Dedicated to President Harry S. Truman who believed in government accountability and made famous "The Buck Stops here!"

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TAKING SIDES .......................... Gene Forte

In sharing with you the events of these past three months, it is necessary to make a few things abundantly clear. First and foremost is that I am against the actions of the Merced County District Attorney’s Office and the Merced County Department of Environmental Health (MCDEH). Please do not expect me to pretend to be a neutral party.

Santos filed a public claim against DA Larry Morse, the Merced County District Attorney’s Office and the Merced County Department of Environmental Health on September 27th, 2007. (Pg. 3)

The Badger has been very busy these past months learning about the Underground Storage Tank Fund (USTF). It seems to be a virtual treasure trove for dubious public officials throughout the country and opportunistic remediation companies.

Under the guise of protecting citizens from Methyl Tertiary-Butyl ether (MTBe) poisoning, public officials assist remediation companies in siphoning money out of the UST Fund like there is no tomorrow. The Badger will show you how it can be done.

(Recent additions: Billion dollar remediation companies)

Ex-Attorney General Bill Lockyer
Federal Judge James Ware
Sixth Appellate Court Justices Rushing, Premo, Elias and McAdams
Chief Justice Ronald George
An impressive list of Good ol Boys, including:

Each Badger edition takes on a life of its own. After I write it, I read it a few times. I snap here and add there. I peruse the internet looking for pictures that I then blend into my articles.

The Badger Trap

Pictures are worth a 1,000 words. Boss Tweed of Tammany Hall infamy once said, “I don’t care what the papers write about me. My constituents can’t read. But, damn it, they can see the pictures.” (See page 23). With that in mind, I try to convey my feelings that perhaps my words don’t always do so.

FOREWORD, page 2 top left

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Accidents Do Happen!

Knowing what I know they know I know and can prove, perhaps I’m about to meet with an unfortunate accident? Who are “they”?

An impressive list of Good ol Boys, including:

Mr. Leon Panetta
Chief Justice Ronald George
Sixth Appellate Court Justices Rushing, Premo, Elias and McAdams
Federal Judge James Ware
Ex-Attorney General Bill Lockyer
A bevy of public officials/judicial officers out of Monterey County and their crisis management newspaper spin machines.

They may think it is never too late for me to meet with an unfortunate accident.

(Recent additions: Billion dollar remediation companies)

Who’s Chasing Who?

An Apology for Printers

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The Badger has been sequestered away for a few months. Once in a while, I would run into a faithful subscriber. Unless, I spotted them first and could duck into a corner.

I’d say, “Hey, sorry, I haven’t got a Badger out. Been working on a BIG story.” No one was upset. They’d only say they were anxious to get one, and keep up the good work. I thank them for their patience……..but much more for understanding what The Badger really is.

It is a chronicle of my battle with what I consider the forces of evil.

Travel with me to The Pier Pont Inn, where a judge wagged his tongue too much. You are forewarned about x-rated content.

Come to The Circus. Poke fun at the monkeys that expect citizens to believe a judge can rule on his own case that he is a defendant in.

Learn my personal reasons as to why Mayor Jones has not been forgotten.

For the Merced County District Attorney’s Office to defend themselves, they will ultimately have to attack me, not the evidence. It opens a Pandora’s Box of horrors that the Good ol’ Boys have kept a tight lid on and don’t want to talk about.

The saying “the buck stops here” derives from the slang expression “pass the buck” which means passing the responsibility on to someone else. The latter expression is said to have originated with the game of poker, in which a marker or counter, frequently in frontier days a knife with a buckhorn handle, was used to indicate the person whose turn it was to deal. If the player did not wish to deal he could pass the responsibility by passing the “buck,” as the counter came to be called, to the next player.

The sign “The Buck Stops Here” that was on President Truman’s desk in his White House office was made in the Federal Reformatory at El Reno, Oklahoma. Fred M. Canfil, then United States Marshal for the Western District of Missouri and a friend of Mr. Truman, saw a similar sign while visiting the Reformatory and asked the Warden if a sign like it could be made for President Truman. The sign was made and mailed to the President on October 2, 1945.

Approximately 2-1/2’’ x 13’’ in size and mounted on walnut base, the painted glass sign has the words “I’m From Missouri” on the reverse side. It appeared at different times on his desk until late in his administration.


The above listed parties are not as concerned about the claim of Mr. Santos in Merced County as they are in the fact that it is I who have compiled the evidence.

For the Merced County District Attorney’s Office to defend themselves, they will ultimately have to attack me, not the evidence. It opens a Pandora’s Box of horrors that the Good ol’ Boys have kept a tight lid on and don’t want to talk about.

Be skeptical if you wish, but please consider my one request. Spread the story by sharing a copy of The Badger. Talk with friends and get their feedback. If you need more complimentary Badgers, give me a call. I will get them to you, or tell you where you can get them.

You don’t have to necessarily believe that I may be in personal danger. Some new readers of The Badger may chuckle, others may cry. Give others the chance to laugh or cry along with you.

This is no trick marketing ploy or advertising gimmick. There is no longer any paid subscription available, and there is no paid advertising.

All I am requesting of you, if not for me, but for my family, is to spread The Badger around.

Thank you for considering my request.

THE END
The offices of Merced County Department of Environmental Health (MCDEH) and their employees, Mr. John Volanti, M.P.H., Mr. Jeff Tulis, M.S., and Mr. Eric Swenson, P.E., Environmental Remediation Specialist, have negligently and incompetently ordered, directed and controlled, conducted, caused and allowed, oversight remediation, remediation assessment, and other remedial activities conducted at my Chevron gas station located at 1009 East Pacheco Blvd., Los Banos, California causing me great financial damages. The total cost to me of remediation/assessment work ordered and directed by MCDEH, including unpaid invoices, is approximately $917,377.32 (see Attachments B, C, F & G).

MCDEH and their employees went beyond the role of regulatory agency and were ordering remediation assessment work to be performed by independent environmental consultants which was unnecessary, wasteful and punitive of my personal resources and funds available to me for remediation of my site from the Underground Storage Tank Fund (USTF).

MCDEH, and their employees, Volanti, Tulis, and Swenson, surreptitiously forced me into drawing upon my own personal financial resources and reimbursement funds allocated to me from the USTF in order to remediate the contamination which was determined to have been caused to Los Banos Foods by a competitor gas station, Windecker Chevron, located at 1164 East Pacheco Blvd., Los Banos, CA. Windecker Chevron is in fact located directly across the street from Los Banos Foods.

On September 27th, 2006, in order to conceal their past and ongoing negligence, MCDEH had the Merced County District Attorney’s Office threaten me with criminal prosecution and fines of up to $40,000.00 per day if I did not retain my current environmental consultant, Moraz & Mills, Inc. and hire another environmental remediation firm approved by them to continue with more unnecessary remediation assessment work.

Upon being coerced by MCDEH with the threat of criminal prosecution for contamination found not to have been caused by me, I expended thousands of dollars in attorney fees with Somach, Simmons & Dunn (SS&D), Mr. Charles Peluso and Mr. Shawn Mills. In order to avoid criminal prosecution by Merced County Deputy District Attorney, Mr. Matt Maclear, SS&D advised me to enter into a contract with Tetra Tech, Inc., Dunn (SS&D), Mr. Charles Peluso and Mr. Shawn Mills for legal fees, and money paid to Advanced Environmental Concepts.

I was not made aware of the USTF thus far for unnecessary remediation assessment/audit work ordered by MCDEH has decreased the amount of money available to me for any future legitimate remediation work that may be needed if there is an accidental contamination at my station.

Other financial damages incurred by me due to MCDEH, its employees and the Merced County District Attorney’s Office are those monies paid to me by Dunn, Charles Peluso and Mr. Shawn Mills for legal fees, and money paid to Advanced Environmental Concepts.

Other prospective financial damages to me are from outstanding invoices submitted to me for payment by Tetra Tech, Inc. that have not yet been submitted to the USTF for reimbursement.

Other prospective financial damages to me are from outstanding invoices submitted to me by Somach Simmons and Dunn, and future legal fees I may incur in defending any lawsuits, or pursuing any lawsuits against culpable parties.

Other prospective financial damages to me would be caused by damage to my personal and business reputation affecting my car dealership Santos Ford, and my recreational vehicle dealership, Toscano RV.

Other prospective financial damage to me would be caused by the emotional and physical stress distracting and prohibiting me from pursuing with vigor the running of my business ventures.

Other current, past, and prospective future damage to my physical and mental health attributed to the actions of MCDEH and the other culpable parties identified in section #10 are also being claimed.

The financial damages and losses I have incurred due to the activities described above in #8 by MCDEH, its employees and the Merced County District Attorney’s Office are supported by itemized reimbursement requests submitted thus far to the Underground Storage Tank Fund from approximately 2003-present under claim #14307 for LOP 24238. All money reimbursed to me by the USTF thus far for unnecessary remediation assessment/audit work ordered by MCDEH has decreased the amount of money available to me for future legitimate remediation work that may be needed if there is an accidental contamination at my station.

The recent information that has become available evidences that the potential of criminal punishment or fines in any meeting or conference was never discussed, intimated, referred or mentioned by MCDEH and their employees, Volanti, Tulis, and Swenson.

During Mr. Forte’s review and investigation of such files, he obtained a public record report pertaining to the remediation assessment work ordered by MCDEH at my station and the remediation work done at the Chevron Station located at 1164 East Pacheco Blvd.

During Mr. Forte’s review and investigation of such files, he informed me that it led him to have conversations with remediation consultants and others discussed the existence of a web-based marketing company known as TerraLocator. TerraLocator was an undisclosed joint marketing scheme of SS&D and Tetra Tech which if disclosed to me would have caused me not to have SS&D reviewing and advising me upon contracts I entered into with Tetra Tech, Inc..

Remediation consultants including Tetra Tech, Inc. informed Mr. Forte that the actions of MCDEH at my site were out of the ordinary, wasteful, unconscionable, and not within normal regulatory agency operating procedures. Consultants informed Mr. Forte that it appeared that Mr. Forte stated that the “Buck stops here” and “TerraCHEM was in the pocket” of Chevron at 1164 East Pacheco, and that MCDEH did whatever Chevron at 1164 East Pacheco wanted including pointing the finger of liability at me to help burden the cost of remediating their contamination at Los Banos Foods.

I am now being submitted to suffer ridicule and obloquy from the public at large by being impugned to be a liar by MCDEH and Merced County Deputy District Attorney Maclear deriding threatening me with criminal prosecution.

The recent information that has become available evidences that the vast majority of remediation assessment work and/or remediation work ordered and directed by MCDEH to be done by my purportedly independent environmental consultants ATC, Moore Services, Inc, and Tetra Tech, Inc. was nothing more than a scam to drain myself, and money available to me from the UST Fund, under the guise of assessing remediation of a contamination that I was not responsible for.

I have made my best efforts at this time to provide receipts evidencing the claimed expenses/damages that I have incurred due to the negligence of MCDEH, its employees, and the Merced County District Attorney’s Office concerning the remediation/assessment work at 1009 East Pacheco Blvd., Los Banos and expenses incurred for being illegally threatened with criminal prosecution.

All receipts for claimed expenses/damages incurred by me due to unnecessary remediation services ordered by MCDEH and performed by ATC, Moore Service Inc., and Tetra Tech, Inc., up to May 1st, 2007, have been submitted to, and are available from the UST Fund. Such receipts are not readily available to me at this time to attach to this claim.

Attachment "B" (Bate Stamp Pg. #8-33): Is a copy of a letter from Tetra Tech threatening litigation for unpaid invoices totaling $268,416.64 for work performed by them, ordered by MCDEH, that have not yet been submitted to the USTF for reimbursement.

Attachment "C" (Bate Stamp Pg. #34): Is a copy of a M.G. Santos, Inc., "Transaction List by Vendor, August 1, 2006 through July 17, 2007" and evidences payments to Tetra Tech, Inc., totaling $78,823.84.

Attachment "D" (Bate Stamp Pg. #35): is a invoice for $5,325.00 for services rendered by Advanced Environmental Concepts.

Attachment "E" (Bate Stamp Pg. #36): is a copy of the M.G. Santos, Inc., "Transaction List by Vendor, August 1, 2006 through July 17, 2007" and evidences payments to Somach, Simmons and Dunn totaling $25,044.24. It does not include work completed by them prior to July 26th, 2007, amounting to $3,577.26 (which is included in the $28,621.50 itemization list).

Attachment "F" (Bate Stamp Pg. #37-39): Is a copy of Reimbursement Request #8 submitted to the UST Fund on May 1st, 2007 evidencing that the total amount reimbursed by the fund on my behalf as of May 1st, 2007, was $434,453.18 for remediation/assessment work ordered by MCDEH.

Attachment "G" (Bate Stamp Pg. #40): Is a copy of the most recent information provided by the UST Fund evidencing that corrective action costs have totaled $648,958.68, with $547,578.00 approved for reimbursement payment to date as of September 12th, 2007.

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Other current, past, and prospective future damage to my physical and mental health attributed to the actions of MCDEH and the other culpable parties identified in section #10 are also being claimed.

13. Itemized list of Claimed Expenses / Damages:
   (Continued itemization)

   Tetra Tech, Inc. ........................................... $347,242.48
   Moore Services, Inc. .................................. $135,681.66
   ATC Associates ........................................... $267,291.25
   Somach, Simmons and Dunn ........................................... $26,621.50
   Advanced Environmental Concepts ................................. $5,325.00
   Moraz & Mills ............................................. $2,000.00
   Prospective legal fees .................................... $250,000.00
   Damage to Business/ Personal Reputation/ Health ................. $1,500,000.00

Preface Regarding Receipts:
MCDEH determined a contaminant called MTBe infiltrated the well at Los Banos Foods from the corporate-owned Chevron Station at 1164 E. Pacheco.

As the funds available to the corporate-owned Chevron were depleted from the UST Fund, MCDEH and the Merced DA came knocking on Marion Santos’ door. Confidential sources have said it seemed that MCDEH’s Mr. Eric Swenson was “in the pocket” of the corporate Chevron.
Some frequently asked questions and facts:

Question 1: Are the two Chevron Gas Stations on Pacheco Blvd both owned by Marion Santos?
Answer: No.

The Chevron (1164 E. Pacheco) across from California Dairies/ Los Banos Foods (1155 E. Pacheco) is owned by Corporate Chevron. (See page 4, star #1).

The Santos Los Banos Chevron (1009 E. Pacheco) to the west of California Dairies/Los Banos Foods is owned privately by Marion Santos. (See page 4, star #3).

Question 2: Was there ever a petroleum leak discovered at the Santos Chevron?
Answer: Yes, in 1999.

Question 3: Was the contamination from the 1999 leak determined to have been cleaned up by Mr. Santos?
Answer: Yes.

Question 4: Has MCDEH determined there is a contamination in a water well of California Dairies/Los Banos Foods?
Answer: Yes, in 2006.

Question 5: Was the contamination to California Dairies/Los Banos Foods found to have been caused by Santos’ Chevron?
Answer: No.

Question 5: Did MCDEH determine who caused the MTBe contamination to California Dairies/Los Banos Foods?
Answer: Yes. The Corporate owned Chevron Station located at 1164 East Pacheco Blvd.

Question 6: Was Santos’ threatened with criminal prosecution and fines of $40,000 per day by Merced County Deputy District Attorney Matt Maclear?
Answer: Yes. (See article on Forte’s Claim, page 8).

Question 7: At the time Santos was threatened with criminal prosecution and fines of $40,000 per day, did he have licensed environmental companies performing work ordered under the direction of MCDEH?
Answer: Yes, Moore Services Inc. and ATC. ($300K plus listed on itemized claim that was filed.)

Question 8: Where does the money come from to fund the Underground Storage Tank Fund?
Answer: A percentage of the amount paid for each gallon of gas pumped by the station goes into the fund. (Note: Employees at the UST Fund were unable, at the time of printing this issue, to provide the exact percentage).

Question 9: Do stations have an unlimited amount of money they can draw against at the UST Fund to correct a contamination issue?
Answer: No. At present each station is limited to $1.5 Million. After this amount is exhausted, the individual owner of the station is responsible for all costs.

Question 10: At the time Santos was threatened with criminal prosecution, did he have any more UST Funds available for reimbursement of remediation work?
Answer: Yes, approximately $1 million.

Question 11: At the time Santos’ Chevron was threatened with criminal prosecution, did the corporate owned Chevron at 1164 E. Pacheco have any funds left to draw against to remediate the contamination to California Dairies/Los Banos Foods?
Answer: Yes, about $100,000.00.

Question 12: Do owners of gas stations profit from the reimbursement of costs they pay out for clean-up of contamination problems?
Answer: No. It would be called fraud. However, large gas companies, such as Chevron, Vallero, etc. have their own remediation divisions. Therefore, money that is reimbursed for what they paid to their own remediation division for work performed would cause such division to make a profit for the company.

Question 13: Does Marion Santos profit from reimbursements he receives from the UST Fund?
Answer: No.

Question 14: Are there costs that a station owner can incur associated with the clean-up of a contamination problem that are not reimbursable by the UST Fund?
Answer: Yes. Legal fees, costs for excessive assessment of a problem instead of actual remediation of the problem or fees submitted that are not in line with the task performed are demonstrable of costs that would not be reimbursed by the UST Fund.

Question 15: Has Marion Santos ever refused to pay for any contamination determined to have been caused by him.
Answer: No. (To be continued in future issues)
A SPECIAL LETTER TO MAYOR JONES
by Gene Forte

Dear Mayor Tommy Jones:

I write this letter to say that I sincerely regret not having had the time to sue your sorry butt for telling people that I was a dangerous member of the Ku Klux Klan, and address your comments printed in The Los Banos Enterprise.

You said you and I never talked at the May Day Parade? Don’t you think before you put that mouth of yours in action? I shudder to think what other dumb things you say as Mayor of Los Banos. You told an easily provable lie. People saw us. We were at a Parade dummy!

People that witnessed us talking won’t want to risk being found guilty of perjury, or at minimum, being made to look stupid in a deposition taken by me.

A star, but not the only witness, is Supervisor O’Banion’s wife, Dollie.

Supervisor O’Banion told me that he didn’t appreciate me bringing her into this mess. As you know, you were flapping your mouth off to her non-stop for about an hour while she sat in the car waiting for the parade to start.

I came up to you and Ms. O’Banion twice, asking for you to speak with me and looking her dead in the eye. My son, Jordan, saw me. My friend, Clinton Galloway, saw me, and some of your City Councilmen saw me do it.

I told Supervisor O’Banion that I would make it as easy as possible for Ms. O’Banion, saying that all she had to do was sign a declaration. Supervisor O’Banion said he’d tell her not to sign it. He added with a grin and a tone of voice I didn’t appreciate, “Maybe, she won’t remember who you were, or what happened?”

The grin was like a cat eating something and the tone was one of someone about to pull a fast one. Don’t start wiping the sweat off your brow quite yet.

Let me tell you what I told Supervisor O’Banion. I said, “Jerry, you better get this straight! I didn’t cause this problem, that a- - hole Jones did. If you think I am going to let anybody tell a lie that hurts my family and helps save Tommy, you’ve lost your f---en mind. If you want to be p---ed off at somebody be p---ed off at Tommy! If you try to play games, or have Ms. O’Banion play games with me, I will have no choice but to sit her down in a deposition and the truth will come out. All I am asking for is for everyone to tell the truth with no horsecrap.”

If I had a Polaroid of Supervisor O’Banion’s face, you would understand why you should keep sweating.

You babbled to The Enterprise that I made the story up about you saying I was a dangerous member of the Ku Klux Klan because you didn’t grant me interviews, but you didn’t mention a word about the sworn statement of my African American friend Galloway saying you told him the same thing.

The Los Banos Enterprise didn’t call you on it. They downplayed your, “I was framed with a cocaine pipe” fiasco to the point of literary lunacy.

(LETTER TO JONES, see page 22)
THE ZEN OF BUILDING A BADGER CPO TRAP
(a tongue-in cheek tutorial by Gene Forte)

It’s time to learn how to build a formidable Badger Certified CPO Trap to defend your property, possessions, and loved ones against pesky marauding CPO’s (corrupt public officials).

Let’s face it. With our Federal officials busily stealing us blind, the pickings have gotten pretty thin for our local CPO critters. The cream they could skimp off the top of government programs to support the elderly and poor just isn’t there any more.

The CPO’s nature not to hold each other accountable has created a virtual CPO population explosion now leading to a marauding frenzy.

Notwithstanding the CPO’s best efforts to cover their looting and pillaging of citizens, 8 out of 10 Americans do not trust the government any farther than they could toss the Washington Monument.

This is why you should pay close attention to the fine art of building a Badger Certified CPO Trap. The old motto “an ounce of prevention is worth a pound of cure” should be heeded.

Remember, patience is a virtue, practice makes perfect, silence is golden (and don’t give a dirty-rotten-CPO a second chance). Feel at peace and as confident as a young Kwai Chang Caine (the kick-butt Kung Fu-ing grasshopper). Be the trap because no matter what you do to avoid it, you will always be the prey for the CPO.

Realize that while you can practice “peace, love, dove” like a Flower Power child from Haight Ashbury, you have another life force within you. You will possess the Chi to metaphorically destroy several eternal organs of the scavenging CPO without getting blood on your flowers. Everything you need to know is already inside of you.

BEWARE TO WATCH YOUR BACK! Your Badger Certified CPO Trap is defending you against a dark force that will show you no mercy during its attack, or in its escape from the trap.

Remember, just because you’re paranoid doesn’t mean there isn’t somebody out there trying to get you.

Now, let’s get started by first getting your mind set with the proper attitude.

ZEN Rules to Follow for a Successful CPO Trapping Experience

Rule 1: Don’t go out looking for trouble or become over anxious about trapping a CPO. Just like a Boy Scout, be prepared. Focus upon living a good life and attempt to reap the benefits of your hard work. The more successful you are, the more enticing you become to the parasitical CPO. The CPO will find you.

Rule 2: Do not break or stretch any laws. The CPO has the ability when trapped by you during their attack to make it appear that you are breaking the law, not them. Do not give them any ammunition. Learn to weather their low punches, personal attacks, and not playing by the laws which you, on the other hand, must strictly follow. It may sound corny, but the truth ultimately does comes out, even though it may be only after your death.

Rule 3: Don’t become discouraged. When friends, relatives, and the general public tell you that you are waging a losing battle, life is short, you can’t fight city hall, etc., go out and get a copy of the “Impossible Dream.” Think about every movie you have seen, or book you have read where the good guy runs from the bad guys. You will find it a very, very short list.

Remind nay-sayers that “A coward dies a thousand deaths, a hero just once.” Consider getting some new friends. Try to get rid of your relatives by singing the Impossible Dream off tune to them every time they come around while glaring at them maniacally with a kitchen pot on your head.

Rule 4: Be compassionate, but not a sap. Accept that the CPO’s are nasty little creatures that can’t help themselves. Simultaneously, accept that if you allow them to get away with harming you, they will wander down the road to hurt the next person. If you don’t do something to try to correct the error of their ways, then you are enabling them.

Rule 5: Don’t feel guilty about crushing them. Remember not to seek vengeance or retribution. Always try to wipe the smile off your face if you fantasize about them being tarred and feathered or beheaded in your dreams. Rest assured, it will never happen in real life no matter how many times you pray for it, or how many curses you cast upon them. (If you do know any good curses that have been found useful, The Badger would be interested in hearing about them)

Rule 6: If Rules 1-5 don’t blow your hair back, or are not your cup of tea, when you go to sleep at night, consider yourself a gladiator fighting for your life. Make those CPO’s that tried to steal from you rue the day they were ever born.

BARE ESSENTIALS FOR BADGER CPO TRAPPING

1. BAIT: CPO’s are not finicky stealers. They are attracted to anything you have of value, or the prospect of having, that is not theirs, i.e., money, property, or your access to it via relatives, family, friends or associates. Remember they will find you.

2. EQUIPMENT: Typewriter, computer, or other word processing device that will allow you to type letters to build what is called a “paper trail”.

3. PROTECTIVE EQUIPMENT: Hand held recording device to turn on anytime you meet with a CPO with other CPO’s that say they want to help you with your problem.

4. EMERGENCY FIRST AID KIT: A rubber mallet, tiny pin, or low voltage cattle prod, to either hit, prick or shock yourself anytime you start thinking that another CPO is going to go against another CPO you trapped stealing from you.

5. BACK-UP MEDICAL SUPPLIES: A large sledge hammer, ice pick, or high voltage cattle prod that could barbecue one of Tommy Lewis’ herd instantly. Use it on yourself if you start checking McClatchy Newspapers’ The Los Banos Enterprise to see if they have reported upon the information you gave them about the CPO you trapped.

PRACTICE MAKES PERFECT

The art of CPO trapping cannot be learned overnight. Don’t become discouraged if at first you feel a little awkward applying some of the techniques The Badger will be sharing with you at times. The Badger likes to say that he has trapped some of the best CPO’s our government has to offer.

Throwing horse shoes, or darts is all in the wrist. Likewise, the art of trapping corrupt public officials, or CPO’s as I like to call them, is all in the power of the pen and the heart.

Follow some real life stories and even if you don’t become a CPO Trapper yourself, at least be an interested arm chair spectator. You just might learn some very useful information you can either use, or pass along to a friend in need.

THE END
Forte files $1 million claim against Merced DA’s office

Strategy

Charles Peluso, Attorney for Santos
Bill Sheehue, Moore Services, Environmental Consultant for Santos
Matt Maclear, Deputy DA
Eric Swenson, MCDEH

“Mr. Maclear did indicate that fines up to $40,000 per day could be imposed”

C. June 14th, 2007 email by Mr. Timothy Swickard, ex-attorney for Mr. Santos, to Forte stating:

“One of the main reasons Marion ended up in the position of being threatened with criminal prosecution was...”

D. June 26th, 2007, email by Mr. Michael Vergara, ex-attorney for Mr. Santos, to Forte stating:

“When Mr. Peluso first called me, he told me that Marion was being threatened with possible civil/criminal prosecution by the California District Attorney’s Association’s Circuit Prosecutor, Matt Maclear...”

E. August 10th, 2007, DDA Maclear letter to Vergara, ex-attorney for Mr. Santos stating:

“...there have been numerous misleading mischaracterizations, conclusions and allegations made by Mr. Forte. For instance, Mr. Forte alleges that this Office communicated to Mr. Santos that he could face felony prosecution and up to $40,000 per day...”

F. August 10th, 2007, DDA Maclear letter to Mr. Vergara, ex-attorney for Mr. Santos stating:

“...this Office never discussed, intimated, referred or mentioned the potential of criminal punishment or fines in any meeting or correspondence with Mr. Santos.”

G. August 10th, 2007, DDA Maclear letter to Mr. Vergara, ex-attorney for Mr. Santos stating:

“Given the intrusion of Mr. Forte and his many unsubstantiated allegations, this Office deemed it necessary to communicate with you to clarify the status and to notify you of its concern that Mr. Forte may be jeopardizing Mr. Santos’ compliance, and liability therefor, for his own personal or political ends.”

Los Banos has another dubious distinction besides having Mayor Tommy Jones, a former city councilman who was once arrested for possession of crack cocaine, at its helm.

It is now renowned for having had a store under FBI surveillance said to be a distribution point of methamphetamine (meth), cocaine, crack cocaine, and Ecstasy.

One has to wonder if the FBI got any video of Mayor Jones shopping for clothes at Geez?

Operation Valley Star was a federally funded investigation targeting Nuestra Familia gang’s street operations reaching as far as “Warren, Ohio” and “Atlanta, Georgia” which began with an informant in August 2006, according to The Monterey Herald.

Court files unsealed in Sacramento indicate that Geez Clothing, once located at 935 I Street, served as a distribution point for the drug dealings of a Nuestra Familia member, Mr. Mario Diaz Jr., who relocated from Monterey County to Los Banos, says the Monterey Herald.

A headline story in The Monterey Herald article on July 1st, 2007, read:

Store a red flag in gang “Feds say Geez Clothing in Los Banos was site of narcotics operation”

“A court file unsealed last week in a Sacramento federal court provides a glimpse into the new face of organized crime in Northern California, a tale that starts with Geez, which federal agents believe served as a front for the Nuestra Familia’s drug dealing operations.”

–Julie Reynolds

I would like for you to think about how and why Geez Clothing became the starting point by the FBI for its investigation, and why Los Banos became the focal point of the Monterey media almost as an afterthought to identify what it says is the “new face of crime.”

There was no mention of either Geez Clothing, or Los Banos, in the breaking news article about “Operation Valley Star” reported (GEEZ, see page 9)
8. Provide your description of how the Accident / Incident / Loss / Occurred:

On June 16th, 2007, or thereabouts, I offered as a personal favor to Mr. Marion G. Santos, III, to organize, summarize and review the documents he had received in a request for public records pertaining to environmental remediation efforts by Merced County Department of Environmental Health (MCDEH) at his Santos’ Chevron Gas Station located at 1009 E. Pacheco Blvd and the Windicker Chevron Gas Station located at 1164 E. Pacheco Blvd., Los Banos, California.

During the course of doing so, I conducted interviews and had conversations with environmental consultants, MCDEH employees, members of the Merced County District Attorneys and attorneys.

I confirmed my review of over 15,000 pages of information, conversations with and documents received from parties directly involved in the matter, and from other confidential news sources, that MCDEH had the Merced County District Attorney’s Office (MCDA) threaten Mr. Marion Santos, III, with criminal prosecution and fines of $40,000.00 per day.

On August 10th, 2007, Merced County Deputy District Attorney, Matt Maclear, knowingly and willfully authored a defamatory letter in collusion with and ratified by MCDEH and its employees identified in #10, to Mr. Michael Vergara, past attorney for Mr. Marion Santos. The letter contained defamatory and libelous provable false statements of fact.

The intentionally defamatory letter of August 10th, 2007 was authored for the multi-purpose of libeling me and undermining my credibility to interfere with any business, or prospective business relationships and/or personal relationships with Mr. Marion Santos, III. The letter was meant to intentionally submit me to ridicule and obloquy from the public at large and to damage my professional/personal reputation by anyone reading, or knowing of its defamatory content.

The letter of August 10th, 2007 was authored in retaliation by MCDA, MCDEH and individuals identified in #10 for my investigation exposing that they had illegally threatened Mr. Marion G. Santos, III, with criminal prosecution in order to coerce him into continuing to pay unnecessary remediation assessment negligently ordered by MCDEH and to cover-up their malfeasance.

In the letter, among other things, the MCDA said that I had intruded and that I had made numerous false allegations regarding their threatening criminal prosecution and fines of $40,000.00 per day against Mr. Marion Santos.

The MCDA said in the letter that I was “jeopardizing Mr. Santos’ compliance, and liability therefor, for my (his) own personal or political ends”.

All such statements by MCDA were known to be false by them but were authored in order to impugn my credibility, attack my good name and submit me to suffer stress and humiliation from the public at large, business associates and to interfere with prospective business relationships.

10. Name(s) of Public Entity / Employee(s) causing injury,

(Note: I believe that there are other witnesses unknown to me at this time that would be able to substantiate the fact that Mr. Marion G. Santos, III, was threatened with criminal prosecution and fines of $40,000.00 per day by the MCDA and MCDEH, and who also have read the letter of August 10th, 2007 authored by MCDA/ Deputy DA Matt Maclear.

THE END

(Geez, from page 8) two days before on June 29th, 2007, by The Monterey Herald.

Drug dealers owning businesses as fronts for drug deals is certainly no “new face of crime.” The scam is as old as the hills.

The purported absentee owner, Mario Diaz Jr., had been allegedly arrested on May 26th, 2007, when escaping out of a house in Los Banos during a police raid and had already been indicted by a Federal Grand Jury on June 7th.

I said allegedly because it was reported by the Merced Sun-Star that Diaz was arrested in Stockton at the end of May. I’m not saying that Diaz couldn’t have been arrested twice in May but it seems unlikely since it was for the possession of 11 lbs of meth. I did a search of McClatchy Newspapers/The Los Banos Enterprise archives and didn’t find any article on his arrest.

Why has the Monterey Herald expanded its news beat to highlight crimes in Los Banos? Can you say “Good ol’ Boys feeling the Badger bite”? There is much more than meets the eye behind the story that first surfaced on June 29th, 2007, in The Monterey Herald.

I am sure you didn’t miss my point of using “allegedly” three times indicating that “I don’t buy it” based upon the things I know personally.

PUBLIC RELATIONS FOR OUR THEIVING PUBLIC OFFICIALS?

It was the Eagles’ Don Henley that said, “A man with a briefcase can steal millions more than any man with a gun.” I would be willing to

(Geez on page 22)
“A Spoonful Of Sugar”

A Spoonful of gas will help the profits go up, The profits go up-up, The profits go up, Just a spoonful of gas will help the profits go up In a most delightful way!

by Gene (Don’t call me Mary Poppins) Forte

Take this into consideration for a moment.

I learned that just a spoonful of gasoline dropped into any of the monitoring wells of Santos’ Los Banos Chevron, or the Corporate owned Chevron, would send detection tests for the contaminant MTBE out of sight.

This is when the contaminant busters roll into action like Arcadis/BBL (Euronext: ARCAD) and Tetra Tech, Inc. (Nasdaq: TTEK). Last year, TTEK grossed over $1.5 Billion. Arcadis/BBL is the environmental consultant for the corporate owned Chevron located at 1164 E. Pacheco. TTEK was the environmental consultant for the Santos Chevron until August 3rd, 2007.

On July 16th, 2007 (via email), I asked the attorneys for Marion Santos, Somach, Simmons & Dunn (SS&D), why they didn’t disclose a web based marketing scheme between themselves and Tetra Tech by the name of TerraLocator (see Figure 6 above right) to Mr. Santos.

It was my position that since SS&D was to protect the interests of Mr. Santos by reviewing contracts and invoices of TTEK prior to TTEK’s submittal of invoices to the Underground Storage Tank Fund (USTF) for reimbursement to Mr. Santos, it should have been disclosed.

I will go into details later, but the long and short of it was that when confronted, SS&D quit on July 25th, 2007. Tetra Tech followed suit and stopped working on the Santos site on August 3rd, 2007.

A curious event took place on that last day of August 3rd, 2007. Tetra Tech, without authorization from Mr. Santos, permitted Arcadis/BBL (consultants to the corporate owned Chevron at 1164 Pacheco) access to Mr. Santos’ test well.

I later documented the event. Shortly after, Arcadis/BBL asked Mr. Santos if he would be willing to back date and sign an agreement authorizing the previous unauthorized access. Mr. Santos said no.

It then dawned on me that the padlocks to prevent access to the test wells could be jimmed open without a key (and without much effort). Maybe I’ve watched too many movies like Civil Action, Erin Brockovich and the like, but I said, Wow! What a plot!

Any environmental consultant or company with a spoonful of gasoline, a motive for profit, or to justify their nefariously siphoning off millions from the UST Fund could start to cover their tracks because a Badger was foraging around.

At present, roughly $90,000.00 of invoices submitted by SS&D to the UST...
The above list and the ones on following pages are from GeoTracker indicating contamination sites in Merced County that are active. How much money is being wasted and ripped off? Who knows.....Not even The Shadow can count that high! GeoTracker is a geographic information system (GIS) that provides online access to environmental data. GeoTracker is the interface to the Geographic Environmental Information Management System (GEIMS), a data warehouse which tracks regulatory data about underground fuel tanks, fuel pipelines, and public drinking water supplies.
"OFFICIALLY DENIED" A SCARLET LETTER

I would like for you to keep in mind the words “Officially Denied” and “Scarlet Letter” as I discuss some of the nuances of pre-filing claims against public officials according to Government Codes—(See Pg. 13). You will understand why as we wind down toward the end of this article.

I consider myself a pretty street smart guy and fairly quick on my feet (which is different than being light on my feet). But I have to tell you that at the early learning stages of dealing with the good ol’ boys, I certainly did pay my dues.

Me, being the idealistic country bumpkin from Los Banos, really believed in those Perry Mason episodes, Dragnet, and "Scarlet Letter" as I discuss some of the good ol’ boys. The not-so-bright answer I gave was, “They’d kill me, man.”

Porter then yanked a nose ring from the guy’s nose, put a gun to his forehead and said, “Don’t worry about them. Worry about yourself. They would rather destroy the victim of it. It’s as if it implies that they are not doing a good job if they admit that the corruption exists. You know, sweep the dirt under the carpet approach.

I have to admit that I was blind-sided on many occasions not only by public officials but their minions that are in on the big con. In my opinion, the minions are any attorneys with a bar cards that do not stand up to a judge or a good ol’ boy because they say they fear reprisal to their own careers. I had an attorney, Mr. Larry Lichtenegger, who said he had to throw me to the lions to save himself, after he fleeced me of $50,000.00.

Mr. Lichtenegger should have watched the movie, Payback. A street punk refused to tell Porter (Mel Gibson) where he could find the heroin dealer that sold the junk that killed his wife. The not-so-bright answer given was, “They’d kill me, man.” Porter then yanked a nose ring from the guy’s nose, put a gun to his forehead and said, “Don’t worry about them. Worry about me. I’ll kill you.” Porter got his answers.

Gosh, if only you could do that in real life! (Refer to other Badgers about Larry ‘The Squealer’ Lichtenegger).

There are traps the stars and stripes, 4th of July flag waving, unsuspecting patriotic citizen can fall into in pursuit of seeking what is called redress of a grievance with a public official.

Seeking redress of a grievance is the government’s fancy terminology for saying that you think you were wronged and want it righted. (See Figure 5 right). In essence, it is what got the patriots up in arms against England.

For the time being, I want to focus upon the mechanics of a real doozy of a trap that can stop a citizen dead in their tracks from having even “the chance” to have a wrong by a public official or government agency addressed. It is the requirement of filing a claim with the government agency prior to filing a lawsuit.

I would be willing to bet that very few citizens know about that favorite exit door for our public officials. When I first learned about it, I was dumbfounded.

The claim that has been filed by myself falls under following such code and usually needs to be filed within six months of the incident causing you damage.

Now, a citizen can ask for permission to file a late claim, and our government will honor your right to ask, and then the government to review the matter and give the claimant the opportunity to have a claim filed.

The good intentions of the pre-filing government code were many. You have heard the expression that the road to hell is paved with good intentions. Keep that in mind as you continue reading.

The logic was to give an opportunity for the government to review the matter and pay the claim if it was legitimate. It gave the government the opportunity to hold itself accountable for their actions (civil servants, a.k.a. public officials) without the legal costs and time consumption connected to litigation.

The intended results of such pre-filing claim prior to filing a lawsuit was a win-win situation for a myriad of reasons. Some basic ones were to:

1. Allow citizens the opportunity to be compensated for damages done to them by wrongful or negligent acts by a government agency or their employees (civil servants, a.k.a. public officials) without the legal costs and time consumption connected to litigation.

2. Allow the government and its employees to demonstrate that they can hold themselves accountable for their actions and thereby promote the domestic peace and citizens’ trust of their government.

It certainly seems like nirvana if filing claims were submitted and reviewed in earnest. On the other hand, there are disastrous results if these claims and ‘reviews’ are not done so earnestly.

Such as:

Ex. 1: A nefarious citizen filing claims for slipping and falling in every City building they enter.

Ex. 2: City council members denying a claim for a Mayor saying a citizen was a dangerous member of the Ku Klux Klan when they knew the Mayor said it, and they knew the citizen was not a member of the Ku Klux Klan. (Personal favorite example of the author.)

Out of the two examples, one is self-correcting, the other is not.

In “Ex. 1,” the dishonest citizen is ferreted out when they hit City Hall, or ultimately the court house the second time. The court will hit the miscreant with the costs associated with legal fees paid at the tax payers’ expense.

The attorney that represented the scam-ster for a percentage could get disbarred (in a perfect world). The court could order taking a look at the previous money collected by the little sneak for other bogus slip and fall claims resulting in a one trip ride to jail.

The expression, fool me once, shame on you, fool me twice shame on me comes to mind.

In Ex. 2, there is quite a different problem of ferreting out public officials that close their eyes to the truth they themselves know. Sure, some say it is self-correcting, because the public officials will not be re-elected. Theoretically, it is correct but when applied in the real world, it is not.

Follow what this is pretty simple logic. When a valid claim is presented and then “OFFICIALLY DENIED,” it becomes an invalid claim for all intents and purposes to the uninformed citizen then only hears what is told them in cliff note form by newspapers that get money from public officials in the form of political advertising to keep their mouths shut, not open.

All news reports, be they true in substance or not, still end with the announcement that the claim was “OFFICIALLY DENIED.” OFFICIALLY DENIED is a guarantee that the wrong by the public official has been fairly and impartially investigated by our “trusted officials.” How do we know they can be trusted? Because they say so, they guarantee it. That is what you call a cruel joke under the proviso of Ex. #2.

The now “OFFICIALLY DENIED” by the public officials that knew they were actually denying a valid claim to cover for the other public official works against the citizen at every turn. He is looked upon as being litigious and even on a personal vendetta because he just can’t accept what has already been found to be “OFFICIALLY DENIED.” He has been marked with a “Scarlet Letter,” and it becomes an uphill battle.

(SCRARLET LETTER, on page 21)

Seeking Redress of A Grievance

The right to petition the government has been misinterpreted as extending to petitions of all three branches: the Congress, the executive and the judiciary. The Supreme Court has interpreted “redress of grievances” broadly; thus, it is possible for one to request the government to exercise its powers in furtherance of the general public good. However, a few times Congress has directly limited the right to petition.

During the 1790s, Congress passed the Alien and Sedition Acts, punishing opponents of the Federalist Party; the Supreme Court never ruled on the matter. In 1835 the House of Representatives adopted the “Gag Rule,” barring abolitionist petitions calling for the end of slavery. The Supreme Court did not hear a case related to the rule, which was in any event abolished in 1844. During World War I, individuals petitioning for the repeal of sedition and espionage laws were punished, again, the Supreme Court did not rule on the matter.

Figure 5—The Right to Petition the Government
MURDER IS NOT AN OPTION

by Gene Forte

Overview: I really don’t expect anyone to read the below legal mumbo jumbo unless they enjoy being tortured. It is only being posted so you can file a criminally insane suit against a government agency.

FILE A DEMAND FOR PROTECTION OF what your average-Joe citizen is supposed to know before he files a claim against a government agency.

Usually a claim must be filed within six months of the incident. Heck, it would take 7 years for your average person to get through the code and write it.

You will also find instructions for filing a claim that is made available to your average-Joe citizen on the Merced County web site. (See page 14, lower right.) By the time you read it and try to reconcile it with other codes, you may be thoroughly confused and as mad as a wet hen.

Please take a deep breathe and remember MURDER IS NOT AN OPTION.

MURDER IS AGAINST THE LAW.

CALIFORNIA CODES COM. SECTION 910-911.6

910. A claim shall be presented to the claimant or by a person acting on his or her behalf and shall show all of the following:
(a) The name and post office address of the claimant
(b) The post office address to which the person presenting the claim desires to be directed to
(c) The name and post office address of the person on whose behalf the claim is presented
(d) The place and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
(e) A statement of the jurisdictional, insufficiency, damage, injury, or loss incurred or as far as may be known at the time of the presentation of the claim.
(f) The claimant or the person on whose behalf the claim is presented is physically or mentally incapacitated during all of the time specified in Section 911.4, or allow it in the amount justly due and reject it as to the balance.
(4) If legal liability of the public entity or the amount justly due is disputed, the board may make a finding that the claim is not a proper charge against the public entity.
If the board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim.
(3) A claim presented using the form. Any claim returned to a person may be resubmitted using the appropriate form.
(3) The person presenting the claim states in writing that the claimant is not a public entity.
(2) The board shall not act on a claim in the manner provided in Section 910.4.
(2) A claim may be amended at any time before the expiration of the one-year period under subdivision (b) following the applicable provisions.
(2) A claim shall be made by the entity or any person on whose behalf the claim is presented to the board. The claimant and the board may extend the period within which the board is required to act upon the claim. If the period within which the board is required to act is not yet barred by the period of limitations provided in Section 914.5, the board shall act under this part as are prescribed by the board.
(1) The claimant or the entity may, at any time after the claim is presented, give written notice to the public entity that the claimant has not been advised as to the amount justly due and the board shall act upon the claim.
(1) The name of the officer or employee causing the injury, damage, or loss, if known.
(1) The claimant or the person on whose behalf the claim is presented is physically or mentally incapacitated during all of the time specified in Section 911.4.
(1) If the board finds the claim is not a proper charge against the public entity, it shall reject the claim.
(1) If the board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim.
(1) If the board finds the claim is a proper charge against the public entity and is for an amount justly due, it shall allow the claim.

Our government has ruined the economy and now it is a free for all money grab. The money often gets appropriated to unscrupulous public officials who see the end is near for them.

Digger
The End

The real purpose of the Government Codes is to get a citizen exhausted emotionally and financially so they just throw up their hands and quit.

Don’t think so? Wait till the day comes if you need to ward off a marauding corrupt public official (CPO).

Corruption

We need to get an idea of a

It is a free for all money grab. The money often gets appropriated to unscrupulous public officials who see the end is near for them.

Digger
The End

Our government has ruined the economy and now it is a free for all money grab. The money often gets appropriated to unscrupulous public officials who see the end is near for them.
FILING A CLAIM AGAINST THE COUNTY OF MERCED

Claims must be filed at the following location:
County of Merced
Clerk, Board of Supervisors
2222 M Street, Third Floor
Merced, CA 95340

You must file your claim form, by mail or in person, with The Clerk of the Board of Supervisors, 2222 M Street, Third Floor, Merced, California 95340, within the time prescribed by Government Code Section 912.2, which states: "A claim relating to a cause of action for death or for injury to a person or to personal property or to growing crops shall be presented as provided in Article 2 (commencing with Section 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) of this chapter not later than one year after the accrual of the cause of action." Any claim shall be submitted on the form provided by the Clerk of the Board of Supervisors as required by Government Code Section 910.4. The claim shall be signed by you or by some person on your behalf, and shall include all of the information required by Government Code Section 910.2.

County of Merced Self-Insurance Program
The County of Merced is a self-insured public entity, which operates its claims program in accordance with regulations that are set forth in the Government Code of the State of California. With self-insurance, a business pays for its losses with its own resources.

Since the County is a self-insured entity, you are strongly urged to read all instructions and make yourself aware of the rules and regulations that apply to filing a claim against a public entity. If you do not comply with the filing requirements, your claim may be returned insufficient (Government Code Section 910.8).

Are you filing a Late Claim?
Government Code Section 911.2 states: "A claim relating to a cause of action for death or for injury to person or to personal property or to growing crops shall be presented as provided in Article 2 (commencing with Section 915) of this chapter not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) of this chapter not later than one year after the accrual of the cause of action."

If you are filing your tort claim after the six-month filing period, you must explain to the County your reason(s) for the delay. This is called "An Application for Leave to Present a Late Claim" (see Govt. Code Section 914.1). There is no application for leave to present a late claim when the accrual of the cause of action is more than six months after the accrual of the cause of action. For the purposes of this section, charges pending before a superior court do not include charges pending before a court of appeal or a court of original jurisdiction, or a court of review provided by law.

The County shall consider the application in accordance with Government Code Section 911.6, which lists legally acceptable reasons for filing a late claim. The County shall decide whether the application will be accepted. The County will consider the merits of the actual claim only if the "Application for Leave to Present a Late Claim" has been accepted.

Completing the Claim Form
You will need to provide the following information if you are submitting a claim to the County of Merced (GOVT CODE, see page 24 right side).
INFAMOUS DECLARATION OF FEMME FATALE

Preface: Below you will find the infamous declaration of ex-county Superior court clerk Ms. Crystal Powser. It was filed in my court case against Judge Robert O'Farrell in Monterey County.

You are forewarned and advised that there are some pretty seedy sections of Ms. Powser saying bluntly what now ex-Judge Michael Fields told her at the Pier Pont Inn in Ventura. IT IS SEXUALLY GRAPHIC. What may be considered as x-rated sections by some people have been changed with clues to the real words blanked out to protect innocent minds. (Clues were added to Sections 21, 22, 34 & 35 to protect innocent minds). You are again FOREWARNED some of the following content may not be suitable for minors, and may be offensive to some.

Background and Aftermath: When I obtained and filed this declaration in my court case, it revealed strong evidence that Judge Robert O'Farrell and Judge Michael Fields had improperly switched cases. Judge O'Farrell maneuvered his way to be in a position to arrest me in the courtroom under the guise that I was being contemptuous.

The declaration’s filing made judicial history by halting disciplinary proceedings of Judge Diana Hall. The Monterey Herald, being forced into a position to mention it because of the commotion it caused through the country, did a front page article entitled, “County Judiciary Under Fire,” on December 5th, 2005.

In the article, they said that I had been declared a California vexatious litigant when in fact they knew that I had defeated the motion. They didn’t breathe a word that it was Attorney General Bill Lockyer, Governor Schwarzenegger, and Chief Justice George that had personally made the motion. It was determined that they had no legal right to even file it. The retired Judge John Golden then withdrew from the case after making the ruling without explanation when I made a motion demanding that he report the matter to Federal authorities.

Weeks later, the Herald printed a small retraction on the back page saying their mistake was due to an error in court records. No, it wasn’t. It was a deliberate set-up between them and Judge O’Farrell to discredit me, and they all know I have the evidence to prove it. They’ve seen it. It is in black and white in the court files themselves.

You can read the entire transcript of the hearing showing what I was arrested for (in previous issue of the Badger Flats Gazette). Bear in mind that prominent attorneys in the courtroom testified in deposition that I was not in any way disrespectful to Judge O’Farrell. Quite the opposite. O’Farrell was disrespectful to me.

In the appeal that I wrote and won that later overturned O’Farrell’s ruling in my case, I described his actions as the first domino falling opposite. O’Farrell was disrespectful to me.

I got some booze for us,” and then he made me a strong drink.

I started asking if we were going to get some dinner and he said, all in good time.

13. He said, “I’m so glad you came down, you’re my girlfriend until Thursday.” I said I was not staying, even tonight. He said, “you are working on.” I asked what was the judge’s name and her girlfriend’s name.

14. So I changed the subject and said, “so tell me about this crazy case you are working on.” I asked what was the judge’s name and her girlfriend’s name.

15. All I can remember is that the girlfriend’s name was Dykeman or something like that.

16. Judge Fields said to be quieter, because one of the judges was right next door in his hotel room.

17. He said there are three allegations: the drunk driving, spousal abuse, and tearing out the phone line which he said was a felony.

18. He said they couldn’t consider the spousal abuse or phone thing because it went to jury trial and was hung 11-1 for guilty, however the drunk driving was a given. Her blood alcohol was a .18.

19. Judge Fields told me the following:

The second allegation was that she called the DA in on the carpet as he put it, asking the DA why he filed a 170.6 against her. First, the way he made it sound was like she called him, but after talking to him, it happened in open court, she called the DA and Public Defender came along up to the bench and she asked why did you file a 170.6 CCP against me? Judge Fields said that’s another guilty allegation, because Judge Fields believed the DA and PD who testified against her in court on Judge Fields’ stand, should be the only witness on her side and even her girlfriend testified against her.

The third allegation was about her girlfriend putting $20,000 into a bank account for her campaign, (he referred to it as money (FEMME FATALE, see page 16))
20. Judge Fields told me that this was the most serious charge because it was considered money laundering.

21. I told Judge Fields that I was hungry and I wanted to eat. Judge Fields said he didn’t want me to have to come all this way and not have an orgasm. I mentioned something about my boyfriend maybe calling and I would need to answer the phone. He said, “I hope he calls and when he does, I want to be eating your ___ (slang for pet kitty). And the same goes for if my wife calls, I want you to be sucking my ___ (not a hen but a rooster).”

22. Then, when Gene Forte called, I pretended it was Teresa. While I was on the phone, Judge Fields was making gyrating motions, making humping type things, putting his two fingers to his mouth and sticking his tongue out and making motions with it, indicating oral sex on me obviously. He kept getting closer and I had to actually push him away to be able to talk to Gene Forte because I did not want Judge Fields to know that Mr. Forte was on the phone.

23. After that, he laid back down on the bed, and I continued to stand and chat about the subject. I said, “Hey, what do you think about Judge Scott getting 170.6’s and exchanging them with Judge Moody’s 170.6’s on a daily basis? I asked Judge Fields is that what they are supposed to do? He said, it was okay as long as they had an understanding with Judge Duncan, who at the time was the presiding judge. I then asked, “Well, what do you do in Monterey with 170.6’s?”

24. Judge Fields said that Judge O’Farrell was the presiding over there, and that (Fields) would get all of O’Farrell’s 170.6s. He said there may be others that he doesn’t know of, he just gets O’Farrell’s, but he doesn’t know for sure if he gets all of them. However, he did say that Judge Dauphine is only part time in Monterey and Judge Kingsley had some kind of family issues sometimes.

25. We finally went to dinner. At dinner, he said we couldn’t talk about the case because the judge (the one on trial) and her lawyer were right behind us and he didn’t want them to hear. He whispered this to me in my ear.

26. I asked him at dinner, what did he think about Judge Scott having me, as his court clerk, contact the DA’s and tell them what to ask in jury trials, because Judge Scott told me that it would be wrong for him to do it, but not me to do it for him, and told me not to tell the attorney who told me to do it.

27. Judge Fields just shook his head and said he didn’t agree with that.

28. I asked him if he ever had his clerk Erica do that. He said that’s not the kind of thing he would ever do.

29. After dinner, we took drinks to the pool area. He wanted me to whisper this to me in my ear.

30. He talked about picking the commissioner to replace Rutledge. He said it was down to Five (5) people. Tim Roberts, Chester Phillips, Leigh Rodriguez, some lady from Santa Cruz and some guy from Los Angeles.

31. Judge Fields also talked about when he ran for appeals judge, he said he made enemies, i.e. Judge Phillips, Mr. Fenton and some other guy, I can’t remember his name. He said he doesn’t know why Phillips didn’t like him, he said Judge Phillip never did.

32. Also at dinner, he asked me if I heard about Judge Velasquez issuing warrants for people when they were present in court and their attorneys would be there and have to go to another courtroom, so the client would wait outside, and then Velasquez would call the name, and not only order the warrants, but would make sure they were issued.

33. I said, I hadn’t heard because, I’m out of the loop of the court now.

34. Then he started saying something about sex again that he wanted me to ___ (sounds like duck). I said, he thought you said, your mind was too much on this case and I didn’t think I was coming down here for sex. I said I just thought you were my friend and we could have some laughs.

35. He then crossed his arms, got mad and said well, why did you come down here, if you weren’t planning on letting me ___ you? (What O’Farrell did to Forte)

36. I got up and stormed off and went to the room, then realized my keys were in there and I didn’t have a way in. I went around to the other side just as Judge Fields was coming out of the pool area. He said, oh, I thought you were just going to have a cigarette. I said, no, I need to get my keys because I want to leave now. He opened the door, I ran in, grabbed my purse and keys.

37. Judge Fields blocked the door and said, are you mad? I said, no, I just want to leave. He said, don’t you want to stay and I’ll wake you up at like 4am. I said I just wanted to leave. He said, “Don’t you want to come in and stay and talk about it? I said, no, I just want to leave and I went under his arm that he had against the door and left quickly.

38. It got a little scary at the end, because he’s a big guy.

39. Judge Fields also told me that the other judges and him would discuss the present case, that he is the Special Master on, every morning at breakfast, every day at lunch and every night at dinner except for the night I came down there. He said the other judge was meeting a friend for dinner and the other judge was just staying in his room tonight.

40. Judge Fields said that they already decided she (the judge on trial) was guilty of all three allegations. He also made fun of the fact that her girlfriend’s name was Dykeman and that he wasn’t sure which one was the man or which one played the woman part. In other words, Judge Fields said he didn’t know which one got on top.

41. When I told him about how Judge Scott would ask me to talk to the DA’s and tell them what questions to ask during on-going jury trials, he sat back with this disgusted look on his face, crossed his arms and said he totally thought that was wrong and he would never have, or never has had his clerk do such a thing.

42. I also told him about a phone call I received from an attorney Miguel Hernandez accusing me of a so-called friend of mine, a Char? That she said he was seeing me, that I worked at Club Octane and I was his girlfriend. I told Judge Fields I don’t have a friend named Char, never have, and I don’t even know where Club Octane is. Judge Fields laughed and said that was pretty funny and weird.

43. I live in the County of Monterey, State of California, and have reviewed this document and know the contents herein. The matters stated here in this declaration are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true. The statements made between Judge Fields and I as stated above are to the best of my recollection at this time.

44. I have been informed by Mr. Gene Forte on numerous occasions that he is not an attorney, nor that anything that he tells me is to be considered legal advice or a legal opinion in any way from him. Mr. Forte has disclosed to me some of the matters that he has been dealing with in the cases he has in Monterey County and has provided me copies of letters he has sent to judges and other public officials concerning the investigation of Commissioner Rutledge by DA Dean Flippo.

(FEMME FATALE, from page 15)

(BADGER FLATS GAZETTE)
Country Boy Goes to the Rushing Circus?

by Gene Forte

When I heard that a Rushing Circus was coming to Monterey, I got all excited! I'd never seen dancing bears before. Those smooth talkin' Monterey County BAR-kers billed it as a historic event not to be missed.

To be honest, I did think somebody might be pulling my leg when they said it was going to be in the City Hall. I started to wonder how in the heck they were going to get those big elephants through them tiny doors. Well, my suspicions got confirmed when I found out it was actually Justice Conrad Rushing taking his Sixth Appellate Court on the road to Monterey.

Then I thought about it and said to myself, this might be better yet!

The Three Stooges….and hootch!

Heck, I brung me a camerie man from Hollywood to get it on film for posterity and to show it to my youngin's when they growed up. I'd heard that for $50 bucks who'd ever toughed out watching paint dry could go down to The Sardine Factory for some fiddles. I do got to say I weren't a-going to no Sardine Factory. For the life of me, I just couldn't figure no sardine worth $50 bucks! To tell you the truth, I heard the real reason was so there could be some ring kissin' and a drinkin'.

I spent $5 bucks and ate at the Taco Bell where there were better types of folk.

Now, Badger readers know that The Badger believes there are no coincidences or accidents. Just one week before the Big Event was announced in August, The Badger himself was presenting oral argument to the Sixth Appellate Court appealing the ruling of Forte v. O'Farrell.

In an oyster shell, yours truly wanted the high pontiffs to be as accurate as possible. There may be other matters that I do not recall at this time due to the fact that Mr. Forte and I traveled through the night from Ventura, California, until I dropped him off at this home at about 12:40 AM. I then continued home and rested a few hours prior to speaking to Mr. Forte about the preparation of this declaration.

46. Mr. Gene Forte has informed me that he will be filing this declaration in this case and a couple of others.

47. I did not know Mr. Forte until contacted by him sometime in late September 2005 after the announcement of the conclusion of the investigation of Commissioner Rutledge by DA Flippo and his offices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22nd day of November, 2005, at Monterey, California.

(Signature on Court Filed Original)

Ms. Crystal Powser

THE END

wizards like them won't fess up to saying a judge can't preside over his own case that he's a defendant in.

I had readied myself with hundreds of copies of a Special Circus Edition of the Badger for what I thought was going to be swarms of people attending. It was a bust! There weren't more than 20 people there, counting the six that looked like eight graders bored out of their minds.

Heck, if they were selling tickets at a buck apiece they couldn't cover the cost of soda pop for everyone or the gas they used to get from San Jose to Monterey.

Since I was toting around all of these extra copies of the Badger, I decided I would meander on down to the Farmer's Market that afternoon. I even got a nice big canopy and handed out sample copies free. I made sure to drop some off at The Sardine Factory for any of the good ol' boys that were slopping down drinks.

Yep, I've started to let as many people as I could know that The Badger Flats Gazette was going to circulate a story their local newspapers weren't breathing a word about. I'm telling them it's all about judicial corruption and the Good of Boys of Monterey County.

I'm letting everybody know they need to be patient. It is a long story with as many twists and turns as a contortionist. It needs to be read just like eating a carnival elephant, one bite at a time.

People may feel like they are on an out of control merry-go-round ready to vomit. But, it is going to reveal to citizens of Monterey County just like here in Merced County why everything is so topsy turvey.

Are the Sixth Appellate Court Justices stooging around with the public, creating only the illusion of justice? You can pretty much bet that any attorney that wants to keep his license to practice law won't tell you.

I can only say that when judges say it is okay for judges to rule on the cases they are defendants in, or worse yet, pretend like it didn't happen, something stinks like elephant poop.

THE END
political powers that exist. They cannot survive without the advertising bucks the political powers control.

Regrettably, Democrat or Republican talking heads such as Bill O’Reilly, Alan Colmes, and Catherine Crier are also cut from the shill cloth. Programs such as 60 Minutes, etc., are no better. The role mass media plays is to cruelly con citizens into believing that they are rooting out the shenanigans of our own government.

Once in a while, in order for the media and our government to keep the con going, an unwilling sacrificial lamb is served. A brief splash in the media takes place.

Take the event of District Attorney Mike Nifong of Durham County, N.C., being disbarred and spending a whole day in the county jail. (See Figure 2 below).

You heard about it only because it couldn’t be buried. There were just too many angry mothers and fathers with the money to send their boys to Duke, and with the right connections. The media and our government know how to create the illusion of taking a sow’s ear and turning it into a silk purse.

The spin resulted in citizens saying to themselves, “Well, maybe the system does work after all.”

There are multiple benefits from one of these golden opportunity disasters. It is good crisis management. Citizens forget about housing prices falling though the floor and billions of dollars vanishing into thin air in Iraq. It allows our government to have the outrageous gall to keep the wool pulled over citizens’ eyes. Why? Because they are concerned that citizens would start burning down newspapers for lying to them about the string of judges that have sauntered off into retirement because of me. Why? Doing so adds to my credibility.

There is another propaganda trick the good ol’ boys and their media shills could pull instead of talking about what I have caught these local officials doing to Marion. It is called diversion.

Almost miraculously, a major story revealing that Paris Hilton broke her nail while in jail will fill all of the papers, and be broadcast 24-7 on all the television stations.

The media directs people to believe what they, the media, by saturation, make people believe is important. Do you think citizens could have lived without watching Paris Hilton brought to jail?

Before I move on to telling you in detail how I got into having to lay the iron to these boys, I want to give you a clear cut example of what the McClatchy Newspaper Gang does to keep the wool pulled over citizens’ eyes.

Many Los Banosans read the initial coverage by The Los Banos Enterprise of my claim filed against African American Mayor Tommy Jones for publicly declaring that he knew for a fact that I was a dangerous member of the Ku Klux Klan.

Mayor Jones moronically told this to one of my very best friends and the best man at my wedding, Mr. Clinton Galloway, who also happens to be African-American. When my claim was rejected by the City, as 99.9999% of all claims are, The Los Banos Enterprise contacted me and said they were going to do a follow-up and asked what I was going to do next, if anything. My written response to them is below:

“I intend to either file a new lawsuit and/or amend it into the current complaint of Forte v. Knight Ridder, McClatchy Newspapers, et. al., C06-03948-JW which will be reported in detail in The Badger Flats Gazette”

The Los Banos Enterprise (McClatchy Newspapers) then made the conscious decision not to print another word about it.

Why? Very simple, they would have to tell citizens what they should have told them in the first place when they wrote the first lopsided article about me filing the claim. They are not a neutral party when it comes to me. McClatchy Newspapers, owner of The LB Enterprise, are defendants in a lawsuit I have against them.

Stopping Bullets

The other matter I want to make clear is that Mr. Santos neither speaks for me, tells me what to write, or edits what I put in The Badger before it prints. In the same vein, I don’t speak for Marion, my views and opinions are my own.

With that said, let me to tell you how fate brought me into standing between Marion and a bunch of good ol’ boys trying to hold him up.

In the middle of June, I decided to give Marion a call to put the bite on him for some money. Why? When he first subscribed to the Badger, he included a note. (See Figure 3 below.)

Prior to my seeing Marion in June, I had only had one other brief conversation with him when I dropped off his Badger in November 2006. Other than that, the last time I spoke to him was at a high school pep rally in 1968 when we were much younger.

At the meeting in his office at Toscano RV, I asked him if he would be interested in investing in a movie I planned on making. I told him I figured I needed about $250,000.00 and I asked Marion how he would like me to serve the opportunity up to him.

I could present it in one of two ways as to why he should consider giving me the money. The first was focused upon helping me do something good for our country. The (TAKING SIDES, see page 19)

It has been their modus operandi for the last five years concerning the evidence I have against ex-attorney General Bill Lockyer, now treasurer, Chief Justice Ronald George, Governor Schwarzenegger, and a bevy of public officials in Monterey County. Quite frankly, they are between a rock and a hard place

The problem with not reporting about the story of Marion Santos is that Merced County residents may get very suspicious as to why not, and start wondering why the media isn’t launching a full frontal attack upon my credibility or the evidence I say I have.

The truth of the matter is that I am the holder (and victim) of a number of dirty secrets they want to remain buried. It is difficult to attack me as being a crazy person given the record of my winning appeals that I have written. They certainly don’t want to be put in the position of having to talk about the court files that show the media has been covering up judicial corruption like wild men.

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I said absolutely and within 2 minutes he was writing me out the check. I immediately told him that I would prepare a promissory note. Any of you that know Marion probably can guess what he said.

Marion said a promissory note wasn’t needed and that he considered it like laying down a bet. If he got the money back great, but if not, that was fine also. Within an hour, I returned with the promissory note he said he didn’t need.

Marion’s actions told me a lot about his generosity, his heart, and to those of us that wish to take advantage of him, his weakness. Honestly, I had not known Marion very well when we were going to high school. I’d see him occasionally dragging in his old truck while I was dragging main in my dad’s old jeep. We weren’t buddies, but we certainly weren’t enemies either. I always took him for a quiet guy.

Fate intervened when I was about to walk out of his office. He got a call from his attorney, a Mr. Timothy Swickard. I overheard bits and pieces of the “other matter” Marion didn’t want to go into. It was weighing on his mind more than anything else, and it was what would ultimately lead me to the battlefield of today.

Marion was confirming an appointment with Swickard to be in Los Banos in a couple of days. He told me how he had to hire these supposedly high powered attorneys because he was being threatened with criminal prosecution by the DA.

Any one with common sense could tell that Marion was sincerely embarrassed and worried. As Marion was giving me a quick thumbnail overview of what was going on, I sat back down and asked some more questions.

The dots just weren’t connecting from what Marion was telling me. I was thinking that perhaps he was leaving some significant pieces of the puzzle out, or his facts were out of kilter.

I could have just walked out of his office, cashed the check, and went about putting the bite for the funds for my movie on other local respectable businessmen I am acquainted with. In fact, I did walk out of his office, but I only got as far as cashing the check.

The expression of pain on Marion’s face and unanswered questions haunted me. I said to myself, do I really want to open a Pandora’s Box? I’ve got enough of my own battles. I knew that if I saw what I expected to see, knowing myself the way I do, I might have to do what many people would consider stupid and throw myself in front of a bullet coming at Marion.

Maybe one of my saving graces is that I have never been all that bright. So I picked up the phone and volunteered to make myself available, if he wouldn’t mind, to meet him with Swickard. The meeting raised a lot more questions and a whole bunch of more concerns in my mind for the well-being of Marion.

When the meeting was over, I brought my initial concerns up but told Marion I was really flying blind. I hadn’t seen all of the files. Marion suggested that if I was willing to take the time, he would compensate me for reviewing the files. I told him I’d review them only under the following conditions:

1. I was only doing it as a personal favor without compensation.
2. I wasn’t doing it because he had loaned me money.
3. I was not giving him any legal advice.
4. I could stop whenever I wanted.
5. I would compensate me for reviewing the files.

The long and the short of it is that after four months of pouring over 15,000 pages of information, talking to attorneys, remediation consultants, confidential sources, and spending over a 1,000 hours putting the pieces of the puzzle together, I have concluded without a doubt that.....well read my claim and follow the story in The Badger.

THE END
TIPS OF ICEBERGS
by Gene Forte

You will be seeing tips of icebergs as we cruise along, and this cabal has many. You will see glimpses of letters, notes, etc. that I will explain in more detail later. I could go on for pages showing pieces of information that support the claims of Mr. Marion Santos.

Please be patient, I am sharing with you over a 1,000 hours of my investigation. If you want non-meaningful blah, blah, I suggest getting a copy of The Los Banos Enterprise. I recommend that you read carefully excerpt of my July 30th, 2007, to Deputy District Attorney Maclear.

The Paper Chase

There has never been any response to letters sent by Forte to Deputy DA Maclear. Here are some excerpts of a couple.

July 17, 2007

“As I understand it, you told Mr. Santos that due to discussions you had with unidentified members of the Merced County District Attorney’s Office wherein you were informed Mr. Santos was a respected member of Merced County, you would rather not press criminal charges or impose fines.

Instead, you and Mr. Swenson offered Mr. Santos a solution to avoid criminal prosecution. The deal presented and struck by you and Mr. Swenson with Mr. Santos was that he would be required to terminate his current environmental remedial consultant, Mr. William Sheehe, and hire another environmental consultant that was specifically approved as being acceptable to Mr. Swenson of MCDEH to avoid criminal prosecution.

It would be greatly appreciated, and I request that you confirm the above is a fair and accurate summary of the events regarding the resolution of the criminal prosecution/fines issue. In your opinion, if there is a material issue that has been left out that should be taken into consideration in the summary to make it more accurate or complete, please inform me of such within the next five (5) business days.

If I do not have a response from you by then, I will accept that as affirmation that the above is accurate.”

July 30th, 2007

“You and Mr. Eric Swenson have not yet provided one substantive response to requests for information since July 16th. 2007. Instead, you have rattled your saber at me for asking for information.

You avoided providing information requested by Mr. Santos by misapplying your ethical responsibilities as an attorney.

You are respectfully requested to respond to all requests by the end of the day on August 6th, 2007, via my email address.”

Figure 4: Below is another excerpt from the Forte letter of July 30th, 2007, to Deputy District Attorney Maclear.

It presents a good overview as to what Forte was piecing and what information Deputy DA Maclear was being made aware of and doing nothing about.

As usual, Forte received no response to the letter.

The Shadow Knows......

THE END

IT’S AN UGLY STORY

From what I have seen from organizing and summarizing the files thus far, and in my personal opinion, there is a very, ugly story being revealed.

It appears that you have inappropriately threatened an innocent, upstanding citizen of Merced County, Mr. Marion Santos, with criminal prosecution for the actions of what may be a negligent remediation consultant.

The potentially negligent remediation consultant, to line his pockets, was blindly attempting to follow what appears to be unwarranted or overzealous directives of Mr. Eric Swenson of MCDEH.

Mr. Santos has been hammered into believing he could be on the verge of financial ruin based upon information from the consultant, Tetra Tech, Inc., a consultant personally approved by Mr. Swenson.

All the while, Mr. Swenson has been speaking with potential buyers of Mr. Santos’ allegedly problem-riddled property unbeknownst to Mr. Santos. Does it seem proper and ethical? Not in the least to this layperson observer, and in all honesty, it seems to border on the criminal.

Your fellow attorney, Mr. Vergara of Somach, Simons & Dunn, did not disclose to Mr. Santos that they are involved in jointly marketing their services for brown field redevelopments with Tetra Tech, Inc. on a website called TerraLocator. Perhaps, Mr. Vergara, has a different edition of the Rule of Professional Conduct and book of ethics than you do, Mr. Maclear, about the responsibility of disclosing potential conflicts of interests?

When queried about it, Somach, Simmons & Dunn literally ran for the hills with thousands of dollars of Mr. Santos’ in tow, and is abandoning him while payment requests they were processing from the UST Fund are left hanging in mid air.

Somach, Simmons and Dunn were specifically advised that Mr. Santos would not in any way be part of submitting what could even be remotely considered fraudulent requests for work that may have not been done by Mr. William Sheehe, or work not yet done by Tetra Tech., Inc. while they were suggesting threatening litigation against Mr. Sheehe.

Simultaneously, Tetra Tech, Inc. who estimated upwards of $800,000.00 (and more) for remediation work based upon nothing but thin air, and curiously the amount left to draw upon by Mr. Santos from the UST Fund. has begun clamping for direct payment from Mr. Santos.

I suggest you go back to the basics of criminal investigation work and follow the money.

Mr. Santos has been on the paying-out-end of the money, not the receiving end. From what I have reviewed in the files so far, you were investigating the wrong guy.

In my personal opinion, I submit there could be gross incompetence by certain MCDEH employees, or possible collusion between environmental remediation companies chosen by certain MCDEH employees in order to fraudulently drain the Underground Storage Tank Fund.

The prime objective of Mr. Santos is, and has always been, to make sure that the water for the citizens of Los Banos is protected. The record will show that Mr. Santos has put his money where his mouth is at every juncture and made every effort to fulfill such objective prior to being threatened with criminal prosecution.

I have little doubt there are going to be changes in the very near future as to how the remediation efforts are enacted, and at every juncture Mr. Santos wants to insure that he is in full compliance with responsible regulators of MCDEH.

I look forward to your response and I hope you take this letter in the spirit it was written. It was to get at the truth. Make no mistake about it, I am rightfully ticked that you have been evasive, but I am willing to start you over with a clean slate. The choice is yours.

Sincerely,

Gene Forte

NOTE: This letter has not been approved as to content by Mr. Santos. I am solely responsible for its content.

cc: Mr. Marion Santos

Figure 4—Excerpt from July 30th, 2007, Forte letter to Deputy DA Maclear.
GOVERNMENT TRANSPARENCY

by Gene Forte

Next to the words, “Duck, he’s got a gun!” the words, “government transparency” scares the snot out of corrupt public and judicial officials more than any others. Well, maybe at least equal to “no retirement bonus checks based upon vacation days.”

A brief overview of the concept of government transparency as described by Wikipedia is at Figure 8, right. In simple Badger terms, it means that for our government to be trusted, the people should know the good, the bad, and the ugly … no matter how bad it is and no matter how many political heads may metaphorically roll from what the public learns.

Public officials investigating other public officials and judicial officers investigating other judicial officers with the results of the investigations being kept confidential, I believe, has been the ruination of our country more than any other one factor.

Granted, if they insist on investigating each other with no legitimate civilian oversight, so be it. But, make sure that all of what they discover or review is laid out on the table. Give citizens the opportunity to either applaud the results of a legitimate investigation, or demand that the ones doing the investigation be sent to the guillotine, again metaphorically speaking of course.

The assimilation of information gathered during review of files is normally not made available to the public by the government. I do. I call it transparent in many ways. You know where my axe to grind is because I set it out on the table for all to see.

It focuses upon the actions of the Merced County District Attorney’s Office, the Merced County Department of Environmental Health, some private environmental remediation firms and some attorneys. It is yet to be adjudicated if public officials through either negligence, malefeasance or coercion with private environmental firms have been draining what is known as the Underground Storage Tank Fund.

You may have heard many times that the results of government investigations of government officials are kept CONFIDENTIAL. The results is that it allows public official corruption to continue. It is under the guise that confidentiality is required to “maintain the domestic peace of our country” and of our place of respect around the world.

Look around the world at present. Not many, if any, countries respect us at this time. We are only a shadow of what we once were.

I believe before we can set an example, we must practice in earnest what we preach. The first thing that we must prove is that we have the power to make our own government accountable to us against all odds. We can give the opportunity to ethical and good public officials to stand up without fear of reprisal. Yes, I sincerely believe there are some left.

Some day, I would like to frown at a bumper sticker in disagreement that caught my eye, instead of nodding and saying, “ain’t that the truth!”

It said, “Be Good to the U.S. or they’ll bring democracy to your country.”

Wikipedia definition of Government Transparency:

Transparency is introduced as a means of holding public officials accountable and fighting corruption.

When government meetings are open to the press and the public, when budgets and financial statements may be reviewed by anyone, when laws, rules and decisions are open to discussion, they are seen as transparent and there is less opportunity for the authorities to abuse the system in their own interest.

Transparency cannot exist as a purely one-way communication though. If the media and the public knows everything that happens in all authorities and county administrations there will be a lot of questions, protests and suggestions coming from media and the public. People who are interested in a certain issue will try to influence the decisions.

Transparency creates an everyday participation in the political processes coming from media and the public. One tool used to increase everyday participation in political processes is Freedom of Information legislation and requests.
(LETTER TO JONES, from page 6)

I’ve heard from a number of people that ex-Police Chief Hughes was no saint. There was genuine fear fueled by seemingly accidental deaths and spurious suicides at the jail during his reign. I can’t say if you were framed or not. It doesn’t matter.

The rubber meets the road about what you did directly to me and my family. You said to my face and to my friend Clinton Galloway, that you knew for a fact that I was a dangerous member of the Ku Klux Klan.

Therefore, when you call me a liar, you also call Mr. Galloway a liar. You want people to think that a fellow African American would accuse you of making such a vicious statement to help me.

All the while you profess to The Enterprise that you try to be a good Christian. Do you know where lying bible thumping but not true Christians are suppose to go?

My nine year old son, Juston, worried the other day about wearing his Badger Flats Gazette baseball shirt to the store. Why? He wondered if somebody that believed your dad was a member of the KKK might beat him up. It made my heart ache, my blood run cold, and put you on my mind.

When I think about how I snapped at my brother John in front of his friend Big John at the Donut shop when he innocently teased me about what you said, I feel both bad and upset. I apologized to my brother John, and told Big John later that I acted like a dumb jack-ass.

I could have said I acted like a "Tommie Jones" but it would be an insult to a jack ass.

Honestly Tommy, even though I would never do so, I wish I could just take you out behind a barn and whoop your butt!

You have endangered my family and that is sacred ground. I assure you anyone that know me realizes you are in serious trouble. Watch what is happening to much bigger fish than you that cross my path.

If you have taken the time to read this edition, Mayor Jones, you will realize that I have been really busy helping a friend. I simply haven’t had the time to start taking you down publicly for what you did.

Think about that as you lay down to sleep every night. I do.

I will try to get you served with a complaint within the next few weeks.

Sincerely,

Gene Forte

WHERE HAVE ALL THE BADGERS GONE? LONG TIME PASSING....

by Gene (Siegger) Forte

If any readers thought The Badger ended up as road kill since they haven’t gotten an issue these last four months.....well, think again....I’m back! The Badger always comes out when the Good ol’ Boys least expect it. It is a chronicle of events in the life of the chronicler, me.

After The Badger was made, they broke the mold and public officials then beat the hell out of the mold maker once they caught him. But, alas, it was too late.

The Badger has developed some unique survival techniques and idiosyncrasies to do battle with the good ol’ boys. The first is resting when needed no matter what, and the second is focusing on the fight, not telling the story.

It is too daunting a task to be fighting off pirates with a sword in one hand while writing a blow by blow account with a pen in the other.

Add to the mix that everyday life gets in the way, taking the garbage out, picking up the kids, doing the dishes and of course trying to keep food on the table to feed the family.

It is no wonder why corrupt government officials have citizens they are suppose to serve behind the eight ball.

The more they loot, pillage, and steal, the harder it becomes to just make a living.

Americans have to keep their nose to the grindstone. They simply have no time, energy, or resources to beat these hooligans back or figure out how to turn the tables on them.

In reality, all circuit breakers to stop government corruption have been systematically stripped by the corrupt government officials. It means that even ethical government officials have no chance of saving us citizens. I assure you that the very lowest priority our government officials have is arresting each other.

The Badger is now ready to come out of its den to engage the Merced County Good ol’ Boys who tried to put the squeeze on a personal friend and Badger subscriber, Mr. Marion Santos.

Battle lines have been drawn and sides chosen. During the ensuing skirmishes, I anticipate the McClatchy Gang, owners of the Merced Sun Star, Los Banos Enterprise, Fresno Bee, Modesto Bee, Sacramento Bee and just about every other newspaper in California will accuse me of unethical reporting and being in the pocket of Mr. Santos.

In response, I only suggest you ask yourselves how much money The Badger receives in political advertising dollars from Merced County and statewide Good ol’ Boys each year (which amounts to a whopping zero), compared to the millions the McClatchy Gang rides away with each year?
"Boss Tweed" of Tammany Hall

William Magear "Boss" Tweed (April 3, 1823 – April 12, 1878) was an American politician and head of Tammany Hall, the name given to the Democratic Party political machine that played a major role in the history of 19th century New York City politics. He was convicted and eventually imprisoned for stealing millions of dollars from the city through political corruption. He was of Scottish-Irish descent.

Political career
Tweed had started his ascent as a volunteer fireman, which in 1840s New York City was often considered the first stepping stone into New York City politics. Tweed himself was elected to the United States House of Representatives in 1852, the New York City Board of Advisors in 1856, and the New York State Senate in 1867.

In April 1870 Tweed secured the passage of a city charter putting the control of the city into the hands of the mayor (A. Oakey Hall), the comptroller, and the commissioners of parks and public works. He then set about to plunder the city. The total amount of money stolen was never known, but has been estimated from $75 million to $200 million. Over a period of two years and eight months, New York City's debts increased from $36 million in 1868 to about $136 million by 1870, with little costs or expenditures to show for the debt.

Tweed was accused of defrauding the city by having contractors present excessive bills for work performed—typically ranging from 15 to 65 percent more than the project actually cost. The opposition was strengthening. This extra money was propagandized against Tweed and stated as having been divided among Tweed, his subordinates and his cronies. The most excessive overcharging came in the form of the famous Tweed Courthouse, which cost the city $13 million to construct (the actual cost for the courthouse was about $3 million), leaving about $10 million for the pockets of Tweed and his gang. The city was also billed $3 million for city printing and stationery over a two-year period.

While he was known primarily for the vast corrupt empire, Tweed was also responsible for building hospitals and orphanages, widening Broadway along the Upper West Side, and securing the land for the Metropolitan Museum of Art.

Tweed's arrest and subsequent flight

Tweed's demise came when one of the plunderers, dissatisfied with the amount he received, gave The New York Times evidence that conclusively proved that stealing was going on. The newspaper was reportedly offered $5 million to not publish the evidence. In a subsequent interview about the fraud, Tweed's only reply was, "Well, what are you going to do about it?"

October 2nd, 2007
Tetra Tech, Inc.
RE: Response to your email to Swenson & Request for documentation
Mr. Lowell:

I have just been forwarded a copy of your grossly distinguence email sent to Mr. Eric Swenson of the Merced County Department of Health on Friday September 28th, 2007.

Bear with me while I untist your half-truths and false statements:

1. You have never specifically told Mr. Santos that the "60 day temporary storage of waste water would expire on October 1th, 2007."
2. The only correspondence received from Tetra Tech refers to the temporary storage tank should be removed within 90 days.
3. Mr. Santos reasonably understood such 90 days would begin from the day Tetra Tech ran off the job on August 3rd, 2007.
4. Mr. Santos in his certified letter (attached) to you of August 27th, 2007 told you:
   a. "To immediately remove any and all equipment owned, or rented by Tetra Tech, Inc., including the "containers" described in your letter from his Glass Works property within the next 72 hours and accepts no liability or expense in your doing so."
   b. "Will hold Tetra Tech, Inc., directly responsible if any penalties are levied against Mr. Santos by MCDOE due to Tetra Tech's acts of non-compliance."
   c. "Is in Mr. Santos' position that the containers should have been removed August 3rd, 2007 when Tetra Tech, Inc. stopped work."
   d. "Tetra Tech, Inc., is again requested to provide answers to questions related to the contract entered into with Tetra Tech, Inc., that have not yet been responded to by Tetra Tech, Inc. (Term Location)"

The scurrily job off the job by Tetra Tech was caused by Mr. Santos' asking questions of his (now ex-attorneys), Mr. Vargas, Mr. Somach and Mr. Timothy Swisshard about their not disclosing their joint web based marketing scheme with them called Term locaitor.

The ethically necessary disclosure would have caused Mr. Santos not to have S&O review Tetra Tech reimbursement requests submitted to the UST Fund that are now being kicked back in his face. The UST Fund said that due to "STAFF COSTS NOT CONCERNERD WITH ACTIVITIES CONDUCTED" there is a pending investigation where Tetra Tech must justify such onerous fees.

In laymen terms Tetra Tech was billing the hourly rate for a rocket scientist performing a task that could have been performed by the janitor. It is called "paddling the bill, gilding the lily, etc."

You stated, "Tetra Tech has inaccurately attempted to communicate this compliance time frame."
That is a half-truth. You told Mr. Santos about a 90 day time frame but did not tell him when it started, and when it ended. You held that little dirty up your sleeve know.

For you to successfully and clearly done so all you had to say was "the date to remove the tanks to remain in compliance is October 1st, 2007. I sincerely believe that you are not so inept."

It is easy to reasonably conclude that by your intentionally waiting until Friday, September 28th, 2007, at 11:13AM, to inform Mr. Swenson clearly (meaning that you knew how to what you did not clearly) tell Mr. Santos (even on September 28th, 2007) by sending him a courtesy copy or fax concerning a miscellaneous compliance matter, you had an underhanded motive and purpose.

It appears that Tetra Tech would like to join forces with the hands that feeds it, being Mr. Swenson, MCDOE, who you said "was in the pocket of corporate Chevron at 1166 East Pacific Blvd."

I reminded you that you informed me that the Merced County District Attorney threatening to file criminal charges against Mr. Santos was one of the most baseless and outrageous things you ever saw. You were at the meeting with DDA Maconior and heard him do it. This of course did not prevent you from trying to haphazard run off to the bank with a cool million dollars of Mr. Santos' hard earned money.

Right, there Todd-a-room?

Tetra Tech is approaching covering up their billing of Mr. Santos and the UST Fund with Somach, Simmons and Dunn and MCDOE with the strategy that a strong offense is the best defense.

With that said, and my time went by, you Mr. Santos requests that you immediately eby the end of day, October 3rd, 2007, provide any and all correspondence to himself, and to Mr. Eric Swenson, MCDOE, that indicates you informed Mr. Santos that October 1st, 2007, would be the date he should have your tanks removed.

I welcome you to stick your foot in your mouth some more. It appears it is a learned habit you may be accustomed to liking the taste of.

More than sincerely,

Gene Forte

Attached letter: August 27th, 2007 to Mr. Marion Santos

(103)

The End
The Los Banos Enterprise and Merced Sun-Star are in a sticky position. Why aren't they reporting?

The Shadow Knows Why….

NOTICE TO READERS

by Badger Flats, LLC

You will find a letter (left) dated October 2nd, 2007, to The Los Banos Enterprise and Merced Sun-Star. Both of the newspapers are owned by The McClatchy Newspapers Company. As of October 6th, 2007, neither newspaper has reported upon the Merced County Claim filed by Mr. Marion Santos, or the Merced County Claim filed by Gene Forte.

Gene Forte is a contributing investigative reporter to The Badger Flats Gazette, owned by Badger Flats, LLC. All views and opinions are that of Mr. Gene Forte and Badger Flats, LLC disclaims any all liability or responsibility as to its accuracy.

Mr. Marion Santos has not in any way participated in the editing of any of the material of Gene Forte and is not responsible for the content of The Badger. The views expressed are solely that of Mr. Gene Forte.

Gene Forte currently has a pending appeal in Federal Court in the lawsuit of Forte v. Knight Ridder, McClatchy Newspapers, et al. C06-03948JW.

THE WAITING GAME

The Badger has been waiting to see how far McClatchy Newspapers' Los Banos Enterprise would stick its neck out by not reporting upon the Merced County Santos claim.

McClatchy Newspapers, by not reporting that the number one payer of City taxes in Los Banos, Marion Santos, claims he was wrongly threatened with criminal prosecution, is telling citizens that it is not newsworthy.

McClatchy Newspapers, by not reporting that Santos claims the DA threatened him with criminal prosecution to cover up the bungling of the Merced County Department of Environmental Health cleanup of an MTBe contamination to a food processing facility, is telling citizens that it is not newsworthy.

The Badger challenges any newspaper in the country to support the outrageous actions of McClatchy Newspapers' irresponsibility to the residents of Merced County.

Mark down which ones stand up for McClatchy Newspapers. Close down those papers and we will start taking back our country.

THE END

List from GeoTracker listing contamination sites in Merced County.
There has been no response to the above request for interviews or comments. Quite frankly, I understand why.

No one can now say that I at least didn’t make the attempt to do so.

An Apology for Printers

By Benjamin Franklin

Being frequently censur’d and condemn’d by different Persons for printing Things which they say ought not to be printed, I have sometimes thought it might be necessary to make a standing Apology for my self, and publish it once a Year, to be read upon all Occasions of that Nature. Much Business has hitherto hindered the execution of this Design; but having very lately given extraordinary Offence by printing an Advertisement with a certain N.B. at the End of it, I find an Apology more particularly requisite at this Juncture, tho’ it happens when I have not yet Leisure to write such a thing in the proper Form, and can only in a loose manner throw those Considerations together which should have been the Substance of it.

I request all who are angry with me on the Account of printing things they don’t like, calmly to consider these following Particulars.

1. That the Opinions of Men are almost as various as their Faces; an Observation general enough to become a common Proverb, So many Men so many Minds.

2. That the Business of Printing has chiefly to do with Men’s Opinions; most things that are printed tending to promote some, or oppose others.

3. That hence arises the peculiar Unhappiness of that Business, which other Callings are no way liable to; they who follow Printing being scarce able to do any thing in their way of getting a Living, which shall not probably give Offence to some, and perhaps to many; whereas the Smith, the Shoemaker, the Carpenter, or the Man of any other Trade, may work indifferently for People of all Persuasions, without offending any of them: and the merchant may buy and sell with Jews, Turks, Hereticks, and Infidels of all sorts, and get money by every one of them, without giving Offence to the most orthodox, of any sort; or suffering the least Censure or ill-will on the Account from any Man whatever.

4. That it is as unreasonable in any one Man or Set of Men to expect to be pleas’d with every thing that is printed, as to think that nobody ought to be pleas’d but themselves.

5. Printers are educated in the Belief, that when Men differ in Opinion, both Sides ought equally to have the Advantage of being heard by the Publick; and that when Truth and Error have fair Play, the former is always an overmatch for the latter: Hence they cheerfully serve all contending Writers that pay them well, without regarding on which side they are of the Question in Dispute.

6. Being thus continually employ’d in serving all Parties, Printers naturally acquire a vast Unconcernedness as to the right or wrong Opinions contain’d in what they print; regarding it only as the Matter of their daily labour: They print things full of Spleen and Animosity, with the utmost Calmness and Indifference, and without the least ill-will to the Persons reflected on; who nevertheless unjustly think the Printer as much their Enemy as the Author, and join both together in their resentment.

(Apology to Printers, see page 27)
7. That it is unreasonable to imagine Printers approve of every thing they print, and to censure them on any particular thing accordingly; since in the way of their Business they print such great variety of things opposite and contradictory. It is likewise as unreasonable what some assert, That Printers ought not to print any Thing but what they approve; since if all of that Business should make such a Resolution, and abide by it, an End would thereby be put to Free Writing, and the World would afterwards have nothing to read but what happen'd to be the Opinions of Printers.

8. That if all Printers were determin'd not to print any thing till they were sure it would offend no body, there would be very little printed.

9. That if they sometimes print vicious or silly things not worth reading, it may not be because the People are so viciously and corruptly educated that good things are not encouraged. I have known a very numerous Impression of Robin Hood's Songs go off in this Province at 2s. per Book, in less than a Twelvemonth; when a small Quantity of David's Psalms (an excellent Version) have lain upon my Hands above twice the Time.

10. That notwithstanding what might be urg'd in behalf of a Man's being allow'd to do in the Way of his Business whatever he is paid for, yet Printers do continually discourage the Printing of great Numbers of bad things, and stifle them in the Birth. I my self have constantly refused to print any thing that might countenance Vice, or promote Immortality; tho' by complying in such Cases with the corrupt Taste of the Majority, I might have got much Money. I have also always refused to print such things as might do real Injury to any Person, how much soever I have been solicited, and tempted with Offers of great Pay; and how much soever I have by refusing got the Ill-will of those who would have employ'd me. I have heretofore fallen under the Renovation of large Bodies of Men, for refusing absolutely to print any of their Party or Personal Reflections. In this Manner I have made my self many Enemies, and the constant Fatigue of denying is almost insupportable. But the Publick being unacquainted with all this, whenever the poor Printer happens either through Ignorance or much Persuasion, to do any thing that is generally thought worthy of Blame, he meets with no more Friendship or Favour on the above Account, than if there were no Merit in't at all. Thus, as Waller says, Poets loose half the Praise they would have got Were it but known what they discreetly blot; Yet are censur'd for every bad Line found in their Works with the utmost Severity....

11. I take leave to conclude with an old Fable, which some of my Readers have heard before, and some have not.

"A certain well-meaning Man and his Son, were traveling towards a Market Town, with an Ass which they had to sell. The Road was bad; and the old Man therefore rid, but the Son went a-foot. The first Passenger they met, asked the Father if he was not ashamed to ride by himself, and suffer the poor Lad to wade along thro' the Mire; this induced him to take up his Son behind him: He had not travelled far when he met other, who said, they were two unmerciful Lubbers to get both on the Back of that poor Ass, in such a deep Road. Upon this the old Man gets off, and let his Son ride alone. The next they met called the Lad a graceless, rascally young Jackanapes, to ride in that Manner thro' the Dirt, while his aged Father trudged along on Foot; and they said the old Man was a Fool, for suffering it. He then bid his Son come down, and walk with him, and they travell'd on leading the Ass by the Halter; 'till they met another Company, who called them a Couple of sensless Blockheads, for going both on Foot in such a dirty Way, when they had an empty Ass with them, which they might ride upon. The old Man could bear no longer; My Son, said he, it grieves me much that we cannot please all these People: Let us throw the Ass over the next Bridge, and be no farther troubled with him."

Had the old Man been seen acting this last Resolution, he would probably have been call'd a Fool for troubling himself about the different Opinions of all that were pleas'd to find Fault with him: Therefore, tho' I have a Temper almost as complying as his, I intend not to imitate him in this last Particular. I consider the Variety of Humours among Men, and despair of pleasing every Body; yet I shall not therefore leave off Printing. I shall continue my Business, I shall not burn my Press and melt my Letters.
List of active contaminations sites in Merced County alone. Imagine how much money is being ripped off by remediation companies and dare to say, possibly public officials?

The UST Fund states in footnote #10: STAFF COSTS ARE NOT COMMENSURATE WITH ACTIVITIES CONDUCTED while rejecting approximately $93,749.93 of Tetra Tech, Inc. charges. You explained that such invoices of Tetra Tech, Inc. may be resubmitted with documentation to support the abnormal fees with Mr. Santos’ authorization. Mr. Santos does not intend to authorize Tetra Tech to submit invoices that he himself considers not legitimate.

At present, Tetra Tech, Inc. has threatened litigation if Mr. Santos does not pay them directly another $258, 418.64, above what has already been rejected by the UST Fund. There is little doubt that such invoices will be also rejected. Mr. Santos does not want to be wasteful of technical reviewers’ time, but perhaps the invoices should be submitted even if only for the purpose of being officially denied?

Mr. Santos wanted me to thank you for your cooperation and promises to keep you informed. If you have any questions, please feel free to give me a call.

Sincerely,

Gene Forte

cc: Mr. Marion Santos
  enclosed: Merced County Claim, AEC Review

698 Birch Court, Los Banos, California 93635
(259) 829-1116 emaigene@BadgerFlats.com

Letter to UST Fund blowing the whistle on Tetra Tech, Inc., MCDEH and …….

The Shadow Knows!

WHO’S CHASING WHO?

By Gene Forte

The report by AEC (see page 27), received just before going to print, cuts to the chase what has been going on.

Tetra Tech, Inc. and other remediation companies under the direction of MCDEH have been draining the UST fund like wild men.

The contamination to California Dairies/Los Banos Foods was not caused by Santos, it was caused by the Corporate owned Chevron at 1164 East Pacheco.

To the left is the letter I sent to the UST Fund as a courtesy to Santos which formally blows the whistle on the whole rotten mess.

Santos is chasing the bad guys right now and has always stood ready to do whatever it took to protect the water of the citizens of Los Banos.

Marion said “The Buck Stops Here!” and he puts both his money and his reputation at stake in taking these guys on.

I want to thank him for having the courage to do so. He has much to lose but that did not stop him from doing the right thing.

I intend to stand by, and in front of him if necessary, until the final bell.

THE END

THE UST FUND

Federal and state laws require every owner and operator of a petroleum underground storage tank (UST) to maintain financial responsibility to pay for any damages arising from their tank operations.

The Harry Keene Underground Storage Tank Cleanup Fund Act of 1989 was created by the California Legislature, and is administered by the California State Water Resources Control Board, to provide a means for petroleum UST owners and operators to meet the federal and state requirements. The Fund also assists a large number of small businesses and individuals by providing reimbursement for unexpected and catastrophic expenses associated with the cleanup of leaking petroleum USTs.

In addition, the Fund also provides money to the Regional Water Quality Control Boards and local regulatory agencies to abate emergency situations or to cleanup abandoned sites that pose a threat to human health, safety, and the environment, as a result of a petroleum release from a UST.

THE END

CASE REPORT FOR MERCED COUNTY UST (MERCE COUNTY) 11-06-2013

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