

**Solano County Grand Jury
Citizen Complaint
November 21, 2000.**

**Additional pleas requesting investigation
by other law enforcement officials**

Donnie Mason

**Citizen Complaint and Plea
Concerning
Loss of Due Process of Law; Private Property Rights Ignored;
Representative Government Usurped**

Donnie Mason

June 12, 2001

To: Law Enforcement Officials
Solano County District Attorney
State Attorney General
Federal Bureau of Investigation

RE: Under color of law, ongoing criminal activity; consequential loss of due process of law, private property rights ignored, representative government usurped.

Dear Law Enforcement Officials,

I respectfully request that you read the enclosed thirteen-page Complaint, as filed with the Solano County Grand Jury, November 21, 2000. Also enclosed is "Exhibit A," which accompanied my Complaint, the Grand Jury's responses to my Complaint and my responses thereto. My Complaint outlines the process used to disfranchise the citizenry, by the bureaucrats, developers and lawyers involved in the City of Benicia, California. But Benicia is not an isolated case. Benicia is the "perfect" example of that which is ongoing throughout Solano County, California and every other State. As detailed in my Complaint and Exhibit A:

For each approaching five-year planning period, cities and counties are informed of their bureaucratically predicted portion of the State and Regional need for housing. This "regional housing need allocation," often referred to as a locality's "fair share," is predicted via information and cooperation between the Governor's Office (Department of Finance, Department of Housing and Community Development (HCD)) and regional councils of governments (COG), corporations like the Association of Bay Area Governments (ABAG).

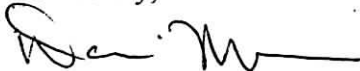
HCD personnel have, under color of law, turned that "fair share" prediction into a mandatory quota, that is, specific amounts of specific types of housing that the locality must perpetually accommodate by providing enough appropriately zoned land, *"If vacant land within the City's sphere of influence is needed to accommodate the regional share, the element should include a plan to annex it, with a time line for annexation and expected zoning designations and residential densities."* (See Complaint, p. 4). HCD personnel have, under color of law, denied housing element certification (a rebuttable presumption of compliance with State law) and access to housing funds to localities that do not have a specific plan that timely designates enough appropriately zoned land to equal the so-called "mandated" quota. Cities and counties are thereby being coerced and blackmailed into incorporating HCD's impositions into their plans (General Plan/Housing Element) and then fulfilling, or at least attempting to fulfill those contractual commitments.

The HCD quota includes a predicted housing need for lower-income households. Failure to have enough appropriately zoned land available for that portion of the quota, results in relentless demands from so-called "affordable housing" developers, and expensive lawsuits from Legal Services Corporation (Federal) grantees (local corporations), like those that have repeatedly sued Benicia (See Complaint, pp. 5, 11-12)

"It's the law, we have to do it," is what the citizenry hears from City Hall when they complain, but there is no such law. Under HCD's illegal quota system every public hearing concerning growth, zoning, housing and land use is a *fait accompli*. Under HCD's illegal quota system, growth, zoning, housing and land use decisions are no longer in the hands of the people via elected representatives, expect for the authority needed to decide where and how. Under HCD's ongoing illegal quota system, due process of law, private property rights and representative government have no place to dwell.

Who is that protects the citizenry from such bureaucrats that, under color of law, impose requirements that deny due process of law, eliminate private property rights and make a sham of representative government? Who is that protects the citizenry from developers and government-supported lawyers that have joined together and use those illegal, bureaucratic impositions for personal profit and political gain? If the answer is not the law enforcement officials to whom this plea is addressed, then whom?

Sincerely,



Donnie Mason
PO Box 37
Port Costa, CA. 94569
510-787-1436
masondonnie@aol.com

cc: Elected Representatives
Pacific Legal Foundation
Concerned Citizens

April 9, 2001

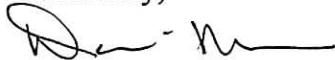
John P. Woods, Foreman
2000/01 Grand Jury

RE: Complaint # 01-023 – Concerning California Department of Housing and
Community Development (HCD)

Dear Mr. Woods,

I appreciate the Grand Jury's consideration of my Complaint. Thank you for your informative letter and the return of my Complaint. I am forwarding my Complaint to the Solano County District Attorney, the State Attorney General and the Federal Bureau of Investigation, asking for a criminal investigation of this matter. I am very disappointed that the Solano County Grand Jury cannot offer any corrective action concerning my (our) loss of due process of law and private property rights IN Solano County.

Sincerely,

A handwritten signature in black ink, appearing to read "Donnie Mason", with a stylized flourish at the end.

Donnie Mason

GRAND JURY



HALL OF JUSTICE
600 UNION AVENUE
FAIRFIELD, CALIFORNIA 94533
PHONE (707) 421-7837
FAX (707) 421-7817

March 28, 2001

Mr. Donnie Mason
PO Box 37
Port Costa, CA 94569

**RE: CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT (HCD)**

Dear Mr. Mason,

After careful review by the Grand Jury and its legal counsel, it has been determined that your complaint and allegation are well beyond the capabilities, resources, and time available to the Grand Jury. Your complaint is hereby returned.

Your complaint is directed toward the Department of Housing and Community Development, an agency of the State of California, and since your complaint does not allege any wrongdoing on the part of the City of Benicia or any county agency there is no action that can be taken. Investigation of a State Agency is beyond the jurisdiction of the Solano County Grand Jury.

In addition, your requests for Grand Jury "redress"¹ are beyond the ability of the Grand Jury. The Grand Jury cannot stop HCD's illegal imposition of growth quotas on Benicia². The Grand Jury cannot "stop"³ Benicia from implementing the stipulated agreement. The Grand Jury cannot unilaterally indict without a request and total support and cooperation from the District Attorney. The Grand Jury has no authority to undertake an independent criminal investigation.

Finally, because this is a matter for legal determination via lawsuit, not a Grand Jury investigation, you may wish to retain your own counsel and proceed with appropriate legal steps to resolve your allegations. It is suggested that you continue to follow-up with the appropriate legislators in Sacramento.

¹ See page 8


² See page 8 paragraph 1

³ See page 8 paragraph 2

Additionally, you may wish to bring this problem to the attention of a major law school or school of government so that these issues may be discussed and debated in an open forum.

Thank you for your concern regarding good government and the rights of the individual citizens.

Sincerely,



John P. Woods, Foreman
2006/01 Grand Jury

encl: Complaint binder 01-23

February 12, 2001

John P. Woods, Foreperson
Solano County Grand Jury

RE: Complaint #01-023

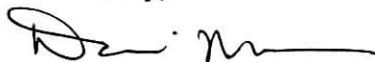
Dear Mr. Woods,

Thank you for the update concerning my Complaint to the Solano County Grand Jury.

My Complaint is not about Benicia housing problems; my Complaint is about my (our) disfranchisement. You note, "...because of philosophic and wide ranging legal issues developed, the Grand Jury may not be able to arrive at a satisfactory course of action." There is nothing philosophic about my (our) loss of due process of law, private property rights and self-governance at the hands of the State Department of Housing and Community Development (HCD). My Complaint demonstrates that HCD blackmailed Benicia into making particular zoning, housing and land use decisions in order to accommodate HCD's housing quotas,¹ thereby usurping Benicia jurisdiction. As documented and opined in my Complaint, HCD's housing quotas are being imposed under color of law; the State Housing Element Law has no such mandate; no such mandate exist; no such mandate could exist under our constitutional system of self-governance. As documented in my Complaint, certain so-called "affordable housing" developers and Legal Services corporations, working hand-in-hand, used HCD's unfounded opinions (and Benicia's blackmailed commitment thereto) as the foundation for their relentless demands and lawsuits to compel zoning, housing land use decisions needed to match the specifics of HCD's illegal quota system. This ongoing criminal activity has made Benicia's public hearing process a fait accompli and left due process of law, private property rights and self-governance no place to dwell.

My (our) disfranchisement begs a remedy. I can appreciate the Grand Jury's difficulty arriving at a satisfactory course of action. But what about the County District Attorney, State Attorney General, the United States Attorney General and the Federal Bureau of Investigation? What is their suggested course of action? I respectfully request the Solano County Grand Jury forward my Complaint, along with your letter and this letter to those law enforcement officials, asking for investigation and corrective action.

Sincerely,



Donnie Mason

¹ HCD and affordable housing advocates refer to these allegedly mandated quotas as the local government's "regional housing need" or the locality's "fair share" of housing.

GRAND JURY



HALL OF JUSTICE
600 UNION AVENUE
FAIRFIELD, CALIFORNIA 94533
PHONE (707) 421-7837
FAX (707) 421-7817

February 6, 2001

Donnie Mason
PO Box 37
Port Costa, CA 94569

RE: Request for Grand Jury Action – Benicia Housing Problems

Dear Mr. Mason,


This is to acknowledge receipt of your complaint referenced above. Your request will be considered by the Grand Jury. Should you have additional information, please forward it for inclusion with the complaint file.

Law and policy prohibit the Grand Jury from disclosing any aspect of an inquiry. Recommendations, if any, may be contained in a Final Report.

Although, the Grand Jury is reviewing the issue put forth in your complaint, because of philosophic and wide ranging legal issues developed, the Grand Jury may not be able to arrive at a satisfactory course of action. Therefore, you may wish to pursue other avenues to resolve your concern.

Be assured that your identity will be known only to the Grand Jury. We are sworn to secrecy to ensure confidentiality of your identity and any information you may supply to us.

Sincerely,


John P. Woods, Foreperson
2000/2001 Grand Jury

cc: Grand Jury File - Complaint #01-023

JPW/slf