

Has Government Earned Our Trust

Thirteenth in a series

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Government locally: These local issues are ones of property rights, of freedom and of corruption, all of which Glenn County residents will ultimately finance from their own pockets.

Orland Sand & Gravel:

This is a case of State and County government pretending to protect ‘the people’ from the criminal activities of one D. R. Bogart and Orland Sand & Gravel (OSG), when it is actually a case of government acting in a corrupt and criminal manner to fleece the people and frighten them back into line.

The saga begins with D. R. Bogart (or Doc) acquiring the controlling stock interest in Orland Sand & Gravel back in 2003. No sooner had this occurred than California Fish & Game Wardens show up at OSG, and shut down Doc’s gravel harvest operation, claiming that the *Streambed Alteration Agreement*, under which OSG was operating, *was not transferable*.

Having his operation shut down, Doc filed a civil suit, naming California Fish and Game, and the previous owner Don Thompson. Either Thompson had entered into a fraudulent sale, or Fish & Game were acting without authority. Thompson was released from the suit early on when it became apparent that he had acted honorably.

Since the *Streambed Alteration Agreement* had been held by the OSG corporation both before and after the stock transfer, it had not transferred as was fraudulently claimed by the Fish & Game Wardens. If this were true then every corporation in America would be required to renew its agreements with government each morning by virtue of the stock transfers on the stock exchanges.

In the typical fashion of a government agency enforcing corporate commercial law, Fish & Game refused to recognize its action as unfounded and unlawful, apologize and rescind its stop work order. Nor did Fish & Game offer to compensate the businessman for his loss like an honorable individual would do? Government demands the individual be responsible for his conduct, but does not assign the standard to their own behavior and actions.

Shortly after the filing of the civil law suit against Fish & Game, County government increases the *Reclamation Financial Assurances* on OSG by 120%. Just a *coincidence*, no conspiracy here. This action was taken under the *Surface Mining And Reclamation Act* of 1976. Mining huh? Well, let’s see.

At section 2735 of SMARA, *Surface Mining* is defined as “*meaning all, or any part of, the process involved in the mining of **minerals** on mined lands by removing overburden...*” And at section 2732 we find *overburden* defined as “*soil, rock, or other materials that lie above a*

natural mineral deposit or in between mineral deposits...” And *mineral*, which was not defined in the act, was found defined in Black’s Law Dictionary as follows: “**mineral.** *n.* Any natural inorganic matter that has a definite chemical composition and specific physical properties that give it value <most minerals are crystalline solids>.”

Examples of minerals would be silver, gold, zinc, diamonds, copper, titanium, uranium, lead, coal. All of these substances have a *definite chemical composition and properties that give them value.*

Well, this was simple, *sand & gravel* have no *definite chemical composition* nor do they have properties that give them value.

OSG does not extract any *natural inorganic matter that has a definite chemical composition with specific physical properties that give it value.* Therefore, by legal definition within the Act, OSG is **NOT** engaged in mining. And if they are not engaged in mining, then government lacks legal authority to apply mining law to their operation? But lacking legal authority does not detour government and their action certainly has all the ear-marks of the 1930's protection racket... “if ya want to do business on our street, this is what it’s going to cost you, it doesn’t matter if you are mining or not.”

At an administrative hearing in January of 2005, the Planning Commissioners hear both sides, those of the County Planning Department, and OSG. Both parties provide a ‘staff report’ to the planning commissioners. Where the COUNTY OF GLENN wanted a \$7000 (120%) increase in *reclamation assurances*, Planning Director Dan Obermeyer wanted a \$50,000 penalty to be assessed on OSG. When a planning commissioner asked how the \$50,000 figure was determined, Mr. Obermeyer stated, “I want it to sting a little.” Of course, these proceedings and any successful fine will be paid for by county residents as all fees and fines upon business.

The Planning Commission then votes 3 to 2 that OSG is not in violation. However, a year later another administrative hearing is conducted on the same matter without properly and lawfully notifying OSG, who fails to appear for lack of notification (a common dishonorable and unethical tactic of government).

In this redundant hearing, OSG is now found to be in violation, still ignoring that OSG is NOT engaged in mining. A fact made abundantly clear to the Planning Commission in the OSG staff report of the previous year and still in their possession. The Planning Commission does not address one issue raised by OSG in their staff report, and we the people are supposed to believe these administrative hearings are honest, fair and unbiased, when they are anything but.

The Planning Commission represents the County who is going to financially benefit from finding a violation. Consequently the Planning Commission is certainly not going to let the facts get in the way of a finding of violation and the money that can be extracted from the residents of Glenn County through fines on business. And the residents of Glenn County pay on both sides. They pay the government to conduct bogus investigations and conduct bogus hearings. And they pay the fines of business through the purchase of products and services of that business. What a

racket.

Coming next: 12 counts of criminal charges.