

Is there any current or pending litigation regarding this matter? (If yes, please explain):

As of this moment, no litigation has been filed by this newspaper against Sheriff Parkinson or his department.

Please list the agencies, officials, or persons contacted previously to attempt to resolve this complaint, including the names, titles, phone numbers, contact dates, and resulting action or disposition.

Sheriff Ian S. Parkinson has been advised of the dog alerts and soil forensics through correspondence with his spokesperson Tony Cipolla and conversations with Kristin's mother, Denise Smart.

Each member of the Arroyo Grande City Council has also been advised. (see enclosed letter sent certified mail)

How would you like to see this matter resolved?

It is strongly recommended that the San Luis Obispo Grand Jury summon Retired Police Detective Paul Dostie and Dr. Arpad Vass to secretly testify about their involvement in the effort to locate the remains of Kristin Denise Smart, specifically about evidence in the form of dog alerts and forensic soil sample analysis.

It's also recommended the San Luis Obispo Grand Jury summon Dostie, Vass and others to avail itself of the latest technology which could be employed to locate the remains of Cal Poly student Kristin Smart.

Once witness testimony has been heard, it would be logical and appropriate to summon the sheriff before the Grand Jury and ask him why he has failed to bring in his own cadaver dogs or consult with Dr. Vass to clear the backyard area of the suspect's home.

DECLARATION:

THE INFORMATION PRESENTED IN THIS COMPLAINT FORM IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

DATE: July 22, 2015

SIGNATURE: _____

The California Register

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Tuesday, January 06, 2015

Mayor Jim Hill

Mayor Pro Tem Kristen Barneich

Council Member Jim Guthrie

Council Member Tim Brown

Council Member Barbara Harmon

Dear Arroyo Grande City Council,

The California Register newspaper has been diligently investigating the 1996 disappearance of Cal Poly student Kristin Smart, and how the case has been prosecuted by local law enforcement. On May 25, 2015, Kristin Smart will have been gone nineteen (19) years. Since it's logical to believe Kristin died shortly after she disappeared, August 26, 2015 is a significant date for her friends and loved ones. On August 26th, Kristin Smart will have been deceased longer than she was alive.

The California Register has been fortunate to assemble a respectable investigative team, which includes active and retired police officers along with lawyers, judges and scientists. We summoned the help of a retired police detective, who owns one of the finest cadaver dogs in the world. On June 2, 2014, and again on August 1, 2014, super-search-dog "Buster" alerted twice near the backyard of 529 E. Branch Street; (herein: "Flores home"). Soil samples were extracted, one of which was declared as a weak positive because it contained human-specific chemicals. The bottom line; a human body is (or was) buried behind the Flores home. Our investigation indicates that after many years, Kristin's body was moved to another location in Arroyo Grande. The general belief is that Kristin died in a Cal Poly dormitory room and transferred that same evening to be buried in or under the Flores home concrete patio. According to FBI Agent Jack Shafer, the concrete planter box behind the Flores home "was eerily similar to the dimensions of a grave."

Aside from the sheriff's duties as one of the chief law enforcement officers of San Luis Obispo County enforcing the California Penal Code, there are duties and responsibilities assigned to all municipalities by the State of California, which involve health and safety code violations. I'm referring to the following state statutes;

Division 7: Dead Bodies

Part 1: General Provisions

Chapter 2: General Provisions, Section 7054.

(MISDEMEANOR TO BURY HUMAN REMAINS OUTSIDE A CEMETERY)

(a) (1) except as authorized pursuant to the sections referred to in subdivision (b), every person who deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor.

(2) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) or Chapter 19 (commencing with Section 9600) of Division 3 of the Business and Professions Code and the agents and employees of the licensee or registrant, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who, except as authorized pursuant to the sections referred to in subdivision (b), deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars (\$10,000), or both that imprisonment and fine.

(FORBIDS BURYING HUMAN REMAINS WITHOUT A DEATH CERTIFICATE)

Each death shall be registered with the local registrar of births and deaths in the district in which the death was officially pronounced or the body was found, within eight calendar days after death and prior to any disposition of the human remains.

Based on the fact that a cadaver dog, recently honored by the Chairman of the Armed Services Committee for his incredible ability to detect clandestine graves, has alerted twice and that a soil-sample was analyzed as having human-specific chemicals in the soil, there is a high degree of probability that a human being is (or was) buried on or near the Flores home. Of course, this evidence does not preclude the City of Arroyo Grande from conducting their own investigation, which likely would bring forth additional evidence that a human body is (or was) buried behind the Flores home in violation of California's health and safety codes.

In view of the fact that strong evidence exists that human remains are buried behind the Flores home, The City of Arroyo Grande may consider this letter to be a formal complaint of state health and safety code violations. One of the reasons it's illegal to bury a human body outside of a cemetery, is that a decaying human body generates many chemicals, some of which are carcinogenic. Along with the "creep factor" of having a decaying human body in your neighbor's backyard, is that fact that carcinogens could be leaching into the soil and water table contaminating surrounding properties.

I understand that Arroyo Grande Neighborhood Services Technicians (NSTs) are tasked with conducting investigations and enforcement of code violations. The backyard patio of the Flores home and surrounding properties needs further examination by the city's code enforcement division. It's recommended, the NST assigned to the case should first contact the two people who have provided evidence that a human body is (or was) buried behind the Flores home. We are glad to provide contact information for retired police detective sergeant Paul Dostie who conducted the cadaver dog search. We also have contact information for Dr. Arpad Vass Phd., Oak Ridge National Laboratories who conducted the soil-sample analysis.

While I love the beautiful City of Arroyo Grande, as a newspaper publisher I have a job to do. A segment of my duties includes holding governmental entities accountable when they have failed to faithfully enforce the law. Until now, there has been no scientific evidence a human body is (or was) buried behind the Flores home. The City of Arroyo Grande has been notified through this correspondence that evidence of a decaying human body buried behind the Flores home now exists.

I suspect the first course of action by Arroyo Grande is to contact the sheriff in order to get his "permission" to enforce state health and safety laws. The sheriff's department will predictably attempt to derail any unilateral action by Arroyo Grande, saying that independent action could jeopardize the Kristin Smart investigation. To that I say, "What investigation?" The people of this county have given three different sheriffs nearly two decades to solve the Kristin Smart case. Thus far, all three have failed miserably. It's time to assume a leadership role, and enforce the Health and Safety Codes of the State of California especially in light of this new evidence.

The good news is; we are prepared to provide all the experts at no cost to the City of Arroyo Grande. We have non-profit foundations that will pay for airfare, lodging and expenses for the surveyors, forensic scientists, dog handlers, GPS experts and anyone else necessary, all to work under the guidance of your code enforcement office.

Most Respectfully and Sincerely,

David Smallwood, Publisher

The California Register Newspaper

Email: david.smallwood@californiaregister.com

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GRAND JURY

July 23, 2015

David Smallwood
[REDACTED]

Dear Mr. Smallwood:

The Grand Jury received your letter on July 23, 2015. The Grand Jury will review the information you have provided, verify that this matter is within its jurisdiction, and determine whether a full investigation is warranted. Any allegations of criminal wrongdoing may be forwarded to the County District Attorney's Office for possible investigation and prosecution.

Due to its strict confidentiality requirements, you might not receive any further communication from the Grand Jury. By law, the Grand Jury cannot communicate the results of investigations to you personally, but the final reports of all Grand Jury investigations are available to the public when published, generally prior to the conclusion of the Grand Jury's term in June.

Thank you for your interest in San Luis Obispo County.

Sincerely,

Gregory Schlitz, Foreperson
2015-2016 San Luis Obispo County Grand Jury

GS:rr/#10