



January 7, 2015

To whom it may concern:

Please be advised that the Lake family, including Jacqueline, Joshua and Olivia are represented by the undersigned. As such, kindly direct all future communications regarding this matter to me and do not attempt to contact any member of my family. Thank you.

I agreed to host a gathering of Olivia's friends to celebrate her birthday at my home to occur on January 2, 2014. The invitation provided:

- For apparel feel free to interpret the theme how you'd like but if you need some ideas, guys - robes, Chip n' dales dancers, Hugh Heffer styled clothing, whatever you're comfortable with. And ladies· playboy bunny costumes, bunny tails and cars, tutu's, leotards, anything that's in your comfort zone.
- There will be plenty to do such as eat, dance, hang out with the D.J. or even check out the photo booth.

PLEASE KEEP IN MIND THAT:

- My parents WILL be home so please behave yourselves, respect my home and my family, and be safe. They do request that it's a "clean" party so please arrange appropriately and keep the party safe. If you happen to DAB out there will be no hesitation to kick you out and contact a parent, if needed to. (Jacki probably knows them, so it really will happen). Please do not be the person who ruins the party for everyone and respect those people around you and the house.
- No one wants any issues throughout the night so do not allow yourself to be the person the party is rolled, canceled, or ruined. I hate to be a hard ass but if you cannot follow the rules then you will not be able to come. PLEASE remember to be responsible so plan accordingly and keep the house, roads, and community safe.
- I want to make sure everyone has a fun ass night, so please keep all of those things in mind and come celebrate! :)

At approximately 10:30 p.m. the Poway Sheriff's Department arrived at my home. At the time, all doors and gates were closed, there was no music playing. I met the Sheriff Deputies outside in my driveway and asked them what they wanted. They began interrogating me about what was going on and told me they had received a call from my neighbor who saw a minor drinking alcohol on the street and they were investigating. The Sheriffs refused to provide me with any further information regarding the neighbor, or who or what was allegedly seen or heard prompting their arrival.

At that point two Sheriffs began walking towards my back gate. I called out to them and asked them to stop. I also asked if they had a warrant. At that point one of the Sheriffs approached me pulled my left hand behind my back, handcuffed me and forced me sit on the street. I told them they could not enter my property because of the Fourth Amendment and one of the Sheriffs to me to "learn the law better." Another told me "This place is mine now." At that point several Sheriffs entered my property through the gate and went into my home. I then asked if I was under arrest and I was told "No, you are being detained."

After being detained and questioned on the curb I was put into the back seat of a Sheriff Patrol car with handcuffs on. I asked again if I was under arrest and I was again told "No." However, I was not permitted to leave the car. I was never told I was under arrest, nor was I Marandized. Rather, I was later taken to the Poway Sheriff's station and jailed and then later still taken to the San Diego Central jail where I was booked spent the night, and eventually released on \$200.00 bail. No charges have yet to be filed. However, the inventory sheet I was provided by the Poway Sheriffs referenced Poway Municipal Code section 9.54.030. which provides:

**9.54.030 Property owner's duties and prohibitions.**

A. It shall be the duty of any person having control of any residence, real property, or premises, who hosts, permits, or allows a gathering to take place at said residence or premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Whenever the person having control of the residence or premises either knows or should know a minor has consumed an alcoholic beverage at the residence or premises in violation of this chapter it is presumed that the person had the ability to take all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (B)(2) of this section; it is further presumed that the person has the ability to terminate the illegal conduct once it is, or should reasonably have been, discovered.

B. No person who owns or has control of any residence or premises shall allow a gathering to take place or continue at the residence or premises if:

1. At the gathering any minor consumes any alcoholic beverage; and
2. The person knows or reasonably should know by taking all reasonable steps to prevent alcoholic beverage consumption by any minor, that a minor possesses or is consuming any

alcoholic beverage at the gathering. Reasonable steps are (a) controlling access to alcoholic beverages at the gathering; (b) controlling the quantity of alcoholic beverages present at the gathering; (c) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that persons under the age of 21 years do not consume alcoholic beverages while at the gathering; and (d) supervising the activities of minors at the gathering.

C. This section does not apply to any location or place regulated by the California Department of Alcoholic Beverage Control.

D. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section [4](#), of the California Constitution. (Ord. 720 § 2, 2011)

As you can see by the statute referenced above, violation of Poway Municipal Code 9.54.030 is a reasonableness standard, not a strict liability standard. In this case: I took all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering, I did not allow the consumption of alcohol by minors at the gathering; access to alcoholic beverages at the gathering was controlled; the quantity of alcoholic beverages present at the gathering was controlled; the ages of those invited to the gathering were known; and the activities of minors at the gathering were supervised. Furthermore, the Sheriff's Department has yet to provide me with any evidence that any minors consumed any alcohol at the gathering.

Despite my family's intentions to provide my daughter a fun and safe 18<sup>th</sup> birthday party in the privacy of our own home, and in defiance of my efforts to provide a drug and alcohol free environment for my daughter and her friends to celebrate what should have been the beginning of a wonderful 18<sup>th</sup> year, it appears that uninvited troublemakers on a public street created a scenario which has resulted in exactly the opposite; leaving my family to deal with the consequences of their actions.

I will address the defamation and constitutional violations I have suffered when appropriate. In the meantime, I welcome the debate of the very important issues raised above.

Very truly yours,

/S/

Jeffrey A. Lake, Esq.  
JEFFREY A. LAKE, A.P.C.

JAL/tms