

BEFORE THE PUBLIC EMPLOYMENT RELATIONS BOARD  
ADMINISTRATIVE LAW JUDGE SHAWN CLOUGHESY  
STATE OF CALIFORNIA

and Employee,  
PEACE OFFICERS OF CALIFORNIA  
and Petitioner,  
CALIFORNIA STATEWIDE LAW  
ENFORCEMENT ASSOCIATION

Case No.: SA-SV-171-S

Exclusive Representative.)  
Transcription of Tapes from hearing conducted on  
January 29, 2009

VOL. 1  
Transcription provided by  
DIAMOND COURT REPORTING

**DIAMOND COURT REPORTERS**

1107 2<sup>ND</sup> Street, Suite 210  
Sacramento, California 95814  
(916) 498-9288

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESS:	PAGE:
KARNOW, JERRY	
Examination by Mr. Messing	90
Examination by Ms. Truong	164
Examination by Mr. Rose	168
Examination by Mr. Messing	189
Examination by Ms. Truong	203
BERGSTRESSER, RICHARD	
Examination by Mr. Messing	208
Examination by Ms. Truong	242
Examination by Mr. Rose	242
Examination by Mr. Messing	255
Examination by Ms. Truong	257
SHOEMAKER, BRANDON	
(Sworn)	259
Certificate of Transcriber	262

1 MR. MESSING: I will be real quick too.

2 ALJ CLOUGHESY: Oh, I'm sorry. That type of  
3 personal --

4 MR. MESSING: Yes.

5 ALJ CLOUGHESY: Off the record.

6 (A brief recess transpired.)

7 ALJ CLOUGHESY: All right. We're back on the  
8 record. We have another witness called by the  
9 petitioner. I'm going to ask this witness to raise your  
10 right hand. Do you swear or affirm the testimony you  
11 will be giving is the truth, the whole truth, and  
12 nothing but the truth?

13 THE WITNESS: I do.

14 ALJ CLOUGHESY: Please state your name for the  
15 record, spelling your last name.

16 THE WITNESS: Brandon Shoemaker,  
17 S-H-O-E-M-A-K-E-R.

18 ALJ CLOUGHESY: All right. Mr. Shoemaker, I'm  
19 going to be marking as Petitioner's Exhibit D, what  
20 appears to be a declaration of Brandon Shoemaker in lieu  
21 of direct testimony. Attached to that document is a job  
22 specification from the state personnel board for lottery  
23 agent on up, and I'm going to show you Petitioner' D and  
24 if you can review that real quickly.

25 THE WITNESS: Okay.

1 ALJ CLOUGHESY: All right. Do you recognize  
2 that document, sir?

3 THE WITNESS: Uh-huh.

4 ALJ CLOUGHESY: What do you recognize it as?

5 THE WITNESS: The declaration that I was sent  
6 by Ms. Sabonis from the Rose Law Firm that I signed.

7 ALJ CLOUGHESY: All right. And turning to the  
8 last page of that declaration.

9 THE WITNESS: I'm sorry.

10 ALJ CLOUGHESY: You're right. Is that your  
11 signature on that page?

12 THE WITNESS: Yes.

13 ALJ CLOUGHESY: Did you sign it on the date  
14 set forth in that declaration?

15 THE WITNESS: January 6th of '09, yes.

16 ALJ CLOUGHESY: And is what is contained in  
17 that declaration true and correct to the best of your  
18 knowledge?

19 THE WITNESS: Yes.

20 ALJ CLOUGHESY: All right. Good enough --

21 MR. ROSE: Yes, sir. Nothing.

22 ALJ CLOUGHESY: All right. Sir, we'll see you  
23 tomorrow when this gentleman right here will have many  
24 questions for you.

25 THE WITNESS: I expressed to Mr. Rose I have a

1 preliminary hearing tomorrow in Fresno in a criminal  
2 matter that --

3 MR. ROSE: That's right.

4 THE WITNESS: I can't be here tomorrow.

5 MR. ROSE: Right. So we'll have to push you  
6 up to another day. I apologize.

7 ALJ CLOUGHESY: Fresno at 2:00, I sympathize  
8 with you.

9 THE WITNESS: This morning as well.

10 MR. MESSING: Well, then in which case -- we  
11 don't have to do this on the record but I want to talk  
12 about the order of witnesses.

13 ALJ CLOUGHESY: All right. Let's do this, do  
14 we need anything further on the record? So I can get  
15 this gentleman on the road so he doesn't hit as much  
16 2:00 on the way back. All right.

17 We're going to be adjourning day one of these  
18 proceedings. We are off the record.

19 (Conclusion of tape.)

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATE OF SHORTHAND REPORTER

I, TERRIE CULP-SMITH, a Shorthand Reporter, do hereby certify that I am a disinterested person herein; that I reported the preceding in shorthand writing from the tapes that were provided to me; that I thereafter caused my shorthand writing to be transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceeding, or in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of February 2009.

---

Terrie Culp-Smith  
Shorthand Reporter