

## IN THE BEGINNING (1998 – 2001)

In the course of political rhetoric even empty campaign promises are a **First Amendment Right** and do not usually bind a candidate. For example, a “**Chicken in every pot and a new car in every garage.**”

However, when candidates rhetoric are intentionally made to deceive, coerce, intimidate and influence voters as part of a scheme and conspiracy to defraud, then the First Amendment Right to Free Speech is not a sanctuary. Their speech is a crime!

If a voter is deliberately prevented from making an intelligent, informed decision for any reason it is election fraud. Anyone making any false statements that deceive, coerce or intimidate voters are guilty.

Since **1998**, after more than 20 years of SLO County and the CCRWQCB (Central Coast Regional Water Quality Control Board) attempting to force an unneeded, unaffordable **vaccine-resistant, deadly pathogen-producing factory** on the community of Los Osos, seven residents (who had been at the forefront of the fight against a central sewer) asked the community to form a Community Services District and elect five of them as Directors.

They said the central purpose for the District was to stop the sewer nightmare and to allow Los Osos residents to “**Pick (affordable) Services to be provided.**” They said it was to once and for all take control of local issues, the foremost being alternatives to a central sewer that would preserve our septic systems while protecting our water.

Eleven candidates ran for five LOCSD Director seats. Seven candidates formed a group that called themselves, “**Team Los Osos.**” They were **Pandora Nash-Karner, Rosemary Bowker, Stan Gustafson, Gordon Hensley, Sylvia Smith, Virgil Just and Frank Freiler.**

During the campaign their reassuring rhetoric flew like wood chips from a sawmill. “**Team Los Osos**” set up a web site and distributed a number of mailers to voters in which they made statements and assurances about local issues but the most important centered on the [alleged] wastewater issue.

All of “**Team Los Osos**” had been involved with the grass roots efforts that finally stopped the sewer in 1997 (so we believed). All of them were aware that Los Osos did not need a central sewer nor did it want one. They all knew there were a number of viable, affordable alternatives.

Of the original *Team Los Osos*, Pandora Nash-Karner, Rosemary Bowker, Stan Gustafson, Gordon Hensley and Sylvia Smith were elected (Frank Freiler and Virgil Just lost).

There was a collective sigh of relief from the community who believed the sewer nightmare was finally over. We all looked forward to a brighter, safer future. However, within a few short months, the community betrayal by Team Los Osos and their co-conspirators at the State/Regional Water Boards was made public.

The very people we trusted were now in position to force a central biological deadly nightmare upon the community, and force it they did... with a vengeance.

They told the community that the RWQCB had “**mandated**” a sewer for Los Osos and that Los Osos “**had no choice**.” The euphoria of local control was dashed on to the cliffs of despair and defeat by the newly elected LOCSD Directors, assisted by the RWQCB Nazis, headed by Herr Roger Briggs.

The dirty little secret was the fact that the RWQCB has no legal authority to “**mandate**” any solution (except for nuclear waste) at all. If they issue a CDO they must also make available all information on current technologies available to correct the [alleged] problem, assist in finding the most economical means and assist in helping to fine financing if needed.

“**Team Los Osos**” knew the RWQCB had no legal authority to “**mandate**” a sewer at least **10 months** before the election that created the LOCSD. This was proven in a letter to **Pandora Nash-Karner** from [**Herr**] **Roger W. Briggs**, Executive Director of the CCRWQCB, dated **January 23, 1998**. He specifically said, “**It is not our policy, nor do we have the authority to specify the method of compliance.**”

The reason for this is confirmed in **California Water Code 13360** which states that “...neither the State or Regional Water Boards, nor the Courts, shall specify any method of compliance.”

Throughout their campaign the **Team Los Osos terrorists** continually assured the community that as LOCSD Directors they would implement the affordable, safe alternatives and the community would be the beneficiary of a brighter, safer and more affordable wastewater future.

In their ballot statements and in a mailing to the community,

**Rosemary Bowker** said, “I am committed to finding affordable solutions to ... wastewater management.”

**Stan Gustafson** said, “Los Osos should decide how to spend their tax dollars. I was a member of the Solutions Group and support their solution to the Los Osos sewer issue.”

**Pandora Nash-Karner** said, “I will implement the Solutions Group plan.”

**Gordon Hensley** said, “As a CSD Director, I will **guarantee** Los Osos residents full access to the decision making process. I understand the frustration and fear of those who will be unable to afford the County’s sewer. With a CSD we will have more power ... and ... greater freedom to implement plans that affect the environmental, social and economic health of Los Osos.”

**Sylvia Smith** said, “(I am) committed to finding workable solutions for (a) sewer.”

**Frank Freiler** said, “I will support and implement the Solutions Group wastewater plan.” (sound familiar?)

On the “**Team Los Osos**” website, they made a number of deliberately misleading and false statements designed to deceive Los Osos voters into believing that their vote would prevent any further central sewer issue by the County and the RWQCB and guarantee local control that would be less costly and more efficient.

They guaranteed “**better service at less cost to the community.**” They told the community that in addition to the annual tax revenue, there was a **\$3,399,550 CSA-9 surplus** that would come to Los Osos and would be used for additional public benefits such as a park in town.

They said in a highlighted central box, “**The CSD cannot cost anyone more money.**” All of these statements crafted by the **Queen of Greed, Pandora Nash-Karner** under the banner “**Team Los Osos,**” deliberately deprived voters of the information needed to make an intelligent, informed decision.

It didn’t take the new LOCSD Directors long after **January 1999** to drop the bomb they (and their allies at the RWQCB) believed would clear away all resistance to the central **vaccine-resistant, deadly pathogen-producing factory** and seal the coffin of financial and social devastation on the community of Los Osos.

They did this with a simple 19-word statement: “**The Regional Water Quality Control Board has mandated that Los Osos build a sewer. Los Osos has no choice.**”

Why, after being elected, did they tell the community that the RWQCB had “**mandated**” a sewer and that “**Los Osos had no choice**” when they all knew the RWQCB had no legal authority to do so?

Because they knew before they could go forward with their alleged scheme they had to deceive the community into compliance by believing that it was the RWQCB who was the villain. By diverting community focus away from the LOCSD terrorists, most or all community resistance would be crushed.

From the beginning, the RWQCB echoed the fraudulent “**mandated sewer**” and other supporting statements.

After deceiving a majority of the community into believing that a sewer was “**mandated**” by the RWQCB, the LOCSD had other legal obstacles to overcome. Three very crucial legal roadblocks that required immediate attention were anchored in CA Water Code law.

Before any District can discuss a sewer, they must first ask the community if it wants a sewer and. The District must hold an election and secure a **51%** (or greater) voter approval. They **NEVER** did this.

Before a District can enter in to an SRF Construction Loan with the SWRCB, they must hold another vote to ask the community for permission and receive a 51% (o greater) voter approval (**CWC 13416**). They **NEVER** did this.

Before a District can issue and sell Obligation Bonds, they must hold another vote and ask the community for permission and receive a **two-thirds majority** vote. They **NEVER** did this.

What they did was diabolical. They avoided asking the community by not telling them of the laws and by hiding behind the alleged “**mandated sewer**” by a state agency.

They avoided asking permission to enter in to an SRF loan by sneaking under the radar on the back of a **1990 “Preliminary”** loan approval of **\$47 million** to the SLO County CSA-9 and then requesting an additional **\$18.4 million** to make up the alleged difference in sewer costs. They **NEVER** told the community.

When asked how they avoided **CA Water Code 13416** the LOCSD said that the June 2001 Assessment District vote fulfilled that requirement. It did not! The community was **NEVER** asked.

They avoided asking permission of the community to issue and sell obligation bonds by deliberately not advising the community of their right under the law and by using 1913 and 1915 laws regarding emergency improvements that did not (and do not) apply to Los Osos.

The deliberately sparse bond text was interspersed with the empty threats of **\$10,000 per day fines** and other statements of intimidation and coercion all created to deceive the voter and result in a majority of “**Yes**” votes for the **Assessment District**. The community was NEVER told of their right to approve or reject the bonds.

Once these three CA Water Code obstacles had been removed the LOCSD and the RWQCB believed they would be able to move forward with their dirty scheme to defraud the community without impunity.

While publicly guaranteeing the community a “**Safer, Cheaper, Faster**” solution to a non-existing problem and reassuring the community of their honorable intentions during their campaign to create the LOCSD and elect five of their team as Directors, these trusted neighbors were, in fact, implementing the first steps of their dirty scheme to socially cleanse then steal control Los Osos.

Just months after their successful election efforts, the new CSD and the Regional Water Board launched an assault of threats and intimidation designed to smother public resistance, interference and discovery.

In early 2001, the CSD and RWQCB deliberately deprived the voters of their legal right to know all the facts and express their wishes by casting their votes as prescribed by law.

In June 2001, the LOCSD held an **[illegal] Assessment District** election. It was promoted through a very expensive, taxpayer funded campaign that included a series of CSD mailers entitled “**Messages**” in which deliberate false and misleading information accompanied by threats of \$10,000 per day fines against individual residents if the vote failed to carry.

The “Yes” votes were tilted dramatically in their favor. The final vote count was approximately **3400 “Yes”** votes, **647 “No”** votes and over **3500 abstentions**. The final “Yes” vote count was enhanced by **approximately 13 individuals** and entities controlling between **1345 and 1540 votes**. All but two voted “yes.”

The large abstention was a direct result of the campaign of lies and threats carried out by the LOCSD, the RWQCB and some private interests, headed by ex-LOCSD Director, the **Queen of Greed, Pandora Nash-Karner**.

The alleged scheme and conspiracy began at least a year before the November 1998 vote and allegedly the seven candidates who made up "Team Los Osos" were all co-conspirators.

Their campaign statements were allegedly designed to deceive. They were not a "Chicken in every pot" issue. They were not protected by **First Amendment Rights**. They committed fraud against the community, deprived the community of a number of legal rights and used terror tactics of intimidation and coercion to perpetrate their scheme.

Because of the complexity of the scheme and the methods chosen to prevent community interference, it would require cooperation from the RWQCB. Allegedly Roger Briggs, Gerhardt Hubner and Sorell Marks of the RWQCB were all complicit in the alleged scheme to defraud.

Hubner and Marks made a number of appearances at public LOCSD meetings to reinforce the "**mandated sewer**" and threats of **\$10,000 per day fines** against the LOCSD and individual residents for failure to approve the June 2001 Assessment District vote.

They knew there was no "**mandated sewer**." They knew there would not be "**\$10,000 per day fines**" against individuals or the LOCSD. They allegedly conspired with the LOCSD to prevent the community from knowing about or exercising its legal rights under CA Water Codes.

"**A sewer is a community decision.**" US EPA representatives at a public LOCSD meeting made this statement. CA Water Codes specifically mandates community approval of a sewer before a District can move forward. The LOCSD and the RWQCB [**illegally**] made sure it was **NOT** a "community decision."

In **January 1998**, ten months before the LOCSD was created, Roger Briggs told the **Queen of Greed, Pandora Nash-Karner** that the RWQCB had no legal authority to specify any method of compliance.

Why did Roger Briggs not only remain silent when the LOCSD told the community a central sewer had been "**mandated**" by the Regional Board, but joined in the lie by reinforcing the rhetoric?

Los Osos allegedly **NEVER** had a chance.