

Alberto Quintanilla

From: edyong@gmail.com
Sent: Monday, February 13, 2023 10:15 PM
To: citycouncil; Lily Mei; Teresa Keng; Desrie Campbell; Jenny Kassan; Yang Shao; Raj Salwan; Teresa Cox
Cc: internalaffairs; Police Chief; Darryl Manrique
Subject: Public Comment for City Council Meeting - As soon as possible
Attachments: Microsoft Word - CITY OF FREMONT-Request for Public Records.doc.pdf; Attempt to get tow rate from city clerk.pdf; Request record routed from city clerk to FPD.pdf; Attempt to get tow rate from FPD.pdf; Virginia Medina Claimed no record.pdf; Diana Allen Police investigation report rejected.pdf

Importance: High

+ Fremont Council Members & City Clerks Office request for Public Hearing.

RE: FPD Violation of Law Enforcement Code of Ethics and Its Policy Manual in Regards to Inaction to Predatory Towing Crime

The FPD officers have caused an undue burden to the victim of theft and extortion due to predatory towing in requesting city tow rates. The city tow rate is a public record there is no reason for FPD to hide or lie regarding the existence of the city tow rate. The FPD's inaction on predatory towing crime and refusal to uphold the California Penal Code and California Vehicle Code laws violated my civil liberty.

For example, the San Jose Police department published the city Fee Schedule for Tow Services on its website <https://www.sjpd.org/records/fees/public-safety-fees>.

It is well established from my correspondence with various officers from FPD to formally request the city tow rate but was denied without justification.

There is a need for an internal affairs investigation on the motive of hiding/lying about the existence of a such record from a member of the public. Are there any perverse incentives or elements of collaboration with the predatory towing company to protect the criminal party? It is highly suspicious that multiple FPD departments such as traffic, records, and investigation actions seemingly protective of predatory towing. If there are incentives for FPD officers to benefit from the action of predatory towing that is a violation of FPD Policy 330.5.7 CANON SEVEN - ALL EMPLOYEES **SHALL NOT COMPROMISE THEIR INTEGRITY, NOR THAT OF THEIR AGENCY OR PROFESSION, BY ACCEPTING, GIVING, OR SOLICITING ANY GRATUITY.**

If there are no criminal elements can be found, then it is undeniable every officer that I have encountered in this predatory towing crime case are either unprofessional or incompetent in his/her duty because the FPD cumulative officer's actions violated my civil liberty rights by depriving my rights to enjoy my legally owned property. My rights and the rights of other victims to equal protection and safety were violated by rampant theft and extortion that was intentionally ignored by FPD by not upholding laws that were enacted by the State of California specifically the California Penal Code and California Vehicle Code when the crime is being committed by the predatory towing company.

Based on my observation, these predatory towing crimes and their modus operandi predominantly occur in Asian immigrants community with decent economic standing. I suspect that FPD's lackadaisical attitude towards my complaint and police report is due to discrimination against ethnicity, immigration, and economic status. If FPD ever initiated a criminal investigation based on a police report by a non-Asian that doesn't even have the same level of an established element of the crime that I have reported then, I believe that I have been discriminated against by the action of FPD and it has violated my equal protection under the law that was guaranteed in the not only Fourteenth Amendment that provides all persons must be treated equally under the law, regardless of race, gender, or other characteristics, but also

California Constitution Article 1 Section 1 that "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

California's constitution sets forth the duty of the state to provide for the safety and welfare of its citizens, which is generally understood to include protecting the public from crime. Thus, the FPD is the law enforcement agency with jurisdiction over where the crime has been committed are the responsible party to protect the public from crime. The FPD and its officer when failed to carry out their fundamental duties listed in my complaint and police report, in my opinion, violated the following (not limited to):

- 1) FPD Policy 100.5 CONSTITUTIONAL REQUIREMENTS: All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.
- 2) FPD Policy 104.3 LAW ENFORCEMENT CODE OF ETHICS: AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.
- 3) FPD Policy 330.5.1 CANON ONE - ALL EMPLOYEES SHALL UPHOLD THE CONSTITUTION OF THE UNITED STATES, THE STATE CONSTITUTION, AND ALL LAWS ENACTED OR ESTABLISHED PURSUANT TO LEGALLY CONSTITUTED AUTHORITY.
 - a. Peace officers shall recognize that the primary responsibility of their profession and of the individual officers is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitution and laws derived therefrom.
 - b. Employees shall endeavor to uphold the spirit of the law, while performing their duties within the limits of the law and departmental regulations.
 - c. Employees shall maintain sufficient competence in areas of new laws and current case law to properly perform and assume the responsibilities of their positions.
 - d. Employees shall respect the human and Constitutional rights of all persons.
 - e. Peace officers shall not use official positions to restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally and reasonably apply the law and perform their official duties.
 - f. Employees during the performance of their official duties shall not deny individuals the rights guaranteed to them by the Constitution of the United States, State Constitution, and the laws derived therefrom.
- 4) FPD Policy 330.5.3 CANON THREE - ALL EMPLOYEES SHALL REGARD THE DISCHARGE OF THEIR DUTIES AS A PUBLIC TRUST AND SHALL RECOGNIZE THEIR RESPONSIBILITIES TO THE PEOPLE WHOM THEY ARE TO PROTECT AND SERVE.
 - a. (a) Employees shall be aware of the responsibilities of their position within the department and law enforcement.
 - b. (d) Employees shall be prepared to respond and shall respond effectively to the duties of their position within the department.
 - c. (e) Employees shall maintain an objective and impartial attitude in official contacts.
- 5) FPD Policy 330.5.5 CANON FIVE - ALL EMPLOYEES SHALL ASSIST IN MAINTAINING THE INTEGRITY AND COMPETENCE OF THE LAW ENFORCEMENT PROFESSION.
 - a. Employees shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.
 - b. Employees shall perform their duties in such a manner as to discourage double standards. Employees of the department shall not conduct themselves at any time both on and off duty in such a manner as to bring disfavor to the department. Improper conduct shall include that which brings the department into disrepute or reflects discredit upon the employee as a member of the department.

- c. Employees shall report all serious violations of the law, city or department policy, or these Guidelines for Conduct.
 - d. Employees shall have responsibility for reporting to proper authorities any known information, which would serve to disqualify candidates from transferring within or entering the profession.
 - e. Employees **should** attain and **maintain a proficient level of competence** in the areas needed to perform their assignment.
 - f. The **Chief of Police shall** accept the responsibility of utilizing all available resources and the authority of his/her office to **maintain the integrity of the agency and the competency of employees**.
 - g. Employees should enhance their profession by participating in departmental training and, where possible, the education of departmental personnel.
- 6) FPD Policy 600.5.1 OFFICER RESPONSIBILITIES: An officer responsible for an initial investigation **shall complete** no less than the following:
- a. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
 - 1. An initial statement from any witnesses or complainants.
 - 2. A cursory examination for evidence.
 - b. If **information indicates a crime has occurred**, the officer **shall**:
 - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
 - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
 - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
 - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
 - 5. Collect any evidence.
 - 6. Take any appropriate law enforcement action.
 - 7. Complete and submit the appropriate reports and documentation.
- 7) California Constitution Article 1, Section 1 that "All people are by nature free and independent and have inalienable rights. Among these are **enjoying and defending** life and liberty, acquiring, possessing, and **protecting property**, and pursuing and **obtaining safety, happiness**, and privacy." This provision recognizes the importance of ensuring the safety and security of individuals and their property, and it sets the foundation for the role of law enforcement agencies in **protecting the public from crime**.
- 8) U.S Constitution Fourteenth Amendment Equal Protection and Other Rights: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. **No State** shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive** any person of life, **liberty, or property**, without due process of law; nor **deny to any person within its jurisdiction the equal protection of the laws**.

Best Regards,

Keong Yong

From: edyong@gmail.com <edyong@gmail.com>

Sent: Sunday, February 12, 2023 3:45 PM

To: InternalAffairs@fremont.gov; PoliceChief@fremont.gov; lmei@fremont.gov

Cc: dmanrique@fremont.gov

Subject: Predatory Towing in Fremont and inaction from the Fremont Police Department

Importance: High

Chief of Police and Mayor of Fremont,

Fremont police department's (FPD) mission is to provide "Public Safety through Professional Law Enforcement." "Public safety" can be understood as the protection of the general public and property from crimes, disasters, and other potential dangers and "Professional Law Enforcement" is the activity of some members of government who act in an organized manner to **enforce the law** by discovering, deterring, rehabilitating, or punishing people who violate the rules and norms governing that society.

The FPD value statement is dedication, integrity, professionalism, and community partnership, but its action and my experience with FPD shows the department contradicts its own value statement.

My report of predatory towing and criminal activity to the Fremont Police Department is a complete disappointment. My encounter and correspondence with Officer Samayoa from the traffic department, Virginia Medina from records, and Diana Allen CSI at best unprofessional.

I want to lodge 2 complaints against the FPD:

- 1) Despite FPD Officer Samayoa verbally told me over the phone and reading off 4 towing companies contracted tow rate of \$210 for towing & \$90 for storage, Virginia Medina through her email dated June 2, 2022 stated "Fremont Police Department has no records response to your request.". City towing rates are required as a baseline for excessive tow charge violation under CVC 22658 (i) (1) (A)(i) (A charge for towing or storage, or both, of a vehicle under this section, is excessive if the charge exceeds the greater of the following: That which would have been charged for that towing or storage, or both, made at the request of a law enforcement agency under an agreement between a towing company and the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was, or was attempted to be, removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which the private property is located.) see attached "Microsoft Word - CITY OF FREMONT-Request for Public Records.doc", "Attempt to get tow rate from city clerk", "Request record routed from city clerk to FPD ", "Attempt to get tow rate from FPD", and "Virginia Medina Claimed no record"
- 2) I received no response from Diana Allen on the email that I sent on 05/16/2022 rebutting her claim on her interpretation of no crime involve despite the element of the crime has been established. See "Diana Allen Police investigation report rejected"

Based on the above two complaints, I could not help to think whether there are perverse incentives in the FPD department to allow this criminal enterprise to continue to flourish. I suspect that either one or more of the stated reasons below constituted the failure of FPD in handling a criminal complaint.

- 1) Dereliction of duty by intentionally pushing criminal activity as a civil issue.
- 2) Possible collusion with the criminals to allow the criminal activity to proliferate or conspire to benefit from the proliferation of predatory towing activities such as King City Police Department (<https://www.montereyherald.com/2021/06/23/monterey-county-das-office-files-complaints-related-to-predatory-towing-schemes/>)
- 3) Potential discrimination against certain ethnicity and immigrant communities because these criminal activities typically happen in a new housing area with a limited parking spot largely owned by Asian demographic
- 4) Lack of personnel training on legal issues such CA Penal Code
- 5) Improper Standard Operating Procedures in multiple levels of organization in handling criminal complaints

Predatory towing can be considered a criminal act in California under certain circumstances. For example, the unauthorized removal of a vehicle from private property without the owner's consent is considered theft under California law. If a towing company engages in this type of behavior, it could potentially be charged with a criminal offense.

Additionally, California law prohibits towing companies from charging excessive fees or engaging in other illegal business practices. If a towing company violates these laws, it could face civil penalties, including fines and other remedies. In some cases, the conduct of a towing company may be considered criminal if it rises to the level of extortion or blackmail, which are criminal offenses under California law.

Predatory towing is illegal in California regulated by several state laws and regulations, including the following:

1. **The California Vehicle Code:** The California Vehicle Code sets forth the procedures and regulations for towing vehicles, including the requirement that tow truck operators obtain the consent of the vehicle owner or an authorized representative before towing a vehicle, and that they follow specific procedures and regulations, such as posting signs and obtaining a permit from the local authorities.
2. **The Consumer Protection Law:** The Consumer Protection Law in California provides protections against unfair business practices and prohibits companies from engaging in deceptive, fraudulent, or misleading conduct. This law may be used to challenge predatory towing practices, such as excessive fees or charges.
3. **The Unfair Competition Law:** The Unfair Competition Law in California prohibits unfair or deceptive business practices, including predatory towing practices, and allows individuals to bring civil lawsuits to challenge such practices.
4. **The Towing and Storage Fees Regulation Law:** This law regulates the fees that tow truck operators may charge in California and requires tow truck operators to provide detailed invoices and receipts for all fees charged. This law also provides protections against excessive or unfair fees.

In California, predatory towing constitutes as theft or extortion is governed by the state's criminal laws, including the California Penal Code.

1. Under California Penal Code section 487, theft is defined as taking someone else's property without their consent and with the intent to keep it permanently or for a sufficient time to deprive the owner of a major portion of its value or enjoyment. If a towing company takes a vehicle without the owner's consent, it could potentially be charged with theft.
2. Under California Penal Code section 484, any person who uses fraud or deceit to obtain possession to money, labor, or real personal property is guilty of theft by trick.
3. Under California Penal Code section 518, extortion is defined as the use of force or threats to compel someone to do something against their will. If a towing company uses force or threats to obtain property, such as a vehicle, it could potentially be charged with extortion.

Notable recent case against the predatory towing in California

1. **People v. ABC Towing (2018):** This was a criminal case in which a towing company was charged with theft and extortion for illegally towing vehicles from private parking lots. The towing company was found guilty and ordered to pay fines and restitution to the victims.
2. **People v. B&B Towing (2017):** This was a criminal case in which a towing company was charged with theft and extortion for illegally towing vehicles from private parking lots. The towing company was found guilty and ordered to pay fines and restitution to the victims.
3. **People v. Express Towing (2015):** This was a criminal case in which a towing company was charged with theft and extortion for illegally towing vehicles from private parking lots. The towing company was found guilty and ordered to pay fines and restitution to the victims.

I would like to highlight that I am not against towing companies that provide crucial services such as vehicle breakdowns or accidents. However, instead of providing legal towing services All Brauns Towing practiced predatory towing with a modus operandi of stealing victim's property using unjustified and illegal means under CVC immediate towing and next extorting the victims again by misrepresenting the CVC that they have broken the law and required to pay up to release their property.

The amount of evidence that I have collected most likely risen to the level of “beyond any reasonable doubt” for a criminal conviction and if a law enforcement department such as FPD rises to its occasion, it is easy to put predatory towing criminals out of business and prevent these criminals for terrorizing and victimizing member of the public.

It is because of FPD inaction, the predatory towing company is emboldened with its criminal activity as if they have the license to steal and extort. Any call made to FPD regarding this unlawful and criminal activity will be received one standard default response which is “This is a civil issue” regardless of whether you could prove the elements of the crime.

I will be filing a civil lawsuit against the predatory towing company in the small claim court along with a report to Alameda DA. I will make a subpoena to the court to compel FPD to testify about the 2022 city towing rate and the FPD officer could lie under oath that they do not possess city towing rates despite I have been verbally told the towing rate by Officer Samayoa.

Best regards,

Keong Yong

Note: Multiple media outlets are Bcc along with this email. If your media outlet find this story valuable for the bay area community to defend themselves from predatory towing and interested in covering the flourishing predatory towing criminal activity in Bay Area caused by inaction from law enforcement agency that allow the criminal enterprise to proliferate and continue victimize member of public can contact me directly at edyong@gmail.com. I am open for an interview concerning this criminal activity along with my experience interacting with Fremont Police Department. I have documented eyewitness testimony, physical evidence, and circumstantial evidence not limited to the following:

- 1) Other cases of predatory towing activity and correspondence with the victim establish the criminal intent of the predatory towing company and its modus operandi. Their modus operandi is giving bogus and fraudulent reasons for immediate towing under the law, typically during the night or weekend so that they can charge a gate fee for after-hour release.
- 2) A video of the said towing company committing predatory towing.
- 3) Photographic evidence of various crime scenes of the bogus or unlawful reasons for towing
- 4) Yelp reviews for background context or victim's testimony <https://www.yelp.com/biz/all-brauns-towing-hayward-7> & <https://www.yelp.com/biz/all-brauns-towing-newark-2>
- 5) All documentation related to the violation of CVC 22685 by the predatory towing company including my claim statement for small case court filing
- 6) All the correspondence with the Fremont police Department, City Clerk, HOA (Property Owner), and fire department

edyong@gmail.com

From: edyong@gmail.com
Sent: Wednesday, May 4, 2022 9:40 PM
To: cclerk@fremont.gov
Subject: REQUEST FOR PUBLIC RECORDS
Attachments: Microsoft Word - CITY OF FREMONT-Request for Public Records.doc.pdf

Request for Fremont Police Department approved towing and storage fees/rates

edyong@gmail.com

From: edyong@gmail.com
Sent: Monday, May 2, 2022 9:56 AM
To: trafficunit@fremont.gov
Subject: Towing Fees and Storage Rate

Hi,

I would like to get the FPD towing Fees and Storage rate. According to http://ctta.com/wp-content/uploads/2018/09/2018_Towing_Storage_Fees_Access_Notice.pdf, rates for private property tows and storage cannot exceed the approved rates for the law enforcement agency that has primary jurisdiction. I would not know if I have been overcharge if I do not know what is FPD rate. Thanks.

Best regards,
Keong Yong
5862146651

From: Edward Yong <edyong@gmail.com>
Sent: Monday, May 16, 2022 11:48 PM
To: Diana Allen
Subject: RE: Your Online Police Report T22001708 Has Been Rejected
Attachments: image003.png; image003.png; image003.png; image003.png; image003.png;
image003.png; image003.png; image003.png; image003.png; image003.png;
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Diana,

First of all, thank you very much for your speedy reply, I can't say the same for the traffic unit. California theft is defined in PC 484(a) Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him or her, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his or her wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question. The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

I agree with you that the intent must be there to permanently deprive the person of the item. That is why I argue in the element for theft point # vii that I laid out ABT has the intention to keep the car for a substantial period to maximize financial gain either through storage fees or put the vehicle through a lien. I am the sole registered owner of the vehicle if the car was stolen when I am out of the country, and I happen to be under lockdown say in China for a couple of months. ABT can easily put a lien on my vehicle and auction it off and I will permanently lose my vehicle. ABT knew about this loophole, unless ABT demonstrated they never put a car through lien auction after non-payment, ABT knew that ultimately if I do not respond to the threat of extortion by making an immediate payment, my car will be put under lien auction with no intention to return my car.

Based on the FPD assessment on no crime, I assume because I eventually got back my car. I'll run two hypothetical scenarios picking on intent (scenario one) and outcome (scenario two):

Scenario one: A thief was stealing a victim's wallet containing \$1000, the act was captured on CCTV. While the thief was running away, a good Samaritan made a citizen arrest, the thief return the wallet. Under FPD interpretation, there is no crime being committed by the thief because the wallet has now been returned to the owner and the thief claimed that he/she intends to return it to the owner anyway.

Scenario two: An assassin attempted to kill a target victim by firing a shot towards the victim but missed, a good Samaritan makes a citizen arrest. When police arrested the assassin, they found information about the target victim

along with other information that ties monetary gain from the hit job. According to the FPD interpretation, there is no crime because no one dies.

In my interpretation to successfully convict under PC484:

1. ABT took possession of property owned by someone else in this case a legally titled vehicle to my name
2. ABT took the property without my consent also unlawful under CVC 22658
3. When ABT took the property, ABT intended to deprive me the owner of it permanently if I did not pay upfront and the vehicle will be put on lien auction
4. ABT moved the property and kept it for a period of time

In regards to the blocking fire access, I have deemed that ABT will potentially use this as a defense in an upcoming civil lawsuit the following will negate the claim:

1. HOA/property owner clarified in writing it is not a fire lane and the HOA contacted the tow company and claimed that it was not towed due to the fire lane even though the written authorization clearly stated one of the reasons was due to the parking vehicle on fire lane.
2. Fremont fire department replied in writing there are no signs of the fire lane where I parked , although it can be used as a fire access
3. California fire Code 503.3.2 specified No parking—Fire lane identification. When required by the fire code official, one or more of the following methods shall be used to identify fire apparatus access roads and prohibit their obstruction:1. The entire length of the fire apparatus access road shall be marked by approved signs posted conspicuously at intervals no greater than 50 feet (15240 mm) that identify the road as a “Fire Lane” and state the prohibition of parking therein, “NO PARKING - FIRE LANE”. Such signs shall be posted in a permanent manner at a height no greater than 10 feet (3,048 mm) and no less than 6 feet (1,828.8 mm) above grade. Signs shall be 12” X 18” in size with letters not less than one inch in height and meet the State of California specifications for reflectivity. 2. The entire length of standard curbs bordering fire apparatus access roads shall be painted traffic red and shall have the words “NO PARKING - FIRE LANE” stenciled upon their horizontal and vertical surfaces at intervals of not more than 50 feet (15,240 mm). Letters shall be of block style, minimum five (5) inches in height with a stroke of not less than ¾ inch, and shall be painted white on a traffic red background.
4. The area where my car park was not a designated fire lane and there is no visible sign or curb paint that indicates it was a fire lane, CVC 22658 clearly specifies the requirement for the immediate tow has to be in the designated fire lane. Whether the location where I park my vehicle can be fire access is a moot point as long as it is not a designated fire lane.

Thank you.

Best regards,
Keong Yong

From: Diana Allen <DAllen@fremont.gov>

Sent: Monday, May 16, 2022 6:20 PM

To: edyong@gmail.com

Subject: Re: Your Online Police Report T22001708 Has Been Rejected

Your interpretation of the crime is wrong. In order for the element of a theft to be present the intent must be there to permanently deprive the person of the item. When someone steals money, a wallet, a car, etc. they have NO intent to return it. That is a theft. That is not the case in a tow situation. Also the paper you sent

shows you are blocking fire access. It does not appear a fire truck can get through there. The Police Dept. is not going to investigate this, there is no crime, it is a civil issue.

Diana Allen #2775

Crime Scene Investigator

Senior Community Service Officer

VIPS Coordinator

Certified Crime Scene Analyst

Diana Allen

SENIOR COMMUNITY SERVICE OFFICER

City of Fremont | Police Department
2000 Stevenson Blvd., Fremont, CA 94538
(510) 790-6800 | DAllen@fremont.gov



From: edyong@gmail.com <edyong@gmail.com>

Sent: Monday, May 16, 2022 4:53 PM

To: Diana Allen <DAllen@fremont.gov>

Subject: RE: Your Online Police Report T22001708 Has Been Rejected

Diana,

I have spoke officer Samayoa several time. Though I did not bring up criminal element, in fact the Fremont towing approved rates is from him. From his standpoint as long as it is not public tow then it is civil dispute. The reason I filed police report is to officially report the crime under the penal code. I understand FPD can choose to investigate a crime or not to. However, I believe the evidence of the crime is well substantiated therefore if you can tell me that FPD is not willing to investigate the crime, I will continue to go up the food chain until my case is heard or someone can tell me objectively why it is not a crime or my interpretation of the law is wrong. I am also in the midst of mass contacting all the local TV and press to highlight this rampant predatory towing affecting my neighborhood.

Best regards,

Ed Yong

From: Diana Allen <DAllen@fremont.gov>
Sent: Monday, May 16, 2022 4:30 PM
To: edyong@gmail.com
Subject: Re: Your Online Police Report T22001708 Has Been Rejected

You can call the tow hearing Sgt Samayoa and see what he has to say, 510 790 6861.

Diana Allen #2775

Crime Scene Investigator

Senior Community Service Officer

VIPS Coordinator

Certified Crime Scene Analyst

Diana Allen
SENIOR COMMUNITY SERVICE OFFICER

City of Fremont | Police Department
2000 Stevenson Blvd., Fremont, CA 94538
(510) 790-6800 | DAllen@fremont.gov



From: edyong@gmail.com <edyong@gmail.com>
Sent: Monday, May 16, 2022 2:31 PM
To: Diana Allen <DAllen@fremont.gov>
Subject: RE: Your Online Police Report T22001708 Has Been Rejected

Diana,

I believe tow company would have general authorization but the CVC has specific requirements for immediate tow that do not require call and report, which they did not comply with. That is why when the towing company did not comply to the CVC for immediate tow, it is a crime.

Under CVC 22658 (E) (i) General authorization to remove or commence removal of a vehicle at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of a vehicle unlawfully parked

within 15 feet of a fire hydrant or in a fire lane, or in a manner which interferes with an entrance to, or exit from, the private property.

Thus, if the tow violate or did not adhere to the CVC 22658 and created bogus reasoning, the towing of my vehicle now fall squarely under penal code for theft and extortion. I have provided evidence to substantiate all the legal elements for theft and extortion. Thanks.

Best regards,

Keong Yong

5862146651

From: Diana Allen <DAllen@fremont.gov>

Sent: Monday, May 16, 2022 2:17 PM

To: edyong@gmail.com

Subject: Re: Your Online Police Report T22001708 Has Been Rejected

The complex has a contract with the tow company that allows them to drive through looking for the violations spelled out in the contract. They do not have to call and report.

Diana Allen #2775

Crime Scene Investigator

Senior Community Service Officer

VIPS Coordinator

Certified Crime Scene Analyst

Diana Allen

SENIOR COMMUNITY SERVICE OFFICER

City of Fremont | Police Department
2000 Stevenson Blvd., Fremont, CA 94538
(510) 790-6800 | DAllen@fremont.gov



From: edyong@gmail.com <edyong@gmail.com>
Sent: Monday, May 16, 2022 1:24 PM
To: Diana Allen <DAllen@fremont.gov>
Subject: RE: Your Online Police Report T22001708 Has Been Rejected

Diana,

Adding another piece of evidence, the HOA/property owner did not asked for the tow they don't even know why my car was towed in the first place. Thus, bolstering my claim on predatory towing because tow company do not of justification or authorization under any CVC to tow. Therefore the elements of crime for theft and extortion is established.

Thanks,
Keong Yong
586-214-6651

-----Original Message-----

From: edyong@gmail.com <edyong@gmail.com>
Sent: Monday, May 16, 2022 1:01 PM
To: dallen@fremont.gov
Subject: RE: Your Online Police Report T22001708 Has Been Rejected

Diana,

I am in the process of filing civil dispute, however I believe there is a crime being committed due to predatory towing. . I believe the towing company's business modus operandi is the exploitation of victims who are unaware of their rights and the tow company's authorization to tow under CVC thus allowing unscrupulous tow companies the ability to extort money from victims to release the vehicle. In my case, ABT seems to like to tow victims' cars during the off-business hour to charge additional gate fees to get their car released.

In my case, the ABT tow is provide two bogus reasons for immediate tow presumptively under CVC 22953 that my vehicle blocking entry/exit and parking on the fire lane. Both reasons are invalid, unenforceable, and unlawful

- i. The Tesla parking did not interfere with an entrance to or an exit from the private property
- ii. The Tesla did not park in a fire lane. The driveway did not have a fire lane sign and the curb are not painted red. The Fremont fire department and HOA confirmed by writing that Maybeck Terrace street is not a fire lane.
- iii. Although, immediate tow was allowed under the CVC 22953. However, the towing signpost in front of the only specified towing authorized for violation of CVC 22658
- iv. California Civil Code 3070 (d) (1) Any person who improperly causes a vehicle to be towed or removed to create or acquire a lien hold interest enforceable under this chapter, or who violates subdivision (c), shall forfeit all claims for towing, removal, or storage, and shall be liable to the owner or lessee of the vehicle for the cost of removal, transportation, and storage, damages resulting from the towing, removal, transportation, or storage of the vehicle, attorneys' fees, and court costs.
- v. California Civil Code 3070 (d) (2) (C) Failure to comply with Section 22658 of the Vehicle Code.

Therefore if the ABT commits predatory towing, it should be a crime that requires investigation under

1) Theft

a. Auto Theft CA Penal Code § 487 (2017) Grand theft is theft committed in any of the following cases: (a) When the money, labor, or real or personal property taken is of a value exceeding nine hundred fifty dollars (\$950), except as provided in subdivision (b). (3) Where the money, labor, or real or personal property is taken by a servant, agent, or employee from his or her principal or employer and aggregates nine hundred fifty dollars (\$950) or more in any 12 consecutive month period. (c) When the property is taken from the person of another, & (d) When the property taken is any of the following: (1) An automobile.

b. Theft and Injury of Vehicles California Vehicle Code 10851 (a) Any person who drives or takes a vehicle not his or her own, without the consent of the owner thereof, and with intent either to permanently or temporarily deprive the owner thereof of his or her title to or possession of the vehicle, whether with or without intent to steal the vehicle, or any person who is a party or an accessory to or an accomplice in the driving or unauthorized taking or stealing, is guilty of a public offense and, upon conviction thereof, shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code or by a fine of not more than five thousand dollars (\$5,000), or by both the fine and imprisonment.

c. Elements for theft

- i. ABT took a car that doesn't belong to them and it is registered under my name using a trick or bogus reasoning
- ii. Using the bogus reasoning proves that ABT intends to steal my car
- iii. My car KBB private party value estimate at the time of theft is \$43,206
- iv. ABT did not have the permission from me to take the car nor specific authorization from the property owner to tow
- v. When ABT took my car, it deprived me the owner of the car the enjoyment of the private property
- vi. ABT unlawfully without authority moved my car to a storage yard
- vii. ABT has the intention to keep the car for a substantial period to maximize financial gain either through storage fees or put the vehicle through a lien

2) Extortion

a. 518 (a) Extortion is the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by wrongful use of force or fear, or under color of official right.

b. 519 (1) Fear, such as will constitute extortion, may be induced by a threat of any of the following: 1. To do an unlawful injury to the person or property of the individual threatened or of a third person.

c. 523 Extortion by threatening letter

d. Elements for extortion

- i. ABT unlawfully and forcefully took away the plaintiff's Tesla model 3 a private property
- ii. ABT wanted me the car owner to pay up right away or the storage fees will continue to stack, essentially threatening the plaintiff to pay now or have to pay even more later.
- iii. I received Received a threatening text from the defendant that I have to pay \$490 to get my vehicle released (see the text message)
- iv. After being threatened with higher storage fees and fear of having to pay a higher amount, then I am forced to give ABT money via credit card transaction (See the invoice)
- v. After receiving the money from me, ABT released the vehicle.

3) Excessive Towing Charges

a. CVC 22658 (i) (1) (A)(i) A charge for towing or storage, or both, of a vehicle under this section is excessive if the charge exceeds the greater of the following: That which would have been charged for that towing or storage, or both, made at the request of a law enforcement agency under an agreement between a towing company and the law enforcement agency that exercises primary jurisdiction in the city in which is located the private property from which the vehicle was, or was attempted to be, removed, or if the private property is not located within a city, then the law enforcement agency that exercises primary jurisdiction in the county in which the private property is located.

b. (2) A person who knowingly charges a vehicle owner a towing, service, or storage charge at an excessive rate, as described in subdivision (h) or (i), or who fails to make available his or her rate as required in subparagraph (B) of paragraph (1) of subdivision (i), is guilty of a misdemeanor, punishable by a fine of not more than two thousand five

hundred dollars (\$2,500), or by imprisonment in a county jail for not more than three months, or by both that fine and imprisonment.

c. Fremont police traffic PD verbally confirmed to me over the phone that Fremont contracted 4 towing companies and the approved rate was \$210 for towing and \$90 for storage. Awaiting for the city clerk to send a copy of the approved rate.

d. I was charged \$225 + \$55 for towing and "special equipment service fee"

Please let me know if there is still no crime committed with evidence and suspect. I also submitted complaint to the alameda DA office. I am opening the police report because the crime is committed under Fremont jurisdiction. If Fremont PD still not interested in investigate I will escalate to FBI under wire fraud because credit card was used in this crime. Thanks.

Best regards,
Keong Yong
586-214-6651

-----Original Message-----

From: CaFremontPd@coplogic.com <CaFremontPd@coplogic.com>

Sent: Saturday, May 14, 2022 7:56 PM

To: edyong@gmail.com

Subject: Your Online Police Report T22001708 Has Been Rejected

We're sorry the following problem was found during review of your submitted report T22001708:

Sir,

Your vehicle was a private property tow, the property owner had it towed. If you feel it was unjustly towed and there was no violation or reason for it to have been towed you can try calling the property owner and if you get no where you can file a small claims lawsuit, but there is no crime.

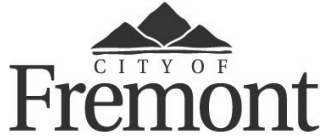
Thank you,

Diana Allen

dallen@fremont.gov

Fremont Police Department

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REQUEST FOR PUBLIC RECORDS

Date/Time: _____

The following information is optional but may assist in complying with your request

Keong Yong (Name) 5862146651 (Phone) edyong@gmail.com (Mailing Address or E-mail Address)

INFORMATION BEING REQUESTED:

(For each record, describe type, date, subject, title, etc. Please be very specific.)

Fremont Police Department approved towing and storage fees/rates

This form must be filed with the City Clerk's office at 3300 Capitol Ave, Bldg A, Fremont CA 94538, or emailed to cclerk@fremont.gov or faxed to 510-284-4061.

Your Request will be processed in compliance with the Public Records Act (Government Code Sections 6250 et seq.)

Government Section 6253 (c)

Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore.



Mail (to above address): _____ Pickup: _____ Cost: _____

*****For Official Use Only*****

Request Approved: Files Shown: Title

edyong@gmail.com

From: edyong@gmail.com
Sent: Thursday, May 26, 2022 3:14 PM
To: alivingston@fremont.gov
Cc: cclerk@fremont.gov
Subject: FW: REQUEST FOR PUBLIC RECORDS

FPD record,

I would like to request for a copy of Fremont Police Department approved towing and storage fees/rates.

Best regards,
Keong Yong
586-214-6651

From: CClerk <CClerk@fremont.gov>
Sent: Thursday, May 26, 2022 3:06 PM
To: Edward Yong <edyong@gmail.com>
Subject: RE: REQUEST FOR PUBLIC RECORDS

Hello,

The City Clerk's Office routed your request to Fremont PD on May 5, 2022. I have sent them a follow up email on your behalf seeking an update. You can contact the Records Unit directly by clicking on the link below;

<https://www.fremontpolice.gov/about-us/administrative-operations-division/records>

Alberto Quintanilla
Assistant City Clerk | CITY OF FREMONT
3300 Capitol Ave, Bldg A | Fremont CA 94538
510.284.4009 | aquintanilla@fremont.gov

From: Edward Yong <edyong@gmail.com>
Sent: Thursday, May 26, 2022 2:58 PM
To: CClerk <CClerk@fremont.gov>
Subject: Re: REQUEST FOR PUBLIC RECORDS

I still have not received any response nor received any requested documents.

Sent from my iPhone

On May 5, 2022, at 8:27 AM, CClerk <CClerk@fremont.gov> wrote:

Hello,

Your request was received and has been forwarded to staff to respond.

Office of the City Clerk

510.284.4060 | cclerk@fremont.gov

3300 Capitol Ave, Bldg. A

Fremont CA 94538

www.fremont.gov

From: edyong@gmail.com <edyong@gmail.com>

Sent: Wednesday, May 4, 2022 9:40 PM

To: CClerk <CClerk@fremont.gov>

Subject: REQUEST FOR PUBLIC RECORDS

Request for Fremont Police Department approved towing and storage fees/rates

edyong@gmail.com

From: Virginia Medina <Vmedina@fremont.gov>
Sent: Thursday, June 2, 2022 9:10 AM
To: edyong@gmail.com
Subject: RE: Request for Public records

Hi Mr. Yong,

Fremont Police Department has no records response to your request.

Thanks!

Virginia Medina #7256
Records Supervisor
Fremont Police Department
2000 Stevenson Blvd
Fremont, CA 94538
Office: (510) 790-6854
Fax: (510) 790-6831
vmedina@fremont.gov

Virginia Medina
POLICE RECORDS SUPERVISOR

City of Fremont | Police Department
2000 Stevenson Blvd., Fremont, CA 94538
(510) 790-6854 | Vmedina@fremont.gov

