

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.)  
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DIAMOND COURT REPORTING

**DIAMOND COURT REPORTERS**

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1 MS. TRUONG: Okay.

2 ALJ CLOUGHESY: So anyway, let me do this.  
3 Marking as Petitioner's Exhibit I what appears to be a  
4 declaration of Victor U. Sanchez in lieu of direct  
5 testimony. The document also includes a state personnel  
6 board job specifications. I have a witness to my left  
7 ready to be sworn in.

8 Sir, if you would raise your right hand. Do  
9 you swear or affirm the testimony you will be giving is  
10 the truth, the whole truth, and nothing but the truth?

11 THE WITNESS: I do.

12 ALJ CLOUGHESY: Please state your name for the  
13 record, spell your last name.

14 THE WITNESS: Victor U. Sanchez,  
15 S-A-N-C-H-E-Z.

16 ALJ CLOUGHESY: All right. I'm going to be  
17 passing to you -- I believe it's sergeant; is that  
18 correct?

19 THE WITNESS: Right.

20 ALJ CLOUGHESY: Okay. I'm going to be passing  
21 you, Sergeant, Petitioner's I, and if you could take a  
22 quick look at that and tell me what it is after you have  
23 taken a look at it.

24 THE WITNESS: My declaration.

25 ALJ CLOUGHESY: All right. If you could turn

1 to the last page of your declaration where the signature  
2 would be and I'm going to ask you is that your signature  
3 on that page?

4 THE WITNESS: Yes, it is.

5 ALJ CLOUGHESY: And did you sign it on the  
6 date that's set forth and at the place set forth?

7 THE WITNESS: Yes.

8 ALJ CLOUGHESY: Any, I'll say mop-up  
9 questions? Let me put it that way, Mr. Rose.

10 MR. ROSE: No. Thank you.

11 ALJ CLOUGHESY: All right. I'll go ahead and  
12 pass the witness.

13 MR. ROSE: Although I would say did we ask  
14 about corrections to the declaration? Did you already  
15 ask that question?

16 ALJ CLOUGHESY: No, I didn't. You're right.  
17 Very good. I didn't ask about corrections, but is the  
18 document true and correct to the best of your  
19 recollection?

20 THE WITNESS: I reviewed it, and there are  
21 some corrections that need to be made.

22 ALJ CLOUGHESY: Okay. And I can tell you're  
23 already to go, so why don't you go ahead and --

24 THE WITNESS: On page 2, item 7 where it says  
25 that I was employed effective 1978 to 1982, that should

1 be 1981 to 1982.

2 ALJ CLOUGHESY: Why don't you do this. Why  
3 don't you delineate what you need to be crossed out and  
4 then initial and date the correction. And then --

5 THE WITNESS: The second correction goes to  
6 page 7, item number 64 where it says I am required to  
7 work --

8 MR. MESSING: I'm sorry. What number was  
9 that? I didn't hear you. Page 64?

10 THE WITNESS: Page 7, item 64.

11 ALJ CLOUGHESY: All right.

12 THE WITNESS: It says I am required to work a  
13 ten hour shift. It should be I may be required.

14 ALJ CLOUGHESY: Just go ahead and initial and  
15 date. All right. Our next one?

16 THE WITNESS: Same page, item 67 where it says  
17 I receive differential pay. I may receive differential  
18 pay.

19 ALJ CLOUGHESY: All right. Ready for the next  
20 one.

21 THE WITNESS: Same page under number 75 where  
22 it says I am currently the president of the Cal-Expo  
23 police association and affiliate of the California  
24 Statewide Law Enforcement Association. CEPA is not an  
25 affiliate, so just that whole last part of the line

1 should be crossed out.

2 MR. MESSING: Starting with and?

3 THE WITNESS: Yes.

4 ALJ CLOUGHESY: Yes. You were paying  
5 attention, Mr. Messing. Good.

6 MR. MESSING: For a change.

7 ALJ CLOUGHESY: All right. Any other -- other  
8 than those corrections, is the document true and correct  
9 to the best of your knowledge?

10 THE WITNESS: Yes.

11 ALJ CLOUGHESY: And no mockup (inaudible.)  
12 Mr. Messing, your witness.

13 MR. MESSING: Thank you.

14 EXAMINATION BY MR. MESSING:

15 Q. Shall I call you Sergeant Sanchez?

16 A. You can call me Victor Sanchez, Mr. Sanchez,  
17 Sergeant Sanchez, whatever you want.

18 Q. All right. You talk in your declaration  
19 about your experience as a police officer with  
20 Sacramento --

21 A. Yes.

22 Q. -- so let me direct you to that for a few  
23 questions. Did you have occasion to work patrol as a  
24 police officer at the Sacramento PD?

25 A. Yes.

1 Q. And do you know what I mean if I say that  
2 somebody is a proactive officer as opposed to a  
3 non-proactive officer?

4 A. Right you talking about individual experiences  
5 or are you talking about as an evaluation technique?

6 Q. I'm talking about as a proactive officer,  
7 somebody who initiates a lot of activity. Are you --  
8 would you be considered a pro -- did you consider  
9 yourself a proactive officer when you were on patrol?

10 A. Yes.

11 Q. Okay.

12 MR. ROSE: Relevancy.

13 MR. MESSING: It's foundational.

14 ALJ CLOUGHESY: Now is this as a Sacramento  
15 PD?

16 MR. MESSING: Yes. He's giving his experience  
17 here. You'll see. I'll tie it up.

18 ALJ CLOUGHESY: Okay. I'll give you some last  
19 minute slack here. Go ahead, Mr. Messing.

20 MR. MESSING: Okay.

21 BY MR. MESSING:

22 Q. Just a few questions to establish your  
23 experience in patrol. As an officer, in a given -- in  
24 an average week, about how many arrests would you make?

25 MR. ROSE: Objection. Vague as to time.

1 ALJ CLOUGHESY: You're talking about as the --

2 MR. MESSING: As a police officer with the  
3 Sacramento Police Department.

4 ALJ CLOUGHESY: All right. During the period  
5 of time when you were with Sacramento PD. Go ahead,  
6 sir.

7 THE WITNESS: You want me to average?

8 BY MR. MESSING:

9 Q. Yeah. What's the number of arrests that you  
10 make in a given week?

11 A. It could be -- could range from zero to ten to  
12 15.

13 Q. So zero to 15. Did you execute warrants as a  
14 police officer at the Sacramento Police Department?

15 A. Not as a police officer but as a detective,  
16 yes.

17 Q. Okay. How about search warrants, did you  
18 execute search warrants?

19 A. As a police officer --

20 Q. As a police officer.

21 A. -- no; as a detective, yes.

22 Q. Did you issue traffic citations?

23 A. Yes.

24 Q. Okay. As a police officer, about how many  
25 traffic citations would you average in the course of a

1 week?

2 A. Again, it could be zero to 15, 20. It  
3 depends.

4 Q. Zero to 20, did you say?

5 A. Sure.

6 Q. Okay. Now, I'm going to turn your attention  
7 to page 4 of your declaration. Now, by the way, before  
8 you came to testify in this hearing, did you review  
9 anything other than your declaration?

10 A. The -- the DPA qualifications --

11 Q. Job specifications?

12 A. Yes.

13 Q. Okay. But they were attached to your  
14 declaration?

15 A. Yes.

16 Q. Okay. Anything besides that?

17 A. No.

18 Q. Okay. Now, I'm interested in paragraph 22.  
19 It says as a sergeant at the Cal-Expo State Fair Police,  
20 your jurisdiction is the State of California with  
21 primary emphasis in the state parks of California. Now  
22 you work at Cal-Expo, correct?

23 A. Correct.

24 Q. Is Cal-Expo a park?

25 A. Yes.

1 Q. What other parks besides Cal-Expo do you work  
2 in?

3 A. Dixon, Mayfair.

4 Q. Dixon --

5 A. Dixon Fairgrounds.

6 Q. Fairgrounds. The Dixon Fairgrounds, is that  
7 considered a park?

8 A. Yes.

9 Q. When you work at the Dixon Fairgrounds, are  
10 you there in the capacity of a Cal-Expo State Fair  
11 police officer or sergeant?

12 A. Yes.

13 Q. Okay. Now, page 5, starting with line 29. It  
14 says that you can be called upon to operate a marked  
15 motorcycle. How often do you ride a marked motorcycle  
16 in performing your duties?

17 A. Rarely, but I am qualified to ride it. I have  
18 the uniform to ride the Cal-Expo motorcycle.

19 Q. Once a month or a couple of times a year?

20 A. A couple of times a year maybe.

21 Q. Okay. It says that you can be called upon to  
22 patrol on horseback. Do you do that?

23 A. No, but I can.

24 Q. Okay. Do you patrol on bicycle?

25 A. No, but I can.

1 Q. Okay. Let's turn to page 6. I'm going to ask  
2 you these questions with respect to times when you're at  
3 a -- in the fair season versus the non-fair season,  
4 okay. So when you're in the fair season, it says you're  
5 vested with the power to arrest. About how many arrests  
6 do you make per week?

7 A. During the fair?

8 Q. During the fair.

9 A. Per week?

10 Q. Per week.

11 A. Now are you talking about physically taking  
12 somebody to jail or stopping them and removing them from  
13 the grounds?

14 ALJ CLOUGHESY: He's talking about an arrest.

15 BY MR. MESSING:

16 Q. I'm talking about an arrest.

17 A. Okay. During the fair, two or three a week.

18 Q. Two or three a week. Okay. And how long is  
19 the fair season?

20 A. Currently it's 18 days.

21 Q. When you are not in the fair season -- well,  
22 wait a minute. Are you including in those 18 days the  
23 Dixon Fair?

24 A. No.

25 Q. How many -- do you work the Dixon Fair

1 regularly?

2 A. Annually.

3 Q. Annually. Okay. How many days is that fair?

4 A. Three days.

5 Q. Three days. Okay. So does that --

6 A. I take it back. It's four days.

7 Q. Okay. Would including the Dixon Fair change  
8 your average of two to three a week at all?

9 A. The Dixon Fair doesn't last a week.

10 Q. How many arrests do you make in the 22 days of  
11 the average that you are working between the Dixon Fair  
12 and the Cal-Expo Fair during season?

13 A. I'd have to say it would remain the same.

14 Q. Okay. That's what I'm asking. And how about  
15 the rest of the year, the -- what would be your average  
16 number of arrests per week?

17 A. Well, I don't work on a -- I don't work a 40  
18 hour week at Cal-Expo. I work various events.

19 Q. Well what are your scheduled hours --

20 A. I --

21 Q. -- when you're not -- let me finish the  
22 question, sir. -- when you are not working the fair?  
23 Do you work a certain number of hours per week?

24 A. No.

25 Q. Okay. About how much do you work the rest of

1 the year? How many hours? Do you know?

2 A. I average about 40 hours a month.

3 Q. Okay. So working 40 hours per month in other  
4 events, taking that into consideration, about how many  
5 arrests do you average per month for the rest of year,  
6 non-fair season?

7 A. Average?

8 Q. Uh-huh.

9 A. Maybe one.

10 Q. Okay. Now, it says that you -- you serve  
11 arrest warrants. During the fair how many arrests  
12 warrants do you serve during the 22-day period?

13 A. I don't know. It could be part of the other  
14 arrests, so I couldn't tell you.

15 Q. Does it happen every fair season that you  
16 serve an arrest warrant?

17 A. No, not every season.

18 Q. Is it something that might happen from time to  
19 time?

20 A. As it would in patrol, yes.

21 Q. Okay. It says here that you write search  
22 warrants. Well how many years have you been at the  
23 fair? Could you tell me that again.

24 A. Since 1982.

25 Q. Since 1982 --

1 A. Or 1981. I'm sorry.

2 Q. Okay. Since 1981, how many search warrants  
3 have you written?

4 A. At the California State Fair?

5 Q. Yes.

6 A. None.

7 Q. None. Okay. Under job duties number 50 it  
8 says, I write search warrants as part of your job  
9 duties. Are you stating that that's incorrect?

10 A. Well, okay. Maybe it should say I can write  
11 search warrants.

12 Q. Okay. Would you look at the list starting  
13 with, let's see here, number 34 on page 6 down to 53 and  
14 tell me if there are any other things that you can do  
15 but don't.

16 ALJ CLOUGHESY: Well it looks like we have one  
17 so far, so hold on Mr. Messing.

18 MR. MESSING: I saw two circles.

19 ALJ CLOUGHESY: Oh, you're right.

20 THE WITNESS: Okay. 50, 51 and 52.

21 BY MR. MESSING:

22 Q. 50, 51 and 52. What about number 57? Isn't  
23 it the administrative sergeant's duty to maintain  
24 evidence?

25 A. He maintains the evidence, but I maintain the

1 chain of control from where I get it to where I give it  
2 to them.

3 Q. Okay. Okay. Yeah -- no. Okay. Now it says  
4 here that you testify -- I testify as an expert witness  
5 in state and federal courts. Have you been qualified as  
6 an expert in a state or federal court action?

7 A. Yes.

8 Q. Okay. As what kind of expert?

9 A. Interpreter.

10 Q. Okay.

11 A. Gang activity and narcotics investigations.

12 Q. And this was in the capacity of the state fair  
13 police officer or sergeant?

14 A. I think in one case it was and then the rest  
15 of them were with the Sacramento Police Department  
16 (inaudible.)

17 Q. You think that there was one -- okay. Because  
18 these job duties are all pertaining to Cal-Expo police,  
19 not to Sacramento PD. So let me ask you to think about  
20 this --

21 ALJ CLOUGHESY: Hold on. Let's get the  
22 question.

23 BY MR. MESSING:

24 Q. So let me think about this and ask you, can  
25 you identify a time when you were qualified as an expert

1 witness in the capacity of a state police officer or  
2 sergeant?

3 A. Yes.

4 Q. What was that case?

5 A. I don't remember the name of the case. It  
6 occurred this last week where we arrested a suspect for  
7 possession for sale of cocaine on Cal-Expo grounds. I  
8 testified in court and I testified as to my expertise in  
9 the identification of narcotics, the -- my experience as  
10 a narcotics officer, both with Sac PD and working at  
11 Cal-Expo.

12 Q. Did the judge then proclaim that you were able  
13 to testify as -- and were qualified as an expert witness  
14 in those areas, or did you just testify that you had  
15 that experience?

16 A. I testified that I had that experience and  
17 that I had been qualified by other -- another judge as  
18 an expert.

19 Q. Okay. But in this case, the judge didn't  
20 state that you were qualified as an expert to testify,  
21 correct?

22 A. He didn't say, like I said, you're going to be  
23 an expert.

24 Q. Okay. So actually 58, as it pertains to your  
25 duties at the state fair, is incorrect as written,

1 correct?

2 MR. ROSE: Objection. Misstates the prior  
3 testimony.

4 MR. MESSING: Well it says --

5 ALJ CLOUGHESY: I think he's qualified --  
6 which number is that?

7 MR. MESSING: Number 58. I testify as an  
8 expert witness in state and federal court.

9 ALJ CLOUGHESY: Sustained on the objection.

10 MR. MESSING: What was the objection?

11 ALJ CLOUGHESY: He testified versus being  
12 qualified. So objection is sustained.

13 MR. MESSING: As an expert witness. In order  
14 to be an expert witness you have to be qualified.

15 ALJ CLOUGHESY: You know, I can see the  
16 argument that if he qualified, if he's been recognized  
17 before, he can still testify as an expert witness.

18 MR. MESSING: I have never heard of that, but  
19 I'll move on.

20 ALJ CLOUGHESY: Well for the issue of  
21 recognition, I don't see -- go ahead.

22 MR. MESSING: Judge, it's a term of art. In  
23 order to testify as an expert witness, you have to be  
24 qualified by a court. It's very clear. Just because  
25 you have expertise and you testify on that expertise,

1 and just because you have been qualified somewhere else  
2 doesn't mean that you testify as an expert witness. You  
3 have to be qualified to do that by a court.

4 ALJ CLOUGHESY: Let's get another question.

5 MR. MESSING: All right.

6 BY MR. MESSING:

7 Q. Now, I'm going to ask you about folks that  
8 you work with who are in the bargaining unit but are  
9 non-peace officers. Can you -- can you tell me what  
10 classifications Bargaining Unit 7 you work with who are  
11 not peace officers?

12 A. Who are not -- well, I don't know what our  
13 staff is -- I don't know what -- what unit they're in or  
14 anything else. I couldn't tell you whether or not they  
15 are in the same bargaining unit or not.

16 Q. Okay. Do you work with dispatchers or com  
17 operators?

18 A. What do you mean by work with?

19 Q. Do you receive dispatches or communicate with  
20 dispatchers or com operators --

21 A. Yes.

22 Q. -- when you are working. Okay. And are they  
23 people who work for the Cal-Expo State Fair?

24 A. Yes.

25 Q. Okay. And do you know whether those folks are

1 in the bargaining unit or not?

2 A. I do not, no.

3 Q. Look at paragraph 74 on page 7. It says I  
4 receive peace officer, firefighter retirement benefits  
5 pursuant to Government Code Section 2163-A. Now you're  
6 a retired annuitant, correct?

7 A. Correct.

8 Q. Okay. So you don't earn credit towards your  
9 retirement while you're working at Cal-Expo, correct?

10 A. I guess it all depends.

11 Q. What does it depend on?

12 A. Well, when I first came on, I was under one  
13 retirement system. Several years after that they went  
14 to another retirement system. Several years after that  
15 they went to another retirement system, and now they're  
16 telling me they're under PERS. So I don't know if the  
17 retirement systems that I had paid into upon my first  
18 employment with Cal-Expo were rolled over into PERS or  
19 if they were left to stand alone. So I don't know.

20 Q. Are you currently receiving any credit toward  
21 PERS for retirement purposes?

22 A. At Cal-Expo?

23 Q. Yes.

24 A. No.

25 Q. Okay. A couple of other things. Okay. Now,

1 you have been involved in the what you call CEPA? Is  
2 that what you call it?

3 A. Correct.

4 Q. So I think you were -- you would say that  
5 you're generally aware of the issues that people have if  
6 they have grievances or complaints? We're talking about  
7 state fair police officers and sergeants?

8 A. Yes.

9 Q. Okay. And are you aware of complaints that  
10 individuals had regarding not getting paid overtime for  
11 working at the state fair when they were employed with  
12 other agencies of the state and working the state fair  
13 as an additional job?

14 A. Am I aware of that?

15 Q. Yes.

16 A. Yes.

17 Q. Okay. And are you aware that CAUSE diversely  
18 pursued those claims on behalf of the state fair police  
19 officers and sergeants?

20 MR. ROSE: Objection. Assumes facts not in  
21 evidence.

22 ALJ CLOUGHESY: Sustained.

23 BY MR. MESSING:

24 Q. Do you know if CAUSE took any action regarding  
25 these issues?

1 A. I had heard that they did, yes.

2 Q. Did you hear that CAUSE settled the matter  
3 with the State for a cash settlement for individuals who  
4 had been deprived of overtime?

5 MR. ROSE: Objection. Assumes facts not in  
6 evidence.

7 ALJ CLOUGHESY: Sustained.

8 BY MR. MESSING:

9 Q. What did you hear about a settlement  
10 (inaudible.)

11 A. I have not heard anything about any  
12 settlement.

13 Q. Okay. So I direct your attention to paragraph  
14 83 on page 8. It says that you have personal knowledge  
15 that -- personal knowledge that CSLEA does not invite  
16 input from its members, it only invites input from its  
17 board of directors. I'm directing you to that  
18 paragraph. Do you see that?

19 A. Uh-huh.

20 Q. Are you aware of proposals that were presented  
21 by Cal-Expo police officers or sergeants that were  
22 presented across a borrowing table by CSLEA?

23 A. No.

24 Q. You're not aware of input from state fair  
25 police officers or sergeants regarding problems with

1 overtime payments while working at Cal-Expo?

2       A.    I am aware of the past president of CEPA,  
3 apparently through DDS or following some allegation from  
4 DDS, that members of their investigative staff were  
5 being required to work patrol at a different level of  
6 salary and that there was a complaint filed through FSLA  
7 which was directed back to the state level and wherein  
8 my understanding is that CAUSE somehow or another got  
9 wind of that and took -- took the football and ran with  
10 it.  But as far as Cal-Expo members filing a complaint  
11 relative to that, no, I don't know anything about that.

12       Q.    Well, I didn't ask -- I don't think I asked if  
13 they filed a complaint.  I asked if they gave input to  
14 CSLEA regarding the fact that they weren't getting  
15 overtime at Cal-Expo.

16       A.    The persons that I have talked to that that  
17 grievance would affect have all told me they did not  
18 file that; that it was filed by somebody else, not on  
19 their behalf.

20           MR. MESSING:  Move to strike as  
21 non-responsive.

22           MR. ROSE:  I object.  I oppose that motion.

23           ALJ CLOUGHESY:  I can't help but strike that.

24 I don't know if you were hearing his question, but  
25 Mr. Messing, I'll leave it up to you whether you want to

1 ask it again.

2 MR. MESSING: I'm going to move on anyway.

3 Just one other quick area.

4 BY MR. MESSING:

5 Q. I note here that you were president of the  
6 Sacramento Police Officers' Association for how many  
7 years that was.

8 A. 2000, 2001.

9 Q. 2000 through 2001. Okay. And the Sacramento  
10 Police Officers' Association represents sworn police  
11 officers through what rank, from officer through what?

12 A. Through sergeant.

13 Q. Through sergeant. Okay. Isn't it true that  
14 the Sacramento Police Department -- I'm sorry. Strike  
15 that. The POA also represents in its bargaining unit  
16 committee service officers and dispatchers?

17 MR. ROSE: Objection. Relevance.

18 ALJ CLOUGHESY: You know what, technically  
19 it's under the MMBA, which in a sense the Dill's Act was  
20 patterned after, I'm going to let it. Go ahead, sir.

21 THE WITNESS: Yes.

22 BY MR. MESSING:

23 Q. And community service officers and  
24 dispatchers are non-sworn?

25 A. Correct.

1 Q. Okay. And just one last thing. Can you just  
2 tell the Judge what a community service officer does? I  
3 think most people know what dispatchers do.

4 A. A community service officer basically takes  
5 reports -- takes reports in the field, takes traffic  
6 accident reports, does anything that would not  
7 necessitate the presence or -- well the presence of a  
8 sworn peace officer to allow the peace officer to do --  
9 go about general law enforcement.

10 Q. Okay. Literally just a couple more questions.  
11 When you were president, you were aware that peace  
12 officers could assert the right to have a bargaining  
13 unit only of peace officers under the Myers Millous (ph)  
14 Brown Act?

15 MR. ROSE: Objection. Relevance.

16 ALJ CLOUGHESY: I'll let you finish the  
17 question. I -- but go ahead. Then I'll take the --  
18 BY MR. MESSING:

19 Q. That's the question. Were you aware?

20 A. I'm sorry.

21 Q. When you were president of the Sacramento POA,  
22 were you aware that peace officers had the right to  
23 establish a peace-officer-only bargaining unit under the  
24 Millous Myers Brown Act?

25 A. Yes, I was aware.

1 Q. Okay.

2 MR. MESSING: No further questions.

3 MS. TRUONG: I just have one quick question.

4 EXAMINATION BY MS. TRUONG:

5 Q. On page 2, paragraph 2, you state that you  
6 have been employed since August of 2001. I believe  
7 that's in reference to you as a sergeant with Cal-Expo.  
8 At that time from August 2001 have you been a retired  
9 annuitant as a California State Fair police officer?

10 A. I became an annuitant in 2000 -- I retired  
11 with the Sac PD in 2004, and I think Cal-Expo made me a  
12 retired annuitant in 2005.

13 MS. TRUONG: No further questions.

14 ALJ CLOUGHESY: Mr. Rose?

15 MR. ROSE: Yes. Are you okay or do you need a  
16 break?

17 THE WITNESS: No, I'm fine.

18 MR. ROSE: Okay.

19 EXAMINATION BY MR. ROSE:

20 Q. You were asked about your retirement. You  
21 work with -- well let me ask you this. Do you work with  
22 any other state fair peace officers who are not retired  
23 annuitants?

24 A. Yes.

25 Q. Thank you. Are you aware of whether they

1 receive peace officer, firefighter retirement?

2 A. For Cal-Expo?

3 Q. Yes.

4 A. Or through Cal-Expo?

5 Q. Yes.

6 A. I'm not aware.

7 Q. You were asked if you were generally aware of  
8 grievances or complaints by employees at the Cal-Expo  
9 Police Department. Do you remember that question?

10 A. Yes.

11 Q. Having become so aware, have you formulated --  
12 have you learned whether or not your coworkers are  
13 satisfied with the representation of CSLEA concerning  
14 wages, hours, terms and conditions of employment?

15 A. I know they're not happy.

16 Q. How do you know that?

17 A. Because we talk about it at every Monday --  
18 every first Monday of the month meeting.

19 Q. When you were at the Sacramento Police  
20 Department, since we've had so much questioning about  
21 that, the City of Sacramento -- does the City of  
22 Sacramento have inspectors, in any department?

23 ALJ CLOUGHESY: Only if you know.

24 THE WITNESS: I don't know. I'm sorry. They  
25 do have building inspectors.

1 BY MR. ROSE:

2 Q. Are those inspectors in your bargaining unit  
3 at SPOA?

4 A. No.

5 Q. How about the fire department, are you aware  
6 of whether there's any inspectors in the fire department  
7 at the City of Sacramento at the time that you were  
8 employed there?

9 A. They did have fire inspectors, yes.

10 Q. Were those inspectors in your bargaining unit?

11 A. No.

12 Q. Did the City of Sacramento in any department  
13 at the time you were employed there have any licensing  
14 examiners or licensing officials, to your knowledge?

15 A. To my knowledge, I don't know.

16 MR. ROSE: One moment.

17 ALJ CLOUGHESY: Off the record.

18 (A brief pause transpired.)

19 ALJ CLOUGHESY: Hold on. All right. No  
20 further questions?

21 MR. ROSE: No.

22 ALJ CLOUGHESY: All right. Sir.

23 MR. MESSING: Just a couple of things.

24 EXAMINATION BY MR. MESSING:

25 Q. Do you know if the fire inspectors at the

1 City of Sacramento are in the firefighters bargaining  
2 unit?

3 ALJ CLOUGHESY: Only if you do.

4 THE WITNESS: Do I know?

5 BY MR. MESSING:

6 Q. Yes.

7 A. No.

8 Q. Okay. Do you keep up with what goes on with  
9 the POA to some degree?

10 A. Yes.

11 Q. So you're aware that the -- the POA is trying  
12 to sever the records clerk from the general bargaining  
13 unit and put it into the POA bargaining unit?

14 MR. ROSE: Objection. Assumes facts not in  
15 evidence.

16 ALJ CLOUGHESY: Do you know, sir?

17 THE WITNESS: Yes, I do.

18 ALJ CLOUGHESY: And what do you know? I don't  
19 know if it's characterized exactly as Mr. Messing says,  
20 but what do you know about that?

21 THE WITNESS: I know that attempt failed.

22 ALJ CLOUGHESY: Okay.

23 BY MR. MESSING:

24 Q. The attempt was by the POA?

25 MR. ROSE: Objection. No, I'll withdraw the

1 objection.

2 ALJ CLOUGHESY: Is that correct, sir?

3 THE WITNESS: Yes. At the behest of the  
4 employees, the police department and the Local 39.

5 BY MR. MESSING:

6 Q. The record clerks are, of course, non-sworn,  
7 correct?

8 A. Correct.

9 MR. MESSING: Okay. That's it. Nothing  
10 further.

11 ALJ CLOUGHESY: Ms. Truong?

12 MS. TRUONG: No.

13 MR. ROSE: Nothing.

14 ALJ CLOUGHESY: Sergeant, thank you very much,  
15 and is there going to be any objection to -- let me grab  
16 this document -- Petitioner's I?

17 MR. MESSING: No.

18 ALJ CLOUGHESY: And I is admitted. Our next  
19 hearing is set -- I'll send out a letter saying the 20th  
20 is cancelled. Unless something else happens, I'll be  
21 glad to give it back to you, but --

22 MR. MESSING: You mean you're not planning  
23 anything else for that day?

24 ALJ CLOUGHESY: I would rather be working  
25 myself. But anyway, don't use that against me in any

1 subsequent manner. With that, today's proceeding is  
2 concluded. Off the record.

3 (Conclusion of tape.)  
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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 23rd day of February 2009.

\_\_\_\_\_  
Terrie Culp-Smith  
Shorthand Reporter