

Taylor Day

From: Pauli Halstead [REDACTED]
Sent: Monday, March 13, 2023 5:27 AM
To: Public Comments
Subject: Public Comment for City Council Meeting
Attachments: AfterActionCoverLetter1332074235050421PM.pdf; AfterActionFinalReport1332074300050421PM (1).pdf

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An addendum to the previous one. Please include it in the agenda packet.

Hi Tim and City Council:

I am recommending Grass Valley hire Paragon Investigative Services as an independent to look into police malfeasance in handling the Matthew Coulter case in which he was wrongly arrested and charged for felony assault. Nevada City hired Paragon after the August 9th, 2020 incident in which a gang of Back-the-Blue 'assaulters' descended on Nevada City and beat up protesters. (See attachments).

<http://www.paragoninvestigativesvcs.com/>

I was on the Community Oversight Task Force looking into the training records of the Sheriff's Department, Grass Valley PD and Nevada City PD following the shooting deaths of Gabrielle Strickland and Sage Crawford. We were also concerned with the lack of training exhibited by Nevada City officers on August 9th.

Now, with the severe beating of Matthew and the fact that the police automatically took Olsen and Nelson's word for it, and not immediately looking at the cell phone video at the scene, it calls into question, again, training and following procedure and protocol. Police have to accurately investigate *at the scene* and file truthful police reports.

Another disturbing aspect of this event is that the city mast cam video of the incident, that was turned over to the DA, is missing the part where the police arrive, *including* until they leave the scene. This part is especially important to view and "*nothing*" should be edited out. Also, it seems that the police dash cam showing the arrival at the scene is edited out. This will reveal the part where Matthew is further kicked by the two men. Tampering or altering evidence and not immediately turning all evidence over to the Public Defender is problematic. This needs to be resolved.

Chief Gammelgard told me in an email that the police department had viewed all the video prior to turning it over to DA Wilson. This is problematic because the videos show Olsen was the initial aggressor and both Olsen and Nelson tackled Matthew beating and kicking him and literally standing on his neck with their boot. They could have broken his neck. The police knew from day one that Matthew did not attack them. And...that orange utility knife is a tool for a construction worker. There was no brandishing of any orange knife in the video. But the Grass Valley officers (on the body cam) stood around and fabricated the brandishing charge on camera.

To date, there have been at least four lawsuits against the City of Grass Valley Police Department, mostly involving excessive use of force.

1) Shooting death of Gabriel Strickland, also naming officers, Hooper, Ball, and Grube.

2) Severe injury to John David Peterson while being arrested by Grass Valley Police Officers, Butler and Ball and another officer.

3) Christopher Joshua Howie's broken leg at the jail, also naming Officer Herrera and the Grass Valley Police Department.

4) The most recent civil lawsuit for Phillip Hemple who was thrown on the ground at Safeway and severely injured by two Grass Valley officers.

It is apparent that the Grass Valley Police Department needs more training, and they need to follow their policy and procedure manual when dealing with an incident. Steps cannot be skipped. Furthermore, just because you may not like a subject, you cannot let bias cloud your ethics and performance.

There is no excuse for excessive use of force causing injury when other means are effective. If Grass Valley wants to avoid further litigation, then the City Manager along with the City Council, are responsible for the actions and leadership of the Police Chief and the police force.

Pauli

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Pauline Halstead
423 South Pine St.
Nevada City, Ca 95959
home: 530-265-6704



City of Nevada City

On August 9, 2021 the city of Nevada City experienced something that it had not dealt with before—a peaceful protest that turned verbally and physically confrontational. Our city has seen many peaceful, non-violent demonstrations over the years and the community's expectation is that coming together to express a belief or concern will be just that—peaceful. To be faced with what happened on August 9 was so counter to those expectations that it took not just the community off guard but the city's government and police department off guard as well.

As a result of that day and the aftermath following it, the city determined that it would seek review in a way that would determine what went wrong and how it can minimize a reoccurrence of anything like that August day from happening in the future. An internal investigation by an unbiased, neutral and independent investigator was done resulting in the After Action Report that follows this introduction.

The report does not reflect the views of individual councilmembers but is a summary of the independent investigator's findings. The city looks at this report as a means to learn, to recognize that there are sensitive issues that run deep and as an opportunity to hear and listen in an effort to do better going forward.

We understand that for some trust was lost in our ability to address the situation. For others, there was a sense of dismay that this could happen in our city. For all of us, there is an understanding that we need to do better. There needs to be better communication from all sides. There needs to be increased training for our police officers and they need to be given better tools to handle unrest like we saw that day. There needs to be dialogue on how to avoid this from ever happening again in Nevada City.

So how can we do better? The police department is pursuing additional training for its officers in crowd and riot control. Administration and city council need to be mindful of the resources and tools that are needed and be prepared to fund them. And, we will work diligently to have a critical thought process to identify other ways that we can do better. A town hall meeting has been discussed to provide opportunity for our residents to express and share what policing and community safety should look like in Nevada City. In addition, the city has appointed an experienced interim police chief following the former chief's resignation. He will conduct a strategic analysis of the department, its operations and needs with direction to implement necessary and appropriate changes. A community survey is also a way that we can seek comments that will help formulate actions that will help to build trust and cooperation between the community and organizations with the city.

The city has in place a process requiring permits for these types of events. Organizers of events need to follow that process so that appropriate resources are available and effective planning can occur prior to the event. Increased communication with the city about plans and expectations of similar events can only serve to benefit all involved.

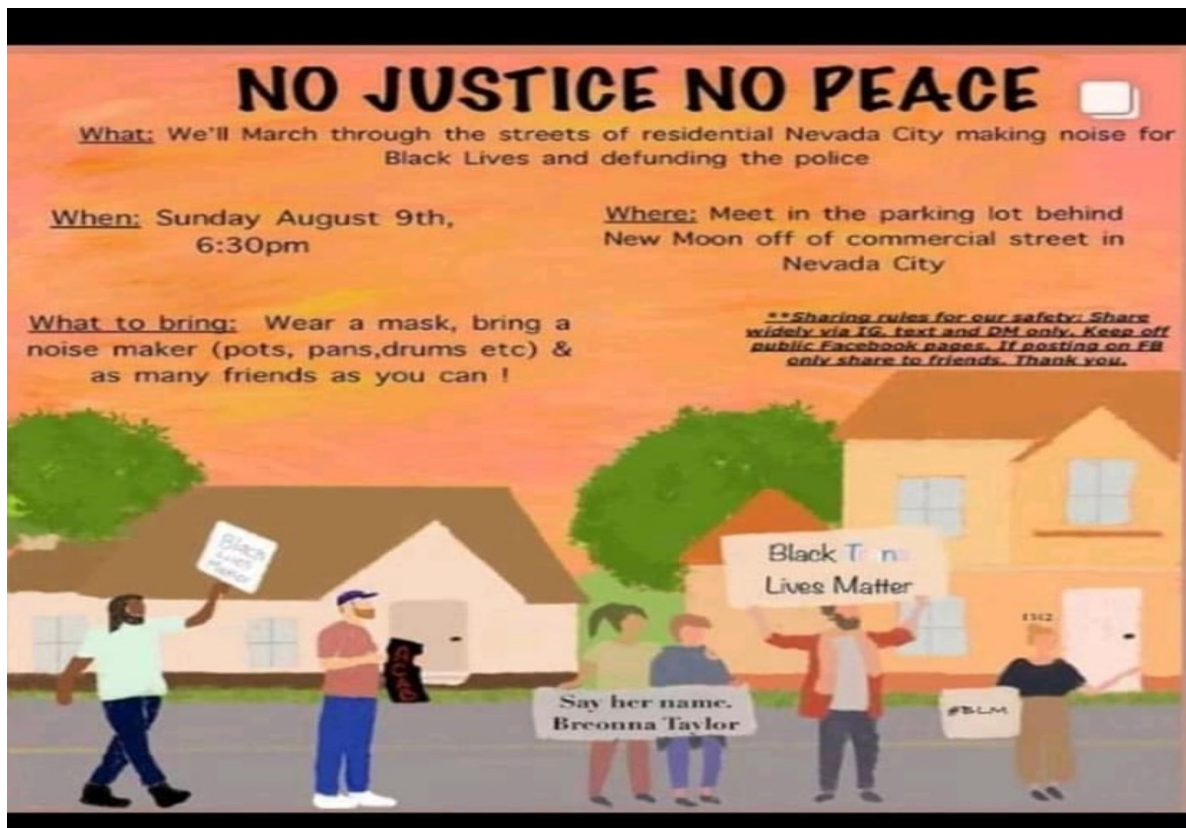
Together we can learn from this experience and together we can open lines of communication to make sure that an incident like what occurred on August 9 does not repeat itself while preserving the ability of our residents to raise their voices publicly on important issues.

Sincerely,

Joan L. Phillippe
Interim City Manager

The following is an after action report pertaining to the circumstances surrounding the protests, counter protests and police response that took place in Nevada City on August 9th 2020. The information included in this report comes from an independent private investigation that the city contracted out, and had completed by Paragon Investigative Services, and does not reflect the opinions or conclusions of any individual council member or city official.

BY LAW. THE TOTALITY OF THAT INVESTIGATION IS BY LAW A CONFIDENTIAL PERSONNEL RECORD AND CANNOT BE DISCLOSED EXCEPT BY ORDER OF A COURT. WHILE THIS AFTER ACTION REPORT DRAWS INFORMATION GATHERED IN THE UNDERLYING PERSONNEL INVESTIGATION, CARE HAS BEEN TAKEN TO ENSURE THAT NOTHING IN THIS REPORT PERTAINS TO THE CONDUCT OF ANY SPECIFIC OFFICER NOR DISCLOSES ANY INFORMATION PROTECTED BY LAW.



On August 9, 2020, in the early evening hours, two groups of people converged on Nevada City intending to protest and counter-protest perceived injustices. One group consisted of supporters of Black Lives Matter and racial justice individuals (above flyer). The other group consisted of a group known as the Nevada County Patriots, or similar supporters who appeared to be in Nevada City to counter protest the Black Lives Matter / Racial Injustice protest march. Neither group sought, nor obtained a permit to hold their respective protests or informed the City of their intent to hold any marches, protests or events on that day.

Some personnel working for Nevada City became aware of the protest a few days before, and others became aware the day of, or just hours before the no justice no peace protest was to begin.

Nevada City has historically had a history of protests going back many years. The prior protests have been peaceful in nature and have never required a significant police presence. As with the prior protests, violence was not expected to be a concern with the August 9th protest / counter-protest. Also, this event was the first time Nevada City has seen a protest that brought in counter protesters with opposing views.

At the onset of the protest on August 9th, the Nevada City Police Department had a total of four officers on-duty. There were no supervisors on duty at the time of the protest, as the two Nevada City Police Department Sergeants were out of the City attending training. Being a Sunday the Lieutenant was off duty as well as the Chief of police the day of the protest¹.

Once the protest began and the counter protesters showed up it became immediately obvious that the two groups would not peacefully hold their respective protests. Verbal and physical altercations began and continued periodically throughout the more than one-hour protest / counter-protest march through parts of Nevada City. It is estimated that 150-200 people in total were involved in the protest / counter-protest. It became extremely difficult for the Officers to manage the protesters as it was a moving protest which kept

¹ Ordinarily Sunday deployment would have included a sergeant. However, both sergeants were away at a POST mandated supervisory training course that day. However, had there been forewarning that these demonstrations were going to occur, steps could have been taken to ensure onsite supervision.

separating the officers and moving them to different locations in downtown Nevada City. It would have been much easier to separate the two sides if the protest itself would have been stationary and remained in one location.

Once it became obvious that the four on-duty officers were not going to be sufficient, the Nevada City Police Department requested the assistance of the Grass Valley Police Department as well as the Nevada County Sheriff's Department². Both departments did respond to assist, although with minimal personnel as both departments are small with very limited personnel and resources, particularly on a Sunday. Based on witness accounts, it appears that a total of four additional personnel were sent to assist the four Nevada City Police Department officers, making it a total of eight law enforcement personnel to manage the protest / counter-protest. The Nevada City Police Department Lieutenant also was called and responded to the protest. It appears that he arrived as the protests were winding down.

As the protest evolved, the Nevada City Police Department Officers made minimal efforts to keep the two sides separated. They did make some effort to stop assaults taking place in a few instances, but no enforcement activity took place during the event. No arrests were made. No citations were issued. No reports were taken the day of the protest.

The officers indicated that with only four Nevada City Police Officers at the protest, and with very minimal outside agency assistance, they did not take any enforcement actions as they simply did not have sufficient personnel to do so. To make an arrest, issue a citation, or take a report, it would take at least one officer out of action for the majority, if not all of the protest³. If officers began to take this sort of action it would follow that fewer officers would be on scene and it is likely that more assaults would occur with a diminished police presence. Instead, the officers indicated they tried to keep the protest moving, keep the protestors

² These are the only two law enforcement agencies geographically situated and staffed to provide any timely assistance or mutual aid.

³ Based on combined crowd estimates of 150 to 200 protesters, the officers were heavily outnumbered. With four Nevada City officers on scene, the ratio of protesters to officers was on the low end over 37 to one; at the high end the ratio was 50 to one. Even adding in the limited support able to be provided by the Sheriff's Department and Grass Valley, the ratios were still, respectively, 19 to one and 31 to one.

and counter-protestors out of the street, and tried to keep the two sides apart so that the protest would reach its conclusion and the two groups would disperse.

The Nevada City Police Officers also indicated that they had no training on crowd control, or how to deal with large protests since they graduated the police academy. The officers also were not issued any riot gear, such as riot helmets or other protective gear to help minimize their risk during hostile situations.

After the protest and counter-protest was concluded, the two groups dispersed.

The following day, several of the protestors filed criminal reports with the Nevada City Police Department. This process appeared to have been hampered by a lack of available personnel to manage the reports, the emails, and the phone calls related to the protest. In some cases, it took several hours to several days to be able to report what occurred. On an average day such as the Monday following the protest it is common for Nevada City to have one police officer assigned to patrol for the day.

In addition, several people, with some assistance from a City Councilperson, filed complaints against the four Nevada City Police Officers who were working at the August 9th protest. The complaints varied some, but the general theme was that the Nevada City Police Officers failed to protect the protestors from the counter-protestors during the event. Given the allegations against the officers on duty the day of the protest, the decision was made to not have them involved in taking any reports associated with the protest. While this was deemed prudent and necessary under the circumstance, this did make the workload much more difficult for the police department as the four officers comprised of half of the patrol force for the city.

If was the recommended finding of the investigator that no officer violated any law or rule in their response to this demonstration. Investigator findings in such investigations are only advisory. Therefore, both I and the City Attorney's office conducted our own review of the investigation, concluding that we concurred with the investigator's findings that no actionable misconduct occurred.

This is not to say that the officers did a good job of managing the protest / counter- protest, only that they did not run afoul of a particular policy. A determination was also made that the officers were insufficiently trained and equipped to handle the protest.

It was also determined that even if all twelve members of the Nevada City Police Department had been on duty, there still would not have been sufficient personnel to adequately control and police an unruly crowd of 150 – 200 people, without significant outside agency assistance.

Video evidence also clearly depicted that officers on duty did not take sides with any specific group during the protest. Officers did an adequate job with the resources they had provided to them at the time of the protest.

The morning after the protest a highly edited video surfaced on YouTube depicting officers siding with and marching alongside of the Nevada County Patriots. The producer of this particular video omitted a significant amount of footage that showed the truth in what actually happened and the officer's interactions with both sides. The officer's body camera footage showed a much clearer perspective of the true events, making it apparent that he was not taking sides or otherwise showing bias.

Since the protest and counter protest on August 9th Nevada City has had approximately half a dozen additional protests. The City of Nevada City has been notified of each additional protest. This allowed the police department to properly plan and staff adequately for the event and to request outside agency assistance prior to the day of the event itself. Had that foreknowledge been present prior to the August 9 protests it is probable that the outcomes experienced from these protests would have been significantly different.

As things progress the Nevada City Police Department will be looking into additional training in the areas of crowd and riot control. The police department will also be looking into different funding options for riot/crowd control equipment.

The City has a requirement that permits be obtained for these types of events. However, it appears that the City has not consistently enforced this requirement. Going forward it is strongly recommended that this requirement be enforced in order to ensure that City resources can more effectively be planned for and deployed in order to best ensure the health and safety of all concerned.

Taylor Day

From: Pauli Halstead [REDACTED]
Sent: Friday, March 10, 2023 7:53 PM
To: Public Comments
Subject: Next Meeting: For the Agenda Packet
Attachments: Matthew Coulter Case-3.doc

You don't often get email from [REDACTED] [Learn why this is important](#)

Please add this public comment to the agenda packet. (See Attached)

Addendum

By the time the case against Matthew Coulter is adjudicated, he will have suffered through the traumas of a severe beating, wrongful arrest, five weeks in jail, financial losses due to bail and medical bills, malicious prosecution involving multiple court dates, *and the irreversible stress of public humiliation from the mean spirited political mailer with his mug shot and mis-information regarding the arrest, paid for by Barbara Bashall and the Contractor's Association.*

This is what law enforcement and a DA's office can do to a political candidate they do not want to see elected. The Grass Valley Police arrested the wrong person.

Zoomed-in File...

https://drive.google.com/file/d/1HfcH8JxROut6jCc5pSOBnt06DjqZ6icd/view?usp=share_link

Zoomed-in file...

https://drive.google.com/file/d/1wgN2mNKaf5St2Odp0-n-x1Ow77u9sla8/view?usp=share_link

Mark Nelson's

https://drive.google.com/file/d/1Z-811xX1l3DT5quDgtuZRvOlZz9rTfQC/view?usp=share_link

Police Body Cam videos

https://drive.google.com/file/d/1Yk5Rw0Zy_yRAfPVKlko049tZp6-88lnM/view?ts=63f28bd8

https://m.facebook.com/story.php?story_fbid=pfbid029GRgWPSnNFBv3mhuiAHMYzop9Z6G56VETcbT3bXr253L92XB4zJX7A5VHocEQoyWl&id=100086575503037&sfnsn=mo

Matthew's Phone Video

https://www.facebook.com/messenger_media/?attachment_id=576983514449621&message_id=mid.%24cAAA B9npxeVaMsuGz32GgZxrbc4sQ&thread_id=100078687725986

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Pauline Halstead
423 South Pine St.
Nevada City, Ca 95959
home: 530-265-6704

The Matthew Coulter Case- What a difference a video makes.

On September 1, 2022, Matthew Coulter was wrongly arrested by Grass Valley Police on charges he bit construction worker, Mark Olsen, on the neck and '*brandished*' an orange box cutter-style knife. Video evidence from City Mast Cam, Coulter's phone, and construction worker, Mark Nelson's phone reveal the construction workers initiated the violent attack.

Matthew, kicked and beaten unconscious, suffered a broken finger, boot marks on his neck and shoulder, and other serious injuries, went to the hospital and then to jail.

Coulter was arrested on scene and charged with Felony Assault and Misdemeanor Battery on only the false statements of Nelson and Olsen. If the police had viewed the cell phones, Mark Nelson and Mark Olsen would have been arrested instead of Matthew.

Chief Gammelgard stated 'all' video evidence "was shared to the DA's office on 9/06/22." *He then kept Coulter's phone until Feb. 22nd, 2023.* If he had immediately released the phone to Matthew's Public Defender, the charges would have been dropped.

Jesse Wilson, the DA, didn't turn over the video evidence to the Public Defender until Feb. 10th, *five full months after the incident.* Matthew was able to retrieve his phone on Feb. 22nd after Chief Gammelgard admitted he still had it.

Matthew went to jail on false charges, when everyone knew it, and has been the victim of continued malicious prosecution by the District Attorney's Office.

Phone video from Nelson's phone, and the unexpected video from a City Mast Cam, clearly contradict Nelson and Olsen's statements that Matthew initiated the attack. The Mast Cam video shows Matthew walking with his bicycle. At the 46-second mark, construction worker, Olsen, comes from behind and hits him. Matthew drops his bicycle and begins videoing Olsen with his phone camera. A verbal altercation follows.

Videos show Matthew circling his bicycle and backing up while holding his phone. Olsen then grabs his arm, taking him down. Nelson jumps in and both men proceed to kick and beat Matthew. Nelson is seen visibly kicking Matthew.

The police arrive on the scene to a badly injured and bleeding Coulter, furious he has been attacked. He was immediately handcuffed and told to sit down.

Nelson makes his statement to the police that Coulter "jumped on his partner and bit him on the back of the neck. Brother that's where it ends for me, so I laid hands on him. I tried to pull him off and then I called you."

Nelson then pulls a plastic orange utility knife out of his pocket and hands it to the officer, saying he took it out of Matthew's hand when he jumped on his co-worker's back. "It was on him while he was biting his neck. He jumped on my co-worker, and bit him on the back of the neck while he pulled out the 'friggin' utility knife. We actually were attacked by Matt. I got on top of Matt and grabbed him around the neck. I'm not going to fuckin' lie. I took him down."

The officer asks Nelson if any part of the knife was open. He said no, "but I just ripped that damn thing off."

Olsen then states, "He grabbed me from behind and bit on my neck, that's when it started. When his camera got in my face, then I grabbed that. He grabbed my arm and put my neck in his mouth. That's when I got physical. I was standing on the other side of his bike. He had a knife. Mark (Nelson) grabbed it out of his hand."

No orange knife was visible in any of the videos.

At the court hearing with Judge Heidelberger, Public Defender, Haley Dewey, asked the judge to view videos of the incident. The judge refused.

Subsequently, Assistant District Attorney, Helenaz Hill lobbied for "NO BAIL, in all his pending matters, or at least, revoke his OR status and set bail above schedule". The judge then set bail at \$50K. Hadn't Hill previously viewed the videos? It's incomprehensible that our DA, having viewed the videos, would continue to prosecute on false charges.

On September 29th, Judge Linda Sloven, abruptly dismissed the felony charges but kept the misdemeanor charge which has kept Matthew having to re-appear in court.

All of this calls into question Chief Gammelgard's and DA Wilson's willingness to let a wrongful arrest and false charges continue through the court, the validity of all Matthew Coulter's arrests and prosecutions. The police and the DA cannot just make stuff up as they go along. All this time no one has done a damn thing to correct the false charges, not the police, not the DA, and not the judges. Have the judges ever had access to the videos?

The fact that Matthew was arrested on charges he initiated the attack and 'brandished' the box cutter knife are patently false. I asked Chief Gammelgard why Nelson and Olsen weren't arrested. He said, "the videos are open to interpretation." Really?

Furthermore, despite Matthew filing charges against Nelson and Olsen on Feb. 10th, no one has bothered to arrest them. Why do they get a free pass for assault and battery?

Personally, I am appalled the District Attorney would withhold video evidence for five months. Wrongfully charging someone, withholding evidence, letting someone sit in jail for a month, then continue to make them defend themselves in court, is a miscarriage of

justice. Those knowingly participating in this dereliction of duty, and there are a few, should be removed from their jobs.

Matthew has now had five Public Defenders who seem incapable of adequately representing him. I asked Keri Cline, of the Public Defender's Office, to step in and get this mess straightened out.

Pauli Halstead-Nevada City

Addendum

By the time the case against Matthew Coulter is adjudicated, he will have suffered through the traumas of a severe beating, wrongful arrest, five weeks in jail, financial losses due to bail and medical bills, malicious prosecution involving multiple court dates, and the irreversible stress of public humiliation from the mean spirited political mailer with his mug shot and mis-information regarding the arrest, paid for by Barbara Bashall and the Contractor's Association. This is what law enforcement and a DA's office can do to a political candidate they do not want to see elected.

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Mark Nelson's

https://drive.google.com/file/d/1Z-811xX1l3DT5quDgtuZRvOlZz9rTfQC/view?usp=share_link

Police Body Cam videos

https://drive.google.com/file/d/1Yk5Rw0Zy_yRAAtPVKlko049tZp6-88lnM/view?ts=63f28bd8

https://m.facebook.com/story.php?story_fbid=pfbid029GRgWPSnNFBv3mhuiAHMYzop9Z6G56VETcbT3bXr253L92XB4zJX7A5VHocEQoyWl&id=100086575503037&sfnsn=mo

Matthew's Phone Video

https://www.facebook.com/messenger_media/?attachment_id=576983514449621&message_id=mid.%24cAAAB9npxevaMsuGz32GgZxrbc4sQ&thread_id=100078687725986

Taylor Day

From: Watson, Jedidiah [REDACTED]
Sent: Friday, March 3, 2023 7:48 AM
To: Public Comments
Subject: 309 Mill St Parking
Attachments: [External] : Fw: Webform Submission - 309 Mill St.

Dear City Council,

Before you take the parking to bid I request that you re-evaluate the CEQA that was done for this project as there is no mention of a wetland in the middle of the lot.

When I contacted the city last year about the weed abatement on the lot I was told by the City's Fire Marshal " The lot contains areas that are classified as riparian/wetland zones and there are restrictions as to where vegetation removal work can be performed, one of which (restrictions) is a no disturbance setback twenty-five (25)-feet from any riparian/wetland zone. Because of this, the area in the center of the lot where the willow trees and the cattails are located and along Wolf Creek in the twenty-five (25)-foot setback cannot be touched. The only vegetation removal work that can and will be performed on the lot will be at the top along Mill St. and any area(s) at the bottom that are not in the twenty (25)-foot setback along Wolf Creek. "

I have attached the full email from the City Official where they acknowledge the wetland.

I kindly request that this project be placed on hold so that a new CEQA with the forementioned wetland is done and evaluated by the council.

Thank You,
Jedidiah Watson

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Wkdqn

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Taylor Day

From: Denise Martin [REDACTED]
Sent: Thursday, February 23, 2023 6:38 PM
To: Public Comments
Subject: mine

[You don't often get email from winkmartin@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear council

We are begging you not to approve the mine. Please, please, please do not place this undue burden on your citizens

Is the potential costs of future clean up really worth the nominal amount of gain today ? Given rise golds previous actions, this should be forefront in your thoughts.

From your consituents prespective the risks to all of us outweighs any gain the city may see.

Again we are begging you to never open any more mines in this county, especially ones so close to many of us

Sincerely,

Denise Martin
District 3

Taylor Day

From: Brenda Nascimento [REDACTED]
Sent: Wednesday, February 15, 2023 1:08 PM
To: Zac Quentmeyer; Public Comments
Subject: Benches for tennis at Memorial Park

You don't often get email from brnasc@att.net. [Learn why this is important](#)

Hello All,

I wanted to point something out that I hadn't noticed until they were needed and no longer there. There used to be benches outside the lower tennis courts at Memorial Park. When they re-did the sidewalk there, they took them out and didn't put them back. Now there is no where to sit while waiting for a court or watching someone play. I had to wait for a 1/2 hour the other day while standing the whole time. I've seen several people wanting to watch and having to do so standing. The benches inside the court are for the players.

Your consideration of this matter is greatly appreciated...as I would like to point out that the pickleball players have benches outside their courts, but ours were removed.

Thank you,

*Brenda Nascimento
(530) 265-4755 home office
(530) 205-5977 cell*