

Michael Thomas
Assistant Executive Officer
Central Coast RWQCB
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Dear Mr. Thomas:

The following contains my response to the statements by the Prosecution Team, LOCSA, and the defendants submitted for posting on June 23, 2006.

I Response

A. Regarding question 1 (Must the prosecution's case, as presented orally on April 28, 2006, be stricken entirely or to some lesser degree?), Mr. Sato states, "It is difficult to respond to this question without any indication of how the Los Osos Community Services District or the individual respondents believe they are prejudiced by the hearing process to date."

The process to this point has been prejudiced against me personally because I can not afford the level of representation required to challenge the RWQCB and SWRCB. Law firms with experience working with the RWQCB/SWRCB on water issues require a minimum retainer of \$20,000 to \$50,000. Costs will quickly mount while working through the Regional and State Waterboards. Experienced firms realize that a fair trial will not occur until the case is appealed to the courts with an impartial judicial process. If I were to acquire legal counsel, the high costs would cause me to lose my home before I ever made it into the court system. Without legal counsel, I could lose my home through unfair governmental actions. Free legal services contacted by defendants refused to take on a case involving the Waterboards prior to entering the courts on appeal due to the inherent bias in Waterboards hearings.

This system may be effective for corporations and large municipalities with legal staff, but it is inherently unfair to individuals for alleged violations that are well beyond the scope of individual control. Large entities have the power to negotiate with RWQCB, but I am powerless, therefore, I do not have any control over the outcome of the hearings regardless of guilt or innocence. My due process rights have been violated.

If the RWQCB had determined that the home at 1709 14th Street was discharging illegally, I should have been notified prior to closing escrow in 1992. The responsibility to inform me ultimately belonged to the RWQCB. If they had delegated this responsibility to another party, it was gross negligence on the part of the RWQCB to not follow up on this notification.

Upon purchase of my home I was informed that I was buying in a Prohibition Zone and would not be able to add bedrooms or bathrooms until the issue was resolved. I also understood that the community had not yet been given the legally required right to challenge the Prohibition Zone. I now understand that the laws have changed regarding the challenging of the PZ, but the RWQCB has again neglected to inform me as to when I may challenge these findings. Chairman Young has made it clear that he feels the Prohibition Zone is a separate issue, but it is really the heart of this hearing. I was issued a proposed CDO based on the location of my home in relation to this Prohibition Line, not any direct evidence that I am polluting. How can I be issued me a Cease and Desist Order based on an unsubstantiated Prohibition Zone? The drawing of the Prohibition line was a blatant attempt at discrimination, dividing the affluent and influential property owners from the commoners. The evidence used to justify the zone was obtained from suspect wells. By drawing this line without valid scientific evidence, the RWQCB bears direct responsibility for the continuing controversy and dissension in this community.

Through the RWQCBs numerous backroom deals and manipulation of the press I have been purposely kept ignorant of much of the evidence of corruption. You may claim that ignorance is not an excuse, but it is unreasonable for a government agency to expect me to spend a significant portion of my daily life since moving to Los Osos in 1992 involved in activities such as attending meetings, reading legal documents, and monitoring behavior of government officials. I am a teacher, not a lawyer or a detective.

B. Mr. Sato reserves all rights for the prosecution. Since I am not receiving a fair hearing, I reserve all rights to appeal to the SWRCB and the courts and to submit any new documents and witnesses to defend myself and my home from these unfair proceedings.

C. The Prosecution Team made significant changes to the case after I had

submitted my documents in January and I have not yet been given the opportunity to respond. I do not foresee LOCSD and the citizens ever receiving a fair hearing in the Central Coast RWQCB and I reserve the right to appeal to the SWRCB and the courts and to submit any new documents and witnesses to defend myself and my home.

D. As evidenced by the June 28, 2006 letter from Chairman Young, the RWQCB is further limiting my access to a fair hearing by not allowing knowledgeable persons to assist me with my defense. As stated previously, qualified representation is not within my means. The only representation you have reasonably allowed me is through the "general" presentation by the LOCSD. The LOCSD obviously needs to have every opportunity possible to present evidence and cross examine witnesses if the individual defendants are to be given even a token attempt at a fair hearing. If the LOCSD is unable to defend its citizens, individual representation must be provided. The RWQCBs role in the distruction of the LOCSD is too great to ignore.

II Response

The new rules and order of proceedings are written to assure that the individual defendants will stand alone against the Prosecution Team and the RWQCB with no support or assistance from the LOCSD, experienced resources, or their fellow defendants. As I stated previously, I do not have the financial means to acquire qualified representation so your attempts to streamline the process have removed all semblance of fairness in these hearings. Interrogation before the RWQCB is an intimidating process that individual citizens should not be subjected to. Chairman Young repeatedly has stated that we are not criminals, so apparently this justifies giving us less rights than criminals in the defense against governmental abuse and persecution. Mr. Sato has suggested that by requesting a fair hearing we could be subjected to "additional remedies or the imposition of administrative civil liabilities," with individual costs of up to \$15,000 a day.

In summary, I have not been given a fair opportunity to prove my innocence, not been provided with individual representation, restricted from receiving assistance during the hearing, judged by a board that decided on a guilty verdict before the proposed CDOs were issued, and I struggle with a case that the Prosecution Team and the RWQCB keep adjusting to justify the guilty verdict. The actions of the Prosecution Team and the RWQCB

are denying me the process that is due.

III Response

As Ms. Okun stated regarding the removal of Mr. Briggs, "Removing him from the hearing process is not legally required, and due to his unique role as a witness in this case, it is not possible". Mr. Briggs has played a significant role in each step of this controversy for a longer period of time than I have lived in Los Osos. Due to his unique perspective, each individual should be allowed to call him as a witness and cross examine him. If the RWQCB chooses to continue the hearing without Mr. Briggs, I reserve the right to call Mr. Briggs as a witness upon appeal to the SWRCB and the courts.

Mr. Young had stated that defendants would be allowed to incorporate by reference testimony of those individual hearings preceding them. Due to time limitations placed on individual presentations, all defendants should have the opportunity to incorporate evidence from all individual defendant presentations. Since each defendant only has 15 minutes to present their individual case, individual defendants should be allowed to cross examine any witnesses, defendants or otherwise, if it will help them build their individual case.

I reserve the right to incorporate any documents and arguments from the LOCSD and other defendants for use in this hearing or upon appeal to the SWRCB and/or the courts.

Sincerely,

