

**AFFIDAVIT/DECLARATION OF TRUTH**

Tiffany Schmid  
Director Development & Planning Services  
2850 Fairlane Court  
Placerville, CA 95667

I, Melody Lane, the undersigned, make this Affidavit/Declaration of Truth of my own free will, and I hereby affirm, declare and swear, under my oath and under the pains and penalties of perjury under the laws of the United States of America and of this state, that I am of legal age and of sound mind and hereby attest that the statements, averments and information contained in this Affidavit/Declaration are true and correct to the best of my knowledge.

This Affidavit/Declaration of Truth is lawful notification to you, Tiffany Schmid, acting as Director of Development and Planning Services, 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 Bill of Rights of the California Constitution, in particular, Article 1, Sections 1, 2, 3, 9, 10, 11, 21, 23 and Article 3, section 1, which requires your written rebuttal to me, in kind, specific to each and every point of the subject matter stated herein, within 15 days, via your own sworn and notarized affidavit, using true fact, valid law and evidence to support your rebuttal of the specific subject matter stated in this Affidavit/Declaration.

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. 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." See also: *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."

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*.

(Refer also to Marbury v. Madison - *"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law."*)

We live in the United States of America, a country where the highest of public officials are held answerable to the law, even when they find it to be inconvenient to their own personal objectives, policy or practice. It is a fact that your oath requires you to support the national and state Constitutions and the rights of the people secured therein.

Any act committed by you, Tiffany Schmid, acting as Director of Planning and Development Services, either supports and upholds the Constitutions, national, and state, or opposes, and violates them. Your oath of office requires you to support and uphold the national and state Constitutions, and therefore you are constitutionally mandated to abide by that oath in the performance of your official duties. You have no Constitutional authority, or any other form of valid, lawful authority, to oppose and violate the very documents to which you swore or affirmed your oath and under which you were delegated by the people the limited authority to conduct the duties of your office. These three above stated positions are true, factual, lawful and constitutionally ordained.

However, despite the above-stated factual, lawful positions, your unconstitutional actions, as described throughout this Affidavit/Declaration of Truth, clearly demonstrate how you, Tiffany Schmid, have violated all of the above lawful positions, the Constitutions, your oath of office, acted against the public good by violating the public trust and committing sedition and insurrection. Pursuant to your unlawful and unconstitutional actions, you have invoked the self-executing Sections 3 & 4 of the 14th Amendment to the national Constitution, thereby have lawfully vacated your office and forfeited all benefits thereof, including salary and pension.

Please note that, as stated above and below, if you fail to specifically rebut, in kind, any of the charges, claims and positions set forth in this Affidavit/Declaration, then, you tacitly admit to them, and these admissions will be lawfully used against you. The following paragraphs and others throughout this Affidavit/Declaration describe some of your unlawful, unconstitutional actions, which have harmed me:

### **CLAIMS AND AVERMENTS:**

1. You've been apprised of numerous unlawful practices within your department and jurisdiction, including falsification of records, yet you've failed to take any corrective action. For example, the transparency and accountability in the administration of the River Management Plan (RMP), and the public's right to address their grievances concerning the RMP, have been blatantly avoided literally for decades by county staff. Your predecessor, Roger Trout, was served with notice of his legal responsibility to take corrective actions pertaining to his role in government fraud. It is apparent that you

have followed in Mr. Trout's footsteps, and in so doing you are culpable, complicit and liable for aiding and abetting the perpetuation of government fraud.

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.

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, and such fraud vitiates any action. *See United States v. Throckmorton.*

2. You, Ms. Schmid, have ignored my numerous requests to respond directly to me and not through any of your staff. You are well aware that CAO Don Ashton and Sheriff D'Agostini have UNLAWFULLY blocked my ability to communicate electronically with staff under your direction and control. For example, Code Enforcement representative Todd Young can email me, but I cannot email him. My correspondence was directed to you for action, therefore it is **your responsibility** to respond rather than pass the buck to those who work under you and are in the habit of being unresponsive to constituents.

This is relevant to the matter of the update on the Villa Florentina SUP revocation process, as well as the Coloma Resort SUP and American River Resort SUP revocations. You personally failed to respond to me, as did Supervisor Lori Parlin who was tasked to ensure follow-up to the aforementioned specific concerns to our community. Your silence indicates you have something to hide, thus making you complicit in obstructing my First Amendment rights to petition government for redress of grievances and depriving me of due process of law. *See U.S. versus Tweel, [Supra.]*

3. A copy of the Joseph Prutch warning letter concerning excessive noise levels emanating from the Coloma Resort that were far and beyond the decibel levels permitted in the Quiet Zone of the S. Fork American River, as well as annual incidents of illegal fireworks, was brought to your attention for immediate action. As you are well aware, EDSO has been reluctant to respond to calls by residents about such illegal activities endangering the safety of those of us who live on the northeast side of the South Fork American River. You have also been made aware that there is **no emergency evacuation plan/route in the event of yet another Mt. Murphy arson fire**. There have already been 5 arson fires within an 8 year period that were ignited either directly on my property, or within ¼ mile of my property bordered by the Marshall

Gold Discovery Historic State Park. It is an abuse of the public trust for you to ignore these issues until disaster eventually strikes this region.

To add insult to injury, you have been apprised that the Coloma Resort has publicly libeled and slandered me and my organization, Compass2Truth, for exercising our rights to obtain public information concerning their flagrant activities in violation of the RMP and their Special Use Permits (SUP).

Mr. Prutch's warning letter indicated there may have been update(s) to the Coloma Resort's SUP #93-03; however Planning and Development staff have been reticent to respond to my previous CPRA requests for information in that regard. These matters have been discussed at length in several meetings before with CAO Don Ashton, former Planning and Development Director Roger Trout, District #4 Supervisors, and County Counsel. The purpose of our meetings were clearly delineated, but have been met with consistent stonewalling, nor has there ever been a response from any of the aforementioned public officials as required by law and pursuant to their oaths of office. Your abuse of the public trust, and failure to lawfully respond to constituents, makes it evident that you are maintaining the status quo and depriving the public their First Amendment rights to petition government for redress of grievances.

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. Transparency and accountability are EDC Core Values as stated within the Good Governance policy. Therefore, the burden falls upon your shoulders to appropriately respond in a timely and transparent manner to constituent concerns pursuant to your oaths of office:

*"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, 242. **Treason** under the Constitution at Article 3, Section 3., and intrinsic **fraud**..."*

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 [483 U.S. 372] in the statute. See *United States v. Dial*, 757 R2d 163, 168 (7<sup>th</sup> 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*.

4. My claims, statements and averments also pertain to your actions taken regarding your failure to provide honest public services, pursuant to your oaths. Despite my numerous inquiries, it is apparent you have something to hide. As previously mentioned, there has

been no response forthcoming from you or staff under your supervision and control. Depriving the public of honest services is a federal crime.

All public officers 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 discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual. You have failed your fiduciary responsibilities and duty. By your unlawful actions and abuse of the public trust, 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 (7<sup>th</sup> 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.*

5. Violations of the RMP have particular relevance to the SUP violations and other unlawful activities primarily taking place at the American River Resort, Coloma Resort, and Villa Florentina. As stated below in **Element 4 of the RMP**, Planning and Development is required to maintain all records of the RMP/SUP violations and accordingly take the necessary actions for SUP revocation. Formal petitions and other correspondence containing pages of resident signatures requesting the SUP revocation process be implemented for the aforementioned business establishments have apparently disappeared from the Planning Department files, thus you have deprived me of such records necessary for redress of grievances and due process of law. The RMP specifically states in Element 4 – Monitoring and Reporting Programs:

#### **4.3 Public Comments/Complaints**

4.3.1 Landowners, residents and river users will be provided with standardized comment/complaint forms. These forms will be distributed in annual landowner/resident informational mailings and made available at river-area kiosks. The forms will include checklists for comment/complaint type, occurrence date and time, location and descriptions of follow-up actions(s).

4.3.2 The County Department of General Services will continue to operate a telephone line and voicemail system dedicated to receiving comments and complaints related to river management issues. Reported traffic and trespass issues will be forwarded to the **Sheriff's Department for action.**

**4.3.3 Public comments/complaints will be distributed by the County Department of General Services to the County Planning Department (Planning Department) and Sheriff's Department.** This information also will be tabulated in the County Parks data base, spatially recorded in the County GIS, and reported in the post-season report.

**4.8 Noise Monitoring** – The County will develop and implement a system for conducting noise monitoring and reporting for noise sensitive areas near project area campgrounds and at other sensitive locations along the river, **with focus on areas within the Quiet Zone.**

**4.8.1 Observed or reported violations of Quiet Zone regulations or County noise standards will be reported to the County Code Enforcement Officer or the Sheriff's Department, as appropriate, within 2 working days of the occurrence.**

**4.8.2 More than two noise exceedance citations per year issued to SUP holders may result in a formal hearing considering the noise exceedances and the possible imposition of fines and other disciplinary measures on violators.**

**4.8.3 More than two noise exceedance citations in two consecutive years may result in a formal recommendation for limitation or revocation of an SUP to the County Code Enforcement Officer and Planning Director.**

It is evident that Case File reports and Citizen Arrest forms have never been forwarded by the Sheriff's Department to you for action as required in the RMP Element 4.3.2 and 4.8.3 as stipulated above. Despite a history of numerous meetings with staff, requests for investigation, coordination of services, and appropriate follow up, you have remained unresponsive to these concerns and violations of public policy. This highly suggests your collusion with other county staff to deprive Citizens, in the instant case me, of honest public services and First Amendment rights to due process of law. See *USGC Title 18, Sections 241 & 242.*

6. 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 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. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves and owes a fiduciary duty to the public. The fiduciary responsibilities of a public officer cannot be less than those of a private individual.

Issues relevant to the topics of public safety and retaliation against Citizens that I have addressed to you have been ignored, particularly as it pertains to the River Management Plan, and the lack of code and law enforcement. Public Record Act requests for information pertinent to the River Management Plan are routinely ignored, are late, or are insufficiently responded to as required by law.

On numerous occasions you have failed to respond appropriately to correspondence regarding the aforementioned issues and/or failed to lawfully provide public information. Not only are your actions, or lack thereof, discriminatory and in violation of public policy, they constitute fraud and dereliction of your fiduciary obligations to Citizens whose taxes pay your salary. You, Ms. Schmid, have failed your fiduciary responsibilities and duty, and in so doing, have deprived the rights of the People, in the instant case me, and thus violated your oaths of office. . *Refer to California Public Records Act (Government Code Section 6250 et seq.).*

7. If the aforementioned public officials 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.*

Additionally, when you, Tiffany Schmid, have knowledge of wrong doing, but fail to take remedial action against employees under your jurisdiction, namely those in Planning and Code Enforcement, then you become complicit and liable for aiding and abetting their unconstitutional actions against me. On numerous occasions you have been provided notice that staff within your department violated First Amendment guarantees, betrayed the Public Trust, and perjured their oaths of office. Thus you, Tiffany Schmid, as an individual, can also be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights by your failure to take remedial action, to wit:

*"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). [Emphasis added]*

*See also: TANZIN v. TANVIR (a) Stewart v. Dutra Constr. Co., 543 U. S. 481, 487 (2005). The phrase "persons acting under color of law" draws on one of the most well-known civil rights statutes: 42 U. S. C. §1983. That statute applies to "person[s] **under color of any statute,**" and this Court has long interpreted it to permit suits against officials in their individual capacities. See, e.g., Memphis Community School Dist. v. Stachura, 477 U. S. 299, 305–306, and n. 8 (1986). In*

*1871 Congress passed the precursor to §1983, imposing liability on any person who, under color of state law, deprived another of a constitutional right. 17 Stat. 13; see also Myers v. Anderson, 238 U. S. 368, 379, 383 (1915); See: Procunier v. Navarette, 434 U. S. 555, 561–562 (1978); Siegert v. Gilley, 500 U. S. 226, 231 (1991) [Emphasis added]*

8. Whenever constitutional violations are committed by public servants, such as you, there are constitutional remedies available to the people. Such remedies make those who violate their oaths, such as you have done, accountable and liable for their unconstitutional actions conducted in perjury of their oaths. When public servants, such as you, take oaths, yet are ignorant of the constitutional positions and mandates to which they are bound by their oaths, and then fail to abide by them in the performance of their official duties, this suggests that they may have had no intention of ever honoring their oaths, and their signatures upon the oath documents constitute fraud.

By your own actions and the actions of other public officers, it is clear that you have violated all of these requirements in letter and spirit, thus, you have violated the law, the rights of the people, and have perpetrated ongoing government fraud as your usual custom, practice and policy in accordance with that of the other aforementioned public officials. *See USGC Title 18 Sections 241 and 242. [Supra]*

9. 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 his 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.

There is no legitimate argument to support the claim that oath takers, such as you, are not required to respond to correspondence 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 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.**

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 including your supervisors and anyone having oversight responsibility for you, and 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:

10. Pursuant to the constitutional mandates imposed upon them, by and through their oaths, there is **no discretion** on the part of public officers, such as you, to oppose the Constitutions and their oaths thereto, nor to be selective about which, if any, mandates and protections in the Constitutions they support. 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 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.

11. Anytime public officers, pursuant to their oaths, violate Rights guaranteed to Citizens in the Constitutions, they act outside their limited delegated authority, thus, perjure their oaths, as you did on several occasions, which are now a matter of public record. By your actions and in some cases, inaction, it is clear that you have violated on numerous occasions each and every one of the above provisions and in so doing, deprived me of my rights secured in the First Amendment, violated due process of law, defied the Constitutions, and perjured your oaths.

As herein described, by your actions you perjured your oaths, and your unlawful actions render you a renegade, with no protection or “immunity” of your office, thus you, as an individual, will be held personally accountable and liable for any and all harm you have inflicted upon me and my inherent, constitutionally secured rights. You acted in sedition and insurrection against the Constitutions, both national and state, and in treason against the People, in the instant case, me. By violating and perjuring your sworn oaths, you vacated your office, thereby you invoked the self-executing Sections 3 & 4 of the 14<sup>th</sup> Amendment, and forfeit all benefits thereof, including salaries and pensions,. See: U.S. v. Guest, Ga. 1966, 86 S.Ct. 1170, 383 U.S. 745, 16 L.Ed 239.

Lawful notification has been provided to you stating that if you, Tiffany Schmid, do not rebut the statements, charges and averments made in this Affidavit/Declaration, then, you tacitly 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 to me that with which you disagree, with particularity, within fifteen (15) days of receipt thereof, by means of **your own**

**written, notarized affidavit of truth, based on specific, true, 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 tacit agreement with and admission to the fact that everything in this Affidavit/Declaration of Truth is true, correct, legal, lawful, and is your irrevocable admission attesting to this, fully binding upon you in any court of law in America, without your protest, objection and that of those who represent you.

Affiant further sayeth naught.

All rights reserved,

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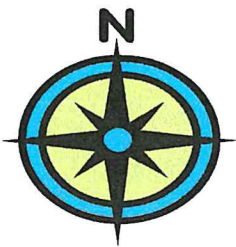
Melody Lane, Affiant/Declarant  
Founder, Compass2Truth  
P.O. Box 598  
Coloma, CA 95613

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Date

**(See attached California Notarization)**

CC: Dist. #1 Supervisor John Hidahl  
Dist. #2 Supervisor George Turnboo  
Dist. # 3 Wendy Thomas  
Dist. #4 Supervisor Lori Parlin  
Dist. # 5 Supervisor Sue Novasel  
CAO Don Ashton  
HR Director, Joseph Carruesco  
District Attorney Vern Pierson  
Media and other interested parties



# Compass2Truth

*Citizens for Constitutional Liberty*

P.O. Box 598  
Coloma, CA 95613

July 27, 2021

To: Supervisors Districts #1, #2, #3, #4 & #5  
EDC Clerk to the Board  
CAO Don Ashton  
Planning/Code Enforcement Director Tiffany Schmid

PRA03410-072821

## CA PUBLIC RECORDS ACT REQUEST

On 7/8/21 I submitted a PRA that was due 7/21 but I have not yet received a response as required by law regarding the excessive noise issues pertaining to Supervisor Lori Parlin's noise battle with Kniesel's Auto Body adjacent to her home in Shingle Springs: **While you are at it, I'd also like to know if Code Enforcement made the same demands of Supervisor Lori Parlin to enlist the services of an acoustical consultant to substantiate the noise emanating from Kniesel's Auto Body, and whether or not the nuisance noise issue was resolved with or without a consultant.** FYI, it is my understanding that Code Enforcement retaliated against Lori and Sam Parlin by sending them a notice to bring one of their outbuildings into compliance with county ordinances.

Therefore, pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I again ask to obtain the following documents via email:

1. All correspondence between county officials and Lori and Sam Parlin pertaining to the above Kniesel's Auto Body noise violations, harassment, and retaliation for the period between **January 1, 2017 through the present date of this PRA.**
2. Documentation indicating whether this specific noise issue was resolved with or without the expense of the Parlin's hiring an acoustical consultant. If it has not yet been resolved, please so state immediately.
3. All policies, resolutions, and ordinances with reference to the county's newest requirement for citizens to obtain an "acoustical noise consultant" to mitigate excessive noise issues and other SUP violations.

**The agency must justify the withholding of any record** by demonstrating that the record is exempt or that the public interest in confidentiality outweighs the public interest in disclosure. (§6255) **If you determine that some but not all of the information is exempt from disclosure and that you intend to withhold it, I ask that you provide a signed notification citing the specific legal authorities on whom you rely.**

To avoid unnecessary delays or costs of duplication, electronic copies are acceptable and may be emailed directly to [melody.lane@reagan.com](mailto:melody.lane@reagan.com) in pdf format. **Access is always free.** Fees for "inspection" or "processing" are prohibited. (§ 6253)

It is further requested that your determination be made within **10 days, or sooner**, as stipulated within the California Public Records Act, Government Code 6253(c). **\*Note these time periods may not be used solely to delay access to the records. (§ 6253(d)) The law makes no provision for extensions due to Covid-19.**

Please do not hesitate to contact me immediately if you have any questions.

Sincerely,

*Melody Lane*

**Founder – Compass2Truth**

**From:** Melody Lane [mailto:melody.lane@reagan.com]  
**Sent:** Thursday, September 30, 2021 3:41 PM  
**To:** edc.cob@edcgov.us; david.livingston@edcgov.us; Sheriff DAgostini  
**Cc:** 'Donald Ashton'; lori.parlin@edcgov.us; Tiffany Schmid (Tiffany.Schmid@edcgov.us)  
**Subject:** Public Record Act Request submitted 9/28 for Case File #217744

PRA 003589-  
092721

Below are three emails substantiating a PRA I submitted on Tuesday, September 28<sup>th</sup> concerning to an exceptionally loud amplified event at the American River Resort this past weekend. I requested immediate access to Case File #217744, **as required by law**, from EDSO Sr. Tech Angela Sterling, but she flatly denied me access without explanation other than "PRAs are processed in the order they are received", thus Ms. Sterling deprived me of due process.

Since Ms. Schmid and Supervisor Parlin have been unresponsive to my correspondence, the leads me to believe that Mr. Ashton may have further ordered Tonya Digiorno to block my emails to all EDC personnel, including the Supervisors. If perchance my correspondence is being filtered through Counsel, then that is a conflict of interest, not to mention a federal crime.

Please note:

**Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. **An agency may not adopt rules that limit the hours records are open for viewing and inspection.** (§ 6253(d); 6253.4(b))

**The agency must provide assistance** by helping to identify records and information relevant to the request and suggesting ways to **overcome any practical basis for denying access.** (§ 6253.1)

So please quit with the stonewalling and ensure this PRA request for Case File #217744 is promptly emailed to me as requested on Tuesday 9/28. If you have any questions, please contact me immediately.

Regards,

*Melody Lane*

**Founder – Compass2Truth**

*"It will be of little avail to the people that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man who knows what the law is today can guess what it will be tomorrow." James Madison, Federalist No. 62, 1788*

###

**From:** Melody Lane [mailto:melody.lane@reagan.com]  
**Sent:** Wednesday, September 29, 2021 6:15 PM  
**To:** david.livingston@edcgov.us  
**Cc:** Paula Frantz; 'Donald Ashton'; lori.parlin@edcgov.us; Sheriff DAgostini; Tiffany Schmid (Tiffany.Schmid@edcgov.us); Karl Weiland  
**Subject:** FW: Public Records Request :: P003589-092721 = STILL NOT COMPLIANT TO REQUEST

Mr. Livingston,

You need to have a talk with Sheriff D'Agostini about his obligation to abide by FOIA/CPRA laws. He seems to be under the mistaken impression that he is above the law, or that he can adopt his own rules. **Tiffany**

Schmid also appears to need some coaching in this regard as Planning and Development Services is required to keep all records pertaining to the ARR SUP on file for immediate public inspection. Therefore it should not be necessary to divert this PRA to the Assessor's Office.

Supervisor Lori Parlin has participated with us in numerous meetings with County Counsel and the CAO about this issue. Attached are just a couple sample agendas. In fact, while waiting for the BOS to reconvene yesterday Paula Franz and I had an interesting conversation relative to our last meeting and the Mt. Murphy fires. FYI, this was also a subject covered in our meeting with Assemblyman Bigelow, who I'm sure you are aware, betrayed our trust.

Please ensure the public records I requested are provided ASAP in order that the SUP revocation process can be scheduled with the Planning Commission for the American River Resort and the Coloma Resort.

Regards,

**Melody Lane**  
**Founder – Compass2Truth**

###

**From:** Melody Lane [<mailto:melody.lane@reagan.com>]

**Sent:** Tuesday, September 28, 2021 6:08 PM

**To:** [lori.parlin@edcgov.us](mailto:lori.parlin@edcgov.us); [david.livingston@edcgov.us](mailto:david.livingston@edcgov.us); [andrew.nevis@waterboards.ca.gov](mailto:andrew.nevis@waterboards.ca.gov)

**Cc:** Sheriff D'Agostini; [john.hidahl@edcgov.us](mailto:john.hidahl@edcgov.us); [sue.novasel@edcgov.us](mailto:sue.novasel@edcgov.us); [george.turnboo@edcgov.us](mailto:george.turnboo@edcgov.us); [wendy.thomas@edcgov.us](mailto:wendy.thomas@edcgov.us); 'Donald Ashton'; Vern R Pierson; 'Donald Ashton'; [joseph.carruesco@edcgov.us](mailto:joseph.carruesco@edcgov.us); [eileen.sobeck@waterboards.ca.gov](mailto:eileen.sobeck@waterboards.ca.gov); [ana.melendez@waterboards.ca.gov](mailto:ana.melendez@waterboards.ca.gov); [bosfive@edcgov.us](mailto:bosfive@edcgov.us); bosfour; [bosone@edcgov.us](mailto:bosone@edcgov.us); [bosthree@edcgov.us](mailto:bosthree@edcgov.us); [bostwo@edcgov.us](mailto:bostwo@edcgov.us)

**Subject:** 9/28/21 BOS Open Forum public comments

EDC Supervisors, et al,

The attached Affidavit addressed to Planning and Development Director Tiffany Schmid was entered into the public record during today's BOS Open Forum. This email serves as notification that since you have knowledge of wrong doing, but failed to take remedial action, then you are complicit and liable for aiding and abetting Ms. Schmid's unlawful, unconstitutional actions, which have harmed me. HR Director Joseph Carrusco is also expected to retain a copy of this affidavit in Ms. Schmid's personnel file as required by law.

For the record, after the BOS I went to EDSO to personally deliver Sheriff D'Agostini his copy of the attached affidavit addressed to Ms. Schmid. I also requested to inspect a copy of Case File Report #217744 relevant to the American River Resort incident this weekend. As anticipated, Angela Sterling refused me immediate access to the report as required by law:

**Access is immediate** and allowed at all times during business hours. (§ 6253(a)). Staff need not disrupt operations to allow immediate access, but a decision on whether to grant access must be prompt. **An agency may not adopt rules that limit the hours records are open for viewing and inspection.** (§ 6253(d); 6253.4(b))

As you are aware, Ms. Sterling, and other EDSO staff, have similarly been served with Affidavits for obstructing my right to immediately access public records. In the past it only took a matter of minutes for staff to prepare me a copy of a report while I waited in the lobby. Angela suggested I come back later in the week, but when I explained that it took me 45 minutes just to get to the BOS this morning due to the closure of the Mt. Murphy Bridge, she reluctantly agreed to email it to me later. It is apparent staff are following the Sheriff's orders to stonewall and deprive me of public records necessary to initiate the SUP revocations of the Coloma

Resort and the American River Resort via the Planning Commission. The Sheriff has no authority pick and choose which laws he will enforce. Pursuant to his Constitutional Oaths of Office, his responsibility is to serve and protect the rights of the People.

As I mentioned this morning during Consent Item #12, the legal implications will prove to be problematic, especially for Supervisor Lori Parlin and her District #4 appointee to the Planning Commission, Andy Nevis, who clearly cannot be trusted to act with integrity and without bias.

Lastly, I want to reiterate that Don Ashton's email to me last night concerning the Mt. Murphy Bridge and the associated public safety issues was inappropriate. Don is not the mouthpiece for Lori Parlin or DOT Director Rafael Martinez, and he has no authority to speak on behalf of any public official, particularly matters involving legal liability.

**Melody Lane**  
**Founder – Compass2Truth**

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**From:** Melody Lane [mailto:melody.lane@reagan.com]

**Sent:** Sunday, September 26, 2021 2:42 PM

**To:** Tiffany Schmid; lori.@edcgov.us

**Cc:** edc.cob@edcgov.us; Shelley Wiley; Sheriff DAgostini; 'Donald Ashton'; bosfive@edcgov.us; bosfour; bosone@edcgov.us; bosthree@edcgov.us; bostwo@edcgov.us

**Subject:** 9/25/21 American River Resort excessively loud and obnoxious event - SUP revocation process - CPRA Request for information

Tiffany Schmid and Supervisor Parlin,

The purpose of this correspondence is twofold:

- 1) To document another Disturbance of the Peace incident at the American River Resort last night for follow up by Planning and Development Services, and
- 2) Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain the following documents **via email within 10 days or sooner**:
  - a) Signed and dated Special Use Permit (SUP) by the current owner of the American River Resort.
  - b) All Temporary Use Permits (TUP) issued to the American River Resort from January 2018 – through the date of this request. Please ensure they are complete, signed, dated, and **clearly identifying** the requesting party and authorizing agent/agencies. If there are no such documents, please so state immediately. If you have any questions about this request, please contact me immediately.

**9/25/21:**

Yesterday there was another exceptionally loud and obnoxious amplified music event emanating from the American River Resort in the Quiet Zone of the SFAR. The reggae and rap NOISE intruded into the homes of residents as far as **2 miles away in Lotus, Placerville and Garden Valley**. The event started around 2 PM, calmed down for a little while; then ramped up again around 7 PM to unreasonable levels and didn't abate until 10 PM. On hot evenings such as we've been experiencing, residents cannot open their doors and windows to catch a breeze without the noise drowning out the television in our own homes. This remark from a retired police officer residing on Little Road at the juncture of Lotus and Hwy 49 speaks volumes: "*We heard the lousy music... pukes! This place is going to hell.*"

**At approximately 8:30 PM** I called Dispatch to report a disturbance of the peace, and twice I was cut off in mid-sentence and put on hold by the female dispatcher before I could complete my first sentence. Several minutes later a male Dispatcher came on the line where he was able to clearly hear the amplified noise from within my

living room. Although I requested the responding officer provide me with a case file number to provide Planning and Development for follow up as per Element 4.3 of the River Management Plan, the dispatcher informed me that this was “not a priority”, therefore it would be up to the deputy to determine whether or not he wanted to provide a case file number. The dispatcher also wanted to know if I’d called Planning and Development. I explained that since it was late at night on a weekend there was nobody available at the county to receive my call. Furthermore, per Element 4.3 of the RMP protocols, it is the responsibility of EDSO to respond, and then report the incident to Planning/Development for follow up and scheduling by the Planning Commission for SUP revocation.

**At 9:55 PM** I again called Dispatch to check on the status of my call. The same male dispatcher informed me that deputies were tending to other priorities, so I repeated my request for the responding deputy to call me within a reasonable hour.

**At 12:07 AM** Deputy Birch responded, and after I briefly explained the nature of my call, he became evasive and wanted to know if I could still hear the music. I informed him the **noise** stopped around 10 PM. Since he was “not present” to witness what he claimed was a “misdemeanor”, Deputy Birch was reluctant to provide me with a case file number. I politely interjected that it was not necessary for him to be present, and briefly read excerpts from **Element 4.3 of the RMP** that clearly delineated the reporting responsibilities of EDSO to coordinate with Planning/Development and Code Enforcement with respect to resident complaints within the Quiet Zone on the S. Fork American River. I explained that for more than two decades both the American River Resort and the Coloma Resort have a notorious reputation for blatantly violating their SUPs, and then **retaliating** against residents who have exercised their rights to live **in peace and safety**. When I asked whether a Temporary Use Permit approving the event at the ARR had been issued, Birch replied that he “did not know” and he would have to check with the owner. Clearly he had no intention of doing so.

I further explained that EDSO has a history of reluctance to respond to citizen noise complaints within the Quiet Zone of the SFAR. Therefore I have jeopardized my personal safety by going down to the American River Resort **after midnight** to mitigate an unreasonably loud disturbance when I was assaulted by an individual under the influence of drugs and alcohol. Thankfully a patron came to my rescue who was equally disturbed by the noise. We later learned there was no campground manager on the premises. **That incident was one of many that could easily have turned into a 911 emergency.** However since the Mt. Murphy Bridge was closed to all foot and vehicular traffic due to an accident that occurred at approximately 3 AM Saturday morning, I could not easily drive to the ARR to mitigate the unreasonably obnoxious event without navigating a circuitous 8-9 mile detour up Mt. Murphy, through Garden Valley, down Marshall Grade, and through the Marshall Gold Discovery Park to the ARR less than ½ mile from my home. Essentially residents on the northeast side of the bridge are landlocked until the structural damage can be inspected and repaired sometime next week. Meanwhile neighbors are concerned about the public safety impacts of the closed bridge in the event of another wildfire or emergency as there is **NO EVACUATION PLAN OR ROUTE.**

I again repeated my request for Deputy Birch to issue a case file number, and that a copy of his report to be forwarded to Planning & Development Director Tiffany Schmid for follow up as per Element 4.3 of the RMP protocols. Birch wanted to give me a Call For Service (CFS) number, but I explained that was unacceptable as there was no documentation attached to a CFS#. Birch then argued that this was “just a status courtesy call” and it was “not attached” to my call this evening. (I had no idea what he meant by that.) I politely repeated that all I needed was a **case file number and a brief report documenting the event to be forwarded to Tiffany Schmid.** That’s when Deputy Birch claimed to have a another call that he had to get to in El Dorado Hills. After I calmly asked if he was depriving me of my rights, he replied “No” and abruptly hung up on me.

A few minutes later I redialed Dispatch and requested that a message be conveyed to Deputy Birch that I expected his call back this evening providing me with a Case File number documenting the Disturbance of the Peace at the American River Resort to be forwarded to Planning/Development for follow up.



At 12:35 AM Deputy Birch returned my call, and with an adjusted attitude, he provided **Case File #217744** **assuring me a copy of his report would be forwarded to Tiffany Schmid for follow up.**

All of the aforementioned conversations with Dispatch and Deputy Birch were audio recorded. The unreasonable noise levels emanating from the ARR can clearly be heard throughout my recorded conversations with Dispatch.

**Supervisor Parlin:** Since Ms. Schmid has demonstrated a reluctance to respond appropriately to CPRAs and provide public services pursuant to her oaths of office, the responsibility falls upon you to ensure follow up. That means scheduling hearings before the **Planning Commission** for revocation of the **American River Resort** and the **Coloma Resort SUPs** as previously requested . More than sufficient evidence has been provided to Ms. Schmid to substantiate both revocations as per the RMP and Planning Services protocols, but so far there has been no response from either you or Ms. Schmid.

I look forward to the courtesy of your prompt response.

Sincerely,

**Melody Lane**  
**Founder – Compass2Truth**