne is not a volunteer***. He is ***your District #3 appointee*** to the Parks and Recreation Commission approved with the consent of the entire Board of Supervisors, and as such, he is bound by his Principal Agent Oath of Office. By failing to take remedial action, you have aided and abetted Mr. Payne's unlawful actions and egregiously deprived me of inherent rights secured by the First Amendment.

Additionally, you failed to respond to or rebut the averments in my email response which makes you complicit and liable for aiding and abetting government corruption. All of this constitutes further perjury of your oath and is actionable under Sections 3 & 4 of the 14th Amendment.

Depriving the public of honest services is a federal crime. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. All public officers, including you, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. (See U.S. v. Tweel above)

Any enterprise undertaken by the public official who tends to weaken public confidence and undermine the sense of security for individual rights is against public policy. Again, fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally. All of these pertain to you.

All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, or oppose and violate them. Furthermore, there is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to letters, emails, or meeting requests, which, in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents

or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, as you have done, and then refuse to respond to or rebut petitions from Citizens, as you have also done, then, those public officers, as are you, are domestic enemies, acting in sedition and insurrection to the declared Law of the land and **must be opposed, exposed and lawfully removed from office**. Again, see Sections 3 & 4 of the 14th Amendment.

- 7) As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your stepping outside of the limited scope of your delegated duties and 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 actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against me, and based upon the actions taken and what exists on the public record, it is impossible for any public officer to defend himself against treason committed. See: 18 USC § 241 - Conspiracy against rights and 18 USC § 242 – Deprivation of Rights Under Color of Law. See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

By your own actions, pursuant to your oath, you have violated these First Amendment guarantees. An American Citizen, such as I, can expect, and has the Right and duty to demand, that his government officers uphold their oaths to the Constitution(s) and abide by all constitutionally imposed mandates of their oaths.

It is your choice to either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. Anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your duties and authority, you are personally liable. In fact, the national Constitution provides remedy for the people when public officers, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14th Amendment. Whenever public officers, such as you, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, and by their own actions, invoke the self-executing Sections 3 and 4 of the 14th Amendment; thereby vacate their offices and forfeit all benefits thereof, including salaries and pensions, as you did, which is now a matter of public record.

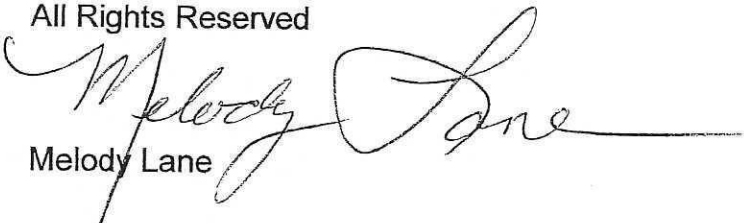
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. The mandates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

If you disagree with anything in this letter, then rebut that with which you disagree, *in writing, 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,

All Rights Reserved



Melody Lane

Attachments:

Exhibit A – 2/4/20 BOS Open Forum transcript

Exhibit B - 2/6/20 meeting agenda

Exhibit C - 2/25/20 BOS Open Forum transcript

Exhibit D – 3/2/20 email prepared by County Counsel w/o Veerkamp signature

CC: Supervisor John Hidahl
Supervisor Sue Novasel
Supervisor Shiva Frentzen
Supervisor Lori Parlin

My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19th Parks & Rec Commission meeting when county counsel provided Brown Act training. Not only did Kris blatantly violate the Brown Act and my First Amendment rights, he used and abused his position as chairman to repeatedly interrupt, heckle, and harass me throughout the meeting. He has demonstrated the same flagrant conduct even during Taxpayer Association meetings.

During the first agenda item five words hadn't escaped my lips before Kris interrupted. FIVE WORDS!! He continued to interrupt and unnecessarily question me about a document that he had right in front of him. When I read the section of the Brown Act about the requirement to respond to statements or questions posed by persons exercising their public rights, Kris refused to lawfully respond to my 3 specific questions. Note U.S. v. Tweel - "*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.**"*

During the second agenda item I wasn't able to finish my *first sentence* when Kris cut me off again by persisting in controlling how I framed my prepared written remarks. Despite my objections, he proceeded to talk over me the entire time, called a bathroom break, and left the room. That was the cue for the other commissioners to launch a verbal attack while I stood my legal ground.

After Kris returned to the room he again refused to recognize me or address my inquiries as required by law. Vickie Sanders and Creighton Avilla sat mutely while Kris violated my rights and conducted the meeting like a Nazi Gulag. The only other person in the audience was a member of the River Mafia Mob—Nate Rangel—who appeared very amused by the spectacle.

It is obvious that the CAO and Parks and Rec have something to hide, and are incapable of dealing openly, honestly, or in congruence with the EDC Core Values of **accountability, integrity, collaboration, and service excellence**. Creighton left the room at 5 PM, but by 5:40 the commissioners still hadn't finished item #4 primarily due to Kris being self-absorbed with his own agenda.

Before adjourning Dist. #5 Commissioner Wayne Lowery publicly acknowledged that Kris had disrespected me and the rights of the public, but you can bet the minutes will obfuscate what really transpired in the meeting that went overtime by nearly an hour. Kris tried to defend himself, but it was obvious that ALL the commissioners realized they had crossed far over the line by operating outside of the law.

Kris Payne is on power trip and totally out of control. Audio recordings, witnesses, and factual evidence validate all my claims and averments. Does any of this sound

EXHIBIT A

familiar? It should, because that's the modus operandi of the River Mafia Mob and certain members of the BOS, county counsel, and even the CAO who have aided and abetted the same unethical, fraudulent, and unlawful behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS and is bound by his Principle Agent Oath of Office. His unlawful conduct represents a problem as well as a liability to the county. When this Board has knowledge of wrong doing, but fails to take corrective action, then you become complicit and liable. Maintaining the status quo is not an option. The only solution is that Kris Payne needs to be removed from the Parks & Rec Commission in order to send a strong message that such conduct will not be tolerated.

Pursuant to the Brown Act I assert my rights to receive a public answer while I'm at a podium as to how and when the Board intends to deal with Mr. Payne's unlawful conduct.

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

- 1) This transcript
- 2) Brown Act Rights of the Public

February 6, 2020
Meeting with Brian Veerkamp 4 PM
RE: Parks & Rec Commissioner Kris Payne

- I. Violations:
 - A. Brown Act
 - B. Principle Agent Oaths of Office

- II. PRC/RMAC/CLAC:
 - A. River Mafia Politics
 - B. Bully Tactics & Retaliation

- III. Accountability & Remedial Action

- IV. Follow up – Target Date:

EXHIBIT B

Brian, I wish to bring to your attention that the incriminating audio of the 2/3/20 Parks & Rec Commission meeting *still has not yet been posted* to the government calendar. It will be necessary for you to listen to both the December 19th and February 3rd PRC audios in order to validate my claims and averments against Kris Payne violating the Brown Act and my First Amendment rights. It appears County Counsel has something to hide...

You should also be aware the 1/16/20 PRC was suddenly cancelled on 1/15/20 due to alleged "equipment failure." However when I asked Vickie Sanders why the meeting wasn't just moved across the street as they had done in the past, she claimed "*That wasn't how County Counsel wanted to handle it.*" A primary item on the January 16th PRC agenda addressed the issues of Conflict of Interest brought up by other concerned citizens. ***That entire agenda has since disappeared and was replaced with a cancellation notice.*** It's the same situation with the disappearing BOS video and altered minutes concerning Agenda 21 brought up during the December PRC meeting.

We have reason to believe the real reason the January 16th PRC meeting was suddenly cancelled was due to the issues brought up during the December meeting, as well as Kris Payne's discrimination, bully tactics, and participation in serial meetings which the Brown Act strictly prohibits, particularly as it affects the River Management Plan.

It is a fact that Lori Parlin has aligned herself with Kris Payne, the River Mafia Mob, and American River Conservancy who have black-listed and disenfranchised river residents. It is also apparent that the CAO and all Parks & Rec Commissioners have NOT been operating transparently or in accordance with EDC core values, meanwhile catering to special interest groups, violating the Brown Act and their oaths of office. "*Oh, what a tangled web they weave, when first they practice to deceive!*"

Any act by any public official either supports and defends the Constitution, or opposes and violates it. Your representative to the Parks & Rec Commission, Kris Payne, represents a liability to the county and needs to be removed without further delay. As a reminder, you agreed to respond in writing regarding the effective date of his removal prior to the target date we discussed in your office on February 6th. Please, no interference by county counsel. *Is that understood by you?

Madam Clerk: Please enter this document into the public record.

***Veerkamp audibly confirmed that he understood that county counsel was NOT to interfere with his requirement to respond in writing designating the date of Kris Payne's removal from the Parks & Rec Commission.**

EXHIBIT C

From: Melody Lane [mailto:melody.lane@reagan.com]
Sent: Monday, March 2, 2020 5:21 PM
To: 'The BOSTHREE'; brian.veerkamp@edcgov.us
Cc: 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bostwo@edcgov.us
Subject: RE: Meeting today re: PRC Kris Payne
Importance: High

Brian,

First of all, when I requested something in writing from you about Kris Payne's date of removal from the Parks & Rec Commission, I expected your *signature affixed to a brief letter with the date of Kris' removal on EDC stationery, and sent USPS mail*. You are a bright man, so you should have understood that from the get-go as you publicly affirmed during the BOS meeting on 2/25/20.

Secondly, I do not believe you attended the 2/20/20 PRC meeting. Because if you did, then you would have obviously witnessed that Kris Payne did NOT follow the Brown Act, particularly when he read "his statement" about the missing 2/3/20 audio that was obviously prepared *in advance for him by county counsel*. Kris failed to abide by the Brown Act, let Nate Rangel and other members of the public talk without limitation, and rambled on so long on Items #3 and #4, that Items #5 and #6 had to be skipped and deferred to a "Special" meeting scheduled for *today*, March 2nd. Additionally, Nate Rangel did NOT make any public comments during Items #5 and #6 as fraudulently reflected in the minutes *because those items weren't even discussed or open to public comment!!*

I just returned home at 3:40 PM today from the PRC meeting being currently held in the BOS chambers at this moment. I was the only person besides Vickie Sanders and four commissioners in the room (Lowery was absent). Read the attached document that I entered into the public record today during Consent Item #1 concerning the fraudulent 2/20/20 PRC minutes that did NOT include Kris' prepared statement about the missing 2/3/20 PRC audio. Despite all the glaring inaccuracies in the minutes, the Commissioners unanimously approved the 2/20/20 minutes without even reading them or taking into account my corrections.

Brian, I don't buy your story for a moment that audio was just inaudible "static." That's not what Vickie conveyed to me in an email via Chelsea on 2/5/20. Even during the 3 PM meeting today Kris deviated from the Brown Act and kept referring to Vickie Sanders for advice on how to proceed when I held his feet to the fire. The pregnant pauses in the audio spoke volumes, because Vickie Sanders the Commissioners knew what they were doing was outside of the law.

There is nothing I abhor more than being lied to, especially from any government official who unethically resorts to Bureaucratic Shenanigans (BS) and stall tactics. To reiterate, Kris is NOT a "volunteer"; he is your appointee to the BOS and is bound by his Principle Agent Oath of Office. I stand firm on my position demanding Kris be removed from the PRC. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime. Burn me once, shame on you. Burn me twice, shame on me. No third chances for the public to get burned again by Kris Payne.

Brian, it is painfully obvious that county counsel prepared your remarks below. It doesn't even include your electronic signature. *I still expect a letter sent USPS under your signature before March 11th, as you agreed and pursuant to your oaths of office, with the date of Kris' removal from the PRC*. And while you are at it, please include an explanation why you pulled Charlie Callahan's recognition award agenda Item #31 from the 2/25/20 BOS meeting.

BTW, only Wayne Lowery has submitted his Bio/Disclosure form. Vickie requested today the forms from the other Commissioners discussed during Open Forum today.

EXHIBIT D

Regards,

Melody Lane

Founder – Compass2Truth

Ephesians 5:11 – “Take no part in the worthless deeds of evil and darkness; instead expose them.”

From: The BOSTHREE [mailto:bosthree@edcgov.us]

Sent: Monday, March 2, 2020 3:35 PM

To: Melody Lane

Subject: Re: Meeting today re: PRC Kris Payne

Hello Melody,

As you learned from the audio of the 2/20 P&R meeting, unfortunately, the recording of the previous meeting on 2/3 of the Parks & Recreation Commission did not work and only static can be heard. I have already spoken with our CAO about securing a back up system so this does not happen again. I also followed up with our Clerk of the Board, she is already working on it and we apologize for the system breakdown.

In an effort to ascertain the appropriateness of the facilitation, I attended the 2/20 P&R meeting and found it to be facilitated appropriately.

Kris has acknowledged that he could have handled himself better and regretted his part in the disruption of the previous meeting. We also understand a new Chair of Parks and Recreation will be selected during the March 19th meeting. While we regret the disruption to the meeting of 2/3, we have a strong appreciation for the commitment and passion Kris brings to his volunteer service and we will not remove him as the District 3 representative to the Parks and Recreation Commission. Thank you for bringing your concerns to our attention, it has been a good learning opportunity for Kris.

Regards,

Brian Veerkamp

On Thu, Feb 6, 2020 at 7:02 PM Melody Lane <meiodv.lane@reagan.com> wrote:

Hi Brian,

Thanks for briefly meeting today regarding the unlawful conduct of Parks & Recreation Commissioner Kris Payne. This email will confirm our conversation about your commitment to respond to me, in writing, no later than March 11th about removing Kris from the P&R Commission for violating his Principle Agent Oath of Office.

Although you said you'd listen to the audio, it is highly doubtful you will have the time or patience to listen to the three-hour PRC meeting held 2/3/20, or the 12/19/20 meeting when county counsel Janeth SanPedro made a presentation about the Brown Act. It is important to recognize that Creighton and county counsel were not present for the entirety of either meeting to witness how Kris demonstrated disrespect for women and his contempt for the rights of the public.

Remember Mark Smith who used to attend BOS meetings? Mark was a Marine, just like Leonard Stroud, and one thing a Marine can't tolerate is when a man is disrespectful to a woman. Ask Lori Parlin about the time Mark Smith came unglued after a BOS meeting when Kris Payne was publicly very disrespectful to me. Lori and Mark had to take Kris outside and have a very serious talk with him. Afterwards Kris apologized to me for his behavior, but like I said today, he's right back at it worse than ever...

I wish to reiterate that merely replacing Kris as PRC chairman will NOT remedy a problem that is endemic to the Parks & Rec Commission, RMAC, CLAC, and even the Planning Commission. As we discussed, I have God-given strength to stand my ground, but consequently that means I've been targeted for retaliation, threats, and assaults by bullies like Kris Payne, the River Mafia Mob, Al Hamilton, Bill George, and other GOBs who think they can get away with it. I am not the only person who has documented similar concerns and entered them into the public record. However I have certainly been the most persistent by insisting that something be done about their unlawful behavior before it ends up in costly litigation, or worse yet, before someone's "body is discovered stuffed down a mine shaft."

FYI, the attached Bio Form was distributed to the Parks & Rec Commissioners at the 2/3/20 meeting to fill out in order to publish their bios on the EDC website by the next PRC meeting. *This is no time to maintain the status quo.* Pursuant to your oath of office, now would be the best opportunity to take remedial action and immediately removing Kris Payne from the Parks and Recreation Commission.

Melody Lane

Founder – Compass2Truth

All authority belongs to the people...in questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ~ Thomas Jefferson ~

AFFIDAVIT/DECLARATION OF TRUTH

Kris Payne
District #3 Parks and Recreation Commissioner
330 Fair Lane
Placerville, CA 95613

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.

This Affidavit/Declaration of Truth is lawful notification to you, Kris Payne, 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 or 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 February 28, 2020, I sent you, Kris Payne, El Dorado County District #3 Parks and Recreation Commissioner and Chairman, via USPS certified mail, a letter which you received on March 4, 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, Kris Payne, 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

under which you were delegated limited authority to assume your position and conduct duties thereunder. When any public official/principal has knowledge of wrongdoing in his jurisdiction committed by his appointed agent, yet fails to take corrective action, then that public official/principal aids and abets the unlawful action of the agent, thereby maintaining the errant status quo, and thus becomes complicit and liable. As you may know, in some cases, it is the agent who can be held responsible and liable for misconduct, illegal activity, or violations of business standards such as you have committed. Additionally, both principal and agent can be held liable.

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

- 1) On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised by me concerning threats, retaliation, assaults, and slander committed against me, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens. You have obstructed my rightful efforts in pursuit of redress of grievances pertaining to any of the crimes committed against me, you have failed to address, respond to and give due consideration to correspondence and information conveyed to you, thereby you have denied me rights secured in the First Amendment, in violation of the Principal Agent oath and in blatant defiance to the Constitution(s).
- 2) All actions by public officers, or their agents, 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 federal and state, and in treason against the People, in the instant case, me.

- 3) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently, Public Record Act requests for information that I submitted produced evidence that the outcomes of those meetings were *predetermined* via serial meetings which the Brown Act strictly prohibits. Thus, those meetings and their outcomes were and are unlawful, without lawful force and effect, and you and all other public officials who conducted and/or participated in those serial meetings have acted **criminally** and deceptively, in violation of the Public Trust and in perjury of their oaths.
- 4) It is significant that you nor any of the Commissioners reside anywhere near the river, so are not adversely affected by the River Management Plan, as are the people who live near it. Your involvement and collusion with county staff to promote special interest groups **to the exclusion of local residents** demonstrates your bias, conflict of interest, and disrespect for the people you theoretically serve, maintains the corrupt status quo and constitutes deceptive, criminal behavior which harms me and other Citizens of Coloma and Lotus. Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and the oaths of office under which you were delegated your limited duties and authority, and is a flagrant violation of the constitutionally secured inherent rights and due process of law guaranteed to me and all American and California Citizens in the national and state Constitutions.
- 5) During the December 2019 Parks and Recreation meeting when I attempted to exercise my rights, you became argumentative and falsely accused me of “name calling”, apparently intending to slander me and discredit my statements. However, witnesses and audio recordings prove I did no such thing. Your discrimination against me and repeated attempts to discredit, slander and censor me, and control how I frame my remarks was a direct assault on and violation of my First Amendment rights. You have similarly abused your position and harassed me during Taxpayer Association meetings. Your unconstitutional actions harmed me by obstructing, limiting and denying me the ability to exercise my right, secured in the First Amendment, to freely speak during the referenced December 2019 meeting. At one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a “dictator”, but you persisted in discriminating against me each time I approached the podium.

Again you intensified your verbal assaults and discrimination during the February 3, 2020 Parks and Recreation meeting. This is yet another example of how you have openly violated, denied and deprived me of my rights secured in the First Amendment.

- 6) 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, as well as his delegated agent, is mandated to uphold. You failed this requirement by failing to respond in kind to and/or rebut my lawful notices to you; thus you violated two provisions of the First Amendment, my constitutionally guaranteed rights secured therein, the Public Trust, and perjured the oaths of office taken by your principal, under whose oath-bound authority you hold your position and conduct the duties thereof. Without any authority to do so, Deputy CAO, Creighton Avilla, interrupted to advise you to "close public comments." And instead of upholding the mandates of the Brown Act, which all public officials should fully understand and follow, you unlawfully closed public comments, thus, acted criminally and in violation of my constitutionally guaranteed rights and those of other attendees, secured in the First Amendment.
- 7) During the February 3rd meeting when all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks, again violating the Brown Act and flagrantly depriving me of my rights secured in the First Amendment. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them. Obviously, you could not lawfully justify your actions, because there is NO LAWFUL justification for depriving me, or any Citizen, of rights secured in the First Amendment and protected by the Brown Act.
- 8) Factual documents that I had submitted to all the Commissioners were required to be publicly posted to a specific Parks and Recreation February agenda item concerning the River Management Plan due to the fact they contained relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. However, those documents were apparently obfuscated and diverted. When I questioned Vickie Sanders about what happened to my public documents, she replied, "*Because that wasn't how County Counsel wanted to handle it.*" Vickie's reply could imply that County Counsel's handling of this matter was to keep the evidence of collusion contained in those factual documents I submitted away from the public's eyes and ears, which constitutes public deception. Furthermore, the minutes failed to reflect your self-serving "statement" about the suspiciously missing February 3rd audio from the EDC government website because it appears that it was obviously prepared for you by county counsel whenever there are liability issues. The public is entitled to honest services. 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. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word.

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, whether directly sworn or under Principal Agent oaths, then that is a Constitutional crime. Furthermore, I asked for your direct official email address, which you refused to give me. By your evasive response to me, it is evident that you do not want to be contacted, nor do you want to be transparent or held accountable to your oaths by the people you purportedly serve. Instead, you have conspired with county staff in multiple acts of obstructionism, fraud, and deprivation of the secured rights of the public, including me, all of which constitute serious crimes. See *USC Title 18, § 241*.

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. Pursuant to your principal agent 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 principal agent oath. In this way, the public, including me, is deprived of their constitutionally guaranteed rights secured in the First Amendment.

- 9) By not responding to and/or not rebutting Citizens' questions, statements and comments, public officers, holding positions under oath-bound mandates, such as you, Kris, deny the Citizen, in the instant matter, me, remedy. 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 uphold their oaths to the Constitution(s) and abide by all Constitutionally-imposed mandates of their oaths, whether direct or agent principal oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby lawfully claim and exercise.

Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. Notably, you refused me the right to respond publicly by foreclosing meaningful public dialog for purposeful cover up of government malfeasance and, thus, maintained the status quo. Furthermore, you failed to provide honest public services pursuant to your duties under the referenced Principal Agent oaths, 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 First Amendment Rights. 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.

- 10) You have no authority whatsoever to arbitrarily engage in dialog with some Citizens, or discriminately refuse to dialog with others. During the December 19th and February 3rd Parks and Recreation Commission meetings, I was discriminated against by you, Commissioner Kris Payne. You denied me equal rights when you repeatedly interrupted, harassed, and refused to allow me to respond to blatantly false statements publicly made against me. In violation of the Brown Act and your Principal Agent Oath of Office, you thus deprived me the right to due process for the purpose of redressing grievances.
- 11) As Chairman for the Parks and Recreation Commission, it has been brought to your attention on numerous occasions, as well as to the Board of Supervisors, that Parks and Recreation staff is habitually submitting erroneous data and/or false information regarding recommendations made to the Planning Commission and Board of Supervisors. 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.

By not responding and/or not rebutting, such as you have demonstrated, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. 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 and their agents, uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

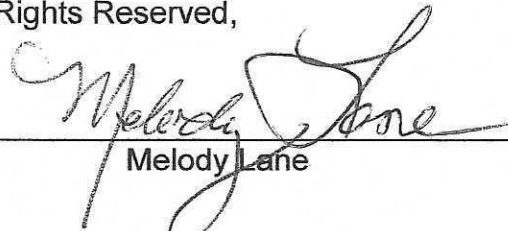
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers and their agents, including you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions 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, District #3 Parks and Recreation Commissioner Kris Payne, in any court of law in America, without your protest, objection and that of those who represent you.

All Rights Reserved,

By:  Date: 5/18/20
Melody Lane

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

(See attached California Notarization)

Attachments:

Exhibit A – February 28, 2020 letter to Kris Payne

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
CAO Don Ashton
Marshall Gold Discovery Historic State Park Superintendent Barry Smith
CA State Parks Director Lisa Mangat
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 }

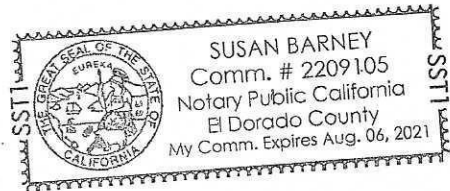
Subscribed and sworn to (or affirmed) before me on this 18 day of May, 2020
Date Month Year

by Melody Lane

Name of Signers

proved to me on the basis of satisfactory evidence to be the person 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: Affidavit of Truth - Kris Payne A&R Commissioner

Document Date: 5/18/20

Number of Pages: 8

Signer(s) Other Than Named Above: —

*Melody Lane
Compass2Truth
P.O. Box 598
Coloma, CA 95673*

February 28, 2020

Kris Payne, Chairman
District #3 Parks and Recreation Commissioner
c/o 330 Fair Lane
Placerville, CA 95667

Mr. Payne,

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 true 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 have sworn or affirmed oaths, under which they are bound by Law. It is impossible for an oath taker to lawfully defy and oppose the authority of the documents to which he or she swore or affirmed his or her oath. My claims, statements and averments pertain to your actions taken regarding violations of the California Ralph M. Brown Act and the deprivation of my rights pursuant to your Principal Agent Oath of Office. When I use the term "public officer(s)", this term includes you.

It is a fallacy that you are a mere "volunteer" representative on the Parks and Recreation Commission, or any other committees that you currently serve. As the principal, District #3 Supervisor Brian Veerkamp has delegated authority to you, Kris Payne, to act on his behalf, as his agent, which was unanimously approved by the Board of Supervisors. As such, you are

EXHIBIT A

bound by the Principal Agent Oath of Office that requires you to support the national and state Constitutions and the rights of the people secured therein.

The Supreme Law and superseding authority in this nation is the national Constitution, as declared in Article VI of that document. In Article IV, Section 4 of that Constitution, every state is guaranteed a republican form of government. Any "laws", rules, regulations, codes and policies which conflict with, contradict, oppose and violate the national and state Constitutions are null and void, *ab initio*.

All public officers are required to abide by their oaths in the performance of their official duties. No public officer, including you, has the constitutional authority to oppose, deny, defy, violate and disparage the very documents to which he or she swore or affirmed his or her oath. All actions by public officers conducted in the performance of their official duties either support the national and state Constitutions, or deny them.

My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. When any public official has knowledge of wrongdoing, yet fails to take corrective action, then that public official aids and abets the unlawful action of the agent, thereby maintaining the status quo, and thus becomes complicit and liable. As you know, in some cases, it's the agent who can be held responsible for misconduct, illegal activity, or violations of business standards such as you have committed.

CLAIMS AND AVERMENTS:

It is the duty of every Citizen to demand that government representatives, 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. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services pursuant to your oaths.

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 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 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.

On multiple occasions you, and all other Parks and Recreation Commissioners, have been publicly apprised concerning threats, retaliation, assaults, and slander, as well as blatant Brown Act violations and fraudulent River Management Plan information submitted to the Board of Supervisors by members of the River Management Advisory Committee (RMAC), Coloma Lotus Advisory Committee (CLAC), and Parks & Recreation staff. Subsequent recommendations made by Commissioners to the Board of Supervisors that are based on fraud affect their decisions, and ultimately adversely impact all EDC citizens.

Any enterprise undertaken by any public official, such as you, that tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word [483 U.S. 372] in the statute. *See United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) *includes the deliberate concealment of material information in a setting of fiduciary obligation*. You've demonstrated that your role as chairman of the Parks & Recreation Commission serves to organize faction, to give it an artificial and powerful force to put in place a small but enterprising minority of special interest groups known for decades as the "River Mafia Mob." It is a matter of public record that the Mob has proven their hostility and retaliation against me for whistleblowing while operating outside of the law with the full knowledge and cooperation of county staff. Your public administration of their self-serving plan aids and abets the ill-concerted and incongruous projects of the "River Mafia Mob" rather than a policy which supports and defends Constitutional rights of all El Dorado County residents.

- 1) The River Management Advisory Committee (RMAC) was officially disbanded in 2017. However, on several occasions, you actively participated as a representative of the Parks and Recreation Commission in serial RMAC meetings and Coloma Lotus Advisory Committees (CLAC) serial meetings, most of which are held within the Marshall Gold Discovery Park. Although I personally audio record all such meetings, typically there is no county representative at those meetings who is equipped with an audio recording device to ensure transparency, accountability, and adherence to the Brown Act. Consequently Public Record Act requests for information that have been submitted produced evidence that the outcomes of those meetings have been predetermined via serial meetings which the Brown Act strictly prohibits.

For example, the February 5, 2018 RMAC meeting was another serial meeting held in the Coloma Grange Hall. You sat right next to me as I audio recorded the meeting. It is significant that you dominated that very chaotic meeting that failed to abide by the Brown Act. The purpose of the meeting was to draft the River Management Plan Resolution in order for special interest groups to retain their control over the S. Fork American River. You are well aware that the River Management Plan (RMP) has been a bone of contention with Coloma-Lotus residents for decades, and it is a topic frequently addressed during other relevant public meetings. Lori Parlin and Sue Taylor also attended and actively participated in the drafting of the RMP Resolution. However, it is significant that none of you reside anywhere near the river. Your involvement and collusion with county staff to promote special interest groups to the exclusion of local residents represents your bias, conflict of interest, and maintenance of the corrupt status quo. My written public comments about that particular serial meeting were submitted into the public record during the 2-13-18 Board of Supervisors meeting, agenda item #29 attached herewith as **Exhibit A**.

- 2) Over the past decade, the county has provided regular Brown Act training to all committees and commissions. During the December 19, 2019 Parks and Recreation Commission meeting, county counsel Janeth SanPedro warned the Commissioners about participating in serial meetings, which the Brown Act strictly prohibits. To wit, the Brown Act states:

54952.2. (b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

The issue of serial meetings stands at the vortex of two significant public policies: first, the constitutional right of citizens to address grievances and communicate with their representatives; and second, the Act's policy favoring public deliberation by multi-member boards, commissions and councils. The purpose of the serial meeting prohibition is not to prevent citizens from communicating with their representatives, but rather to prevent public bodies from circumventing the requirement for open and public deliberation of issues. The Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices for the purpose of developing a concurrence as to action to be taken. (§ 54952.2(b); Stockton Newspapers, Inc. v. Redevelopment Agency (1985) 171 Cal.App.3d 95, 103.)

Your active participation in serial RMAC and CLAC meetings represents a conflict of interest, is in violation of the Brown Act and your oaths of office.

- 3) At my request, you and three other individuals were asked to witness my factual presentation during the September 14, 2015 RMAC meeting regarding lack of Code and law enforcement within the Quiet Zone of the S. Fork American River. At that time you witnessed another setup by the River Mafia Mob whose illicit tactics were aided and abetted by Parks and Recreation Supervisor Vickie Sanders, Planning and Development Director Roger Trout, and Supervisor Mike Ranalli. You also witnessed RMAC members Tim Lasko and Adam Anderson create a sudden distraction by falsely accusing me of using profanity, but the truth was that I was seated quietly in the audience, which was indisputably proven by multiple audio recordings and a room full of witnesses. You also witnessed as I took my turn at the podium when Chairman Nate Rangel falsely accused me of violating the Brown Act and he began admonishing me when it was obvious I was perfectly within my First Amendment rights.

Since Supervisor Veerkamp appointed you as District #3 Parks and Recreation Commissioner, you have abused your position to emulate the same River Mafia Mob bully tactics against me. You've demonstrated the same aberrant conduct even during Taxpayers Association meetings attended by government officials, where you have interrupted, heckled, and publicly harassed me.

A recent example took place during the December 19, 2019 Parks and Recreation meeting, when county counsel Janeth SanPedro conducted a tutorial on the Brown Act. Several times during the meeting, you discriminated against me by refusing to respond to direct questions and repeatedly interrupted me when it was obvious that I was fully within my rights. After Ms. SanPedro left the meeting, at one point Parks and Recreation Supervisor Vickie Sanders specifically warned you to refrain from appearing like a "dictator", but you persisted in discriminating against me each time I approached the podium.

Under the Political Reform Act, federal anticorruption law broadly guarantees the public “honest services” from public officials. Depriving the public of honest services is a federal crime and a collaborative “set up” by county officials to discredit and permanently silence me for whistleblowing. *“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.)* See also USGC Title 18, § 241 and § 242.) Your collusion with staff and failure to *lawfully* and *publicly* respond to constituents, in this case me, aids and abets the perpetuation of El Dorado County dishonest services and corruption. 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 by failing to rebut my lawful notices; thus you violated two provisions of the First Amendment, the Public Trust, and perjured your oaths of office.

- 4) During the December 2019 meeting agenda item #5, regarding the Parks and Trails Master Plan and the River Management Plan, you violated the Brown Act by heckling and repeatedly interrupting me before I could even finish my first sentence. Apparently you didn’t like the way I framed my remarks when I attempted to explain the nexus to Agenda 21, the Marshall Gold Discovery Park, American River Conservancy, and the grant money. You’ll recall that was the same topic discussed during the December 17, 2019 Taxpayers Association business meeting with 36 members, including public officials in attendance. When I exercised my rights, that is when you became argumentative and accused me of “name calling”. But witnesses and audio recordings prove I did no such thing. To wit, the Ralph M. Brown Act states:

§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.**

Your discrimination and repeated attempts to discredit and censor me, and control how I frame my remarks is a direct assault on my First Amendment rights.

- 5) When I challenged you during the December 2019 meeting regarding your violations of the Brown Act, you openly questioned county counsel Janeth SanPedro for personal legal advice, which was clearly outside of the law. Ms. San Pedro was clearly reluctant to respond and soon thereafter left the room.

During the same meeting, Jackie Neau and I inquired about agenda items which you ignored, and District #4 Commissioner Julia McIver would not respond to my direct questions. One of the issues being discussed had to do with conflicts of interest, which was an agenda item that was deferred to the January 16th Parks and Recreation Commission meeting. Without any authority to do so, Deputy CAO Creighton Avilla interrupted to advise you to “close public comments.” To wit, the Brown Act states:

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.

On numerous occasions, I have distributed copies of specific excerpts stating the Brown Act Preamble and the Rights of the Public. Despite having the law right in front of you, you ignored it as you continue to discriminate and show your contempt for the law, demonstrated by violating the Brown Act, your Principal Agent Oath of Office, and depriving me of the right to make inquiries and provide testimony. *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.*”

- 6) During the February 3, 2020 Parks & Recreation meeting, you again refused to respond to specific questions or allow me to provide public testimony. You arrogantly interrupted and continued to talk over me before I even finished the first sentence of my prepared written comments concerning agenda item #2 – Parks & Trails Master Plan, the River Management Plan, and the Water Quality Plan:

Kris Payne: (interrupting) Excuse me, I’m speaking about Item 2 and I assume that you’re going to read this...

Melody Lane: You did this last time, Kris. I know exactly what I’m doing. Would you please allow me to proceed, Kris...

Kris: But are you also going to speak the same comments on Item 3, Item 4, and whatever else I bring up?

Melody: Kris, you are violating my First Amendment rights right now. Don’t argue with me.

Kris: You’re wasting our time Melody.

Melody: I’m going to continue.

Kris: No! That has nothing to do with Item 2...(interrupting, talking over me, arguing)...I have to go to the bathroom...

When I requested to proceed so I could finish my prepared remarks, you then created a disturbance, claiming to need to go to the bathroom. Then you abruptly called a recess and stormed out of the room with another commissioner. The audio proves you and the other commissioners were clearly out of order by depriving me of my First Amendment

rights. Meanwhile I firmly stood my ground at the podium with my own audio recorder still on as the remaining commissioners demonstrated their hostility by threatening to have me removed from the building and alluding to county legal action:

Wayne Lowery: What are you going to do about it?

Melody Lane: You'll see.

Wayne: Is that a threat?

Melody: It is not a threat. It is a factual statement.

Wayne: It sounds like you are litigating this with the county. If that's the case, we can no longer talk to you about it.

When all the commissioners returned to their seats, I commenced my prepared comments, but you again disrespectfully talked over me and refused to permit me to finish my remarks. Before adjourning, Commissioner Wayne Lowery publicly acknowledged that you and the rest of the Commissioners had crossed far over the line, but even then you attempted to defend your unlawful actions without providing any lawful justification for them.

After the meeting adjourned and with my audio recorder still turned on, I inquired of Vickie Sanders why the January 16, 2020 Parks and Recreation meeting was cancelled only 24 hours in advance instead of just moving the meeting across the street as had been the practice in the past. Parks and Recreation was aware that two days prior, I had submitted relevant documents to be publicly posted to the Parks & Trails Master Plan and the River Management Plan agenda item. Those factual documents were relevant evidence of collusion between county staff and CA State Parks personnel involved in government corruption. Vickie replied, "*Because that wasn't how County Counsel wanted to handle it.*"

One of the other items to be discussed on the 1/16/20 agenda was Conflicts of Interest, but the entire agenda disappeared from the government calendar and was replaced with a cancellation notice. However, Conflicts of Interest did not appear again on either of the next three Parks and Recreation Commission agendas. My public testimony about your February 3rd debacle and deprivation of my rights was entered into the public record during the February 4th the Board of Supervisors meeting when I demanded Supervisor Veerkamp remove you from the Commission pursuant to his oaths. (See Exhibit B).

- 7) On February 25th, I brought to the attention of the Board of Supervisors that, although another Parks and Recreation meeting took place on February 20th, the incriminating audio of the February 3rd Parks and Recreation Commission meeting still had not yet been posted to the government calendar. (See Exhibit C)

However, on February 26th, it was brought to my attention that the minutes and the audio of the February 20th meeting suddenly appeared on the government calendar. Not only were the minutes deceptively inaccurate, it was obvious you had colluded with staff as you read your contrived statement about the missing and incriminating February 3rd audio:

Kris Payne: So we have the adoption of the agenda and the approval of the Consent calendar, ah, so let's just go. I'm going to skip that for this meeting. I need a motion

to accept the agenda as prepared, or if you've found something Vickie that is incorrect, let me know please at this time.

Vickie Sanders: (inaudible)...the audio recording of the February 3rd meeting did not tape.

Kris Payne: I'm going to speak to that in just a sec. Ok. So now we're dealing just with the adoption of the agenda...(Approval of the agenda)...Uh, show at least for this, uh, that Julia, uh, hasn't joined us yet. Oh here she comes!...Now we're going to do the approval of the Consent calendar. Uh, so the Consent calendar for this meeting is one item. It's item number one, it's the minutes from our February 3rd, 2020, um, meeting, and I note that it includes a sentence, two sentences, and these words I'm going to read for the record: *An audio recording of that meeting will not be published to the website due to technical difficulty. The audio recording is not recoverable or audible and therefore will not be posted.* That's my statement.

The public is entitled to honest services. Any 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. Fraud, in its elementary common-law sense of deceit, is the simplest and clearest definition of that word. The minutes failed to reflect your self-serving "statement" about the missing audio from the government website because it was obviously prepared for you by county counsel, who is known to use the "technical difficulties" excuse whenever there are liability issues.

Furthermore, you did not follow the agenda. You failed to abide by the Brown Act, you let Nate Rangel and other members of the public talk without limitation, you rambled on so long on Items #3 and #4 that Items #5 and #6 had to be skipped and deferred to a "Special" meeting scheduled for March 2nd. Additionally, Nate Rangel did NOT make any public comments during Items #5 and #6 as fraudulently reflected in the minutes because those items weren't even discussed or even open to public comment. The requirements of *Tweel*, cited above are incumbent upon you in both your personal and professional capacities, pursuant to your oath. Fraud is a crime, and when fraud is committed by public officers, pursuant to their oaths, then that is a Constitutional crime.

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. By your unlawful actions, you acted in sedition and insurrection against the constitutions, both federal and state, and in treason against the People, in the instant case, me. See *United States v. Dial*, 757 R2d 163, 168 (7th Cir 1985) includes the deliberate concealment of material information in a setting of fiduciary obligation. See also USC Title 18, § 2071 – Concealment, removal, or mutilation generally.

- 8) Two purposes of the Brown Act are to ensure government transparency and the preservation of Citizens First Amendment rights during public meetings. As you know, government censorship is against the law. During the 12/19/19 Parks and Recreation Commission meeting, you publicly acknowledged the fact that CAO Don Ashton had *unlawfully* blocked my ability to communicate electronically with most county staff,

including Parks and Recreation Supervisor Vickie Sanders. It was during a 2018 BOS meeting when I asked you for your email address and you responded, "*I prefer not to provide it at this time. Vickie is working on something in that regard.*" I remarked that all the Commissioners have my contact information, but ever since Don Ashton created one generic general email for each committee and commission, that means the public has no way of contacting individual Commissioners. You responded, "I'm OK with a generic email." I did NOT ask whether you were OK with a generic email. It is evident that you and the rest of the commissioners do not want to be contacted, nor do you want to be transparent or held accountable to your oaths. Instead, you have conspired with county staff in obstructionism, fraud, and deprivation of rights of the public. *See USC Title 18, § 241.*

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. Pursuant to your principle agent oath of office you have a duty to be *accessible* and *responsive* to the public. If you fail this requirement, then you have violated two provisions of the First Amendment, the Public Trust and perjured your oath. It is thus the public is deprived of their First Amendment rights and the "good old boys" status quo is maintained.

By not responding and/or not rebutting, the oath taker denies the Citizen remedy, thus, denies the Citizen constitutional due process of law, as stated within the Bill of Rights. An American Citizen, such as I, can expect, and has the Right and duty to demand, that government officials uphold their oaths to the Constitution(s) and abide by all Constitutionally imposed mandates of their oaths. This is an un-enumerated Right guaranteed in the Ninth Amendment, which I hereby claim and exercise.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence or verbal inquiries, which in this case, act as petitions for redress of grievances, stating complaints, charges and claims made against them by their constituents or by Citizens injured by their actions. When public officers, such as you, harm the Citizens by their errant actions, and then refuse to respond to or rebut petitions from Citizens, then, those public officers are domestic enemies, acting in sedition and insurrection to the declared Law of the land and *must be opposed, exposed and lawfully removed from office.*

Any actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By stepping outside of your delegated authority, you lost any "perceived immunity" of your office and you can be sued for your wrongdoing against me, personally, privately, individually, and in your professional capacity, as can all those in your jurisdiction, 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.

If they fail to act and correct the matter, then they condone, aid, and abet your criminal actions, and further, collude and conspire to deprive me and other Citizens of their Rights guaranteed in the Constitutions, as a custom, practice and usual business operation of their office and the jurisdiction for which they work. This constitutes treason by the entire jurisdiction against the People, in the instant case, me, and based upon the actions taken and what exists on

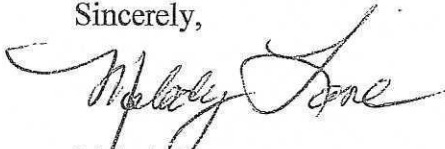
the public record, it is impossible for any public officer to defend himself against treason committed. *See also: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.*

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

If you disagree with anything in this letter, then, rebut that with which you disagree, in writing, with particularity, to me, within 30 days of the date of this letter, and support your disagreement with 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 or that of those who represent you.

Sincerely,



Melody Lane

Founder - *Compass2Truth*

Attachments:

- Exhibit A – 2/13/18 BOS - my remarks – Agenda Item #29 – RMP/RMAC Resolution
- Exhibit B – 2/4/20 BOS - my remarks – PRC Payne violated Brown Act
- Exhibit C – 2/25/20 BOS - my remarks – Veerkamp > PRC Payne removal/audio missing

The idea of a “high Crime” which is referred to in our Constitution refer to those crimes committed by people in authority and especially those who are charged with securing the public trust. Hitler's propaganda chief, Joseph Goebbels, said “If you tell a lie big enough and keep repeating it, people will eventually come to believe it.”

Truth is the mortal enemy of the lie, and the list of the River Mafia lies and bully tactics lines up like something right out of the movie *The Godfather*. For example:

As discussed during yesterday's Taxpayers meeting, EDC code and law enforcement is abysmally lacking. County staff routinely falsifies records, declares negative EIRs, and resorts to bureaucratic legal manipulations. The outcomes of public meetings are predetermined before anyone enters the room. RMAC is no exception because serial meetings are routinely held at Camp Lotus, American River Conservancy and the MGDGP.

Good governance is an oxymoron and transparency can only be described as a brick wall. Roger Trout's 3-strikes policy does not exist, therefore it cannot be enforced. He has consistently failed to lawfully respond to CPRAs concerning the RMP and specific business establishments within the Quiet Zone of the American River, thus demonstrating that mockery of the law is worse than no law at all. Retaliation by the mob is their modus operandi.

Last Monday night's chaotic RMAC meeting was held at the Coloma Grange Hall. When I entered the building RMAC business rep Adam Anderson immediately approached me in manner that can only be described as menacing. I ignored him until the point he invaded my personal space making it impossible to avoid him. Finally I turned around and questioned why he hadn't resigned as he stated and made part of the minutes of the 9/11/17 RMAC meeting. Adam replied to me with a sneer, “*Oh that was just a legal manipulation.*”

At the very beginning of the meeting it was announced that this RMP resolution would be approved at today's BOS, thus substantiating that the outcome was already predetermined. ~~Park & Rec~~ Commissioner Kris Payne, Sue Taylor and Lori Parlin were present, and although none of them live anywhere near the Coloma-Lotus river community it is significant that Kris Payne monopolized the meeting and that Sue Taylor contributed to the resolution revisions. The chaotic first hour and a half had nothing to do with the agenda item discussion. Kris Payne demonstrated apparent conflict of interests, violations of his Principle Agent Oath of Office and it certainly does not bode well that yesterday afternoon it was announced that the regular meeting of the Parks and Recreation Commission, scheduled for Thursday, February 15, 2018 has been CANCELLED.

There's no question about the political motivation behind these surreptitious activities taking place that are clearly outside of the law. In reality it is the implementation of Agenda 21.

EXHIBIT A

My purpose today is to address the atrocious discrimination, disrespect, and illicit conduct of District 3 Parks and Recreation Commissioner Kris Payne last night, as well as during the December 19th Parks & Rec Commission meeting when county counsel provided Brown Act training. Not only did Kris blatantly violate the Brown Act and my First Amendment rights, he used and abused his position as chairman to repeatedly interrupt, heckle, and harass me throughout the meeting. He has demonstrated the same flagrant conduct even during Taxpayer Association meetings.

During the first agenda item five words hadn't escaped my lips before Kris interrupted. FIVE WORDS!! He continued to interrupt and unnecessarily question me about a document that he had right in front of him. When I read the section of the Brown Act about the requirement to respond to statements or questions posed by persons exercising their public rights, Kris refused to lawfully respond to my 3 specific questions. Note U.S. v. Tweel - "*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.*"

During the second agenda item I wasn't able to finish my *first sentence* when Kris cut me off again by persisting in controlling how I framed my prepared written remarks. Despite my objections, he proceeded to talk over me the entire time, called a bathroom break, and left the room. That was the cue for the other commissioners to launch a verbal attack while I stood my legal ground.

After Kris returned to the room he again refused to recognize me or address my inquiries as required by law. Vickie Sanders and Creighton Avilla sat mutely while Kris violated my rights and conducted the meeting like a Nazi Gulag. The only other person in the audience was a member of the River Mafia Mob—Nate Rangel—who appeared very amused by the spectacle.

It is obvious that the CAO and Parks and Rec have something to hide, and are incapable of dealing openly, honestly, or in congruence with the EDC Core Values of *accountability, integrity, collaboration, and service excellence*. Creighton left the room at 5 PM, but by 5:40 the commissioners still hadn't finished item #4 primarily due to Kris being self-absorbed with his own agenda.

Before adjourning Dist. #5 Commissioner Wayne Lowery publicly acknowledged that Kris had disrespected me and the rights of the public, but you can bet the minutes will obfuscate what really transpired in the meeting that went overtime by nearly an hour. Kris tried to defend himself, but it was obvious that ALL the commissioners realized they had crossed far over the line by operating outside of the law.

Kris Payne is on power trip and totally out of control. Audio recordings, witnesses, and factual evidence validate all my claims and averments. Does any of this sound

EXHIBIT B

familiar? It should, because that's the modus operandi of the River Mafia Mob and certain members of the BOS, county counsel, and even the CAO who have aided and abetted the same unethical, fraudulent, and unlawful behavior for decades.

Kris Payne is NOT a volunteer—he is an appointee of the BOS and is bound by his Principle Agent Oath of Office. His unlawful conduct represents a problem as well as a liability to the county. When this Board has knowledge of wrong doing, but fails to take corrective action, then you become complicit and liable. Maintaining the status quo is not an option. The only solution is that Kris Payne needs to be removed from the Parks & Rec Commission in order to send a strong message that such conduct will not be tolerated.

Pursuant to the Brown Act I assert my rights to receive a public answer while I'm at a podium as to how and when the Board intends to deal with Mr. Payne's unlawful conduct.

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

- 1) This transcript
- 2) Brown Act Rights of the Public

Brian, I wish to bring to your attention that the incriminating audio of the 2/3/20 Parks & Rec Commission meeting *still has not yet been posted* to the government calendar. It will be necessary for you to listen to both the December 19th and February 3rd PRC audios in order to validate my claims and averments against Kris Payne violating the Brown Act and my First Amendment rights. It appears County Counsel has something to hide...

You should also be aware the 1/16/20 PRC was suddenly cancelled on 1/15/20 due to alleged "equipment failure." However when I asked Vickie Sanders why the meeting wasn't just moved across the street as they had done in the past, she claimed "*That wasn't how County Counsel wanted to handle it.*" A primary item on the January 16th PRC agenda addressed the issues of Conflict of Interest brought up by other concerned citizens. *That entire agenda has since disappeared and was replaced with a cancellation notice.* It's the same situation with the disappearing BOS video and altered minutes concerning Agenda 21 brought up during the December PRC meeting.

We have reason to believe the real reason the January 16th PRC meeting was suddenly cancelled was due to the issues brought up during the December meeting, as well as Kris Payne's discrimination, bully tactics, and participation in serial meetings which the Brown Act strictly prohibits, particularly as it affects the River Management Plan.

It is a fact that Lori Parlin has aligned herself with Kris Payne, the River Mafia Mob, and American River Conservancy who have black-listed and disenfranchised river residents. It is also apparent that the CAO and all Parks & Rec Commissioners have NOT been operating transparently or in accordance with EDC core values, meanwhile catering to special interest groups, violating the Brown Act and their oaths of office. "*Oh, what a tangled web they weave, when first they practice to deceive!*"

Any act by any public official either supports and defends the Constitution, or opposes and violates it. Your representative to the Parks & Rec Commission, Kris Payne, represents a liability to the county and needs to be removed without further delay. As a reminder, you agreed to respond in writing regarding the effective date of his removal prior to the target date we discussed in your office on February 6th. Please, no interference by county counsel. Is that understood by you?

Madam Clerk: Please enter this document into the public record.

EXHIBIT C