

In 2009 I founded a whistleblower organization representing El Dorado County Citizens. As such, I have always been entitled to speak for five minutes during the BOS meetings. On several occasions Sue Novasel discriminately interrupted me after only three minutes and unlawfully shut off the microphone while I exercised my First Amendment rights in compliance with the Brown Act.

54954.3

I've challenged your actions by stating for the public record, "*I'm not breaking the law--you are!*" You arrogantly replied, "**No I'm not!**" and defiantly marched out of the room with the other Supervisors. Ms. Novasel, you are not the reincarnation of King George sitting on the throne, nor do you have any authority to reinterpret the law and dictate to the Citizens of El Dorado County. It is the state and federal Constitutions that grant your authority--not any statute, rule, regulation, or ordinance which are all inferior to the Constitutions. Lest you forget, you work for "we the people."

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 oaths of office.

Simply put, any act by any public official either supports and defends the Constitution, or opposes or violates it. That's why you were required to take a Constitutional oath of office. 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.

It appears evident that the fallacious email dated February 21, 2019 was authored on your behalf by County Counsel and sent to me under your signature in retaliation for challenging your unconstitutional actions. **County Counsel has no Constitutional authority, or any other form of valid authority**, to defend public officials who commit crimes against El Dorado County Citizens. It is totally inconsistent, not to mention unlawful, for a Constitutionally-ordained office, staffed with attorneys who have sworn oaths to uphold and support the Constitutions, to **defend** a public official who is accused of violating those very same Constitutions, when that Citizen has cited, by affidavit, the Constitutional authority that has been violated and **supported by truth, facts, evidence and valid law**.

Your absurd claims and placement of your name and title on that email does NOT grant you any authority whatsoever to do anything as a public official that would violate your oaths of office. You violated all Constitutional provisions and therefore perjured

your oath, acted without Constitutional authority, committed fraud and acted recklessly and maliciously against me.

County officials who violate the rights of the people do so outside of the lawful scope of their duties and authority. If you had any intention of rebutting my constitutional positions, then you would have cited ***valid positions in the Constitution in a notarized rebuttal***, but you failed to do so. There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence which, in this case, acts as petition for redress of grievances, stating complaints, charges and claims made against them by Citizens injured by their actions. By your overt act, you denied me the Citizen remedy, thus I've been denied constitutional due process of law as set forth within the Bill of Rights.

Therefore, pursuant to the referenced lawful notification, you tacitly admit to all of the statements, charges and claims contained within my affidavit, fully binding upon you in any court without your protest, objection and that of those who represent you.

If you have any questions or comments, please make them now while I'm at the podium.

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

- This transcript
- January 31, 2019 Pre-letter to Novasel

AFFIDAVIT/DECLARATION OF TRUTH

To: Supervisor Sue Novasel District #5
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

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

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

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

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

On February 5, 2019 I sent you, Sue Novasel, via USPS certified mail, a letter which you received on February 7, 2019. That letter was sent to inform you of specific events and statements made by you, and also as an inquiry to ascertain whether you, Supervisor Sue Novasel, would support and uphold them or rebut them. Pursuant to the lawful notification contained in that letter, as I originally stated therein, you were required to respond to and rebut **with specificity** via a sworn notarized affidavit anything contained in that letter with which you disagreed within thirty (30) days of receipt thereof. You failed to respond or rebut with specificity to each of the factual claims stated therein. **(See Exhibit A)**

Ms. Novasel, it is the state and federal Constitutions that grant your official authority--not any statute, rule, regulation, or ordinance which are all inferior to the Constitutions. Lest you forget, you work for "we the people." It evidently appears that the fallacious email dated February 21, 2019 was authored on your behalf by County Counsel and sent to me under your signature in retaliation for my challenging your unconstitutional actions. County employees who violate the rights of the people do so outside of the lawful scope of their duties and authority, and such deprivation of Citizens of their Constitutionally-secured rights, if not wanton, is certainly reckless and/or malicious. Furthermore, County Counsel has no Constitutional authority, or any other form of valid authority, to defend public officials who commit crimes against El Dorado County Citizens. It is totally inconsistent, not to mention unlawful, for a Constitutionally-ordained office, staffed with attorneys who have sworn oaths to uphold and support the Constitutions, to defend a public official who is accused by a Citizen, supported by truth, facts, valid law and evidence, of violating those very same Constitutions, inherent rights secured therein, due process of law and perjuring his/her oath when that Citizen has cited, by affidavit, the Constitutional authority that has been violated. To do so would be an extraordinary conflict of interest as well as an act of sedition, insurrection, and treason. Your absurd claims and placement of your name and title on that email do not grant you any authority whatsoever to do anything as a public official that would violate your oaths of office. You violated all Constitutional provisions and therefore perjured your oath, acted without Constitutional authority, committed fraud and acted criminally, recklessly and maliciously against me. **(See Exhibit B)**

Any student of history and the law knows that the landmark Supreme Court decision, *Marbury v. Madison* states, "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*" The law of supremacy means that the *Supreme Law of this land*, the national Constitution, trumps any other lesser "laws" which conflict with it in letter and/or spirit, whether in the form of statutes, codes, administrative regulations, rules and policies, propagated by any other political/governmental jurisdiction, including El Dorado County. Simply put, any act by any public official either supports and defends the Constitution, or opposes or violates it. That's why you were required to take a Constitutional oath of office. Therefore, pursuant to the referenced lawful notification, you tacitly admit to all of the statements, charges and claims contained therein, fully binding upon you in any court without your protest, objection and that of those who represent you.

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

- 1) In 2009 I founded a whistleblower organization representing El Dorado County Citizens. As such, I have always been entitled to speak for five minutes during the BOS meetings. On several occasions you discriminately interrupted me after only three minutes and unlawfully shut off the microphone while I exercised my First Amendment rights and specifically in compliance with section §54954.3 of the Brown Act. I've challenged your actions by stating for the public record, "*I'm not breaking the law--you are!*" You replied, "*No I'm not!*" and defiantly marched out of the room with the other Supervisors. Ms. Novasel, you are not the reincarnation of King George sitting on the throne, nor do you have any authority to reinterpret the law and dictate to the Citizens of El Dorado County. If you had any intention

of rebutting my constitutional positions, then you would have cited valid positions in the Constitution(s) in a notarized rebuttal, but you failed to do so. No administrative interpretation, statute, code, regulation, rule or policy can lawfully be used to uphold unconstitutional actions committed by any public officer which subvert, deny and violate inherent rights guaranteed to the people in the Constitution(s) and perjure the oath of the public officer. Your failure to constitutionally, lawfully, truthfully and factually rebut the specific charges leveled against you based upon your egregious unconstitutional actions clearly indicate that you are a domestic enemy unlawfully holding office pursuant to, in part, the self-executing Sections 3 & 4 of the 14th Amendment and all other lawful positions previously cited.

- 2) 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.... 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)*). Your collusion and failure to **lawfully** or **publicly** respond to constituents, in this case me, or to take remedial action, aids and abets the perpetuation of El Dorado County 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; thus you violated two provisions of the First Amendment, the Public Trust and perjured your oaths of office.
- 3) All actions by public officers conducted in the performance of their official duties either support and defend the national and state Constitutions, pursuant to their Constitutional oaths of office, or oppose and violate them. One of the purposes of the oath is that it is given in exchange for the Public Trust. You have no constitutional authority, whatsoever, or any other form of valid, lawful authority, to oppose, contradict, deny and violate the very documents to which you have sworn your oath, but as indicated in my previous referenced letter and in this affidavit, this is exactly what you have done. By your own actions, pursuant to your oath, you have flagrantly violated these First Amendment guarantees, betrayed the Public Trust and perjured your oaths of office.
- 4) It is the duty of every Citizen to demand that government employees, such as you, specifically perform pursuant to the Constitutional mandates contained within their oaths and thereby uphold and protect the rights of the people, as opposed to upholding and promoting the profits of a rapacious, destructive government that perniciously violates the rights of the people as its apparent routine custom, practice and policy. *See USGC Title 18, § 2071 – Concealment, removal, or mutilation generally. See also USGC Title 18, Sections 241 and 242.* 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.

- 5) On several occasions I have publicly brought to your attention and that of other County officials evidence of retaliation, harassment, and bully tactics by the “River Mafia Mob” who surreptitiously work in collusion with county staff under your full knowledge, influence and control. When a public officer, such as you, fails to act and correct the matter reported to her, then she condones, aids, and abets criminal actions, and further, colludes and conspires to deprive me and other Citizens of their inherent rights guaranteed in the Constitutions, as a custom, practice and usual business operation of her office and the jurisdiction for which she works. 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 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.*

- 6) During the January 29, 2019 BOS Open Forum, I attempted to bring to the Board’s attention a specific problem and publicly dialog with District #4 Supervisor Parlin about it. That’s when you shut off the microphone, called a break and marched out of the room. It was not I who broke the law; it was you. By refusing to allow Supervisor Parlin to respond to my direct inquiries you violated Sections 54954.3 and 54954.2(a) of the Brown Act. By your overt act, you the oath taker denied me the Citizen remedy, thus I’ve been denied constitutional due process of law as set forth within the Bill of Rights. Additionally, your actions demonstrate lack of government transparency or Good Governance Policy. 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. *See: U.S. v. Tweel, cited above.* All American Citizens can expect, and have the Right and duty to demand, that you and other government officers 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.

- 7) When public officers take oaths, yet are ignorant of the constitutional positions to which they are bound by those 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. Their signatures upon the oath documents therefore constitute fraud. Fraud vitiates any action. Any enterprise undertaken by any public official, such as you have conducted, tends to weaken public confidence and undermines the sense of security for individual rights, and is against all public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. *“The Oath of Office is a quid pro quo contract in which clerks, officials, or officers of the government pledge to perform (Support and uphold the United States and State Constitutions) in return for substance (wages, perks, benefits). Proponents are subjected to the penalties and remedies for Breach of Contract, Conspiracy*

of Title 18 U.S.C., Sections 241, 242 **Treason** under the Constitution at Article 3, Section 3., and Intrinsic **Fraud** [*Auerbach v Samuels*, 10 Utah 2nd. 152, 349 P. 2nd. 1112,1114. *Alleghany Corp v Kirby Keeton Packing Co. v State.*, 437 S.W. 20, 28]. You failed to provide honest public services pursuant to your oaths, and in so doing, you perjured your 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.

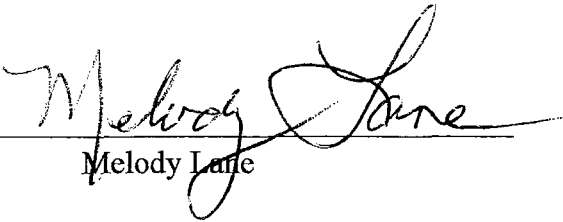
Any act passed by any legislature or any other governing body and any action committed by any public officer either supports and upholds the Constitutions, or opposes and violates them. No public officer has the constitutional authority—or any other form of valid authority—to oppose the very documents to which he has sworn or affirmed his oath. IT IS THIS SIMPLE. In my referenced previous letter sent to you and in this affidavit, I have conclusively proven that you have violated these constitutional requirements by your unconstitutional actions, as stated herein, and in the previous letter. The Constitution does not restrict or limit rights guaranteed in that Constitution nor any aspect of due process of law. However, you, pursuant to your oath, as described herein and in the referenced previous letter sent to you, have violated, restricted and denied my inherent constitutionally guaranteed rights and due process of law by your own actions as described above. Thus, you have invoked the self-executing Sections 3 and 4 of the 14th Amendment, vacated your office and forfeited all benefits thereof, including salaries and pensions. You have no lawful authority to continue in office, and those other public officers who may collude with, conspire, protect, aid and abet your actions are complicit in your criminal actions and thereby also invoke the referenced self-executing Sections 3 and 4 of the 14th Amendment. A constitutional republic, as is California, requires constitutional remedies for constitutional crimes, and you and the ruling “authorities” in this county are duty bound to provide those constitutional remedies for the unconstitutional actions committed against me by you and referenced others, as described herein.

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 all of 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 and 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 national and state Constitutions, the laws of the United States of America and this state of California. An un-rebutted affidavit stands as truth 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, Supervisor Sue Novasel, 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:  Date: 3/27/19
Melody Lane

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

(See attached California Notarization)

Attachments:

- Exhibit A – Pre-letter to Supervisor Sue Novasel Cert. USPS #7017-0660-0000-5528-1404
- Exhibit B – 2/21/19 Novasel reply to correspondence

CC: Dist. #1 Supervisor John Hidahl
Dist. # 2 Supervisor Shiva Frentzen
Dist. # 3 Supervisor Brian Veerkamp
District #4 Supervisor Lori Parlin
EDC District Attorney Vern Pierson
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 }

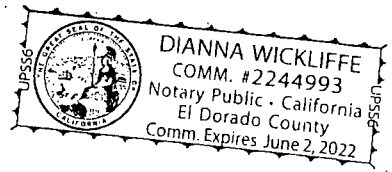
Subscribed and sworn to (or affirmed) before me on this 27 day of March 2019
Date Month Year

by Melody Lynn Lane

Name of Signers

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

Signature: [Handwritten Signature]
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

Document Date: 3/27/19

Number of Pages: 6 pages

Signer(s) Other Than Named Above: _____

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

January 31, 2019

District #5 Supervisor Sue Novasel
El Dorado County Board of Supervisors
330 Fair Lane
Placerville, CA 95667

Supervisor Novasel,

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 and/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, such as you, 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.

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

EXHIBIT A

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 and uphold the national and state Constitutions and the rights of the people secured therein and all aspects of constitutional due process.

My claims, statements and averments pertain to violations of your oaths, particularly as they pertain to the Brown Act Rights of the Public and your arrogant disdain for the people whom you profess to serve. Any enterprise, undertaken by any public official, such as you and other Board of Supervisor members, which tends to weaken public confidence and undermines the sense of security for individual rights, is against public policy.

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.

Marbury v. Madison, states "*The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.*" The Constitution and the CA Brown Act are written in language that any layman can easily understand. On numerous occasions you've received copies of the Brown Act Rights of the Public that I distributed to the Board of Supervisors. In 2016 Lori Parlin submitted the exact same document to the Board of Supervisors which I had provided to her. The law was clearly laid out before you in black and white, yet you had the audacity to state that you were not breaking the law. **(See Exhibit A)**

On two occasions you have censored me without any lawful authority to do so. The first time was during Open Forum on January 15, 2019 and then again on January 29, 2019 while I was addressing Supervisor Lori Parlin. Most recently prior to Open Forum comments you stated that individuals have three minutes to speak, whereas organizations have five minutes to speak as a group. Two individuals, Terry Keyes and Ken Greenwood, far exceeded their three minute limit, but they were not discriminated against, cut off, and censored as you did to me when I attempted to briefly address specific issues to Supervisor Parlin. You were clearly out of order and violated my rights by calling a recess when I stood my ground and refused to yield my sovereignty to your discriminatory and retaliatory temper tantrum.

I am the only authorized spokesperson for **Compass2Truth**, a whistleblower organization founded in 2009. As such I am allotted five minutes to speak, but the clock stops during dialog with the Board. The foundation of our organization was based upon the preamble of the Brown Act, thanks largely in part to the Californians Aware consultants whose area of legal expertise is the CA Brown Act. Emphasizing the rights

of the public, one such consultant literally laid down the law on the table during a 2010 RMAC meeting. **(See Exhibit B)**

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

Ms. Novasel, you don't have to like what I have to say, nor do you have the discretion to reinterpret the law to suit your prohibition of any *meaningful public dialog*. In so doing you've maintained the corrupt status quo perpetuated by previous supervisors. To be perfectly clear, I have not expressed opinions before the Board of Supervisors, rather I've presented *truth, facts, evidence and valid law* into the public record. This is information the public has a right to know. With regard to your disrespectful attitude towards the rights of the public, 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.**

Concerning your intervention when I've addressed specific questions to Lori Parlin during BOS meetings, the Ralph M. Brown Act further states:

Where a member of the public raises an issue which has not yet come before the legislative body, **the item may be briefly discussed** but no action may be taken at that meeting. The purpose of the discussion is to

permit a member of the public to raise an issue or problem with the legislative body or to permit the legislative body to provide information to the public, provide direction to its staff, or schedule the matter for a future meeting. (§ 54954.2(a).)”

Since her election Lori Parlin has been unresponsive to communications particularly concerning District #4 concerns. It was for that reason I publicly raised the issue on January 29th and requested the matter be scheduled for a future meeting. Furthermore it is a fact that CAP Don Ashton distributed an unlawful edict to the Board of Supervisors restricting my ability to communicate electronically with county staff. That document was entered into the public record on January 15th. On both occasions you violated my Right to petition my District supervisor for the purpose of redress of those grievances, and in so doing I was harmed by your 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, then, he has violated two provisions of the First Amendment, the Public Trust and perjured his oath. 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. 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 un-enumerated 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 correspondence 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. When public officers 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.

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. This key federal criminal statute makes it unlawful for anyone acting with authority to *deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States*:

“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 U.S.C. Sections 241 and 242, treason, under the Constitution at Article 3, Section 3., and intrinsic fraud...”

Any enterprise, undertaken by any public official, such as you, that tends to weaken public confidence in government and undermines the sense of security for individual rights, is against all public policy. Fraud, in its elementary common-law sense of **deceit**, is the simplest and clearest definition of that word. My claims, statements and averments also pertain to your failure to provide honest public services, pursuant to your oaths.

As stated previously, actions by a public officer either uphold the Constitutions and rights secured therein, or oppose them. By your 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 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 the Citizens of El Dorado County, 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: 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.

You can either uphold your oath and the rights and best interests of the people, or violate your oath and your duties to the people. As stated previously, anytime you perjure your oath, defy the authority of the Constitutions and step outside of the lawful scope of your limited, delegated duties and authority, **you are personally liable**. In fact, the national Constitution provides remedy for the people when public officials, such as you, perjure their oaths, which remedy, in part, can be found at the referenced Sections 3 and 4 of the 14th Amendment.

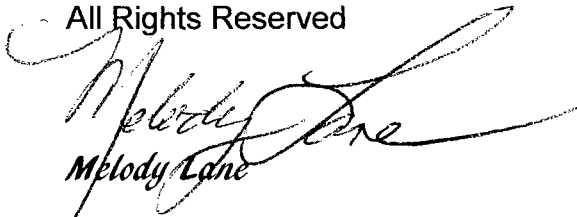
Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is no discretion on the part of public officers to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support and uphold. 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. All of the facts, claims and charges stated herein clearly demonstrate that you, pursuant to your oath, acted outside the lawful scope of your limited duties and constitutional authority; therefore, you acted on your own, as a private Citizen and renegade, outside of any governmental protection and/or immunity, whatsoever. If government were to protect and defend your unconstitutional actions, then, that government becomes complicit in those actions, condones, aids and abets them. (See Title 18, Sections 241 & 242)

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

Your failure to respond, as stipulated, is your agreement with and admission to the fact that everything in this letter is true, correct, legal, lawful, and is your irrevocable agreement attesting to this, fully binding upon you, Sue Novasel, 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 – Brown Act Rights of the Public
Exhibit B – 2009 COMPAS News Release

Cc: Dist. #1 Supervisor John Hidahl
Dist. #2 Supervisor Shiva Frentzen
Dist. # 3 Supervisor Brian Veerkamp
Dist. #4 Supervisor Lori Parlin
CAO Don Ashton
District Attorney Vern Pierson

CALIFORNIA BROWN ACT

PREAMBLE:

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

CHAPTER V.

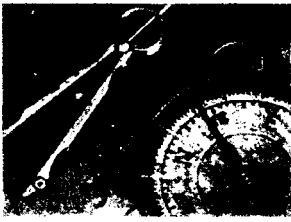
RIGHTS OF THE PUBLIC

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

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

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

EXHIBIT A



COMPAS

Citizens Organized to Monitor Protect And Serve

NEWS RELEASE

Contact • Melody Lane • 530-642-1670 • melodylane@calis.com

Coloma, CA November 12, 2009 - *COMPAS*, a new citizens association has been formed in El Dorado County to do just what the name says - *Citizens Organized to Monitor Protect and Serve*. This very compelling mandate is the cornerstone of the newly formed group which dovetails perfectly with the Preamble of the CA Brown Act:

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

COMPAS is comprised of concerned citizens, residents and dedicated volunteers. We believe that this statement and the hundreds of other legal requisites of the Ralph M. Brown Act and The Bagley-Keene Open Meeting Act pertain to the River Management Advisory Committee (RMAC), the State Department of Parks & Recreation, Marshall Gold Discovery Historic State Park, and other affiliated organizations in El Dorado County that work closely with government agencies.

The mission of *COMPAS* is to sustain the high quality of life in El Dorado County, to educate residents and visitors while providing focused direction and assuring protection from the effects of unmonitored management and a general degradation of the wonders and benefits of this historic county.

The goal of *COMPAS* is to preserve the environmental and historic heritage of El Dorado County for present and future generations. Included in this goal is the method of accountability of funds used to maintain the historic environment that makes the western slope of El Dorado County a safe and desirable area for residents and tourists alike. This objective includes citing informed suggestions for more desirable methods of operation in addition to accountability for historic artifacts, natural resources and designated funds.

Long standing controversies associated with the El Dorado County River Management Plan and the Marshall Gold Discovery Park have captured the attention of Governor Schwarzenegger and other legislators in

EXHIBIT B

Sacramento. However few citizens fully comprehend the complexity of the controlling powers or how to effectively navigate these shark infested political waters. In a CA non-profit benefits corporation the anonymity of group members is protected from intimidation or retaliation for exposing illegal operations and/or abusive manipulation by all agencies and their affiliates.

A serious crisis of public safety and fiscal accountability lurks at the “world wide renowned Marshall Gold Discovery Park.” The El Dorado County Board of Supervisors and CA State Parks Director Ruth Coleman have continually turned blind eyes & deaf ears to concerned residents calls for action. *COMPAS* is calling for **investigation and action into these violations**, for which there are both Civil Remedies and Criminal Sanctions. We pledge to get this information properly disseminated to the general public, State & National government offices, watchdog organizations and the media. Consultants view this as significant breakthrough in undetected and/or underreported accounts of dreadfully serious malfeasance at the site where the 1849 California Gold Rush had its beginning.

COMPAS now has the tools and first-hand knowledge to expose many of the problems that for years have plagued this historic American River region. They may be partially summed up as: mislaid records, missing money, lost artifacts, lack of code & law enforcement, private property encroachments, five recent arson fires, unethical business conduct, censorship and many serious public safety issues that have been swept under the rug of government bureaucracy. *COMPAS* provides the concerned citizens of El Dorado County a powerful venue to navigate conflicts and ensure that local and State government officials will no longer ignore those citizens in favor of special interest groups.

Since 1998 *COMPAS* President, Melody Lane has resided adjacent to the 500-acre Marshall Gold Discovery Historic State Park. She is Past President of the Bay Area Chapter of Executive Women International, has worked for El Dorado County Human Services as well as for the Executive Staff at Sacramento City Hall, and served as the 2001 President of the Gold Discovery Park Association. Her judicious record-keeping and deep concern for the area assures validity in forthcoming reports and materials *COMPAS* will bring forward. Additionally her wide experience involves several art organizations, an essential financial support to the area. She is currently the Public Relations/Membership Director for the International Association of Pastel Artists. Her home is ideally situated upon the historic Mt. Murphy overlooking the South Fork of the American River where the panoramic views have provided inspiration to artists of all mediums from throughout the world.

Melody is available for interviews of all kinds. **530-642-1670 • melodylane@calis.com** Photo included.

From: sue.novasel@edcgov.us [mailto:sue.novasel@edcgov.us] **On Behalf Of** The BOSFIVE
Sent: Thursday, February 21, 2019 10:15 AM
To: Melody Lane
Subject: Reply to your correspondence

Dear Ms. Lane,

I have received your correspondence dated January 31, 2019, which was sent as an attachment to your February 7, 2019 email. Although I am not obligated to respond to your accusations, I hereby reject all allegations and conclusions contained in your letter. Specifically I reject, in its entirety, your contention that I have violated any of my duties, whether constitutional or statutory. I further disagree with your contention that the Board of Supervisors' policies, procedures, and practices regarding public participation at our meetings violate either the letter or spirit of the Brown Act. In this regard, your citation to Government Code section 54954.3 is particularly appropriate. Section 54954.3(b)(1) provides that "The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker." [emphasis added]. The Board of Supervisors has adopted a 3 minute time limit for each individual speaker. This 3 minute time limit is clearly stated on each Board Agenda. Just recently, in *Ribakoff v. City of Long Beach* 27 Cal.App.5th 150 (2018), the California Court of Appeal upheld a three minute time limit on public speakers. As such, your claim of a violation of your First Amendment right based upon the enforcement of the properly established time limit on public speakers is without merit.

I reject your claim that you have the authority to require a written rebuttal to each claim, statement, and argument [contained in your letter] within 30 days. The cases you cite for that position, *Connally v. General Construction* (1926) 269 U.S. 385 and *U.S. v. Tweel* (5th Cir. 1977) 550 F.2d 297 do not provide authority for the proposition that one party can impose admissions on another by virtue of silence.

Please be advised I do not intend to respond to future correspondence of this nature. I have no duty or obligation to respond to all correspondence received, no matter how voluminous, repetitious, or baseless it is. *Minnesota State Board for Community Colleges v. Knight* (1984) 465 U.S. 271, 288. My decision not to respond to future correspondence of this nature should not be read as acquiescence or concurrence with any of your allegations or claims.

Sincerely,
Sue Novasel

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Sue Novasel, County Supervisor
District V, Lake Tahoe to Pollock Pines
County of El Dorado
530.621.6577

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EXHIBIT B