

BADGER FLATS GAZETTE

Vol. 2 No. 2, Mar 16th, 2008/Apr 2008 (Courtesy Copy)

Contact: geneforte@badgerflats.com Phone: (209) 829-1116**"THE BALL GAME"**

"TAKE ME OUT TO THE BALL GAME"



Fortunately, Jack Norworth wrote the lyrics in 1908 well before the infamous "fixed" 1919 World Series between the Chicago White Sox and the Cincinnati Reds.

If not, the lyrics could have been something like:

*"Take me out to the ball game
Take me out to the mob
Buy me some players and make some jack
I don't care cause I'm never a sap,*

*'And I'll root, root, root
For the home team.
I won't let on that it's fixed!*

*For it's two, four, eight men,
You're out at the old ball game!"*

Okay, so I'm no Norworth but you get the idea. It is known as The Black Sox Scandal. Particulars as to the how's, why's, and who's are left for historical debate.



But, an undisputed fact concerning the fate of shortstop/third baseman George Daniel "Buck" Weaver should be heeded by uncivil civil servants.

Weaver batted .324 with 11 hits and had no errors during the series. Still, he was banned from baseball for life for having knowledge of the "fix" and failing to tell officials.

Keep that in mind as The Badger takes you out to the fixed game of civil servants letting each other off the accountability hook to the detriment of us citizens.

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Hostetler

**RANCHWOOD HOMES' HOSTETLER
UNDISCLOSED LOANS TO MAYOR
WELL, IT'S ONE..., TWO..., THREE LOANS
YOU'RE OUT
At the old ball game!**

By Gene Forte



Jones



Overview: The other day, a Badger pup sent me an email with the following title:

"Re: Wow.....
Guess who's hands are in Greg Hostetler's pockets now? Greg is famous for smooching, wining, and dining. And this must really feel good to the 'Mayor.' GEEZZZZ!"



The Badger's fur bristled like he had been plugged into a light socket!

Attached to the email was a Los Banos Enterprise article of March 4th, 2008, by Corey Pride that had the by-line:

"Annexation necessity is questioned, County supervisor wants no homes built, mayor still wants protection."
(See def. of Annexation, page 3)

I do not like green eggs and ham as much as I dislike reading The Enterprise. Being the stout little Badger that I am, I am, I sucked it up and read the article. Then I said to myself, "Huh?"

I hadn't been following the quest of Greg Hostetler of Ranchwood Homes to have Los Banos civil servants annex more farm land to build houses.

I read the article once more. Again, I said to myself, "Huh?"

(THREE LOANS, see page 3)



By Gene Forte

Badger pups are in for a very special treat at "The Old Ball Game." I suggest newcomers hunt down a copy of other Badgers to get the full waft of uncivil civil servants weenie dogs starting to sizzle.



At *The Old Ball Game*, you will find a little bit of this and a little bit of that. An overall theme is looking to the fate of Buck Weaver of the 1919 White Sox who

was banned for life from baseball for knowing about the fix but not reporting it.

One...Two...Three Loans You're Out was inspired by a pitch zinging by the Badger from a local reader. It brought

attention to Mayor Jones and his staunch support of the annexation of property for the benefit of Greg Hostetler's Ranchwood Homes. Documents filed with the Fair Political Practices Commission reveal some strikes by Jones in not disclosing an outstanding loan from Hostetler.

I have no position on the annexation issue as yet. But, I do have a strong position about undisclosed loans to Jones and city council members' knowledge of them. If citizens cannot depend upon city council members reporting *upon foul play by their mayor*, then how can citizens trust them not to be *involved in foul play* with the Mayor. It might be time to give all of the players their release papers.

Without a doubt, Jones should be demanded to turn in his uniform immediately.

A Gorilla Speaks brings readers up to speed about the response from Chevron concerning the MTBe contamination to California Dairies Inc./Los Banos Foods. It provides proof it is easier to get a Gorilla to

speak than a civil servant. The Gorilla was advised not to be putting words in the Badger's mouth.

The Man from Badger Flats gives insight into why I do what I do. Read it first before "*We Find Ourselves Innocent*" that tells, by showing, how civil servants dismiss claims against themselves.

Another civil servant is on the run for trying to *prohibit* the Badger from being distributed at Merced County Buildings. (See email below.)

For the record, The Badger wants to thank the many good civil servants that provide important and vital services to citizens and appreciates their hard work and dedication. Not all civil servants throw spit balls, just an awful lot of them.

The Badger is designed to be read many times over, shared, and discussed with family and friends. Now, **P-L-A-Y B-A-L-L!** **THE END**

Subject: Badger Flats Gazette
From: geneforte@badgerflats.com
Date: Fri, Feb 29, 2008 9:27 am
To: Leon Teague <steague@co.merced.ca.us>

February 29th, 2008

Mr. Teague:

I write this letter per the directions of a member of your staff to seek a complete answer from you as to why she, according to your instructions, refused to accept courtesy copies of my newspaper The Badger Flats Gazette on February 27th, 2008 at a Merced County Building.

For the past year I dropped off courtesy copies at each department in the county building. They have never been refused.

Last week I had dropped off Badgers to the same person who refused them in your department this week.

It was disappointing and revealing that when I first told her, "Here are a few courtesy copies of a magazine" she smiled and said thank you. Then upon her seeing it was the Badger she then said, "Oh, I am told we can't accept these".

In other words, she had no problem in accepting a courtesy copy of other publications for the staff but she specifically could not accept The Badger Flats Gazette.

With that said, it appears that you and your department are attempting to censor and prohibit the distribution of The Badger Flats Gazette.

I request that you provide to me immediately a copy of whatever rules/regulations you are operating that you feel permit you to prohibit/censor the distribution of The Badger Flats Gazette newspaper in a Merced County Building.

I also request that if you seek input on this matter from Mr. James Fincher/The Merced County Counsel's Office you inform me of such.

Please respond in writing to my email address within the next five business days meaning no later than March 6th, 2008.

Thank you.

Gene Forte
The Badger Flats Gazette

Email to the Assistant Director of Administrative Services, Support Services of Merced County, Mr. Leon Teague. No response has been received as of March 16th, 2008.



(THREE LOANS, from page 1)

After reading it a couple more times with the same puzzlement, I

wondered, had I been whacked with a shovel?



Was it possible I just wasn't getting what anyone was saying?

I gritted my teeth when Mayor Jones said,

“Let me make this exactly clear. The only

way we guarantee that any developer pay the fees and build to the standards we want, that land must be annexed inside the city.”

The Enterprise reported that Supervisor Jerry O'Banion, when asked if the county would vote to let annexation take place if the city didn't, responded,

“I don't see it occurring mainly because you don't have the infrastructure. How large of a facility do you need before you put in a sewer system, before you put in water?”

“Jones despite O'Banion's comments”, reported the Enterprise, said “the city is safer annexing.”

Then, from my take of it, Jones delivered a veiled threat to O'Banion by saying,

“That may be the attitude of the current county supervisor, but if there's a change there that attitude can change also.”, said Jones.

Definition of **Annexation**:

1. Take over territory: to take over territory and incorporate it into another political entity, e.q. a country or state.
2. Add something to something: to attach something subsidiary to a larger thing.
3. Attach quality to something: to add something such as a consequence, quality, or condition.
4. Steal something: to take something without permission.

In other words, O'Banion's days may be numbered if Jones has anything to do with it.

When Councilman Sousa was quoted as saying,

“The sphere of influence is used to indicate that's where you're going to build the city out to. It's not used as a line to keep the county off its back”.....

I said “That does it.” I'm calling in my more intelligent better half, Eileen.

Without cluing Eileen as to why, I asked her to read the article. After she finished with a confused look on her face, she said “What is that?”



With verification that it wasn't only me unable to grasp what in the heck the civil servants were babbling about, I assured myself it was *double talk*.

Definition of **Double Talk**: Talk intended to confuse or deceive: intentionally ambiguous or confusing talk.

Where's there civil servant double talk, there is usually civil servant shenanigans.

I sharpened my claws and started to dig. Amazingly, I didn't have to go very deep. In all of about 30 minutes, I had evidence which should call for Mayor Jones' immediate resignation.

THE BANK OF HOSTETLER



Mayor Tommy Jones received loans from Greg and Catherine Hostetler of Ranchwood Homes totaling \$18,538.00 (See pages 4-7) secured by trust deeds on the following dates:

1. November 14th, 2002, for \$5,000.00.
2. January 14th, 2003, for \$10,000.00.
3. August 4th, 2003, for \$3,538.00.

Merced County records indicate that the loans of \$5,000.00 and \$3,538.00

have been paid, but the loan of \$10,000.00 is still owed.



In *Silence is Golden* a letter to Jones was reprinted from February 2007 that requested information about loans from Hostetler (see excerpt below):

Letter to Jones 02/26/07

“For the record, I respectfully request for you, Mayor Jones, to disclose if you ever received any financial loans, contributions, or support from Mr. Greg Hostetler.

Or, if your attorney ever received any funds from Mr. Hostetler, at the time you were pursuing a lawsuit against the City of Los Banos, thereafter, or before?”

There was no response to the letter.

The Los Banos City Council Meeting Notes of March 5th, 2003 listed in the Closed Session Agenda states:

“EXISTING LITIGATION – TOMMY JONES.”

It does seem with very little doubt, that Mayor Jones was receiving financial support from Hostetler during his litigation against the City for Police officers allegedly planting crack cocaine in Jones' car. *No wonder Jones didn't respond to the letter of February 26th, 2007.*

When civil servants have been caught doing something wrong, they clam up, or also in Mayor Jones' case, accuses the accuser of being a dangerous member of the Ku Klux Klan.

JONES' CAN OF WORMS

The Badger has not yet had the opportunity to investigate what matters Jones may have voted upon concerning Ranchwood Homes.



If Jones did vote upon matters notwithstanding his blatant undisclosed

(THREE LOANS, see page 8)

RECORDING REQUESTED BY:
Fidelity National Title Company of
California

Escrow No. 4-PH
Title Order No.

When Recorded Mail Document To:
Greg Hostetler and Catherine Hostetler
923 E. Pacheco Blvd. #C
Los Banos, CA 93635

Accomodation

Recorded in Official Records, Merced County

JAMES L. BALL
County Recorder

11/21/2002
10:48 AM
RDB

P Public

T

Doc#: 2002-060515



Titles: 2 Pages: 4

Fees: 23.00
Taxes: 0.00
Other: 0.00
PAID: \$23.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 082 370 056

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

THIS DEED OF TRUST, made November 14, 2002
Tommy Jones, An Unmarried Man

between

, herein called TRUSTOR, whose address is

1348 El Camino Way, Los Banos, CA 93635

Fidelity National Title Company, a California Corporation, herein called TRUSTEE, and
Greg Hostetler and Catherine Hostetler, Husband and Wife, as Community Property

, herein called BENEFICIARY.

WITNESSETH: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS to TRUSTEE IN TRUST, WITH
POWER OF SALE, that property in Merced County, California, described as:

Lot 130, St. Francis Estates Unit No. 2, in the County of Merced, State of California, as per Map filed on December
26, 1989 in Volume 37 of Maps at pages 12 through 15, inclusive, Merced County Records.

STATE OF CALIFORNIA
COUNTY OF Merced

ON 11/19/02 before me,
T. Finch personally appeared

Tommy Jones
personally known to me (or proved to me on the basis
of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature

Tommy Jones
Tommy Jones



Note: Jones signature at right taken
from signature page of recorded
document for ease of viewing..

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority
given to and conferred upon Beneficiary by paragraph (10) of the provisions incorporated herein by reference to
collect and apply such rents, issues and profits

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained
herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension
or renewal thereof, in the principal sum of \$5,000.00 executed by Trustor in favor of Beneficiary or order. 3.
Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary,
when evidenced by another note (or notes) reciting it is so secured

INITIALS

TJ

RECORDING REQUESTED BY:

When Recorded Mail Document To:
Greg Hostetler and Catherine Hostetler
923 E. Pacheco Blvd. #C
Los Banos, CA 93635

Recorded in Official Records Merced County

M. STEPHEN JONES
County Recorder

1/16/2003
8:00 AM
R07

FD Fidelity Title Company

T

Doc#: 2003-002891



Titles:	2	Pages:	4
Fees	23.00		
Taxes	0.00		
Other	0.00		
PAID	\$23.00		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 082 370 056

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

THIS DEED OF TRUST, made January 14, 2003
Tommy Jones, An Unmarried Man

, between

, herein called **TRUSTOR**, whose address is

1348 El Carnino Way, Los Banos, CA 93635

Fidelity National Title Company, a California Corporation, herein called **TRUSTEE**, and
Greg Hostetler and Catherine Hostetler, Husband and Wife, as Community Property

, herein called **BENEFICIARY**,

WITNESSETH: That Trustor **IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS** to TRUSTEE IN TRUST, WITH
POWER OF SALE, that property in Merced County, California, described as:

Lot 130, St. Francis Estates Unit No. 2, in the County of Merced, State of California, as per Map filed on December
26, 1989 in Volume 37 of Maps at pages 12 through 15, inclusive, Merced County Records.

STATE OF CALIFORNIA
COUNTY OF Merced
ON 1/15/03 before me,
Lydia Hunter personally appeared
Tommy Jones

Tommy Jones
Tommy Jones

Note: Jones signature at right taken
from signature page of recorded
document for ease of viewing.

personally known to me (or proved to me on the basis
of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Lydia Hunter
Signature

LYDIA HUNTER
COMM. #1216833
NOTARY PUBLIC-CALIFORNIA
MERCED COUNTY
My Comm. Expires April 23, 2003

LYDIA HUNTER
COMM. #1216833
NOTARY PUBLIC-CALIFORNIA
MERCED COUNTY
My Comm. Expires April 23, 2003

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority
given to and conferred upon Beneficiary by paragraph (10) of the provisions incorporated herein by reference to
collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained
herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension
or renewal thereof, in the principal sum of \$10,000.00 executed by Trustor in favor of Beneficiary or order. 3.
Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary,
when evidenced by another note (or notes) reciting it is so secured.

INITIALS

TJ

RECORDING REQUESTED BY:
Fidelity National Title Company of
California
Escrow No. 209663-LH
Title Order No. 00209663

When Recorded Mail Document To:
Greg Hostetler and Catherine Hostetler
923 E. Pacheco Blvd, Suite C
Los Banos, CA 93635

209663 LH

Recorded in Official Records, Merced County

M. STEPHEN JONES
County Recorder

8/06/2003
8:00 AM
R04

FD Fidelity Title Company

T

Doc#: 2003-048958



Titles:	2	Pages:	5
Fees	26.00		
Taxes	0.00		
Other	0.00		
PAID	\$26.00		

APN: 082-370-056

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

THIS DEED OF TRUST, made August 4, 2003
Tommy Jones, An Unmarried Man

, between

, herein called TRUSTOR, whose address is

1348 El Camino Way
Los Banos, CA 93635

Fidelity National Title Company, a California Corporation, herein called TRUSTEE, and
Greg Hostetler and Catherine Hostetler, husband and wife as Community Property

, herein called BENEFICIARY,

WITNESSETH: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS to TRUSTEE IN TRUST, WITH
POWER OF SALE, that property in Merced County, California, described as:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Note: Jones signature at right taken
from signature page of recorded
document for ease of viewing.

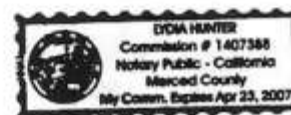
STATE OF CALIFORNIA
COUNTY OF Merced
ON August 4, 2003 before me,
Lydia A. Hunter personally appeared

Tommy Jones
personally known to me or proved to me on the basis
of satisfactory evidence) to be the person(s) whose
name(s) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature [Signature]

[Signature]
Tommy Jones



TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority
given to and conferred upon Beneficiary by paragraph (10) of the provisions incorporated herein by reference to
collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained
herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension
or renewal thereof, in the principal sum of \$3,538.00 executed by Trustor in favor of Beneficiary or order. 3.
Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary,
when evidenced by another note (or notes) reciting it is so secured.

INITIALS [Signature]

RECORDING REQUESTED BY:
Fidelity National Title Company of
California
Escrow No. 209663-LH
Title Order No. 00209663

When Recorded Mail Document To:
Greg and Catherine Hostetler
923 E. Pacheco Blvd, Suite C
Los Banos, CA 93635

Recorded in Official Records, Merced County

M. STEPHEN JONES
County Recorder

6/01/2004
8:00 AM
R04

FD Fidelity Title Company

T

Doc#: 2004-035380



Titles:	2	Pages:	1
Fees		14.00	
Taxes		0.00	
Other		0.00	
PAID		\$14.00	

APN: 082-370-056

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SUBSTITUTION OF TRUSTEE AND FULL RECONVEYANCE

WHEREAS, Tommy Jones, An Unmarried Man was the original Trustor,
Fidelity LNational Title Company, a California Corporation the original Trustee, and
Greg Hostetler and Catherine Hostetler, husband and wife as Community Property the Beneficiary,
under that certain Deed of Trust dated August 4, 2003 and recorded as Instrument no. 2003-048958 on
August 6, 2003 , Official Records of the county of Merced, State of California, and

WHEREAS, the undersigned Beneficiary desires to substitute a new Trustee under said Deed of Trust in place and
stead of Fidelity LNational Title Company, a California Corporation

now therefore, the undersigned hereby substitutes Greg Hostetler and Catherine Hostetler, husband and wife as
Community Property as Trustee

under said Deed of Trust and Greg Hostetler and Catherine Hostetler, husband and wife as Community Property
as the substituted Trustee

does hereby reconvey, without warranty, to the person or persons legally entitled thereto, the Estate now held
thereunder.

DATED: April 16, 2004

STATE OF CALIFORNIA
COUNTY OF

ON May 27th 2004 before me,

Lydia Hunter personally appeared

Greg Hostetler Catherine Hostetler

personally known to me (or proved to me on the basis
of satisfactory evidence) to be the person(s) whose
namels) is/are subscribed to the within instrument and
acknowledged to me that he/she/they executed the
same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature

Greg Hostetler

Beneficiary

Catherine Hostetler

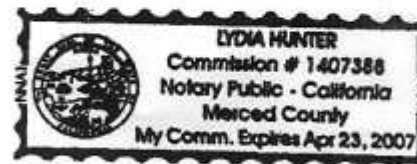
Beneficiary

Greg Hostetler

Substituted Trustee

Catherine Hostetler

Substituted Trustee





(THREE LOANS, from page 3)

conflict of interest, a whole other can of worms is opened.

Many matters will need to be reviewed and re-considered.

A letter from The Badger dated March 7th, 2008 to City Attorney William Vaughn was responded to by Vaughn assuring that various documents are forthcoming. However, Vaughn did not answer my questions. See page 19-20. I responded with the letter on page 21-22.

A DARK CLOUD



Sources that spoke on the condition of anonymity have disclosed to The Badger that Councilman Tom Faria had presented copies of the trust deeds to City Attorney William Vaughn for comment.

If such was in fact done, then it seems that Vaughn should have presented such information to the other council members.



In my opinion, *ANY and All* city council members that knew about the loans and didn't say anything about them should be placed under the same dark cloud as Jones.

Buck Weaver of the 1919 White Sox was banned from baseball for life, even though it was found he did not participate in fixing the World Series. *Weaver was banned for not reporting his knowledge of it to officials.*

I submit that our civil servants should be held at least to the same standard of accountability to the public as a baseball player.

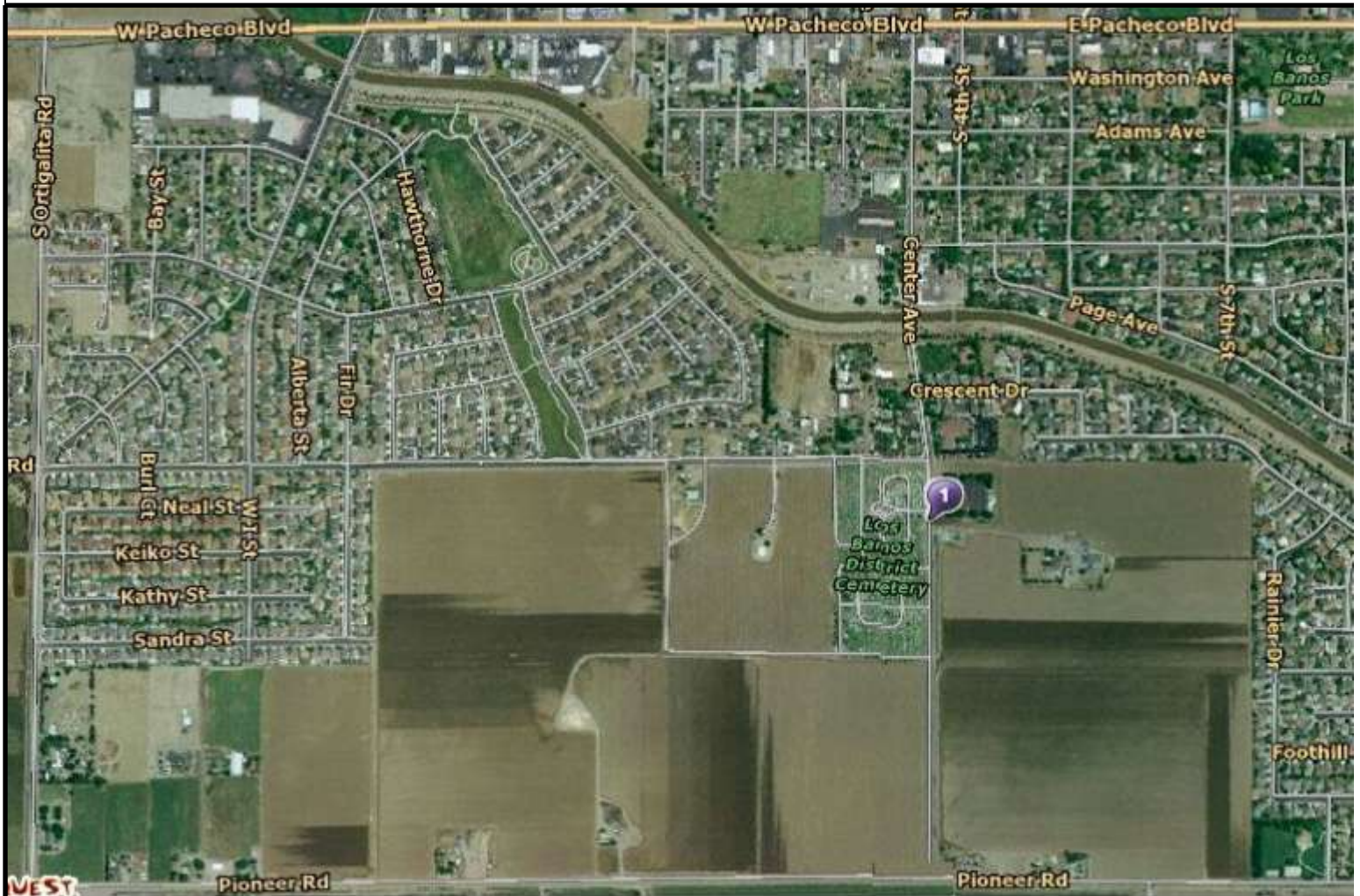
If Vaughn says he did not feel it was important to inform city council members of the Hostetler loans, then, even though I consider Vaughn an old friend, I would have to earnestly say I think he made a very bad call.



Vaughn is not in an enviable position. Personally, I would hate to

(THREE LOANS, see page 9)

Below is an aerial map of the property (from Mapquest.com) that Mayor Jones is supporting annexation of. Pacheco Blvd is the Northern





(THREE LOANS, from page 8)
clean-up Mayor Jones' messes after the fact.

THE BELL CANNOT BE UN-RUNG



The bell cannot be un-rung regarding Jones' undisclosed loan from Hostetler.

Jones, as Mayor of Los Banos, has publicly and staunchly supported the annexation of farm land for the benefit of Hostetler. Even if Jones now disqualifies himself from voting upon the annexation issue, the damage is already done.

There is no way to measure how much, or how little, his beating the

annexation drum for Hostetler whom he borrowed money from has effected public opinion.

The annexation train must be brought to a screeching halt along with any other matters that Mayor Jones has thrown his two cents in upon.

It makes no difference if they relate to Hostetler or not. What matters is the connection of Mayor Jones to them, and what he may not have disclosed, that citizens should have known about.

The old, "Fool me once, Shame on you, Fool me twice, Shame on me" should be the guiding operative from this time forward with Mayor Jones and, unfortunately, our city council.

INVESTIGATION REQUIRED

All City council members and City Manager Rath need to be put on the spot to



answer if they knew about the Hostetler loans to Jones but said nothing.



Regrettably, just as the fate that befell Buck Weaver shows, the good ones sometimes get thrown out with the bad.

Mayor Jones' cavalier attitude has cast an onus on all the city council, those close to it, and him.

No doubt a thorough investigation of Mayor Jones' financial dealings with Hostetler is required. Stringent civilian oversight is a must based upon the fact that civil servants cannot be trusted to seriously investigate each others' malfeasance.

The investigative process exhibited by Supervisor Jerry O'Banion, Merced County Counsel James Fincher, and Risk Management Director Brad Smith outlined briefly in *We Found Ourselves*

(THREE LOANS, see page 10)

Boundary, Ward Road is the Eastern boundary, Pioneer is the Southern boundary, and Ortigalita is the Western boundary.



(THREE LOANS, from page 9)



Innocent, page 27, is proof there is something definitely wrong.

O'Banion, Fincher, and Smith were in control of letting the public claim against themselves die on the vine without an investigation.

FAIR POLITICAL PRACTICES COMMISSION

Mayor Jones is required by law to report loans from individuals by the Fair Political Practices Commission (FPPC) on Form 700/Statement of Economic Interests and signed under penalty of perjury.



On March 13th, 2008, I discussed with an enforcement specialist at the FPPC the information I had obtained from the Merced County Records Office and the LB City Clerk's Office.

The enforcement specialist said any unpaid loans such as the \$10,000.00 one from Hostetler to Jones was required to be listed on the Form 700. It was not.

Therefore, I have filed an FPPC Complaint against Mayor Jones (See

page 12-13) and will keep readers posted as to the outcome.

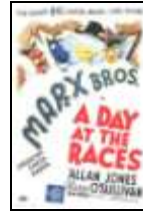
CIVIL SERVANTS & HOSTETTLER

Mayor Jones is in an entirely different position than Hostetler concerning accountability to the public over the undisclosed loans.



Hostetler has no accountability to the public in the matter. If he so wishes to loan money to Jones, it is entirely his business to do so.

In the February 2007 issue, *A Day at the Races*, I explained my way of thinking about the matter. For convenience's sake, the segment can be read on page 11.



I do not fault Hostetler for making the loans to Jones, *even though I do not personally condone or support it*. I fault Jones, a civil servant, for taking the loans.

Business people have been conditioned by uncivil civil servants to pay their dues to survive.

If Hostetler did not pay, I assure you, there is a standing line of his competitors that would.

A gent like Tommy Jones will smile and babble about what a good Christian he is (as stated in LBE article "\$1 Million claim filed against Mayor, city" 5/18/07) while stuffing his pockets with money and favors.

I will also add that Mayor Jones did so while denying he had told citizens that "he knew for a fact that I was a member of the Ku Klux Klan and dangerous" to which I say—→

THE END



Disclosure: The author is the plaintiff in the Merced County lawsuit, *Forte v. Tommy Jones*, #150880. Jones was sued in his private and individual capacity and not as the Mayor of Los Banos. *The City of Los Banos has not been named as a defendant*. The author has never been a member of the KKK and has been married to a Chinese American woman for the past 20 years.

Note: Calls placed to Mayor Jones' attorney and Hostetler (see page 18), seeking comments were not returned.



KFC'S HILLARY SPECIAL
"2 FAT THIGHS WITH SMALL BREAST & A LEFT WING"

Actual photo is of a KFC in New Jersey. It just didn't seem fair to Hillary not to give her some equal time with Obama's photo (Opposite Page) in The Badger. Obama's hand over his crotch instead of his heart during the pledge of allegiance is making some kind of political statement, or maybe that is where his heart is?



(Photo Above) Meet "KRISTEN" a.k.a., Ashley Dupre, 22 yr. old former gymnast/Emperor's VIP Club "hottee" and the downfall of ex-Governor Eliot Spitzer. Obama stares on from opposite page right. Maybe that explains the placement of his hands? (Just kidding!)

A Day at the Races

(February 2007, Excerpt)



**STARBUCKS,
HOSTETLER
&
MAYOR
TOMMY JONES**

It was a fortuitous meeting that brought myself and Greg Hostetler together at the Los Banos Starbucks a few weeks ago. I took the opportunity to exchange pleasantries and a hug with "Hos."

I hadn't seen Greg since he was bartending at Carlos Restaurant – the now Olinda's to the newcomers of Los Banos. I assured Greg that I was not envious of his success and congratulated him.

Also, I made the point that I was "not out to get him," but at the same time, I felt obligated to expose any civil servants that were trying to gather crumbs from his pockets.



I explained my position.

As an American and a capitalist, Greg is free to conduct business within reasonable limits, as he chooses.

Civil servants, however, who may be attracted to his wealth or power, owe a duty to the public not to do unethical or corrupt acts for personal gain.

The excerpt (at right) from Phil Reader's report, shows how civil

servants love to steal their share of the pie (and times haven't changed-GF).



It is no secret that Hostetler supported Mayor Tommy Jones in the past while Jones was combating allegations that "drugs were planted on him."

It is also known that Hostetler supported Tommy Jones returning to City Council prior to Jones seeking the mayoral position.

Knowing such, it seems odd that Kevin Little, attorney for Mayor Tommy Jones, filed the lawsuit of BYRD v. SPENCER, PAZIN, HOSTETLER, et. al. on behalf of Byrd against Hostetler.

I admit that I am curious as to if Richard Byrd has been informed by Kevin Little of his possible ties to Hostetler through Mayor Jones? Wouldn't you?

THE END

"Vigilantism in the Pajaro Valley During 19th Century"

"It was a system ripe for plunder and the foundation of many a fortune was laid by these early sheriffs. Santa Cruz and Monterey counties were no exception.

The quality of men who filled the position here can be assessed by the fact that no less than eight former sheriffs from these two counties would be either jailed or substantially fined as a result of cases stemming from malfeasance while in office." —Phil Reader

TRACKING DOWN A BADGER

The Badger is on the prowl. Remember, it always comes out when and where the "Good ol' Boys" least expect it. Then, it vanishes as fast as it appeared!



Forage around your local businesses. When you go in to trap your Badger patronize the merchant. Let them know you appreciate their having The Badger around for you.

LOS BANOS

California Dairies Store/826-4818
Deluxe Cleaners/826-5791
Fantasia Records/826-0197
Los Banos Donut Shop/826-9091
Los Banos Drugs/826-5834
Los Banos Racquet Club/826-6011
Olinda's Restaurant/827-8050
Rooney's Liquors/826-3981
Ryan's Restaurant/826-2616
Santos Ford/826-4921
Toscano RV/826-2488
Wool Growers Restaurant/826-4593

Dos Palos

Barb's Breakfast & Lunch/387-4575 (DP "Y")
Evergreen Nursery/392-6640
Johnnie's Cleaners/392-2532
Mumby Hardware/392-3222
Mykalino Pizzeria/387-4200 (DP "Y")
Carquest Auto Parts/392-2181
N & S Tractor/392-2161
Pioneer Drug Store/392-1028
Servatorium/392-3732

Try your local City Halls and Public buildings. Don't be intimidated! If an uncivil civil servant looks at you cross eyed tell'em you're giving their name to The Badger and give us a call. I'll take it from there.—GF



IS IT JUST ME....OR IS THIS KIND OF WEIRD?

Pictured at the left are Senator Barack Hussein Obama, Jr., Governor Bill Richardson, Senator Hillary Clinton, and Ruth Harkin standing during the national anthem. Senator Obama refused to put his hand over his heart during the Pledge of Allegiance, and also refused to say The Pledge. (while eyeing Kristen on left, just kidding!)

Even with as much angst I have had with high level uncivil civil servants within a government that is occupying my country, I still pay respect to my country and the flag that many have given their lives for.

It seems very weird to me that a person who wants to be the President of the United States of America would be so disrespectful.

FORMAL COMPLAINT FORM

(Form May Be Subject to Public Disclosure)*

AS REQUIRED BY GOVERNMENT CODE SECTION 83115, please complete the form below to file a formal complaint with the Fair Political Practices Commission. **This form must be completed in its entirety and all pertinent information must be stated on this form, not as an attachment.**

Mail the complaint to:

Person Making ComplaintLast name: ForteFirst Name: GeneStreet Address:
688 Birch CourtCity: Los BanosZip: 93635 -Telephone: (209) 827 -Fax: (209) 827 -E-mail: geneforte@ba

Under the California Public Information Act, this formal complaint and the information disclosed herein are confidential, and therefore the determination of the FPPC is confidential.

If you wish the FPPC to conduct an investigation, you must file a complaint before you contact the FPPC and discuss the complaint.

Complaint

Person or Persons who Allegedly Violated the Political Reform Act: (If there are multiple parties involved, attach additional pages as necessary.)

Last Name: JonesFirst Name: Tommy (Mayor of Los Banos)

Street Address:

1348 El Camino WayCity: Los BanosState: CAZip: 93635 -Telephone: (209) 827 - 7000Fax: (209) 827 - 7006

E-mail: _____

Provision or Provisions of the Political Reform Act Allegedly Violated: (If specific sections are not known, please provide a brief summary of the nature of the violation(s), and when it (they) occurred.) **You must state the suspected violation(s) on this form.**

Mayor Tommy Jones did not disclose an outstanding loan of \$10,000.00 from Mr. Greg and Catherine Hostetler on the FPPC 700 Forms signed under penalty of perjury and filed on the following dates: November 19, 2004, February 14, 2005, February 28, 2006 and March 13, 2007

Greg and Catherine Hostetler own Ranchwood Homes that develops property in Los Banos.

Mayor Jones votes on issues pertaining to Ranchwood Homes and has not disclosed, or disqualified himself from voting on the issue of annexation which is now pending before the city for Ranchwood Homes. Mayor Jones has publicly stated that he supports the annexation.

There may be other matters pertaining to Ranchwood Homes that Jones has voted upon going back to 1996 that he would have been required to disqualify himself from. I was only able to obtain the FPPC 700 Forms back to the year 2001. LB clerk, Ms. Jana Sousa contacted the FPPC and informed me she was told the 700 Forms are only kept for 7 years.

On March 13, 2007, I contacted an enforcement specialist by the name of Jeanette at the FPPC and discussed the substance of the complaint. Jeanette verified that Jones would be required to disclose any outstanding loans from Hostetler on the subject FPPC 700 Forms.

(*All subject 700 Forms and Trust Deeds are attached as evidence)

Description, With as Much Particularity as Possible, of Facts Constituting Alleged Violation and how you have personal knowledge that it occurred**

I met with a clerk of the Merced County Recorders Office on March 12th, 2008 who searched the public records with me and confirmed that there were three loans made by Greg and Catherine Hostetler to Tommy Jones as follows: November 14, 2002 for \$5,000.00, January 14, 2003, for \$10,000.00 and August 4, 2004 for \$3,538.00 secured by trust deeds of Jones.

The clerk informed me that the records indicate that the trust deeds for the loans of \$5,000.00 and \$3,538.00 were reconveyed back to Jones due to his paying-off those two loans.

The clerk then confirmed that according to public records the trust deed securing the loan of \$10,000.00 has not been reconveyed indicating that the loan as not been paid.

I then went to Los Banos City Hall and obtained from Ms. Jana Sousa copies of the FPPC 700 Forms filed and signed by Jones under penalty of perjury on 11/19/04, 2/14/05, 2/28/06 and 3/13/07. No where on the forms did Jones identify the loans from Hostetler.

Greg and Catherine Hostetler own Ranchwood Homes a frequent developer of property within the City of Los Banos that has done business with the City of Los Banos for many years.

Currently, Ranchwood Homes is seeking annexation of property from the City of Los Banos. Mayor Jones has been supporting the annexation an has not disclosed the existence of the loan

****Please attach copies of any available documentation that is evidence of the violation, (for example, checks, campaign materials, etc., if applicable to the complaint). Note that a newspaper article is NOT considered evidence of a violation.**

Name and Addresses of Potential Witnesses, in addition to yourself, if Known:

Last Name: Merced County Recorder Clerk

First Name: Name unknown but I can recognize her.

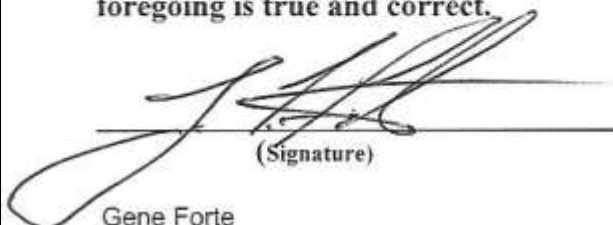
Street Address: _____

City: _____ State: _____

Zip: _____

Telephone: (____) _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


(Signature)

Gene Forte

(Please print your name)

March 13th, 2008

(Date)

COPY

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF ECONOMIC INTERESTS

COVER PAGE

RECEIVED
 Date Received
 Official Use Only
 NOV 19 2004

CITY OF LOS BANOS

Please type or print in ink

A Public Document

NAME (LAST)	(FIRST)	(MIDDLE)	DAYTIME TELEPHONE NUMBER		
Jones	Tommy		(209) 827-7000		
MAILING ADDRESS (May be business address)	STREET	CITY	STATE	ZIP CODE	OPTIONAL: FAX / E-MAIL ADDRESS
520 J Street	Los Banos	CA	93635	(209) 827-7006	

1. Office, Agency or Court

Name of Office, Agency or Court:

 Council Member
 Division, Board, District, if applicable:

 City of Los Banos
 Your Position:

 ➔ If filing for multiple positions, list additional agency(ies)/
 position(s): (Attach a separate sheet if necessary.)

Agency: _____

Position: _____

2. Jurisdiction of Office (Check at least one box)

- ☐ State
- ☐ County of _____
- ☒ City of Los Banos
- ☐ Multi-County _____
- ☐ Other _____

3. Type of Statement (Check at least one box)
☒ Assuming Office/Initial Date: 11/17/04
☐ Annual: The period covered is January 1, 2003,
 through December 31, 2003.

-or-

☐ The period covered is ____/____/____, through
 December 31, 2003.

☐ Leaving Office Date Left: ____/____/____
 (Check one)

☐ The period covered is January 1, 2003, through
 the date of leaving office.

-or-

☐ The period covered is ____/____/____, through
 the date of leaving office.

☐ Candidate
4. Schedule Summary

(Check applicable schedules or "No reportable interests.")

 ➔ During the reporting period, did you have any reportable
 interests to disclose on:

 Schedule A-1 ☐ Yes - schedule attached
Investments (Less than 10% Ownership)

 Schedule A-2 ☐ Yes - schedule attached
Investments (10% or greater Ownership)

 Schedule B ☒ Yes - schedule attached
Real Property

 Schedule C ☒ Yes - schedule attached
Income & Business Positions (Income Other than Loans, Gifts, and Travel)

 Schedule D ☐ Yes - schedule attached
Income - Loans

 Schedule E ☐ Yes - schedule attached
Income - Gifts

 Schedule F ☐ Yes - schedule attached
Income - Travel Payments

-or-

 ➔ ☐ No reportable interests on any schedule

Total number of pages

completed including this cover page: 3**5. Verification**
 I have used all reasonable diligence in preparing this
 statement. I have reviewed this statement and to the best of
 my knowledge the information contained herein and in any
 attached schedules is true and complete.

 I certify under penalty of perjury under the laws of the State
 of California that the foregoing is true and correct.

 Date Signed 11-19-04
 (month, day, year)

 Signature Tommy Jones
 (File the originally signed statement with your filing official.)

 FPPC Form 700 (2003/2004)
 FPPC Toll-Free Helpline: 866/ASK-FPPC

Statement of Economic Interests, Form 700, required to be filed, and filed by Tommy Jones in November of 2004. Note that Schedule D, which is used to report loans, was not filed disclosing \$10,000.00 loan of January 14, 2003, Pg. 5.

COPY

RECEIVED

Date Received
FEB 28 2006

CITY OF LOS BANOS

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION
STATEMENT OF ECONOMIC INTERESTS
COVER PAGE
A Public Document

Please type or print in ink

NAME (LAST) <u>Jones</u>	NAME (FIRST) <u>Tommy</u>	NAME (MIDDLE)	DAYTIME TELEPHONE NUMBER <u>(209) 827-7000</u>
MAILING ADDRESS STREET	CITY	STATE	ZIP CODE

OPTIONAL FAX / E-MAIL ADDRESS
At 43635 209 827-7006

SCHEDULE C
Income, Loans & Business Positions
(Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
 FAIR POLITICAL PRACTICES COMMISSION
 Name
Tommy Jones

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Los Banos Unified Schools

ADDRESS
1946 11th St

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION
Teacher/Coach

GROSS INCOME RECEIVED

☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000

☒ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's income ☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental income, for each source of \$10,000 or more

☐ Other _____
(Describe)

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

☐ \$500 - \$1,000 ☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000 ☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's income ☐ Loan repayment

☐ Sale of _____
(Property, car, boat, etc.)

☐ Commission or ☐ Rental income, for each source of \$10,000 or more

☐ Other _____
(Describe)

2. LOAN RECEIVED

You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER	INTEREST RATE	TERM (Months/Years)
ADDRESS	_____ % ☐ None	
BUSINESS ACTIVITY, IF ANY, OF LENDER	SECURITY FOR LOAN	
	☐ None ☐ Personal residence	
HIGHEST BALANCE DURING REPORTING PERIOD	☐ Real Property _____	Street address
☐ \$500 - \$1,000		City
☐ \$1,001 - \$10,000	☐ Guarantor _____	
☐ \$10,001 - \$100,000	☐ Other _____	(Describe)
☐ OVER \$100,000		

Comments: _____

FPPC Form 700 (2005/2006) Sch. C
 FPPC Toll-Free Helpline: 866/ASK-FPPC

Schedule Summary

Number of pages: 3

Pages on this cover page: 3

Applicable schedules or "No reportable interests."

Disclosed interests on one or more of the following schedules:

A-1 ☐ Yes - schedule attached (Less than 10% Ownership)

A-2 ☐ Yes - schedule attached (10% or greater Ownership)

B ☒ Yes - schedule attached (Party)

C ☒ Yes - schedule attached (Loans, & Business Positions (Income Other than Gifts Payments))

D ☐ Yes - schedule attached (Gifts)

E ☐ Yes - schedule attached (Travel Payments)

-or-

Reportable interests on any schedule

Declaration

I have exercised all reasonable diligence in preparing this statement and to the best of my knowledge the information contained herein and in any schedules is true and complete.

Under penalty of perjury under the laws of the State of California, I declare that the foregoing is true and correct.

Signed 2-28-06
(month, day, year)

Tommy Jones
(Please legibly sign statement with your filing official.)

FPPC Form 700 (2005/2006)
FPPC Toll-Free Helpline: 866/ASK-FPPC

Statement of Economic Interests, Form 700, required to be filed, and filed by Tommy Jones in February, 2006. The section "Loan Received" on Schedule C shows that Jones did not disclose the \$10,000.00 loan received from Hostetler on January 14, 2003, Pg. 5.

COPY

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

STATEMENT OF ECONOMIC INTERESTS
COVER PAGE
A Public Document

RECEIVED
Official Use Only
MAR 13 2007
CITY OF LOS BANOS

Please type or print in ink

NAME (LAST) Jones	NAME (FIRST) Tommy	NAME (MIDDLE) 	DAYTIME TELEPHONE NUMBER (209) 827-7000
MAILING ADDRESS (May use business address) 520 J Street Los Banos		STATE CA	ZIP CODE 93635
		OPTIONAL: FAX / E-MAIL ADDRESS (209) 827-7006	

SCHEDULE C
Income, Loans & Business Positions
 (Other than Gifts and Travel Payments)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name
Tommy Jones

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME
Los Banos Unified School

ADDRESS
1966 11th Street

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION
Teacher

GROSS INCOME RECEIVED

☐ \$500 - \$1,000	☐ \$1,001 - \$10,000
☒ \$10,001 - \$100,000	☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☒ Salary ☐ Spouse's or registered domestic partner's income

☐ Loan repayment

☐ Sale of _____
(Property: car, boat, etc.)

☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

1. INCOME RECEIVED

NAME OF SOURCE OF INCOME

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF SOURCE

YOUR BUSINESS POSITION

GROSS INCOME RECEIVED

☐ \$500 - \$1,000	☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000	☐ OVER \$100,000

CONSIDERATION FOR WHICH INCOME WAS RECEIVED

☐ Salary ☐ Spouse's or registered domestic partner's income

☐ Loan repayment

☐ Sale of _____
(Property: car, boat, etc.)

☐ Commission or ☐ Rental Income, list each source of \$10,000 or more

☐ Other _____
(Describe)

2. LOAN RECEIVED

* You are not required to report loans from commercial lending institutions, or any indebtedness created as part of a retail installment or credit card transaction, made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER

ADDRESS

BUSINESS ACTIVITY, IF ANY, OF LENDER

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000
☐ \$1,001 - \$10,000
☐ \$10,001 - \$100,000
☐ OVER \$100,000

INTEREST RATE
 _____ % ☐ None

TERM (Months/Years)

SECURITY FOR LOAN

☐ None ☐ Personal residence

☐ Real Property _____
(Street address)

_____ City

☐ Guarantor _____

☐ Other _____
(Describe)

Comments: _____

FPPC Form 700 (2006/2007) Sch. C
 FPPC Toll-Free Helpline: 866/ASK-FPPC

Schedule Summary

Total number of pages including this cover page: **3**

Check applicable schedules or "No reportable interests."

I have disclosed interests on one or more of the attached schedules:

Schedule A-1 ☐ Yes - schedule attached
Investments (Less than 10% Ownership)

Schedule A-2 ☐ Yes - schedule attached
Investments (10% or greater Ownership)

Schedule B ☒ Yes - schedule attached
Real Property

Schedule C ☒ Yes - schedule attached
Income, Loans, & Business Positions (Income Other than Gifts and Travel Payments)

Schedule D ☐ Yes - schedule attached
Income - Gifts

Schedule E ☐ Yes - schedule attached
Income - Travel Payments

-OR-

☐ No reportable interests on any schedule

Verification

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any other schedules is true and complete.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed **3-13-07**
(Month, day, year)

Tommy Jones
(Print the name of the person who signed with your filing official.)

FPPC Form 700 (2006/2007)
 FPPC Toll-Free Helpline: 866/ASK-FPPC

Statement of Economic Interests, Form 700, required to be filed, and filed by Tommy Jones in March, 2007. The section "Loan Received" on Schedule C shows that Jones again did not disclose the \$10,000.00 loan received from Hostetler.

Badger Flats Gazette

688 Birch Court, Los Banos, California, 93635

Phone: (209) 829-1116 Fax: (209) 829-1952

Fax

To: Mr. Greg Hostetler

From: Mr. Gene Forte

Subject: Seeking Comments Concerning Loans to Mayor Tommy Jones

Notes: Hey Greg:

I would like to get some comments from you about loans you and Catherine made to Mayor Tommy Jones to include in an article I am doing in The Badger Flats Gazette.

I have left a phone message for you. Hopefully I can hear back from you fairly soon. If I am unable to get your comments in time for this edition I will be doing a follow-up article and include them in the next edition.

Thanks.

Fax

To: Mr. Benjamin Ratliff

From: Mr. Gene Forte

Subject: No Comment from Mayor Jones

Notes: You were left a phone message for Mayor Jones seeking his comment upon loans he had received from Mr. Greg Hostetler. As explained in the phone message I did not attempt to contact Mayor Jones directly due to my pending litigation against him with you representing him.

On March 7th, 2008, I provided Los Banos City Attorney Bill Vaughn with a copies of the trust deeds securing the loans from Hostetler to be given to Mayor Jones on March 7th, 2008.

There has been no return phone calls and Mayor Jones has provided no comments as requested that could be included in the article prior to publication.

The above fax memos were sent on March 13th & 14th, 2008, after phone messages were left seeking comments and responses regarding the loans to Mayor Tommy Jones from Mr. Greg Hostetler. There have been no responses to the phone calls or faxes.

Badger Flats Gazette

Friday, March 7th, 2008

Mr. William Vaughn, City Attorney
525 J Street, Suite A
Los Banos, California 93635

EMAIL ONLY

Re: Hostetler Loans to Mayor Tommy Jones/Request for Reply to Previous Letter Re: CDI/LBF, Chevron, Santos/Chisam Email, etc.

Dear Mr. Vaughn:

I hope you understand that I dislike putting you on the spot like this, but I take solace in knowing that in reality, it is Mayor Jones that has caused this problem. Therefore, blame Mayor Jones not me. With that said, you will find attached to this email deeds of trust securing loans made by Greg Hostetler to Tommy Jones. Confidential sources informed me that you were provided copies of these by Councilman Tom Faria.

Please confirm to me if my information is correct, or incorrect. If you were provided such information by Councilman Faria, or if you already had the information from other sources, I ask that you inform me if you provided such information to other members of the city council, and when?

If you did receive the information and did not provide it to city council members, I ask that you explain why you did not? I also ask you to inform me what dates Mayor Jones served as a city council member and what matters he voted on that may have involved Ranchwood Homes or Greg Hostetler.

You have still not responded to my email of February 13th, 2008 which was:

"I received an email from Dwayne Chisam wherein he stated:

"I have requested that the City Attorney monitor the pending claim filed by Mr. Santos to assure that the public's interest is protected."

Would you please inform me:

1. How you are specifically "monitoring the pending claim"?
2. How your "monitoring" of the claim would specifically "assure that the public's interest is protected"?

I once again request that you please provide a response.

I received a timely response from Chevron Corporation to my letter to them dated February 18th, 2008 concerning the MTBe contamination caused to California Dairies Inc. /Los Banos Foods. Regrettably, I have still not received a response to my letter to you of February 18th, 2008. Please respond or tell me why you are not responding. If you have been directed by Mayor Jones, City Manager Rath, any members of the City Council, or any other parties to not be responsive to me, I ask that you inform me specifically who has given you such direction.

Please be responsive to my requests for information and confirm to me that you have provided copies of the attached documents to the city council no later than Tuesday, March 11th, 2008 by return email. Thank you.

Sincerely,


Gene Forte
The Badger Flats Gazette

CC: Rath, Faria, Villalta, Ballati. Sousa

Email attachment: Trust Deeds

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

Law Offices of

WILLIAM A. VAUGHN

Telephone
209-826-3531525 J Street, Suite A
Los Banos, CA 93635Facsimile
209-826-2431

March 10, 2008

Gene Forte
688 Birch Court
Los Banos, CA 93635**RE: Request for Information/Tommy Jones**

Dear Mr. Forte:

I have received your letter of March 7, 2008, with attachments. The attachments include: (i) a short form deed of trust and assignment of rents dated 11/14/2002 signed by Tommy Jones; (ii) a short form deed of trust and assignment of rents dated 1/14/2003 signed by Tommy Jones; (iii) short form deed of trust and assignment of rents dated 8/4/ 2003 signed by Tommy Jones; and (iv) a substitution a of trustee and full reconveyance dated 4/16/2004 signed by Greg and Catherine Hostetler.

In response to your inquiry as to what dates Mayor Jones served as a City Council member, it is my information that Mr. Jones served as a City Council person, for one four year term from 11/1996 to 11/2000; as a City Council person, for one incomplete four year term from 11/2004 to 12/2006; as Mayor, a two year term commencing 12/2006 to current. As to your inquiry concerning what matters Mr. Jones voted on that may have involved Ranchwood Homes or Greg Hostetler, I have requested the minutes of the City Council meetings for the periods of time responsive to your request. I will provide you with the requested information promptly but in no event more than 10 days from the date of your request.

In response to your inquiry concerning communications between the City Council, and me I believe those communications to be privileged and confidential under principles of attorney client confidentiality and will not disclose to you any such communications.

Sincerely,


WILLIAM A. VAUGHN

WAV/dma

Letter from City Attorney Vaughn asserts the attorney client privilege to avoid disclosing to The Badger if Councilmen Faria presented Vaughn the trust deeds showing the loans of Hostetler. Vaughn was asked if he gave them to other city council members. Letter from Forte (Pg. 21) informs Vaughn Forte believes the attorney client privilege would not apply to such communications.

Badger Flats Gazette

Saturday, March 15th, 2008

Mr. William Vaughn, City Attorney
525 J Street, Suite A
Los Banos, California 93635

EMAIL ONLY

Re: Reply to your letters of March 10th, 2008, Mayor Jones, CDI/LBF, Chevron, Santos/Chisam Email, etc.

Dear Mr. Vaughn:

Thank you for your timely response to my letter of March 7th, 2008, and your response to my letter of February 13th, 2008, albeit it was untimely. I had to toss that in to keep the record straight, my friend. I will also add that about 95% of your letter was a re-listing of what I asked while not providing a response to my main question due your assertion of the attorney client privilege.

Perhaps this took place from either you not understanding my question, or an overabundance of caution on your part to protect the privilege that led to its misapplication. Even though not an attorney, I consider myself pretty knowledgeable on the subject, and I do think you will agree with my position once explained.

Basically, you refused to *confirm to me* if Councilman Tom Faria *provided you* as the City Attorney copies of the subject trust deeds evidencing loans from Mr. Greg Hostetler to Mayor Tommy Jones by asserting such privilege. The attorney client privilege *only applies to certain conversations and written communications between a client and his attorney.*

The questions I asked you basically were:

1. Did Councilman Faria *give you* copies of the subject trust deeds?
2. Did *you* give copies of the trust deeds to other city council members and when?
3. If you already had copies of the trust deeds and you did not present them to council members, please explain why you did not?

I did not ask you to divulge any conversations between you and Councilman Faria. The trust deeds are public records and are not confidential privileged writings by Councilman Faria to you. Therefore, no attorney client privilege applies in either situation. I will also say that it would be interesting to have clarified as to if you as City Attorney serve the citizens first, and they are your real clients in interest, rather than your serving the city council members who are civil servants of the citizens. Either way, it seems asserting an attorney client privilege between yourself and council members about matters of citizens that are not confidential may not be well taken, or even available to you.

Your informing me upon my request if you presented copies of public records to city council members also would not fall under the protection of the attorney client privilege.

Therefore, I respectfully ask again that you provide answers to questions #1-3. If you disagree with my position, I ask kindly that you explain why in detail and cite the appropriate cases to support your position.

I also add that I have no knowledge of any attorney client privilege existing for a City Attorney that would override obligations to protect citizens from possible malfeasance by city officials. I submit that the

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

Forte's letter response to City Attorney Vaughn's. Forte though not an attorney believes the privilege does not apply and informs Vaughn as to why and asks Vaughn to either agree or show why it does. Page 2 of letter on bottom of next page.

A GORILLA SPEAKS!

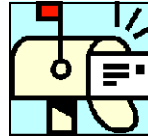
"It's easier to get a Gorilla to speak than it is to get answers from uncivil civil servants" —GF



Preface: In the last Badger, *Silence is Golden*, letters requesting a reply were sent to civil servants of the City of Los Banos, the State Water Resources Quality Board, and to a civil servant higher up on the food chain,

California Supreme Court Chief Justice Ronald George.

As of the time of this publication, the only individuals to respond have been City Attorney, William Vaughn (to a second letter), and Chevron.



The Badger letter dated February 18th, 2008 to Mr. David O'Reilly, C.E.O, Chevron Corporation requested a response within 10 business days.

On February 28th, 2008, The Badger received a timely, but *eloquently non-responsive* reply. (See letter on page 24 and page 25 for The Badger's reply.)

The Chevron letter put words in The Badger's mouth not spoken, but it did prove one can get a metaphorical Gorilla to speak before one can get uncivil civil servants to respond to a letter.

The letter to Chevron requested that it take full financial responsibility for the increase in the water costs to California Dairies Inc./Los Banos Foods instead of the citizens of Los Banos bleeding green in the tune of about \$160,000.00 annually by decreasing the business water rate to CDI/LBF.



The Merced County Department of Environmental Health had determined according to the State Water Resources Control Board's website GeoTracker that the corporate owned Chevron at 1164 Pacheco Blvd was the source of the contaminant MTBe to the CDI/LBF. (See details in the *Silence is Golden* issue.)

Badger Flats Gazette (letter to Vaughn pg. 2)

Enron case drove the point home. There, misguided attorneys believed they could rely upon the attorney client privilege to insulate themselves from accountability of knowing about, but not reporting upon, the crimes of their clients. I certainly do not consider you to be cut from the same cloth.

You may find the upcoming Badger interesting with its comparisons drawn between the fate of Buck Weaver of the 1919 Chicago White (Black) Sox and public officials not reporting upon each other.

It appears that Mayor Jones has not reported at least one outstanding loan from Mr. Hostetler on the California Form 700 signed under penalty of perjury and filed with the California Fair Political Practices Commission. All the while, Mayor Jones has been proffering comments upon issues pertaining to Ranchwood Homes/ Mr. Greg Hostetler, and intending to vote on the annexation issue.

As to my asking to be informed if you have been directed by the City Council or the Mayor of Los Banos not to be responsive to a citizen (that's me) or a news publication's (that's the Badger's) requests for information, that also certainly is not attorney client privileged communications. The answer is either a yes or no.

Depending upon the answer, I can then formulate the proper approach for pursuing remedies to protect my right to access of information.

In regards to your wanting to know if I would be willing to share the information obtained from the Merced County Department of Environmental Health under the request for public records pertaining to the MTBe contamination to California Dairies Inc./Los Banos Foods by the corporate Chevron located at 1164 Pacheco Blvd., I want to clarify that such public records request was made by Mr. Marion Santos. I have spoken to Mr. Santos, and he said he would be more than happy to do so. To facilitate such, I will make a copy of the CD which contains voluminous files and drop it by your office.

With the above said, I want to make clear that I am not in any way inferring that you have intentionally done anything wrong. I only believe that you may have been overly cautious in your assertion of the attorney client privilege. I request that you please provide me answers to my questions sometime within the next seven business days via email.

If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,


Gene Forte
The Badger Flats Gazette

CC: Rath, Faria, Villalta, Ballati, Sousa

A NO BRAINER

It's a no brainer deal.

So why are Los Banos City civil servants so hell bent on spending citizens' funds by hiring an outside environmental firm to tell them what MCDEH already knows under the guise of protecting the water supply of Los Banos citizens?



One brief answer is that when civil servants need to cover something up for other civil servants, it is always done under the auspices of benefiting citizens.

Why are LB civil servants even considering discounting the business water rate to CDI/LBF for damages caused by Chevron?

The brief answer is, it is a charade.

Civil servants are attempting to cover up the negligence or malfeasance of other civil servants which is at the heart of an investigation by The Badger.

(GORILLA, see page 23)

(GORILLA, from page 22)

THE SILENCE IS DEAFENING



The Merced Sun-Star and The Los Banos Enterprise (both owned by The McClatchy Newspaper Gang) has not printed a word about the public claim of Mr. Marion Santos, owner of Santos Ford/Toscano RV, and the biggest payer of Los Banos City Sales Tax. (See *The Buck Stops Here!* for details)

The silence is deafening, and citizens are speculating that The Badger must have some very powerful evidence against some high level civil servants to hold them at bay, and it does.

The Los Banos Enterprise and Merced Sun Star have been sent copies of the trust deeds showing the loans of Greg Hostetler to Mayor Jones.



Prepare for your ears to bleed.

If McClatchy Newspapers does say anything about the mess, I would be surprised if they mention my name.

(See "*The Truth*" for details)

The claim of myself and Santos were rejected, not after an investigation, but by what is called an operation of law. (See page 31, for rejection.) Not to leave you scratching your head on what in the heck does "by operation of law" mean, I'll try to explain in my laymen's terms. *Please remember that I am not an attorney.*

Prior to a citizen being able to file a lawsuit against a public official or agency for something they believe was done wrong to them, the citizen must first file a public claim against the county or state agency. It is then either paid or rejected.

I assure you that you have a better chance of getting an ice cold drink in hell

than a claim being paid. (See *The Buck Stops Here!*, "The Scarlett Letter")

Once the claim is filed, the agency has 60 days to investigate it, pay it, and/or reject it. Therefore, if they just stuff it in the top drawer of their desk and not investigate it, the claim is automatically rejected by "operation of law."

NA-NA-DE-NA-NA & TONGUE TWISTERS!

There is an added benefit for uncivil civil servants not investigating claims involving crimes against citizens by other uncivil civil servants.

I call it the "na-na-de-na-na-you-can't-get-us-either-sticking-their-tongue-out-at-you-play."



Follow this: An uncivil civil servant cannot be held accountable for not performing his/her sworn duty of service to the public for not holding another

uncivil civil servant accountable if there is no investigation revealing evidence of the crime.

Ergo, if there is no investigation by the uncivil civil servants at the agency that is supposed to investigate the uncivil civil servants the claim is against, then both the uncivil civil servants at the agency *and* the uncivil civil servants claimed against are in the clear to split up any booty and buy each other lunch on citizens' expense accounts.



Please read the last few sentences a couple of times until it sinks in. They are tongue twisters, but accurate!

Get your paws on a copy of *The Buck Stops Here!* and *Silence is Golden* for more details of the claims and the claims process.

THE END



GUESS WHO? Who are the two darling young tikes heading out to The Ball Game? A special segment will be dedicated to their contributions to the community of Los Banos in the next Badger.

Hint: Mozzarella!



The views, opinions, and commentary expressed in the *Badger Flats Gazette* are solely those of Gene Forte and do not necessarily reflect the views and opinions of Badger Flats, LLC.

Gene Forte is currently a plaintiff in the case of Forte vs. Knight Ridder, McClatchy Newspapers, O'Farrell, AG Lockyer, et al., Case No. C06-03948-JW. Forte also filed a Merced County claim against Merced County Assistant DA Matt Maclear and officials of MCDEH. Forte also has a claim filed against Merced County Counsel James Fincher, Merced County Supervisor Jerry O'Banion, and Brad Smith/Merced County Risk Management Department.

Back issues of The Badger are available for \$5.00, (209) 829-1116, or write: P.O. Box 989, Los Banos, Ca. 93635. You may also go online: <http://www.badgerflats.com> to download or view issues.

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JuanGarcia@chevron.com

February 27, 2008

VIA OVERNIGHT MAIL

Badger Flats Gazette
Mr. Gene Forte
688 Birch Court
Los Banos, CA 93635

Re: Chevron #9-0769, 1164 Pacheco Blvd., Los Banos, California

Dear Mr. Forte:

Thank you for your letter dated February 18, 2008 to Mr. David J. O'Reilly regarding California Dairies, Inc. and Los Banos Food, Inc. (CDI/LBFI). Chevron accepted responsibility for the gasoline release from the station at 1164 Pacheco Boulevard, and continues to work with the County Department of Environmental Health to bring that matter to closure.

We respect your desire to act on behalf of the aforementioned businesses. However, please understand Chevron is in productive conversations with them and currently desires to protect each party's confidentiality.

Any concern you have with regard to CDI's request for a city water connection should be addressed with them.

We appreciate your concern for Mr. Cotta and hope to resolve this matter very soon.

Sincerely,

Juan M. Garcia

Cc: Mr. Richard Cotta – California Dairies, Inc.
Mr. William Vaughn – City of Los Banos, City Attorney
Mr. David J. O'Reilly – Chevron Corporation
Ms. Stephanie Furgal – Chevron Environmental Management Company

Letter from Corporate Chevron to The Badger confirming responsibility of MTBe contamination to California Dairies Inc./Los Banos Foods while putting words in The Badgers mouth.

Badger Flats Gazette

Saturday, March 15, 2008

Mr. David J. O'Reilly, Chief Executive Officer
Attn: Mr. Juan Garcia
Chevron Corporation
6001 Bollinger Canyon Road
San Ramon, California 94583-2324

FAXED ONLY

Re: Chevron #9-0769, 1164 Pacheco Blvd., Los Banos, California

Dear Mr. O'Reilly:

I write this letter in response to your letter dated February 27th, 2008 authored for you by Mr. Juan Garcia in response to my letter dated February 18th, 2008. First of all, I want to commend Chevron for such a timely response and add that I wish that Los Banos City Officials would follow your good example.

With deserved kudos now aside, I only request that Mr. Garcia not misconstrue my words or intentionally, or unintentionally, put words in my mouth. At no time in my letter did I infer a desire to "act on behalf of the aforementioned businesses" as proffered by your Mr. Garcia.

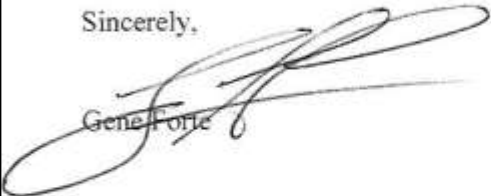
I stated that, "The Badger Flats Gazette wishes to aid a long time and faithful business member of the community in its time of need *without the citizens bleeding green*" [*Emphasis added*]. The operative point is that my attempts are for the benefit of citizens, including myself, by us not picking up the tab for damages caused to CDI/LBF by Chevron.

Also, even though Chevron has the desire to protect each party's confidentiality (being Chevron and CDI/LBF) as stated in your letter while assuring citizens of Los Banos you are purportedly in "productive conversations," frankly, seeing is believing.

Candidly, I see no rational how keeping anything confidential in discussions between Chevron and CDI/LBF can ultimately affect the revenues and citizens of Los Banos.

With that said, I request that you provide me a written response as to Chevrons' willingness to voluntarily provide any and all records of discussions with CDI/LBF which relate directly to resolving the matter of their increased water cost, for which they sought a discount from the City of Los Banos, within the next 10 business days so that I may publish in the Badger Flats Gazette. If you have any questions I can answer for you, please do not hesitate to call. Thank you for your time.

Sincerely,



Gene Forte

Cc: Mr. Richard Cotta, Mr. William Vaughn

Page - 1 -

688 Birch Court, Los Banos, California 93635
Phone: (209) 829-1116 Fax: (209) 829-1952

THE MAN FROM BADGER FLATS

by Gene Forte



Some may say it was my destiny, others may call it a vocation. But, anyone thinking I am fighting uncivil civil servants to hit a financial jackpot is clearly missing the point of what I call my work....and it is work.

My work focuses upon dragging uncivil servants into the light. I show how they do not hold each other accountable for acts which violate a citizen's right to justice against government corruption.

Adversaries try to create the illusion that I am on a personal vendetta against them. I say, tsk, tsk, poor little wolves. Not so.



That smut ball doesn't work anymore. My winning of appeals, defeating Attorney General Lockyer, Governor Schwarzenegger, and Chief Justice George in courtrooms, and forcing several judges into retirement, proves I know the law and I am not crazy. I have built up too much momentum and too much evidence showing their corruption. It didn't happen overnight.

It has taken seven years of sacrificing time with my family, putting aside my financial security, and having a heart attack in a courtroom to build a solid base of evidence showing how civil servants place themselves above the law.



I have become a master at besting uncivil civil servants, and I am the secret that must be concealed from the public by them. The most important

element for government corruption to flourish is the *complicity of the news media in concealing it.*

I am not a radical or anarchist by any stretch of the imagination. For insight about my patriotism, I suggest reading "Ask Not What" in the *Silence is Golden* issue. I am doing what I believe is right for my country.



The Badger is catching on like wildfire. More people are asking why the uncivil servants I am chasing are not publicly defending themselves. Citizens in the know are speculating that I must have some powerful goods on some powerful people and are curious as to why no media is reporting upon what I am doing instead of staying silent like cornered rats.

The good ol' boys upstream, Chief Justice George, Treasurer Bill Lockyer, and powerful politicians such as Leon Panetta are biting their nails wondering where this is all going to lead to.



Lower ranking uncivil servants of Merced County were caught off guard and let their arrogance get the best of them when I came to the aid of Marion Santos, owner of Santos Ford/Toscana RV in Los Banos.



The cabal has become a non-partisan sweat fest for all uncivil civil servants, including those that control the steroid talking head governor of California.

Those at the top have realized, too late, that my coming back to my hometown after my heart attack was not running away from them in Monterey, but bringing them before the home crowd for the final game.

They are now set-up to be flushed down the toilet with the lower ones in Merced County that are being exposed before the citizens of Los Banos.



It just bugs these arrogant gents to no end to think they are being brought to the brink of destruction by

a country boy with a high school education.

The title of my first book is called *The Man from Badger Flats*. It will be a very entertaining eye opener written in the style of *The Badger* providing details, evidence, and perspective.



For those that say, "Ah-ha! That's why Gene's been doing this!", may be living in denial from what they are being shown.

I have the experience and knowledge to warn others so they can avert disasters in their life from civil servant corruption. There is certainly nothing un-American from profiting from fighting against government corruption. It would be marvelous if thousands of citizens could start a fad by doing so. Soon government corruption would be on the run.

Before I could write about it, I had to live it and get the evidence. I could not back down at any juncture and still can't.

If I had not followed every avenue to seek redress of my grievances against the judges that fixed the initial real estate lawsuit against me, forced judges into retirement, dragged uncivil civil servants into the light to prove they do not hold each other accountable while putting themselves above the law by filing lawsuits, appeals, and claims, the civil servants would say that I just didn't go far enough to get justice.

They would have had an escape route. I have systematically blocked every exit at a very high personal cost. I have never regretted it for a minute.



I have not done what I have done to make a public spectacle out of myself but to make a public spectacle out of government officials mocking citizens.

Let me demonstrate how with "WE FOUND OURSELVES INNOCENT," page 27."

THE END

WE FOUND OURSELVES INNOCENT (Shhhh!)

Preface: When a civil servant has to choose between aiding a citizen wronged by a civil servant, or assisting the civil servant to cover it up, they invariably will side with the civil servant. When a civil servant does such, they transform into what can be called an evil minion. (Note: Please Read *The Man From Badger Flats*, page 26, prior to this article).



Civil servants covering up for each other is what keeps bad ones in office and their evil minions (mini-me's) going up the power ladder with them. It is done at the expense of citizens.

Only when their own derrieres are on the line due to public chastisement for protecting a wayward civil servant will they ever consider breaking from the pack. However, since news groups such as McClatchy's Newspapers (Los Banos Enterprise and Merced Sun-Star) are paid off via political advertising bucks to keep their mouths shut, civil servants don't worry about it much.

Until, Enter the Badger.



Overview: I filed a Merced County claim that alleges that Merced County Supervisor Jerry O'Banion, Merced County Counsel/Grand Jury Advisor James Fincher, and Risk Management Department Manager Brad Smith attempted to tamper with Grand Jury complaints and claims filed by Mr. Marion Santos and myself. (See page 29-30).

The separate claims of Santos and myself against Merced County Department of Environmental Health officials, District Attorney Larry Morse

and members of his office contain very serious allegations. (See "The Buck Stops Here!")

O'Banion foolishly allowed himself to be used by Fincher trying to get Fincher's civil servants off the hook.

"MATTERS OUT OF CONTROL"

The day after the Grand Jury complaints of Santos and myself were received by the Grand Jury, O'Banion called Santos to arrange a meeting between Santos, Fincher, Jeff Paslgaard, and himself. See page 32, Santos' Declaration.



Grand Jury complaints are to be kept confidential amongst the civilian grand jury members. Fincher, even though he is the Grand Jury advisor (page 35), should not have had any knowledge of the filed complaints.

Could the timing of the call from O'Banion to Santos to arrange a meeting with Fincher have been coincidental to the Grand Jury complaints being received by the Grand Jury? Sure.

Do I believe it was? No. My being prudently suspicious is supported by what took place as the dialogue about the meeting progressed.

O'Banion told Santos that the meeting was "to see if anything could be worked out before matters got out of control."

Months before, I had told Santos that the civil servants that I had cornered would attempt to cut a deal with him in exchange for any number of things ranging from his somehow selling me out to asking Santos to pull me off of them.



Santos told me of O'Banion's contact and asked me to draft a FAX (page 33) as suggested by his attorney to O'Banion asking point blank if the meeting was about Santos' Merced County Claim or his Grand Jury Complaint.

O'BANNION/ FINCHER CAUGHT OFF GUARD

O'Banion's response (page 34) seems on the surface to be very innocent and forthright. He disclaims any knowledge of the Grand Jury complaint and says he didn't believe it would be appropriate for him to talk about the pending Merced County Claim.

Let the Badger pose a few Columbo like questions whose reasonable answers I think will show it was not an innocent letter, but a, "Oh My God, Santos Told Forte" CYA (Cover Your A__) Letter.



1. When O'Banion got the fax from Santos, do you think he spoke about it or gave a copy of it to Fincher prior to responding to Santos two days later?

If O'Banion did then Fincher would have known about the Grand Jury Complaint if he didn't know about it before and knew no meeting should take place. So why did they still push for it?

2. Do you think O'Banion would have drafted a letter in response to Santos letter without having input from Fincher who he was arranging the meeting with and for?

If Fincher contributed to drafting the response letter to Santos, it seems reasonable to believe that he would have known how to use his skills as an attorney to be vague and ambiguous to start to cover their the tracks regarding what they were caught doing. (Note: Personally, knowing the details of the matters, I see Fincher's fingerprints all over it.)

3. Since O'Banion said he knew it would be inappropriate to speak about either the Grand Jury Complaint or the

(INNOCENT, see page 28)



(INNOCENT, from page 27)

pending Merced County Claim against Palsgaard (who would be represented by Fincher), why was he still going to arrange a meeting between Palsgaard/Fincher evidenced in his response letter by saying "I look forward to setting a date and having a meeting"?



O'Banion knew that Fincher was the advisor to the Grand Jury and also the Risk Management Department that was handling the pending claim. Any meeting

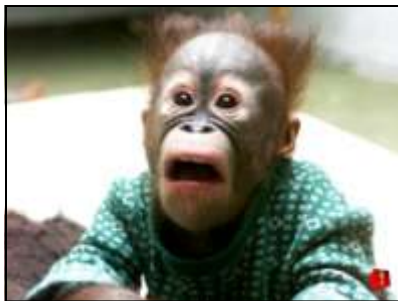
taking place between them would be inappropriate.

An eight page letter with 13 accompanying exhibits from myself to Grand Jury Advisor Judge Hugh Flanagan described O'Banion's and Fincher's letter as "transparent track covering," and I requested an investigation of the matter.

In classic double speak, Judge Flanagan responded by babbling to the left and then babbling to the right saying that he was somehow sending something over to the Grand Jury for further action.

More than likely, he had Fincher draft the letter for him.

SHOCKING ARROGANCE



On March 4th, 2008, I received the Notice of Action rejecting the claim signed by Smith, the individual who the claim was FILED against. (See page 31). Smith, O'Banion, and Fincher rejected the claim filed against themselves.

MAKE MY DAY!

So, what would happen now if I were to file a another claim against Smith, O'Banion and Fincher for rendering a decision on their own claim?



Well, it would make my day easier in demonstrating to citizens that no matter how outlandish a civil servants action's are, there is no process in place for citizens to hold them accountable.

Now it doesn't matter if Fincher, O'Banion, and Smith did anything wrong concerning the alleged tampering with the Grand Jury complaint and previous claims by Santos and myself that Smith now rejected.

Does it seem that a reasonable citizen would doubt the objectivity of Smith, Fincher, and O'Banion in deciding the claim if the claim was made against themselves?

PUBLIC SCRUTINY

If you read, as suggested, "The Man from Badger Flats" prior to this article, you would better understand why it seems I am willing to bang my head against a concrete wall. It is so that the public can scrutinize the actions of our civil servants.



Civil servant malfeasance and putting each other above the law cannot survive under public scrutiny.

My strategy is to bring as much public scrutiny upon what O'Banion, Fincher, and Smith did as I can. The reason being is that I think O'Banion may be one of the better civil servants of Merced County with a conscience left.

O'Banion does not need the money, and I personally do not think he would steal a dime from anyone. What I believe is more important to O'Banion is his

name. I think that he may be remorseful about what he did at this time. He is also considerably concerned that it was I that caught him.

O'Banion made a couple serious mistakes out of the box. One was trying to tip the scales as a favor to other civil servants, Fincher, DA Larry Morse, and officials of MCDEH. O'Banion should have let the chips fall where they may for Merced County civil servants that messed with Santos and were caught by me doing so.

Next, O'Banion miscalculated that his long term friendship with Santos would be able to sway Santos from following my suggestions in dealing with uncivil civil servants, and he would be able to get Santos to pull me off of them.



What O'Banion forgot was that when Assistant DA Matt Maclear accused me of "making up the story of his threatening Santos with criminal prosecution for my own personal gain," it was a personal and slanderous attack upon me. It is something that I will not let die, and Santos knows that he has no control over my bringing these guys to their knees for saying it.

Personally, I think that O'Banion in his early years sincerely wanted to help citizens. In later years, he has lost sight of who he owes allegiance to and will not hold other civil servants accountable whom he has run with for many years.

O'Banion has seen too much of disgusting underbelly of civil servant corruption. I think O'Banion now feels obligated to keep what he knows hidden to preserve his own image and to "uphold the public's trust of the government." It is probably time for O'Banion to retire.

Hopefully, not prior to the lunch he still owes me from the Our Lady of Fatima Silent Auction.

THE END



May file in person, or mail form to: Clerk, Board of Supervisors, 2222 M Street, Third Floor, Merced, CA 95340. **Print/Type Only** Please provide two (2) copies of the claim. If you are mailing the claim also include a stamped, self-addressed envelope for the return of a copy to you. Claims will be stamped and numbered by the Clerk of the Board of Supervisors, and one copy will be returned to claimant for claimant's records.

2008-004

CLAIM AGAINST THE COUNTY OF MERCED

Claim Number (Dept. Use Only)

1. **Claimant's Name:**

FORTE	GENE	E.	Date of Birth:
Last	First	Middle	2/26/1952
2. **Claimant's Address:**

688 BIRCH COURT	LOS BANOS	CA	93635
Street (or P. O. Box)	City	State	Zip Code
3. **Address where correspondence should be sent (if different from above):**

Name			
Street (or P. O. Box)	City	State	Zip Code
4. **Phone Number:** (209) 829-1116 () SAME ()

Home	Work	Other
------	------	-------
5. **Amount of Claim:** \$ 1,000,300.00
6. **Date of Accident / Incident / Loss:** SEPTEMBER-DECEMBER 2007
7. **Location of Accident / Incident / Loss:** MERCED COUNTY
8. **Provide your description of how the Accident / Incident / Loss/ Occurred:**

AFTER FILING A PUBLIC CLAIM WITH MERCED COUNTY MERCED COUNTY SUPERVISOR JERRY O'BANION, MERCED COUNTY COUNSEL JAMES FINCHER MERCED COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH DIRECTOR JEFF PALSGAARD AND BRAD SMITH, MERCED COUNTY RISK MANAGEMENT MANAGER DISRUPTED THE CLAIM PROCESS AGAINST MY INTERESTS. AFTER FILING A COMPLAINT WITH THE GRAND JURY CONCERNING THE SUBJECT MATTER OF THE MERCED COUNTY CLAIM MERCED COUNTY SUPERVISOR JERRY O'BANION, MERCED COUNTY COUNSEL JAMES FINCHER AND MERCED COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH DIRECTOR JEFF PALSGAARD TAMPERED WITH THE GRAND JURY PROCESS AND INTENTIONALLY BREACHED THE CONFIDENTIALITY OF THE GRAND JURY COMPLAINT TO PREJUDICE THE GRAND JURY COMPLAINT AGAINST MY INTERESTS. SEE ATTACHED DOCUMENT WITH EXHIBITS WHICH WAS PREPARED AND GIVEN TO SUPERVISING GRAND JURY JUDGE HUGH FLANAGAN

9. Describe Damage / Injury / Losses being claimed (including prospective damage / injury / losses to the extent it is known at the time of claim filing)

DUE TO THE IMPROPER INTERFERENCE WITH THE CLAIM PROCESS I AM NOW FORCED TO FILE LITIGATION WHICH WILL TAKE ADDITIONAL TIME AND MONEY IN AN EXACT AMOUNT NOT YET KNOWN. I WILL NOW HAVE TO SEEK THE MONEY THAT I SHOULD HAVE BEEN AWARDED AGAINST PUBLIC ENTITIES OF THE SUBJECT CLAIM THAT WAS DISRUPTED BY THE PARTIES NAMED IN THIS CLAIM.

10. Name(s) of Public Entity / Employee(s) causing injury, damage, or loss:

MERCED COUNTY SUPERVISOR JERRY O'BANION, MERCED COUNTY COUNSEL JAMES FINCHER, MERCED COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH DIRECTOR JEFF PALSGAARD, MERCED COUNTY RISK MANAGEMENT, BRAD SMITH

11. Names and Addresses of any and all witnesses known:

MR. MARION SANTOS, TOSCANO RV, LOS BANOS, CALIFORNIA, MERCED COUNTY GRAND JURY FOREMAN AL MUELLER

12. If you are claiming you sustained an injury, please provide the names and addresses of any and all medical professionals who treated or are treating you for those claimed injuries.**13. Itemized list of Claimed Expenses / Damages (should equal line 5)**

Item:

DOLLAR AMOUNT

COST OF COPYING OF FILES, postage, etc \$ 300.00

Damage due to loss of claim \$ 1,000,300.00

\$

(Please attached any estimates*
and/or receipts to your claim)

\$

TOTAL CLAIM \$ 1,000,600.00

Board of Supervisors Stamp

Do Not Write in This Space

*1 estimate if repairs are less than \$1,000

*2 estimates if repairs are more than \$1,000

Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both such imprisonment and fine, or by imprisonment in the state prison, or by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine.

14. Date:

JANUARY 16TH, 2008

Signature of Claimant/Representative:

GENE E. FORTE

You must present your claim within the time prescribed by Govt. Code Section 911.2.

**County of Merced
County Executive Office
Risk Management Division**

Notice of Action on Claim

March 4, 2008

Mr. Gene E. Forte
688 Birch Court
Los Banos, CA 93635

In Re: Claim for Damages #2008-004

Notice is hereby given that the claim which you presented to the Board of Supervisors on 1/18/2007, was

- ☐ Rejected by Board of Supervisors Action on
- ☐ Allowed in the amount of \$ and rejected as to the balance.
- ☒ Rejected by operation of law on March 4, 2008.

WARNING

If your claim was rejected in whole or in part, you have, subject to certain exceptions, only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. **NOTE:** This six (6) month filing period applies only to State Court actions. If your action is based on federal law and/or you intend to file in Federal Court, a shorter or longer period within which to file the action may apply.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Date of Deposit in Mail: 3/04/2008



Brad Smith
Risk Management Director

cc: Board of Supervisors
County Counsel
Freese & Gianelli
File

2222 M Street
Merced, CA 95340
(209) 385-7356

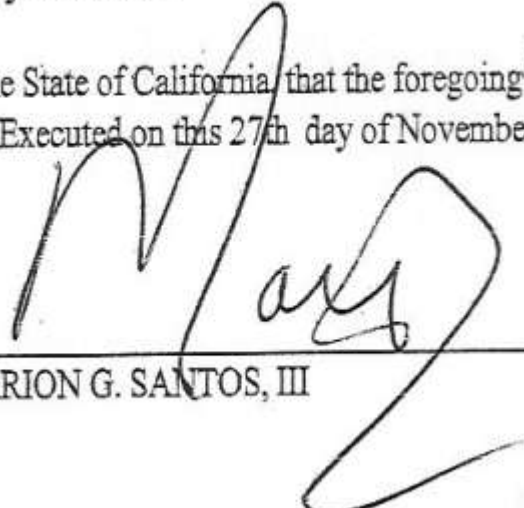
Rejection of claim against Brad Smith, the Risk Management Director, by himself with a copy going to County Counsel Fincher and Supervisor O'Banion who were also subjects of the complaint and assisted in determining nothing should be investigated.

DECLARATION OF MARION G. SANTOS, III

I, Marion G. Santos, declare that:

1. On September 27th, 2007 I had filed claim #2007-1182 against the Merced County District Attorneys' Office and the Merced County Department of Environmental Health.
2. On November 6th, 2007 I had filed complaints with the Merced County Grand Jury against the Merced County District Attorneys' Office and the Merced County Department of Environmental Health and that attached to the Grand Jury complaints were Merced County claim #2007-1182 and the Merced County claim #2007-1181 filed by Eugene E. Forte on September 27th, 2007.
3. Attached as Exhibit "1" is a true and correct copy of United States Postal Delivery Confirmation Receipt indicating that the Merced County Grand Jury received the complaints on November 7th, 2007 at 4:36PM.
4. In the afternoon of November 8th, 2007 I received a phone call from Merced County Supervisor Jerry O'Banion asking if I would come to a meeting with himself, Merced County Counsel James Fincher, MCDEH Director Jeff Palsgaard. Supervisor O'Banion told me that I could bring my attorney with me.
5. Supervisor O'Banion told me during the call on November 8th, 2007 that the meeting was to see if anything could be worked out before matters got out of control.
6. Attached as Exhibit "2" is a true an correct copy of the letter dated November 12th, 2007 that I had faxed over to Supervisor Jerry O'Banion asking for an outline of what the Merced County Counsel James Fincher and Supervisor O'Banion wanted to talk about at the meeting.
7. Attached as Exhibit "3" is a true an correct copy of the letter dated November 14th, 2007 that I received by fax from Merced County Supervisor Jerry O'Banion.

I declare, under penalty of perjury and the laws of the State of California, that the foregoing is true and correct to the best of my own personal knowledge. Executed on this 27th day of November, 2007, in Merced County, at Los Banos, California.


MARION G. SANTOS, III

Santos Ford

Fax

To: Mr. Jerry O'Banion

From: Mr. Marion Santos

Fax: (209) 726-7977

Fax: ~~209-826-7963~~

Phone: (209) 385-7366

Phone: 209-826-4921

Date: 11/12/2007

Pages: 1

Subject: Meeting

Notes:

I told my attorney that you called me last Thursday asking to set up a meeting with us and the Merced County Counsel to see if anything could be worked out.

He asked me what you wanted to talk about and I told him I wasn't sure if it was about the claim or the Grand Jury complaint or both?

He asked me to get an outline from you of what you and the County Counsel wanted to talk about so he could be prepared.

You can fax it over to me and I'll get it to him.

Thanks.

Marion



Fax to Supervisor O'Banion from Marion Santos asking for clarification of what O'Banion, Palsgaard and Fincher wanted to talk about.

November 14, 2007

Good morning Marion:

The following is in response to your fax dated November 12, 2007.

Since I'm unaware of a Grand Jury complaint and Merced County Risk Management deals with claims, I don't believe it would be appropriate to talk about either.

My efforts are centered on getting your clean-up project on track, rather than Merced County turning the project over to the Regional Water Quality Control Board and their staff.

I have not prepared an agenda, but do believe a meeting with you and your counsel, Merced County Counsel James Fincher, Environmental Health Director Jeff Palsgaard and my self would be beneficial in keeping the issue local.

I look forward to setting a date and having a meeting to attempt coming to an amicable resolution regarding the clean-up of your property. A timely response is appreciated.

Sincerely,


Jerry O'Banion
 Merced County Supervisor
 Fifth District
 (209)385-7366

Response to Marion Santos from Supervisor O'Banion. On the surface, it seems like a very innocent letter, but I assure you, it is not. I submit that O'Banion and Fincher put their heads together in writing the above letter figuring that Santos had cued me to what they were trying to pull off. In other words they picked up the scent of The Badger. It is the classic CYA letter.



LITTLE LEAGUE MARCH 2007 OPENING CEREMONY

I remember the day well. My son Juston was playing on The Giants sponsored by The Badger Flats Gazette. At the opening ceremony, Mayor Jones threw the first pitch.

Juston was excited to be introduced to Mayor Jones and have his picture taken with him.

Little did I know at the time of the deep seeded hatred Mayor Jones was concealing from me. Two months later at the May Day Parade, Mayor Jones told myself and Mr. Clinton Galloway that he knew for a fact that I was a dangerous member of the Ku Klux Klan.

I certainly am not.

Photo: (Left to right) Gene Forte, Mayor Tommy Jones, Juston Forte.



Mission Statement



The County Counsel is the legal advisor for the County of Merced, the attorney for the Board of Supervisors, County Administrative Officer, all County departments, boards, commissions, and district of County government.

The duties of the County Counsel, as set forth by California statutes, include (but are not limited to) the following:

2. Prosecute or defend all civil actions against the County or its employees (Government Code § 26529);
3. Determine the legality claims against the County, and oppose same, if deemed unjust and/or illegal (Government Code § 26526);
6. Provide legal advice to the Grand Jury, when requested (Penal Code § 934);

Excerpt from the Merced County website. Keep items #2, #3, and #6 in mind when reading *We Find Ourselves Innocent*. O'Banion and Fincher (advisor to the Grand Jury) contacted Santos the day after the Grand Jury received what is suppose to be a confidential complaint concerning Fincher's civil servant clients. Fincher was not to have any knowledge of complaints filed with the Grand Jury. O'Banion denies in his letter to Santos that he had any knowledge of the Grand Jury complaint and says it would be improper for him to discuss it. However, after saying such he still pushes for a meeting between Santos and Fincher, the Grand Jury Advisor, who O'Banion knows that as a civil servant, he should not be meeting with Santos. An eight page letter to Judge Hugh Flanagan provides more than enough detailed evidence of the improper shenanigans of O'Banion and Fincher.



Los Banos Little League Baseball

The Boys of Spring were out in full colors for the Los Banos Little League Opening Ceremony of 2008. Cars were parked for blocks away surrounding Colorado Park as parents came out to cheer on their favorite team.

Sponsors for several teams are still needed. If you are interested, contact The Los Banos Little League, Ms. Dana Haumea at (209) 827-1601.

The Padres, pictured at left, are coached by Tag Soares, Gary Silva, and Sammy Pena. (left to right, back row) and sponsored by Advanced Eyecare Associates (Tag's business).

Remember to come out to The Old Ball Game and Root, Root, Root for your team to support a Great American pass time!



1919 Chicago White Sox team photo (Courtesy Wikipedia)

The Black Sox Scandal refers to a number of events that took place around and during the play of the 1919 World Series. The name "Black Sox" also refers to the Chicago White Sox team from that year. Eight members of the Chicago franchise were banned from baseball for throwing (intentionally losing) games, giving the victory to the Cincinnati Reds.

The Fix: The conspiracy was the brainchild of White Sox first baseman Arnold "Chick" Gandil (Photo right) and Joseph "Sport" Sullivan, who was a professional gambler of Gandil's acquaintance.



New York gangster Arnold Rothstein (Photo left) supplied the major connections needed. The money was supplied by Abe Attell, former featherweight boxing champion, who accepted the offer even though he did not have the \$80,000 that the White Sox wanted.

Gandil enlisted seven of his teammates, motivated by a mixture of greed and a dislike of penurious club owner Charles Comiskey, to implement the fix. Starting pitchers Eddie Cicotte and Claude "Lefty" Williams, outfielders "Shoeless" Joe Jackson and Oscar "Happy" Felsch, and infielder Charles "Swede" Risberg were all involved. Buck Weaver was also

WHO COULD MUSTER THE BEST FIX?

by Gene "Cosell" Forte

Given the revelations in *One...Two...Three Loans You're Out!...* one wonders which team could muster the best fix of a baseball game if they set their minds to it.

Mayor Tommy Jones and The Los Banos City Council or the 1919 Chicago White Sox? With tongue-in-cheek, I think the infamous members of the White Sox would not stand a chance.

Now, this sportscaster's opinion could change but the City council members must come clean. It's my call that if they had knowledge of Jones concealing the Hostetler loans and didn't say anything, well sadly they should meet the same fate as Buck Weaver and.....**THEY'RE OUT!**



The Los Banos Home Team: Los Banos City Council Members (left to right): Joe Sousa, Tom Faria, Mayor Jones, Anna Balatti Brooks, Mike Villalta. **Who's your home town team batting for?**

asked to participate, but refused; he was later banned with the others for knowing of the fix but not reporting it. Utility infielder Fred McMullin was not initially approached, but got word of the fix and threatened to report the others unless he was in on the payoff. Sullivan and his two associates Sleepy Bill Burns and Billy Maharg, somewhat out of their depth, approached Rothstein to provide the money for the players, who were promised a total of \$100,000. (Source: Wikipedia.com)



Photos from left to right: Eddie Cicotte, "Shoeless" Joe Jackson, Oscar "Happy" Felsch, Fred McMullin, Buck Weaver, Claude "Lefty" Williams, Charles "Swede" Risberg, and 1919 Chicago White Sox owner, Charles Comiskey.