

## SUMMARY OF USMC MISCONDUCT

### DRAFT

### BACKGROUND

**On or about July 1, 2015**, US Mine Corporation LLC and Heritage Equity Trust, purchased upwards of 3,300 acres of property in Amador County and in the City of Ione, California, several acres formerly part of the historic Howard Ranch.

**On or about July 15, 2015** - The Sacramento Bee published an article related to the purchase: "*Mining firm buys historic Ione-area property*" - In the article USMC's Chief Executive Officer ("CEO") Scott Dockter ("Dockter") stated that the "company plans to resume silica mining by the **end of the year**, then start up other mining operations while adding on to existing administrative buildings to create a headquarters site," stating further, "this is a major undertaking...we expect to have in excess of 150 people there" Read more here: <http://www.sacbee.com/news/business/biz-columns-blogs/bob-shallit/article27355636.html#storylink=cpy>

**On or about July 24, 2015**, USMC purchased the mineral rights to "Ione Glass Sand Pit" mine previously operated by Unimin Corporation ("UC"). UC ceased operation of the mine on or about September 1, 2013, and was preparing to close the mine and reclaim the property, when USMC made its purchase

**NOTE:** The **subject** property purchased designated as Single-Family Residential and Agricultural District and "X," Special Use District, under the jurisdiction of Amador County

**On or about January 28, 2016**, USMC filed a "Statement of Information" with the Secretary of State Office indicating USMC's corporate headquarters had been moved to the aforementioned Ione property. The filing also affirmed USMC business as "*mining and related services*"

### FACTS & EVIDENCE SUPPORTING ALLEGATIONS OF USMC MISCONDUCT

**On or about April 22, 2016**, Amador County Planning Department filed an inspection report of USMC's "Ione Glass Sand Pit" mine, resulting from a December 10, 2015 onsite inspection- relevant comments by the inspector noted below:

- 1) "Previously this mine was operated by Unimin and Ione Minerals...." "**Unimine activities were concluded in 2013. A site wide clean-up was undertaken.**" "In 2015 US Mine Corporation bought the property and plans to take over Ione Minerals Operation as well" (Attachment for Section IX)

- 2) "The mine site appears adequately revegetated **presuming operations will restart within a year or two..**" (pg 4 of 5 MRRC-1);
- 3) "At the 2015 inspection, the manager and geologist were still formulating their plans for **future mining operations**" (pg 5 of 5 MRRC-1);
- 4) "US Mine Corporation **will inform** LA of any planned mining activities and update the FACE/FM as necessary." .." (pg 5 of 5 MRRC-1)-

**NOTE:** #3 & #4 are stipulated requirements of the Surface Mining and Reclamation Act ("SMRA").

**On or about January 6, 2017**, the Central Valley Regional Water Quality Control Board issued the results of an on-site inspection of US Mine Corporation conducted on November 30, 2016, and cited USMC for the following:

- a) **failing** to properly discharge clay tailings,
- b) **failing** to seek approval before construction of new clay settling ponds
- c) **failing** to submit the required assurances of financial responsibility for closure and post-closure maintenance of the site.

CVRWQCB's report also noted USMC's **failure** to update/ammend the Reclamation Plan administered by the PD. Lastly, the report noted that **"US Mine is working to restart mining and processing operations at the Site."**

**NOTE: USMC did not meet the requirements of SMRA stipulated in the County's inspection reported above.**

**NOTE: No mining "plan" submitted, no reclamation plan, no reportable mining activity 18-months after purchase of a mine that was idle 2-years prior to USMC purchase. As of today, the reclamation plan remains outdated there is no evidence of significant mining activity.**

**On or about January 27, 2017**, less than 25 days after being cited by the CVRWQCB as specified above, USMC initiated the illegal construction and operations of "Ione Sands MX" and posted the proof on the internet.

**NOTE: USMC's actions pose significant violations of SMRA, State and Federal Land Use Laws, fraudulent misrepresentation of a designated business (State), unlawful operation of a non-registered business, etc**

**This video from January 27, 2017**, demonstrates the tracks construction is underway

<https://www.youtube.com/watch?v=VdoR1oPoxPs>

**This information dated January 28, 2017**, posted on the website address below states:

*Ione Sands MX 8625 Highway 124, Ione (CA), 95640, United States*

*About - Ione Sands MX operates as a club. Membership is available now. Please email [info@ionesandsmx.com](mailto:info@ionesandsmx.com) for membership details.*

*Description - Ione Sands MX is a club-based motorsports facility offering world class training tracks for club members looking to improve their skill sets."*

*General Manager - David Harvey*

*Founded 01/28/2017 (Emphasis added)*

<https://yellow.place/en/ione-sands-mx-ione-ca-usa>

**NOTE: USMC did NOT seek approval from Amador County or any other land use agency in advance of the above.**

**On or about January 31, 2017**, USMC begin "stealth" promotions of the motorcross track. Hart UTV's Facebook page originally posted a video on January 31, 2017, showing multiple (10 or more) Polaris XPT type off-road vehicles touring the "Ione Sands MX" - the video has since been removed from this internet address:

<https://www.facebook.com/search/str/harts+utv/stories-keyword/stories-public>

**On or about March 1, 2017**, an unknown author posted this information on the internet - the internet address could not be found - regarding the Ione Sands MX membership fees - "*They are a high end private training facility with SX, AX, MX, Vet and UTV tracks. The lowest level right now is a \$500 yearly membership and \$45 per ride day or you have to step up to \$350/month for unlimited access on the MX tracks. It's not a regular "MX track" like Club Moto or Argyle Par -*

**On or about March 19, 2017**, USMC held a "Ione Sands Pro-Test" day on the track as affirmed by Hardog21 3/19/17 8:33 pm posting at this site:

<https://www.vitalmx.com/interstitial?page=https%3A%2F%2Fwww.vitalmx.com%2Fphotos%2Fmember%2FIone-Sands-MX-Pro-Test-Day-3-19-17%2C39099%2FIone-Sands-MX-dropping-back-down-to-the-sand%2C99507%2FHarvdog21%2C46824>

**On or about March 20, 2017**, the following was (transcribed) posted on this internet address -

<https://www.vitalmx.com/forums/Moto-Related,20/Ione-Sands-MX,1316451>

**On 3/20/2017 9:27 PM Harvdog21** (Harvdog21 - aka, **David Harvey** see **June 13, 2017**, "Kris Keefer" below) posted this statement:

*Yes, this is the real deal. **I have been involved with this facility for over a year now.** It is on U.S. Mine Corp property, a federally permitted mining facility. If you can imagine Alaska-sized earth moving equipment permitted to operate there, you can begin to understand the (minimal) impact a race facility would have on the property. The size of the property is vast, and without going into details that I cannot say at this time, the property has unlimited potential, compared to anything in the U.S. if not the world.*

*The property is a mix of both kaolin clay (sold to paint companies) and silica sand (mined for glass bottles, windshields, etc.) The sand that remains after being processed is unique. It holds moisture incredibly well and it doesn't kick up alot of dust. Slipdog rode the wheels off of a built YZ250 out there yesterday, and he definitely approves. I give him permission to comment, with the **restrictions** he's already been given.*

*At this time, we are operating as an invitation only facility due to the ongoing permitting process that we are over one year into now. Again, it is the most impressive facility I have ever seen, and I have been to most of the national tracks around the country. **The property already has a 5000 foot runway, as one of the owners enjoys flying his WWII fighter aircraft,** so the property is not the typical race facility.*

*One last thing I will add: just tonight it was decided that Ione Sands MX will host an invitation only ride day tentatively scheduled for **April 22-23 for** AMA-licensed pros racing Hangtown or Glen Helen's two-stroke pro exhibition race. I will put out more details in the next few days.*

*I will conclude by saying that I have been involved in the mx industry for over 15 years, and this is the most exciting thing I've even seen. Ask Blake Ballard or Slipdog or a few others that you might recognize in the pics taken yesterday. One comment from a pro yesterday, "Dude, this is a man's track." (Emphasis added)*

**NOTE: The "pics taken yesterday" are from the March 19, 2017 event noted above.** The April 22, 2017, event notice referred to above is found at this internet address:

<https://us.eventbu.com/ione/ione-sands-mx-pro-track-test-day-by-invitation-only/2234913>

Ione Sands MX Pro Track Test Day, By Invitation Only | Ione Sands MX | Saturday, 22. April 2017

Invitation Only Pro Test Day - 2-stroke pros riding the Hangtown or Glen Helen Two Stroke Pro Challenge, and select pros by invitation only. Email **David** at

ionesandsmx@gmail.com for confirmation of entry. If you are not confirmed by email, your name will be deleted from this list. If you are not confirmed, you will not be allowed to enter the facilities. Dirt Rider Magazine TransWorld Motocross Motocross Action Racer X Illustrated Rachel Witt

**On or about March 20, 2017**, USMC submitted an permit application to the Amador County Planning Department seeking "**pre-approval**" to construct and operate a motorsport facility - Ione Sands Motorsport Park - located on the subject property, the application requested:

- 1) A **General Plan Amendment** from MRZ, Mineral Resource Zone to C-Commercial;
- 2) A **Zone Change** from "R1A," Single-family Residential and Agricultural district and "X," Special Use district, to "X/C-2," Heavy Commercial with Special Use combining district.
- 3) A **Use Permit** to allow the operation of a private motor cross facility - "Ione Sands Motorcross Facility" ("ISMF")-365-days annually with up to 50 riders allowed on the track(s) at the same time daily. *The facility proposed to be a "training and competition facility open to 4-6 public spectator events with anticipated 15,500 attendance at each event on an annual basis"*  
*The application also referred to plans for an "Industrial Park" in conjunction with the motorsports park on a adjacent parcel under the City of Ione's jurisdiction and suggested that annexing the subject property to the City may be under consideration*

**NOTE: The application did not disclose the pre-existing track construction or operations**

**On or about March 21, 2017**, Harvdog21 posted this message:

We will be invitation only for most of this year, although we will host another day in April and another in May. We have a list of test riders, however we will consider certain riders for further testing. You can email me at [ionesandsmx@gmail.com](mailto:ionesandsmx@gmail.com) to be considered for upcoming tests. Right now we are evaluating the course using AMA pros, local pros, and certain A and B riders

**On or about March 31, 2017**, USMC noticed the Amador County Planning Department that it was placing the permit application on "temporary hold" pending USMC's submittal of an "updated" application

**On or about April 2, 2017**, a test day for a couple riders see: <https://www.youtube.com/watch?v=JSxPhcnsLck>

**On or about April 5, 2017**, a Tal Ginno posted a vidoe of motorcross activity on the track: <https://www.youtube.com/watch?v=Icc5eNqGt1s>

**On or about April 5, 2017** USMC filed an application with the PD requesting a zoning change, and ammendment of the General Plan and a use permit to allow for the approved of operation of "Ione Sands Motorcross Facility

The application contained an "Environmental Information Form" which required USMC to *"describe the project site as it exsists before the project"*. In response USMC reported the *"existing topography is generally flat with minor declines and inclines"*, and **did not** disclose the changes made to the topography as a result of the motorcross track construction, nor did USMC disclose its operation of the track

**NOTE: The above form required a signiture stipulating that USMC had truthfully disclosed all relevant information. Dockter signiture is present on said form.**

**On or about April 22,2017**, Ione Sands MX and/or USMC sponored a motorcross event - DOCKTER is seen on site in this video - see <https://www.youtube.com/watch?v=6LUCi6yQka0> - This video takes the viewer on a ride around the track the same day  
<https://www.youtube.com/watch?v=VdoR1oPoxPs>

**On or about May 13, 2017**, this video shows track operations:

<http://www.hay16.com/videoSJ-XquvliEs/thales-vilardi-27-ione-sands-mx-13-may-3917-watch.html>

**On or about May 17, 2017**, this video demonstrates the operations of the USMC track <https://www.youtube.com/watch?v=SJ-XquvliEs>

**On or about June 13, 2017**, "Kris Keefer" posted the following on the internet address of <http://pulpmx.com/2017/06/13/road-to-lorettas/>

Here's Keefer's Ione experience:

Saturday we had a day off as all of our races were on a Sunday, so Aden and I overruled Heather and decided to check out a new private facility called Ione sands MX Park in Ione, California which is about 40 minutes from Hangtown. The facility is ran by David Harvey (former director of pro racing at Hangtown) and the property is over 4000 acres and owned by US Mine Corp with permits for mining and industrial/commercial operations, with 24-hour security. It's huge! The owner of the land is a racing pilot and flies in the Red Bull Reno air races, and has an interest in moto. The property is a mix of deep sand and kaolin clay with multiple lakes and white silica sand. The property has 300 foot deep pits and rolling hills with old-growth oak trees, creating an insane scenery. So, the overall plan is to have a world-class testing, training, and product development facility for moto, side by side/UTV's/ and Trophy Trucks. It will operate similar to east coast training facilities (think Club Moto and SO, but with world class amenities I am told. The complex will have a member lounge, with restaurant, showers, lockers, and glass viewing area of several of

the tracks.

The facility will be open 7 days per week, allowing members, factory teams, and mx/racing companies to test as often as necessary. Currently there are two tracks: a pro-level outdoor track and a "vet" track. By the end of the year, there will be another pro-level outdoor track, an arenacross track, and a supercross track. Riding the sandy track Saturday made me realize how cool this place was! It wasn't just sandy, but had elevations changes and clay up on top of the hills. It was challenging and unlike anything we have in California. I met the owner and unlike other people I have met within our industry about how they are going to build this or that (which almost never happens), I know this park is going to be legit and all of you amateur riders with the fat wallets will love this place. I know i did. They will have a website up soon so be on the lookout on my social media (@kkeeper120) for all the info soon.

**On or about July 30, 2017**, USMC submitted an internal *"Fugitive Dust Preventon and Hazard Dust Mitigation Plan"* to the AC Planning Department relevant to the permit application process. Again, USMC did not disclose the tracks construction or operation - **The plan failed to disclose known soil hazards as required by OSHA**

**On or about July 30, 2017**, UTV test day - adding yet another element a UTV track that was not disclosed to the County:

<https://www.youtube.com/watch?v=RTw2Ew0rAM8>

<http://www.hay16.com/videoRTw2Ew0rAM8/ione-sands-mx-utv-test-day-73017-watch.html>

**On or about August 5, 2017**, this posting refers to a plan "concept of a private track with full hookup RV camping" and illustrates the UTV track

<http://www.utvguide.net/ione-sands-utv-track-preview/>



**On or about September 9, 2017**, these video's demonstrate the operations of the USMC track <https://www.youtube.com/watch?v=1VLVqFUCVTY>

<https://www.youtube.com/watch?v=2jngHps3frY>

<https://www.youtube.com/watch?v=oy05YT4Jm-k>

**On or about September 10, 2017**, these video's demonstrate the operations of the USMC track <https://www.youtube.com/watch?v=oy05YT4Jm-k>

[https://www.youtube.com/watch?v=2dswJGdt\\_k](https://www.youtube.com/watch?v=2dswJGdt_k)

<https://www.youtube.com/watch?v=kLV7mw9kckY>

<https://www.vitalmx.com/forums/Moto-Related,20/Nor-Cals-New-Playground,1326882>

**October 5, 2017**, Articles of Organization were submitted to the Secretary of State registering "Ione Sands Motorsport Park LLC", the listing agents

identified themselves as "Burton Richards & Sweet, a Professional Organization  
The filing states the LLC will be managed by "one manager" but does not name the manager

**On or about October 8, 2017**, HARVEY posted this activity

<https://www.youtube.com/watch?v=tI7vBPH3MYE>

**On or about October 9, 2017**HARVEY

<https://www.youtube.com/watch?v=rOQBWPExMVk>

**On or about October 29, 2017**- tatlor julian jonah locks

<https://www.youtube.com/watch?v=sQx92FIA0Z4>

**On or about November 25, 2017 HARVEY posted 4 mile UTV Course**

<https://www.youtube.com/watch?v=xMoburk99wo>

**On or about November 27, 2017**, the Amador Planning Commission issued USMC a violation notice and a cease and desist operations of the motorcross track

**On or about November 30, 2017** 11-30-2017, 08:53 PM this video shows continued plans to hold riding events:

<https://www.bayothg.com/showthread.php?6308-Ride-Ione-Sands-MX-again-this-weekend!>

**On or about Decemeber 10, 2017**, - operation of the motorcross track without County "pre-approval" and with total disregard of any applicable rule/law including noise ordinances, environmental protocal, etc.

3) **On or about Decemeber 16, 2017**, operation of the motorcross track without County "pre-approval" and with total disregard of any applicable rule/law including noise ordinances, environmental protocal, etc.

4) **On or about Decemeber 30, 2017**, operation of the motorcross track without County "pre-approval" and with total disregard of any applicable rule/law including noise ordinances, environmental protocal, etc.

**On or about Decemeber 31, 2017**, the following was posted on the Ione Sands MX Facebook site:

[Brian Roth December 31, 2017](#) - Team Ione Sands MX - many top riders choosing Ione Sands as their training facility. The level of professionalism put into this facility is unsurpassed by any I've seen in my 30+ years of racing motocross. With fitness being paramount in motocross, there is no more challenging place to train!

**NOTE: An "team" called Ione Sands MX has been touring the country since January 2018, promoting Ione Sands Motorsport Park**

**On or about January 6, 2018**, operation of the motorcross track without County "pre-approval" and with total disregard of any applicable rule/law including noise ordinances, environmental protocal, etc.

**On January 10, 2018**, I attended the Technical Advisory Committee ("TAC") meeting. In that meeting TAC members advised USMC that approved permits were required if USMC was to conduct any movement of soils. To that end, ***I can personally attest that USMC has recently renewed construction of the track adding new mounds of soil 10' or greater in height, which are easily visible from State Highway 124. Visible from the track itself are survey stakes giving the appearance that USMC is charging ahead with the expansion of the track. The Planning Department denies approving of any permit subject to this work.***

**On or about January 18, 2018**, this video shows continued operations:

<https://m.vitalmx.com/forums/Bike-Builds,46/The-Vital-MX-2018-RMZ450-Shootout-Bike,1333122?mobile=true>

**On or about February 1, 2018**, construction of the motorcross track without County "pre-approval" and with total disregard of any applicable rule/law including noise ordinances, environmental protocol, etc.

**On or about February 3, 2018** this posting shows continued operations:

<https://www.yooying.com/p/1666441676213138769>

The following postings on [Ione Sands MX @ionesandsmx](#) are noted as **continued operations**

**6 months ago** (postings secured on 6/30/18)

<https://www.yooying.com/p/1666441676213138769>

<https://www.yooying.com/p/1666491327611987839>

**3 months ago**

[https://www.yooying.com/p/1746539724905667204\\_4529024892](https://www.yooying.com/p/1746539724905667204_4529024892)

[https://www.yooying.com/p/1746099170757768307\\_4529024892](https://www.yooying.com/p/1746099170757768307_4529024892)

**2 months ago**

[https://www.yooying.com/p/1759194255693707636\\_4529024892](https://www.yooying.com/p/1759194255693707636_4529024892)

### **CONCLUSIVE EVIDENCE**

The above provides conclusive evidence that USMC "***knowingly***" and "***purposely***" - *a person can innocently misrepresent a fact, however, purposeful misrepresentation is fraudulent misrepresentation* - committed numerous violations of County rules and State and Federal Laws to include:

- 1) Filing false business information with the Secretary of State Office claiming to be conducting mining operations and instead constructing a motorcross track;
- 2) Filing a false and misleading permit application by failing to disclose "pre-existing" *construction and operations* of the motorcross track and further committed an act of perjury by falsely representing the truth;

- 3) Fraudulently subverted the permit process by deceptively continuing *construction* of the motorcross track after the submittance of the permit application;
- 4) Fraudulently subverted the SMRA, Clean Air Act, and other applicable laws by deviating from the *Reclamation Plan* applicable to mining and deceptively *constructing and operating* a motorcross track;