

Has Government Earned Our Trust

Fourteenth in a series

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Thus far: 1) OSG (Orland Sand & Gravel) files civil suit against Fish & Game; 2) County raises OSG reclamation assurances 120%; 3) OSG found not in violation of SMARA in admin hearing; 4) one year later OSG found in violation on the same matter.

Then, out of the blue came 12 criminal charges under Fish & Game code section 1602 against both Doc and OSG. These charges related to *substantially diverting [water] and substantially obstructing the natural flow [of water], and substantially using* material from the [*dry*] stream bed. 1) The water was never diverted out of the banks of the Stony Creek channel. 2) The flow in Stony Creek was never *substantially obstructed*. 3) The gravel removed was no different than had been taking place since about 1926 when gravel operations began at this location. 4) With two dams & reservoirs upstream, there is *no natural flow* although in trial the government would claim that man-made flow settings were natural flows (figure that one out).

For over 70 years OSG has removed gravel from about a 600 yard section in Stony Creek, approximately 80 miles in length. Why would anyone think that 600 yards is *substantial* in 80 miles? Especially in light of this happening for over 70 years without any damage to the environment. There is no need for reclamation, the creek reclamates itself each winter in the high flows that bring down a whole new strata of gravel. This is why no one can see a hole where gravel is removed.

So, government has filed twelve separate charges against Doc and OSG, and each charge is exactly the same, differing only by date. It is as though government agents have been watching a bank robbery in progress, and the bank robber has made three trips in and out of the bank to haul out all the loot, and so government charges him with three separate bank robberies. Although there is a civil case pending on the “Streambed Alteration Agreement,” government claims this agreement became inoperative at the time of stock transfer from the previous owner to Doc Bogart.

It appears that government has taken the position that the people of Glenn County are too ignorant to know and understand that if there was a valid claim, Fish & Game could go to court and obtain a “cease and desist order” against OSG rather than put a company out of business and a man in jail. But OH NO, it is necessary to take OSG and Doc Bogart to trial so that the people of Glenn County can pay and pay and pay.

So Doc and Orland Sand & Gravel go through a trial in which the jury votes 8-4 in favor of acquittal.

The judge declares a mistrial, and the government adds five more counts to the 12 charges already leveled. Interestingly, the first 12 counts claim Doc and OSG did *not* have a valid

Stream Bed Alteration Agreement, and the 5 additional counts claim that Doc and OSG *did have a valid Stream Bed Alteration Agreement, but violated it*. Make sense of that one! And they're still wondering why people think government to be corrupt and criminal.

To government and its agents, it's really no problem because the people of Glenn County pay on both ends. They pay for the phony baloney prosecution effort, and if the prosecution is successful, they pay for the jail time and fines of Orland Sand & Gravel and Doc Bogart. A great scam, is it not? All the while the government attorney's and judge are raking in their paychecks, paid by the people of Glenn County.

Well, Doc and OSG prevailed in the civil suit against Fish & Game in early 2009, and the judge found that the Stream Bed Alteration Agreement had not transferred, that it had been operationally held by the corporation before and after the stock transfer, now six years after being shutdown. Six years, not that's justice in the name of the people of Glenn County. However, the judge in this civil case could not see where Orland Sand & Gravel had suffered any financial loss. That part of the decision is being appealed.

How a criminal operates:

In filing the civil suit, Doc wanted a *jury trial* and contacted the court to find out the *filing fee charges*, but was told that they didn't have that number at the moment and would call him back. Well, no one called back and when Doc contacted them again, it was two days past the date needed for payment which meant that the matter would not be put before a jury, it would be strictly before a judge... one that ultimately had no ability to see any financial loss on the side of Orland Sand & Gravel.

This is how government, acting in our name, uses business to line their pockets with our money, both on the front end (through taxes to pursue bogus prosecutions) and on the back end through fees and penalties levied on the business which we pay when we utilize or purchase the products or services of that business.

In the mean time, and still acting in our name, government officials have removed Orland Sand & Gravel from the "AB3098" list without the required hearing. This prevents Orland Sand & Gravel from selling their products to government agencies, even though they have never been convicted of violating SMARA. And this is, in part, how government uses our money, and uses the power and authority we confer upon it. All this because a local businessman stood up for himself and for our pocketbooks and asked why 'this' 102% increase in reclamation assurances was necessary.

The second criminal complaint was vacated in 2009. This sordid story is the reason we need to become educated and sit on juries. In the end, all we have to protect ourselves, is each other. And if we, through laziness, apathy or ignorance, rubber stamp the governments actions, then we participate in enslaving ourselves, especially when there is no injured party. Perhaps it's time for the people to stop and think about whether or not they are comfortable with this criminal behavior. After all, it is occurring in our name and we are the ones paying for it, on both ends. Are we that happy paying when no one is being injured? Are we happy to see business go out of

business and people become unemployed?