

On May 17, 2017, pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I verbally requested of EDSO Records Supervisor, Serena Wilke, to obtain access to view Case File #17-4049. As required by law, it has been the past practice to provide this public information immediately.

However, by May 19th I had not received a reply; therefore I called Serena at 10:50 AM and again requested access to view the Case File #17-4049. At 12:20 PM I received a phone message from Serena indicating that it would take 15 days to process my CPRA, and a letter would be sent indicating this unlawful change in procedure. I have not yet received such notification. The CA Guide to Public states in part:

- **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))
- **An agency has 10 days to decide if copies will be provided.** (§6253(c)) These time periods may not be used solely to delay access to the records. (§ 6253(d))
- **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)
- Public records are open to inspection at **all times** during the office hours of the agency and **every person has a right to inspect any public record**, except as provided, [and to receive] an exact copy [of] an identifiable record" unless impracticable. (§ 6253). To ensure maximum access, they are read narrowly. The agency always bears the burden of justifying nondisclosure, and "any reasonably segregable portion shall be provided after deletion of the portions which are exempt." (§ 6253(a))

EDSO staff is a reflection of Sheriff D’Agostini’s leadership. The Sheriff, and his staff, is not above the law. Serena’s delay in providing this information is a violation of her Constitutional Oath of Office. **Therefore I also request to view a copy of Serena Wilke’s Constitutional Oath of Office.** That determination must be made within **10 days** from the initial date of the request, **May 17th**, as stipulated within the California Public Records Act, Government Code 6253(c).

Additionally I would like to remind this Board of your own Oaths of Office and ethical requirements of AB1234. Any act by any public official that does not support and defend the constitution, opposes and violates it. Last week Shiva discriminated against me, shut off the microphone, and you all exited the room without lawful justification. As read to you by other

members of the public, viewpoint discrimination and maintenance of the status quo violates your Constitutional Oaths of Office. Your unlawful practices must end.

I would like to end with the wise words of Plutarch, "*He who cheats on an oath acknowledges that he is afraid of his enemy, and he thinks little of God.*"

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

1. This transcript
2. Brown Act Preamble
3. 5/17/17 EDSO CPRA



Compass2Truth

Citizens Serving God in Truth and Liberty

P.O. Box 598
Coloma, CA 95613
melody.lane@reagan.com

May 17, 2017

To: Sheriff John D'Agostini
El Dorado County Board of Supervisors, Dist. #1, 2, 3, 4 & 5
EDC Clerk to the Board
CAO Don Ashton

CA PUBLIC RECORDS ACT REQUEST

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- **An agency has 10 days to decide if copies will be provided.** In "unusual" cases (request is "voluminous," seeks records held off-site, OR requires consultation with other agencies), the agency may upon written notice to the requestors give itself an additional 14 days to respond. (§6253(c)) **These time periods may not be used solely to delay access to the records.** (§ 6253(d))
- **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)
- **Public records are open to inspection at all times during the office hours of the agency and every person has a right to inspect any public record, except as provided, [and to receive] an exact copy [of] an identifiable record" unless impracticable.** (§ 6253). To ensure maximum access, they are read narrowly. The agency always bears the burden of justifying nondisclosure, and "any reasonably segregable portion shall be provided after deletion of the portions which are exempt." (§ 6253(a))

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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 costs of duplication, electronic copies are acceptable and may be emailed directly to melody.lane@reagan.com. It is requested that your determination be made within **10 days** from the initial date of the request, May 17th, as stipulated within the California Public Records Act, **Government Code 6253(c)**.

Thank you for your compliance and timely response.

Sincerely,



Melody Lane
Founder – Compass2Truth

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).)