



(FOR GRAND JURY USE ONLY)

Complaint ID: _____

Received By: _____

Date: _____

GRAND JURY CITIZEN COMPLAINT FORM

TO: GRAND JURY
P.O. Box 4910
SAN LUIS OBISPO, CA 93403

IMPORTANT: The Citizen Complaint Form should be prepared and filed with the Grand Jury only after all attempts to resolve the issue have been exhausted. The Grand Jury has no authority to investigate complaints pending before a court of law. The Grand Jury does not necessarily investigate all complaints received.

From:

Name David Smallwood
Mailing Address _____ City Grover Beach State CA Zip 93433
Day Phone (805) _____ Evening Phone (805) _____
Email david.smallwood@californiaregister.com

This complaint is against:

Name, Title, Agency Ian S. Parkinson
Mailing Address 1585 Kansas Ave. City San Luis Obispo State CA Zip 93433
Phone (805) 781-4540

Complaint: Be specific; include names and dates. Describe the basis of your complaint in your own words. All information is confidential. You may attach additional pages if necessary and other relevant materials.

See Attached Specific Complaint

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

UNKNOWN

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.

I had a conversation with the sheriff in his office about the failure of his office to properly clear the backyard at 529 E. Branch Street, Arroyo Grande which is the home owned by the parents of Paul Flores who was the last person seen with Kristin Smart twenty years ago.

How would you like to see this matter resolved?

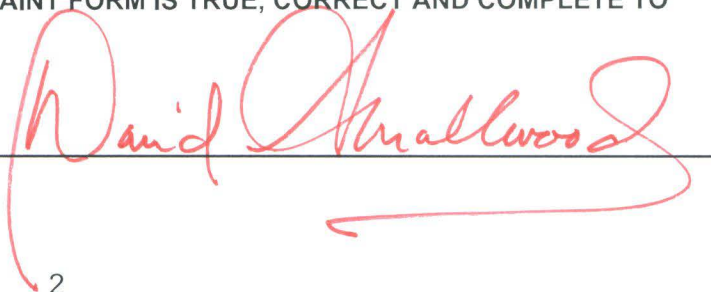
See Attached Specifics

DECLARATION:

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

DATE: July 7, 2016

SIGNATURE: _____


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DATED: July 7, 2016

BACKGROUND:

On Saturday, May 25, 1996, Kristin Smart disappeared from the campus of California Polytechnic State University (Cal Poly). The last person seen with her was another student by the name of Paul Flores. Since her disappearance, there have been three sheriffs "searching" for Kristin Smart. Ian S. Parkinson has been sheriff for the last 5 ½ years.

There is strong evidence that Kristin Smart, is or was buried in the backyard of 529 E. Branch St., Arroyo Grande, California, which since Kristin disappeared, has been continually owned by Ruben and Susan Flores, the parents of Paul Flores. I submit the following information supporting the belief that Kristin Smart is buried on that property...

1. **PAUL FLORES ADMITS MURDER OF KRISTIN SMART TO COLLEGE ROOMMATE** – According to Paul's roommate Derrick Tse, when he inquired what he did with Kristin Smart Paul said, *"Yes I killed her and brought her to my mom's, and she's still there."*
2. **KRISTIN'S BLOODY EARRING FOUND ON PATIO BEHIND FLORES HOME** – Approximately six months after Kristin Smart disappeared, Mary and Joe Lassiter were tenants at the suspect property 529 E. Branch Street. While washing her car, Mary found a turquoise earring on the patio which appeared to have dried blood on it. The sheriff's office dispatched a deputy and the earring was received into custody as potential evidence.

When Stan and Denise Smart asked to see the earring, they were stonewalled by the sheriff's department. Eventually, the Smarts drove to San Luis Obispo from their home in Stockton, CA specifically to see the earring. It was at this time when the sheriff's office admitted to "losing" the earring. The earring was never found and no one was ever held accountable for the loss of this potentially critical piece of evidence.

3. **ROLLED UP IN CARPET** – On Friday, August 14, 2015, Elmer Rice told Christopher Garland that Ruben Flores (Paul's father) told him that Kristin was rolled up in carpet and buried in concrete. The sheriff's department dispatched a deputy to take Elmer's statement apparently instructing him to speak with no one about this matter. Paul Flores admitted to investigators that he poured concrete behind his mother's home following Kristin's disappearance.
4. **MISSING TRUCK** – Paul's 1985 Nissan pickup truck suddenly and conveniently turned up missing when law enforcement investigators asked to inspect it. There is no evidence he filed any police report for his allegedly stolen truck. Some believe that Paul used his mini pickup truck to transport Kristin's body from the Cal Poly campus to his mother's home in Arroyo Grande.
5. **BUSTER ALERTS** – On June 2, 2014, retired police detective Paul Dostie drove in from Mammoth Lakes, California to assist in the search along the fence line around the Flores home in Arroyo Grande. Buster alerted in three areas around the rear left corner of the subject property at 529 E. Branch St. Soil samples were extracted from the perimeter of the Flores property and shipped to Paul Dostie in a sealed container. Dostie once again tested BUSTER, and once again BUSTER alerted on the scent of human remains which was emanating from the soil samples.

Detective Dostie then sent the same soil samples off to other police officers who own cadaver dogs and their dogs alerted. This information was relayed to the sheriff through the Smart family attorney Mark Connely. The sheriff did not contact the owners of the properties surrounding the Flores property to obtain permission for a voluntary search with his own cadaver dogs to verify BUSTER's alerts.

The sheriff did not obtain a non-invasive search warrant to use GPR (ground penetrating radar) and forensic soil sampling and additional dog verifications. The sheriff did not contact retired police detective Paul Dostie to obtain evidence of BUSTER's past successes in finding clandestine graves. BUSTER has the most documented recoveries of any cadaver dog in the world. His most successful find was 50+ bodies of U.S. Marines who died 73 years ago in the Battle of Tarawa. The most recent repatriation is that of Pvt. Robert J. Carter of Oklahoma City to be buried on July 13, 2016, in Arlington National Cemetery.

6. **EYEWITNESS OF THE GRAVE DIGGING** – Mr. Tym Clements who lived across the street from the Flores home during the time when Kristin disappeared believes he witnessed Paul and an accomplice digging Kristin's grave. Clements was found

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living in Sacramento in 2015 and I had the opportunity to interview him extensively for a newspaper article.

7. **SCIENTIFIC EVIDENCE IGNORED** – Dr. Arpad Vass is a leading scientist on the study of odor mortis (smell of death). He was called to testify at the Casey Anthony trial where it was alleged that Casey killed her daughter (Caylee) so she could go partying. After Casey Anthony was found not guilty, the defense counsel admitted to Dr. Vass that his assessment and testimony that Caylee was transported in the trunk of a car was indeed correct even though the defense did everything they could to attack Dr. Vass's conclusion and credibility. Soil samples from the perimeter of the fence around the Flores home were examined by Dr. Vass. He found one sample to be a weak-positive.

It's believed the concrete foundation of the block wall is blocking the normal migration of human decontaminates through the spoil with moisture disbursing. Dr. Vass felt the area behind the Flores home needed more investigation. The sheriff did not speak with Dr. Vass, but his investigator called and spoke with a lab assistant who didn't really know what he was talking about. The sheriff appeared to have no interest in discovering the service that Dr. Arpad Vass provided to the search for Kristin Smart. Logic would dictate that on such an important case, the sheriff himself would have spoken with Dr. Vass personally.

MY SPECIFIC COMPLAINT:

Every year for the past three years now (see attached), I have been filing an official complaint with the San Luis Obispo Grand Jury in the hope that members of the Grand Jury will realize that the covenant with the public has been broken. I believe Sheriff Ian S. Parkinson is a good and decent man, but I fear he has transformed from a lawman into a politician and embarked on an investigation slow-down. An investigation slow-down is similar to a work slow-down in that it sometimes has a hidden purpose. Any rookie cop knows the first thing which needs to be done in the Kristin Smart case is to clear that backyard. Unfortunately, after 5 ½ years it appears that Sheriff Ian S. Parkinson is in no hurry to find out if Kristin Smart is buried in the backyard of 529 E. Branch Street.

Experts in the field of clandestine grave detection have offered their services to San Luis Obispo County for FREE. I am directly referring to Dr. Arpad Vass, forensic soils scientist, Dr. Kent Schneider, GPR expert, Kristin Baker, forensic anthropologist, and retired police detective Paul Dostie, et al. Law enforcement officials who really desire to find the body of Kristin Smart, need to change from an attitude of, 'I don't need your help,' to one of an open door policy welcoming in anyone and everyone having more expertise than local authorities do. It's a fact, for one reason or another, law enforcement officials do not want to properly clear the Flores backyard in a concerted effort to find the body of Kristin Smart.

Again, this case has been going on for twenty years. People in law enforcement are not stupid; in fact they are very smart. I believe law enforcement officials have always known what happened to Kristin and where her body was taken to be illegally interred. To be very clear, my complaint is that local law enforcement officials are not doing their job. Perhaps they hope is that Paul Flores will eventually commit suicide for his cold-blooded behavior. The more time and distance you can put between Kristin's disappearance and likely death and the discovery of her body, means the event will tend to drift into obscurity. Maybe this is the desired result.

It's up to the San Luis Obispo County Grand Jury to force public officials to do the job they were elected and appointed to do. The backyard has never been properly cleared, and it needs to be.

HOW TO HELP RESOLVE THE MATTER – It should be painfully clear that the citizens of San Luis Obispo County need the intervention of the Grand Jury. May I recommend the Grand Jury summon before them people who have first-hand knowledge about events which are materially factual and important to the Kristin Smart case. I would suggest testimony from the following individuals...

1. Retired Police Detective Paul Dostie about his involvement in bringing BUSTER the cadaver dog to the area behind the Flores home and his extensive experience in finding clandestine graves throughout the world.
2. Dr. Arpad Vass about his involvement in analyzing soil samples from behind the Flores home along with his extensive involvement in various grave detection cases through his long and remarkable career. He should also be asked about any communication between him and San Luis Obispo law enforcement entities.

ATTACHMENT TO GRAND JURY COMPLAINT

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3. Mr. Elmer Rice to testify as to exactly what Paul's father Ruben Flores told him about rolling up Kristin's body in carpet and covering it with concrete.
4. Mary and Joe Lassiter as to what exactly they did when they discovered the earring believed to have belonged to Kristin Smart.
5. Mr. Tym Clements to testify as to what exactly he saw when he lived across the street from the Flores home in May 1996 and why he believes that Paul was digging the grave of Kristin Smart.
6. Paul's college roommate Derrick Tse to testify as to exactly what Paul told him when he asked what he did with Kristin Smart.
7. Attorney Mark Connely (Smart family attorney) about why he believes that Ruben Flores was tipped off before a warrant search of his home at 710 White Court.
8. Members of the Arroyo Grande City Council or County Health Division who have not sent in their code enforcement officers to determine for themselves if a human body is buried behind the Flores home. It is unlawful in the State of California to bury a human body anywhere but a certified cemetery. I personally sent a letter (see enclosed) to the Arroyo Grande City Council on January 6, 2015 regarding their responsibility to enforce Health and Safety Laws of California. The alert of a cadaver dog is considered evidence of a clandestine grave.
9. All the neighbors who own property around the Flores home at 529 E. Branch Street should testify as to the communication (if any) between them and the Sheriff's department. This includes but is not limited to Mark T. Pazell who lives directly behind the Flores home and other property owners on either side of the Flores home.

Obviously, this is just an initial list of potential eyewitnesses or experts, which should not preclude the Grand Jury to summon any and all people to testify as to why the law enforcement officials have not properly cleared the backyard of 529 E. Branch Street during the 5 ½ years he's been sheriff.

As a side note, I have personally lobbied on behalf of the sheriff to encourage the San Luis Obispo County Board of Supervisors to provide funding for a cold-case detective. I am told that was approved and I suspect the newly assigned detective is coming up to speed on the Kristin Smart case at this writing. Once he/she has come up to speed on the case, he/she should also be brought before the Grand Jury to find out why there is no movement to obtain a search warrant for the Flores Arroyo Grande Home.

SUMMARY & CLOSE:

It is utterly ridiculous the Kristin Smart case has not been resolved by this point. If Kristin is buried behind the suspect's mother's home as I believe she is, it's an embarrassment and indictment of the local law enforcement. I was told of a young woman attending Hancock Junior College in Santa Maria who told another student that her father was an Arroyo Grande police officer and he told her that most everyone in law enforcement familiar with the case believes she is buried behind the Flores home. I realize that such things are hearsay upon hearsay which cannot be trusted. This is why I beseech the San Luis Obispo Grand Jury to intervene in a bold and decisive manner so the people's desire for a resolution to this case is fully addressed.

Mere words from law enforcement officials saying they are actively investigating the case just isn't cutting it after twenty years. Pressure from the Grand Jury must be brought to bear on law enforcement officials to do the job they were elected and appointed to do. The people of San Luis Obispo County deserve better from those who have been sworn to protect and serve.

The California Register

OFFICE: 805-541-7935 EMAIL: CONTACT@CALIFORNIAREGISTER.COM
WWW.CALIFORNIAREGISTER.COM

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

October 21, 2014

David Smallwood
[REDACTED]

Dear Mr. Smallwood,

The Grand Jury received your letter on October 16, 2014. 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,

Larry Herbst, Foreperson
2014/15 San Luis Obispo County Grand Jury

LH#20



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

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