

No. S201443

IN THE  
SUPREME COURT  
OF THE STATE OF CALIFORNIA

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PEOPLE OF THE STATE OF CALIFORNIA  
*Plaintiff & Respondent,*

vs.

CARMEN GOLDSMITH  
*Defendant & Appellant.*

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After Decision by Court of Appeal, Second District, Div. Three  
Appeal Transferred from Appellate Division of Los Angeles Superior Court  
Appeal No. B231678; App. Div. No. BR048189; Trial Court No. 102693IN  
Hon. John Johnson, Commissioner

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**APPELLANT'S MOTION FOR JUDICIAL NOTICE**  
[Filed Concurrently with Reply Brief on the Merits]

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*Co-Counsel for Appellant*  
**CARMEN GOLDSMITH**

## MOTION FOR JUDICIAL NOTICE

Appellant Carmen Goldsmith respectfully requests that this Court take judicial notice of the attached documents obtained from the Arizona Secretary of State. These documents relate to prior falsification of evidence by the ATES vendor that generated the photos used at Goldsmith's trial. These documents represent the official records of the Arizona state agency, impeaching the arguments raised by respondent regarding the reliability of ATES vendors' materials.

### LEGAL DISCUSSION

"The reviewing court may take judicial notice of any matter specified in Section 452." (Evid. Code, § 459, subd. (a).) For example, under section 452(c), the Court may take judicial notice of "[o]fficial acts of the ... executive ... departments of the United States and of *any* state of the United States." (Emphasis added.)

Applying the latter statute, courts have granted motions for judicial notice in other cases. (See *Associated Builders & Contractors, Inc. v. San Francisco Airports Comm'n* (1999) 21 Cal.4th 352, 375, fn. 4 [applying this statutory provision to transcript of public hearings before San Francisco Airports Commission]; *Chas. L. Harney, Inc. v. State of California* (1963) 217 Cal.App.2d 77, 85–86 [taking judicial notice of records of California State Board of Control and office of the State Controller; collecting cases].)<sup>1</sup>

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<sup>1</sup> The documents submitted with this motion "were not presented to the trial court." (Cal. Rules of Court, rule 8.252(a)(2)(B).) They do not "relate[] to proceedings occurring after the ... judgment that is the subject of the appeal." (Rule 8.252(a)(2)(D).)

**CONCLUSION**

The motion should be granted.

Respectfully submitted,

DATED: March 15, 2013

LAW OFFICES OF JOHN J. JACKMAN

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

By



Robert Cooper  
Attorneys for Defendant and Appellant  
CARMEN GOLDSMITH

## DECLARATION

I, Robert Cooper, declare:

1. I am an attorney at law duly licensed to practice before the courts of the State of California. I represent appellant in this appeal. I have personal knowledge of the facts set forth below regarding the retrieval of the attached documents.

2. I obtained/received the attached documents (each of the pages compiled in Exhibit 1) directly from the Arizona Secretary of State around August 9, 2012 in response to my request for the agency's records.

3. The original stamps of this agency on the attached documents confirm that these are accurate copies of the agency's records (including Redflex's Deployment Form that was the subject of this investigation).

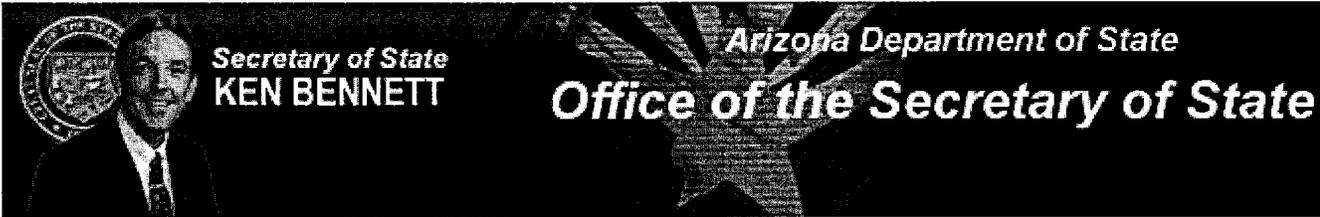
4. The notes handwritten by the agency's representative, Holly Textor, reflect that the addresses of Redflex's notary (Cheryl Krough) and the individual that made the formal complaint against Redflex (Mark Abshire) have been redacted by the agency pursuant to Arizona laws governing the dissemination of public records.

5. According to these documents, the agency ultimately "revoked" the notary license issued to Redflex's notary, Cheryl Krough, based on this investigation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 15, 2013 at Los Angeles, California.

  
\_\_\_\_\_  
Robert Cooper





**Arizona Secretary of State Notary Public System**

Generated by Notary Search Version 3.20

**Notary Information**

<b>COMMISSION NUMBER</b>	213909
<b>NAME</b>	CHERYL A. KROUGH
<b>CURRENT STATUS</b>	<b>REVOKED</b>
<b>BUSINESS</b>	REDFLEX TRAFFIC SYSTEMS 15020 N 74TH ST SCOTTSDALE, AZ, 85260

**Notary Commission Information**

Begin Date	End Date	County	Bond Date	Action Date	Action Type	Reinstate Date	Reinstated Action Type
6/15/2005	6/14/2009	MARICOPA	6/29/2005	7/2/2008	REVOKED		
6/15/2001	6/14/2005	MARICOPA	7/3/2001				

[Back to Notary Search](#)

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The foregoing document is a complete, true and correct copy of the document filed with the Arizona Secretary of State.

By *Valley J. K...*  
Date 8/7/12

**REDFLEX**  
TRAFFIC SYSTEMS

**DEPLOYMENT FORM**  
**SMARTCAM SPEED PHOTO RADAR VEHICLE**

DATE: 10-10-07 VEHICLE: LAF01

OPERATOR NAME: Scott Michael Bernard OPERATOR CODE: SMB01

AUTHORITY NAME (POLICE): Lafayette LOCATION CODE: LAF-C009

LOCATION DESCRIPTION: 515 Canella Dr. NW Board # OF LANES ENFORCED: 1

SPEED LIMIT: 25 TRIGGER SPEED: 31

CHECKLIST (Check in Sequence)

**Surveying the Site**

- Confirm location of the van and offense is within the corporate limits
- Verify that no large, metallic objects in radar's field of view
- Speed Sign - Distance 100 ft. approx.

**Positioning the Vehicle**

- Measure to ensure vehicle is parallel with the road

**Radar Alignment**

- Level the radar units by checking the position of the level bubble and using the key and level provided
- Verify that the radar is locked into place
- Aim radars to center mass of passing vehicles

**Starting the Deployments**

- Follow screen prompts
- Enter lane details (Maintenance Tab)
- Take a Test Shot to test the cameras. Take next vehicle shots to test image alignment

**Ending the Deployment**

- Press the Stop Button to end a deployment
- Fill out Deployment Sheet

**Transmitting of Deployment Information**

- Upload data

**Deployment Area**

- Residential  Commercial
- Other \_\_\_\_\_

**Speed Limit over 40 MPH** No  
Signs Deployed  Yes  No

**DEPLOYMENT TIMES: (From Operating Screen)**

Deployment Start Time: 1042 (Hour: Min.)

Deployment End Time: 1103 (Hour: Min.)

**TUNING FORK TESTS**

Beginning of Deployment  Pass  Fail

End of Deployment  Pass  Fail

Serial # ETF: 005807

TRAFFIC: LIGHT \_\_\_\_\_ MODERATE  HEAVY \_\_\_\_\_

WEATHER: Clear, Sunny COMMENTS: \_\_\_\_\_

**STATISTICAL INFORMATION**

Total Vehicles: 311

Total Offenses Captured: 93

Vehicles Over: 93

**SCHOOL ZONE DEPLOYMENTS**

Signs Deployed:  Yes  No

I, BEING FIRST DULY SWORN, DEPOSE & SAY: I HAVE BEEN PROPERLY TRAINED & QUALIFIED TO OPERATE THE RTS SPEED CAMERA SYSTEM. ON THE DATE & TIME RECORDED ABOVE I PARKED THE SPEED CAMERA SYSTEM AT THE ABOVE LOCATION & USING THE CORRECT PROCEDURE, OPERATED THE TRAFFIC CAMERA TO MONITOR TRAFFIC. I CERTIFY THAT UPON REASONABLE GROUNDS I BELIEVE THAT EACH OF THE DEFENDANTS COMPLAINED AGAINST ON THIS DATE UPON THE BASIS OF THE TRAFFIC CAMERA COMMITTED THE ACT DESCRIBED CONTRARY TO LAW & I HAVE CAUSED A NOTICE WITH A COPY OF THE COMPLAINT TO BE MAILED TO EACH DEFENDANT.

Scott M. Bernard 10-10-07

OPERATOR NAME DATE

NOTARIZATION NOT NECESSARY IF OPERATOR APPEARS IN COURT SUBSCRIBED & SWORN TO BEFORE ME:

Cheryl A. Moulton 10-10-07

NOTARY SIGNATURE DATE

**OFFICIAL SEAL**  
Cheryl A. Moulton  
Notary Public - Missouri  
Missouri County  
Commission Expires 08/31/2010



The foregoing document is a complete, true and correct copy of the document filed with the Arizona Secretary of State.

By

*Adley J. [Signature]*

Date

*8/7/12*



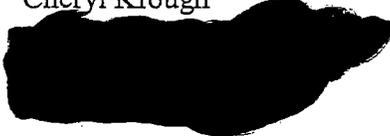
COPY

**JAN BREWER**  
SECRETARY OF STATE  
STATE OF ARIZONA

July 2, 2008

**CERTIFIED MAIL**

Cheryl Krough



Redacted  
per A.R.S. 41-312(F)  
Cheryl Krough  
8/7/12

Re: Cheryl Krough, Notary Public Commission

Dear Ms. Krough:

Pursuant to A.R.S. § 41-331, the Attorney General's Office ("AGO") has completed the investigation into the complaint brought against the Notary, Cheryl Krough ("Notary") by Mark Abshire ("Complainant") alleging that the Notary improperly notarized a document titled "Deployment Form" ("Form"). The Complainant claims the signer of the Form, Scott Bernard ("Signer"), was not in the Notary's presence when she notarized the Form.

*In this complaint, the only issue that the Secretary of State's Office ("Secretary") is authorized to assess is whether, under the notary statutes, the Notary properly notarized the Form. The Secretary does not have the authority to determine whether any signature on the Form was forged or to settle any legal disputes regarding the Form.*

**A. The Notary Responded to the Complaint.**

A notary is required to respond to an Attorney General's Office investigation about her notarial services. A.R.S. §§ 41-313 (B)(4) and 41-331(B). In addition a notary public is required to maintain a journal and produce a copy if requested. A.R.S. § 41-319(A). The Notary in this instance wrote a short response to the complaint on a post it note. She affixed the note to a copy of the Form that she provided, and she also provided a copy of her notary journal. the Notary has met the standards of the notary laws.

When a notary has "personal knowledge" of a signer, the notary may retain a paper or electronic copy of the notarized document in lieu of recording the notarial act in her journal. A.R.S. § 41-319(B). The notary must then provide the requestor a copy of that "retained document." *Id.*

**B. The Notary's Journal is Deficient.**



The foregoing document is a complete, true and correct copy of the document filed with the Arizona Secretary of State. Redacted address.

By Deley J. [Signature]

Date 8/7/12

A notary's journal must contain the following for each notarization: (1) the date of the notarial act; (2) the document description; (3) the printed name of the signer as well as his or her address and signature; (4) the type of evidence for the signer's identity; (5) the specific identity information of the signer; and (6) the fee charged for the notarization. A.R.S. § 41-319.

The Notary's journal entry lacks requisite information and raises questions about the notarial act. The journal page the Notary provided lists four (4) separate notary transactions, and the one in question is listed at the top of the page. For all the entries, the lines for the "Date Notarized" and "Time of Notarization" are blank. In addition, the Notary fails to identify the type of "NOTARIAL SERVICE" performed and the "TYPE/NAME OF DOCUMENT" notarized. The printed name, signature, address, and telephone number of each signer is included in each one, but the "TYPE OF ID" is not provided for any of them. Furthermore, the "FEE" line is blank in each entry, although that might indicate the Notary did not charge a fee.

Thus, the Notary's journal entries of the Form in question and the other three recorded notarizations lack requisite information. The Notary has failed to meet the standards of the law.

**C. The "Personal Knowledge" Exemption Is Not Available.**

When a notary has "personal knowledge" of a signer, the notary may retain a paper or electronic copy of the notarized document in lieu of recording the notarial act in her journal. A.R.S. § 41-319(B). The notary must then provide the requestor a copy of that "retained document." *Id.*

The Notary provided a copy of the Form with her written response. However, the Notary does not claim that she personally knew the Signer, and her journal entry does not indicate she personally knew him. If the Notary knew the Signer she would not have been required to record the notarial act in her journal; and she would not have needed to have her journal evaluated. The "personal knowledge" exemption is not available to her for not maintaining her journal.

**D. We Are Unable to Determine Whether the Signer Was Present.**

The Notary wrote on her (post it note) response that she obtained the Signer's signature in her notary journal when he "was in Arizona for training." Her journal entry does not clearly support her defense. She offers no explanation for why the Form and the other three (3) entries on the page are not dated. The Signer's signature in the notary journal indicates he signed it. Without notarization dates for any of the four (4) entries on the page, however, the timing of the Signer's signature on either the Form or in the journal cannot be evaluated. In short, it cannot be determined whether the Signer was in the Notary's presence when the Notary notarized the Form.

**E. The Notary Executed an Improper Notarial Certificate.**

**1. The Jurat is Deficient.**

The notarial certificate of the Form is a jurat because it contains the phrase "SUBSCRIBED AND SWORN BEFORE ME." A.R.S. § 41-311(6). the proper notarization of a



**The foregoing document is a complete, true and correct copy of the document filed with the Arizona Secretary of State.**

By *Dolly J. [Signature]*  
Date 8/7/12

“jurat” requires the following: (1) the signer’s identity be proven by satisfactory evidence; (2) the signer’s signature be made voluntarily in the presence of the notary; and (3) the signer takes an oath or affirmation vouching for the truthfulness of the signed document. A.R.S. § 41-311(6) (defining “jurat”); Manual ¶¶ 208, 217 & 219.

Here, because the Notary’s journal fails to contain satisfactory evidence of the Signer’s identity it cannot be ascertained that the Signer actually signed the journal. As stated above, it cannot be determined whether the Signer affixed his signature to the Form in the notary’s presence. Therefore, since the journal entry is not dated it also cannot be determined whether the Notary administered the jurat oath to the Signer. The Notary executed a notarial certificate containing a false statement, providing the Secretary grounds for suspension or revocation. A.R.S. § 41-330(A)(9).

## **2. The Form is Incomplete.**

The notary statutes prohibit notaries from notarizing a jurat on a document that is “incomplete.” A.R.S. § 41-328(A) A document is “incomplete” where the signature line has not been signed or where other obvious blanks appear. A.R.S. § 41-311(5).

The “COMMENTS” line on the Form is blank, so if comments were unnecessary then a notation of “Not applicable” or something to that effect should have been written on the line. Plus, the “SCHOOL ZONE DEPLOYMENTS” section above and to the right of the “COMMENTS” line is not completed; either the “Yes” or “No” box should have been marked. Therefore, the Form is “incomplete.” The Secretary has grounds to revoke or suspend the Notary’s commission based on the Notary’s failure to complete the jurat at the time she affixed her signature and seal to the document: A.R.S. § 41-330(A)(8).

## **F. Conclusion**

The Secretary possesses special knowledge and expertise in interpreting the notary statutes and believes that the definitions, requirements (i.e. oath & bond) and duties outlined in A.R.S. § 41-311 through A.R.S. § 41-332 are standards to which each notary must comply.

The Secretary believes that in addition to the specific offenses outlined by the Arizona legislature which would warrant action against a notary’s commission, in cases where there is substantial evidence that the notary’s actions fail to meet the standards described in the notary statutes, the Secretary has grounds to refuse, revoke or suspend a notary’s commission for “failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public.” A.R.S. § 41-330(A)(4)

Therefore, the Secretary of State has determined to revoke the Notary’s commission effective immediately. The revocation of the Notary’s commission is based on the following violations of Arizona notary law:

1. The Notary failed to record requisite information in her journal. A.R.S. §41-319.
2. Execution of a statement known to be false. A.R.S. §41-330(A)(10).



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By *Wally J. J. J.*

Date 8/7/12

3. Execution of a jurat notarial certificate on a document that contains blanks. A.R.S. § 41-328(A)
4. The Notary Failed to fully and faithfully discharge the duties or responsibilities required of a notary public. A.R.S. § 41-330(A)(4).

The Notary has a right to request an evidentiary hearing pursuant to A.R.S. §41-1092.03 by filing a written notice of appeal with the Office of the Arizona Secretary of State within thirty (30) days of receipt of this notice. If you request an evidentiary hearing as referenced above, **you may also request an informal settlement conference pursuant to A.R.S. § 41-1092.06.** If a hearing is not requested within the time provided by the statute, the decision will stand.

If you have any concerns regarding this issue, you may contact Holly Textor at 602-542-6181.

Sincerely,



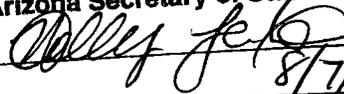
Joann Cota, Assistant Director  
Business Services Division

Cc: Attorney General's Office  
Notary File



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By



Date

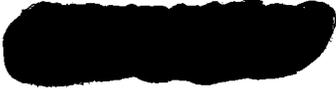
8/7/12



COPY

**JAN BREWER**  
SECRETARY OF STATE  
STATE OF ARIZONA

July 3, 2008

Mark Abshire  


Re: Cheryl Krough, Notary Public Commission

Dear Mr. Abshire:

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**1. The Jurat is Deficient.**

The notarial certificate of the Form is a jurat because it contains the phrase "SUBSCRIBED AND SWORN BEFORE ME." A.R.S. § 41-311(6). the proper notarization of a "jurat" requires the following: (1) the signer's identity be proven by satisfactory evidence; (2) the signer's signature be made voluntarily in the presence of the notary; and (3) the signer takes an

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## **F. Conclusion**

The Secretary possesses special knowledge and expertise in interpreting the notary statutes and believes that the definitions, requirements (i.e. oath & bond) and duties outlined in A.R.S. § 41-311 through A.R.S. § 41-332 are standards to which each notary must comply.

The Secretary believes that in addition to the specific offenses outlined by the Arizona legislature which would warrant action against a notary’s commission, in cases where there is substantial evidence that the notary’s actions fail to meet the standards described in the notary statutes, the Secretary has grounds to refuse, revoke or suspend a notary’s commission for “failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public.” A.R.S. § 41-330(A)(4)

Therefore, the Secretary of State has determined to revoke the Notary’s commission effective immediately. The revocation of the Notary’s commission is based on the following violations of Arizona notary law:

1. The Notary failed to record requisite information in her journal. A.R.S. §41-319.
2. Execution of a statement known to be false. A.R.S. §41-330(A)(10).
3. Execution of a jurat notarial certificate on a document that contains blanks. A.R.S. § 41-328(A)

4. The Notary Failed to fully and faithfully discharge the duties or responsibilities required of a notary public. A.R.S. § 41-330(A)(4).

The Notary has a right to request an evidentiary hearing pursuant to A.R.S. § 41-1092.03 by filing a written notice of appeal with the Office of the Arizona Secretary of State within thirty (30) days of receipt of this notice. If you request an evidentiary hearing as referenced above, **you may also request an informal settlement conference pursuant to A.R.S. § 41-1092.06.** If a hearing is not requested within the time provided by the statute, the decision will stand.

If you have any concerns regarding this issue, you may contact Holly Textor at 602-542-6181.

Sincerely,



Joann Cota, Assistant Director  
Business Services Division

Cc: Attorney General's Office  
Notary File

Notary Recommendation

Cheryl A. Krough

Mark Abshire alleges that the notary improperly notarized a document titled "Deployment Form" that was to be filed in a legal proceeding for the state of Louisiana. The complainant claims the signer was not in the Notary's presence when the Notarized the form was completed.

Notary did respond to the complaint.

Notary's journal is deficient because it's lacking Date notarized, time of notarization, and they failed to identify the notarial service performed and the type/name of the document. And the type of ID is not provided for any of them either as well as leaving the fee line blank.

Personal knowledge is not available.

Signer was likely not present.

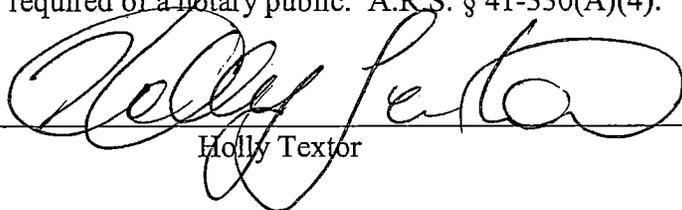
Notary failed to complete the jurat at the time her signature and seal are affixed.

Notary executed a statement known to be false, because she likely did not administer the jurat oath.

Notary failed to administer the jurat oath required when performing a jurat.

I recommend a revocation of the notary's commission effective immediately for:

1. The Notary failed to record requisite information in her journal. A.R.S. §41-319.
2. Execution of a statement known to be false. A.R.S. §41-330(A)(10).
3. Execution of a jurat notarial certificate on a document that contains blanks. A.R.S. § 41-328(A)
4. The Notary Failed to fully and faithfully discharge the duties or responsibilities required of a notary public. A.R.S. § 41-330(A)(4).

  
\_\_\_\_\_ 07/01/2008  
Holly Textor Date

Accept/Deny \_\_\_\_\_  
Joann Cota Date

SIGNER'S PRINTED NAME: <i>Scott Michael Bernard</i>		SIGNER'S SIGNATURE: <i>Scott Michael Bernard</i>		DAYTIME PHONE: <i>(337) 412-0549</i>		<b>237</b>	
SIGNER'S COMPLETE ADDRESS: <i>301 Rayburn St. Apt. #46 Lafayette</i>		CITY: <i>Lafayette</i>		STATE/ZIP CODE: <i>LA 70506</i>			
NOTARIAL SERVICE: <input type="checkbox"/> JURAT <input type="checkbox"/> ACKNOWLEDGMENT <input type="checkbox"/> OATH <input type="checkbox"/> OTHER (DESCRIBE):		DATE NOTARIZED:		TIME OF NOTARIZATION: <input type="checkbox"/> AM <input type="checkbox"/> PM		FEE: \$	
TYPE/NAME OF DOCUMENT:		DATE OF DOCUMENT:		TOP OF THUMBPRINT (WHEN APPLICABLE)			
PERSONALLY KNOWN: <input type="checkbox"/>		ISSUING GOVERNMENT AGENCY:					
TYPE OF ID: <input type="checkbox"/>		ID NUMBER:					
ID NUMBER:		EXP. DATE:					
COMMENTS, SPECIAL OBSERVATIONS:							

SIGNER'S PRINTED NAME: <i>Minka D. Cooger</i>		SIGNER'S SIGNATURE: <i>Minka Cooger</i>		DAYTIME PHONE: <i>(337) 280-0629</i>		<b>238</b>	
SIGNER'S COMPLETE ADDRESS: <i>106 E Lafayette St. Maurice</i>		CITY: <i>Maurice</i>		STATE/ZIP CODE: <i>LA 70555</i>			
NOTARIAL SERVICE: <input type="checkbox"/> JURAT <input type="checkbox"/> ACKNOWLEDGMENT <input type="checkbox"/> OATH <input type="checkbox"/> OTHER (DESCRIBE):		DATE NOTARIZED:		TIME OF NOTARIZATION: <input type="checkbox"/> AM <input type="checkbox"/> PM		FEE: \$	
TYPE/NAME OF DOCUMENT:		DATE OF DOCUMENT:		TOP OF THUMBPRINT (WHEN APPLICABLE)			
PERSONALLY KNOWN: <input type="checkbox"/>		ISSUING GOVERNMENT AGENCY:					
TYPE OF ID: <input type="checkbox"/>		ID NUMBER:					
ID NUMBER:		EXP. DATE:					
COMMENTS, SPECIAL OBSERVATIONS:							

SIGNER'S PRINTED NAME: <i>Brendel Steve Bowdrey</i>		SIGNER'S SIGNATURE: <i>Brendel Steve Bowdrey</i>		DAYTIME PHONE: <i>(337) 267-9118</i>		<b>239</b>	
SIGNER'S COMPLETE ADDRESS: <i>201 Plateau Rd - Lafayette</i>		CITY: <i>Lafayette</i>		STATE/ZIP CODE: <i>LA 70508</i>			
NOTARIAL SERVICE: <input type="checkbox"/> JURAT <input type="checkbox"/> ACKNOWLEDGMENT <input type="checkbox"/> OATH <input type="checkbox"/> OTHER (DESCRIBE):		DATE NOTARIZED:		TIME OF NOTARIZATION: <input type="checkbox"/> AM <input type="checkbox"/> PM		FEE: \$	
TYPE/NAME OF DOCUMENT:		DATE OF DOCUMENT:		TOP OF THUMBPRINT (WHEN APPLICABLE)			
PERSONALLY KNOWN: <input type="checkbox"/>		ISSUING GOVERNMENT AGENCY:					
TYPE OF ID: <input type="checkbox"/>		ID NUMBER:					
ID NUMBER:		EXP. DATE:					
COMMENTS, SPECIAL OBSERVATIONS:							

SIGNER'S PRINTED NAME: <i>Eugene N Wood</i>		SIGNER'S SIGNATURE: <i>Eugene N Wood</i>		DAYTIME PHONE: <i>(337) 371-6086</i>		<b>240</b>	
SIGNER'S COMPLETE ADDRESS: <i>106 PARDWOOD CR LAFALETTE</i>		CITY: <i>LAFALETTE</i>		STATE/ZIP CODE: <i>LA 70503</i>			
NOTARIAL SERVICE: <input type="checkbox"/> JURAT <input type="checkbox"/> ACKNOWLEDGMENT <input type="checkbox"/> OATH <input type="checkbox"/> OTHER (DESCRIBE):		DATE NOTARIZED:		TIME OF NOTARIZATION: <input type="checkbox"/> AM <input type="checkbox"/> PM		FEE: \$	
TYPE/NAME OF DOCUMENT:		DATE OF DOCUMENT:		TOP OF THUMBPRINT (WHEN APPLICABLE)			
PERSONALLY KNOWN: <input type="checkbox"/>		ISSUING GOVERNMENT AGENCY:					
TYPE OF ID: <input type="checkbox"/>		ID NUMBER:					
ID NUMBER:		EXP. DATE:					
COMMENTS, SPECIAL OBSERVATIONS:							

# FAX

Mark Abshire

From:

Cell:

January 24, 2008

Total Pages: 3

To: Attn: Holly  
Co: Arizona Secretary of State, Notary Complaint  
Fax: 602-542-4366  
Phone: 602-542-4758

## Comments:

Holly,

Following is a copy of an Arizona notarized document that was produced for an adjudication hearing in Lafayette, Louisiana. This document was provided for other hearings also.

I personally contacted the notary, Cheryl A. Krough and asked if a Lafayette Louisiana SafeSpeed operator stood before her when she notarized this. She told me she notarizes these documents based on the fact that she can "recognize the signature". This signature was obviously transmitted electronically since all signatures were on the same day. I can send anyone's signature electronically, but it shouldn't be notarized.

I believe this to be a violation of the Arizona Notary Public Reference Handbook and I am asking for an investigation to revoke her notary seal. Since this incident has crossed state lines, I will pursue if this matter should be given to Federal Authorities also.

I would ask you to investigate ALL notaries that work at Radflex Traffic systems in Scottsdale, AZ to see if there are similar violations.

Regards,



Mark Abshire

FYI - We have no shortage of notaries in the city of Lafayette that could have been used.



**JAN BREWER**  
SECRETARY OF STATE  
STATE OF ARIZONA

January 25, 2008

Mark Abshire  


Re: Cheryl A. Krough, Notary Public

Dear Mr. Abshire,

The Secretary of State has received your letter of complaint against Cheryl A. Krough, Notary Public in Arizona. Your complaint has been forwarded to the Attorney General's Office for investigation pursuant to A.R.S. §41-331.

Once the investigation has been completed, the Secretary of State's Office will make a determination as to what type of action is necessary based on the findings of any violation of notary statute. Please be aware that an investigation by the Attorney General's Office is confidential while it is pending, and may be a lengthy process; taking around 120 days.

If you have any further questions, please feel free to contact me at 602-542-6181.

Sincerely,



Holly Textor, Notary Complaint Coordinator  
Business Services Division

Cc: Attorney General's Office  
Notary File

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen. I am not a party to this action; my business address is 555 South Flower Street, 29<sup>th</sup> Floor, Los Angeles, California 90071.

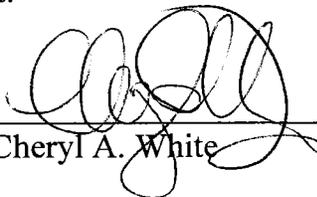
On **March 15, 2013**, I caused the foregoing document described as **APPELLANT'S MOTION FOR JUDICIAL NOTICE** to be served on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

- [X] (BY OVERNIGHT-FEDERAL EXPRESS)** The attached document is being filed by delivery to a common carrier promising overnight delivery as shown on the carrier's receipt pursuant to CRC 8.25.
- [X] (BY MAIL)** I caused such envelope(s) fully prepaid to be placed in the United States Mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collection and processing correspondence or mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on **March 15, 2013** at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
Cheryl A. White

**SERVICE LIST**

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City of Inglewood  
OFFICE OF THE CITY ATTORNEY  
One W. Manchester Blvd., #860  
Inglewood, California 90301  
Tel: (310) 412-5372  
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By U.S. Mail

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Co-Counsel for Appellant  
By U.S. Mail

Office of the Clerk  
CALIFORNIA SUPREME COURT  
350 McAllister Street  
San Francisco, CA 94102-4797  
Telephone: 415-865-7000  
Original and nine copies (CRC 8.44)  
By Fed Ex

Second District, Division Three  
COURT OF APPEAL  
Ronald Reagan State Building  
300 S. Spring St., Second Floor  
Los Angeles, California 90013  
By U.S. Mail

LOS ANGELES SUPERIOR COURT  
111 N. Hill St., Dept. 607  
Los Angeles, CA 90012  
By U.S. Mail

Commissioner John Johnson  
LOS ANGELES SUPERIOR COURT  
Inglewood Courthouse  
One Regent St.,  
Inglewood, CA 90301  
By U.S. Mail