STATE OF CALIFORNIA
CENTRAL COAST WATER BOARD
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Michael Thomas
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Central Coast Water Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

RE: Proposed Cease and Desist Orders Against Individual Properties in the Los Osos Prohibition Zone – Presentation of Prosecution's Case

Dear Mr. Thomas:

This letter represents my official comments requested on May 18, 2006 by the Central Coast Regional Water Quality Control for written arguments regarding the replacement of Lori Okun on the Prosecution Team.

Before attempting to answer your questions, I would like to state for the record: I received a proposed Cease and Desist Order on my property as an individual, and I do not have the legal expertise or the financial means to properly defend myself from allegations presented by the RWQCB, a system designed to prosecute corporate offenders. The RWCQB has neither provided nor offered me any legal representation in these proceedings.

1) Must the prosecution's case, as presented orally on April 28, 2006 be stricken entirely, or to some lesser degree?

This question implies that some part of the prosecution's case will be stricken. When Mr. Onstot asked for Ms. Okun's removal at the beginning of the hearing on April 28 due to conflict of interest, the RWQCB stated that there was no conflict of interest and continued the hearing. If Ms. Okun had a conflict of interest, as you are implying, Mr. Briggs must also have a conflict of interest in his advisory role. Mr. Briggs must therefore also recuse himself from the hearing. Since the RWQCB has heard both the prosecution's case and large portion of the LOCSD defense, the RWQCB needs to step down as well. This will require beginning with an entirely new case against the defendants and additional time to prepare for the new case.

2) If the prosecution is required to present its case again, should it have the opportunity to introduce additional written materials into the record before the Water Board?

If the Central Coast RWQCB Chair continues in this position for the hearing and requires the prosecution to present its case again, the prosecution team should not be allowed to introduce any new material beyond that which was agreed upon by both the prosecution team and the LOCSD defense by the end of the hearing on April 28, 2006.

3) If the prosecution is allowed to supplement the written materials that it has introduced, should designated parties be entitled to submit additional written materials?

If the Chair allows the prosecution to supplement the written materials, the LOCSD and defendants should be allowed to supplement written materials. The Cease and Desist Orders were the result of a community vote to stop a project that failed to protect the citizens of Los Osos and the environment. The individuals of Los Osos had great

difficulty accessing materials that exposed the flaws in this plan. Mr. Briggs had frequent contact with the previous LOCSD Board and should have been aware of the public deception, but he made no effort to enlighten the public or protect the environment. The CDO defendants deserve every possible opportunity to search for materials to defend themselves against this governmental abuse.

4) If the prosecution case is stricken entirely or to some lesser degree, should the Los Osos Community Services District be permitted to start its case over?

Obviously if the prosecution is allowed to re-do their case, then the LOCSD should be allowed to re-do their case as well. However, considering the numerous requests the RWQCB (and Mr. Briggs specifically) received asking them to fine the LOCSD out of existence, and the Prosecution's inability to initiate the fines against the LOCSD in the amounts they attempted, this appears to be another part in the plan to fine the LOCSD out of existence. This issue is creating yet another expense for the LOCSD, forcing them to defend their constituents and distracting them from accomplishing the needed work to bring Los Osos into compliance will ALL RWQCB mandates.

If the plan to fine the LOCSD out of existence is successful with the assistance of the RWQCB, the LOCSD will obviously be unable to provide any general legal services to the defendants. If this situation should occur, all defendants must be immediately provided with individual legal representation and adequate time to prepare. At the date of the hearing, if the LOCSD can still provide legal representation, the LOCSD and their lawyers should decide where they would like to start their case, because they represent the CSD for the common interests of the citizens of Los Osos rather than me or any of the other proposed CDO defendants individually.

5) Designated parties with personal issues such as childcare and health, that would like the Water Board Chairman to consider when setting the order of presentation of the individual Cease and Desist Orders, should put such issues in writing for submission by June 23, 2006.

Will parties who are moved up in the schedule have the opportunity to incorporate by reference the testimony of defendants whose presentations follow theirs? Due to time limitations placed on individual presentations, all defendants should have the opportunity to incorporate evidence from all individual defendant presentations. This would eliminate the inherent disadvantage that occurs defendants can only incorporate evidence from defendants that precede them.

Sincerely,

[redacted]