

February 26, 2009

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BEFORE THE STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD

In the Matter of:)	
)	
STATE OF CALIFORNIA, Employer,)	Unfair Practice
and PEACE OFFICERS OF CALIFORNIA,)	Charge No.
Petitioner, and CALIFORNIA)	SA-SV-171-S
STATEWIDE LAW ENFORCEMENT ASSOC.,)	
Exclusive Representative.)	
)	
_____)	

FEBRUARY 26, 2009

SHAWN CLOUGHESY
Administrative Law Judge

PUBLIC EMPLOYMENT RELATIONS BOARD
1031 18th Street, Room 214
Sacramento, CA

Transcribed by: Leisa M. Miller

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APPEARANCES

Administrative Law Judge

SHAWN CLOUGHESY

Representing Employer:

SHANNAN TRUONG
Labor Relations Counsel

Department of Personnel Administration
1515 "S" Street, North Building, Suite 400
Sacramento, CA 95811

Representing CSLEA:

GARY MESSING, Esq.
Carroll, Burdick & McDonough, LLP
1007 7th Street, Suite 200
Sacramento, CA 95814-3409

Representing Peace Offices of California (POC):

JOE ROSE, Esq.
Peace Officers of California
2240 East Bidwell Street
Folsom, CA 95630

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1 by --

2 MR. ROSE: Mr. Edelen as to K.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Edelen as to
4 K, and Mr. Guter in regards to L.

5 MR. MESSING: No.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Employer?

7 MS. TRUONG: No, Judge. I'm sorry.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: With that, K and
9 L are admitted.

10 (Petitioner's Exhibits K and L received
11 in evidence.)

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We will go off
13 the record and bring in the next witness. Off the
14 record.

15 MR. ROSE: Thank you.

16 (Off the record.)

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
18 We're back on the record. Marking as Petitioner Exhibit
19 M what appears to be a Declaration of **Linda Tully.**
20 Document appears to be -- the Declaration itself appears
21 to be seven pages in length. Attached to it appears to
22 be the Firefighter/Security Officer Job Specification
23 Series.

24 (Petitioner's Exhibit M marked for
25 identification.)

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I have a witness
2 to my left ready to be sworn in. I'm going to ask you to
3 raise your right hand.

4 (Witness sworn by the Judge.)

5 THE WITNESS: I will.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Please state
7 your name for the record, spelling your last name.

8 THE WITNESS: My name is Linda Tully. T, as in Tom,

9 U-L-L-Y.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
11 Before I hand you this Declaration, did you ever receive
12 an e-mail of a transcript of these proceedings,
13 containing a transcript of these proceedings?

14 THE WITNESS: As in --

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm not trying
16 to fool you.

17 THE WITNESS: As in from somebody else you mean?

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes. Or --

19 THE WITNESS: No.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

21 THE WITNESS: No.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: So I'll just ask
23 for clarification. So you've never reviewed any of the
24 first two days of transcript in regards to these
25 proceedings?

1 THE WITNESS: No, sir.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you. All
3 right. Giving you Petitioner M. If you can take a look
4 at that document, and then let me know what it is.

5 THE WITNESS: As in my Declaration.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

7 THE WITNESS: (Inaudible) with our group.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
9 can you turn to the last page of that Declaration?
10 Almost there. Where your signature is. All right. And
11 is that your signature?

12 THE WITNESS: Yes, sir, it is.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And did you sign
14 it on or about the date set forth there?

15 THE WITNESS: Yes.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And are all the
17 doc -- are all what is contained in that Declaration true
18 and correct to the best of your knowledge?

19 THE WITNESS: Yes, it is.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Do
21 you have any corrections that you need to make?

22 THE WITNESS: I looked at my copy earlier, and I
23 don't think so.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Any
25 cleanup that you need to do or additional questions,

1 Mr. Rose?

2 MR. ROSE: No.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Tender the
4 witness, Mr. Messing.

5 MR. MESSING: Okay.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: It's right
7 there.

8 TESTIMONY OF

9 LINDA TULLY,

10 Having been duly and regularly sworn testified as
11 follows:

12 CROSS-EXAMINATION

13 BY MR. MESSING:

14 Q. So did you review your Declaration before coming
15 to testify today?

16 A. Yes.

17 Q. Is there anything else that you looked at to
18 prepare for your testimony?

19 A. I reviewed my -- our Duty Statements that we had
20 from before.

21 Q. Okay.

22 A. I reviewed paperwork from my supervisor about
23 armed patrols, et cetera, like that so I'd be able to
24 clarify that with you. And I think I'm as best prepared
25 as I can be, sir.

1 Q. When you -- when you say our Duty Statement?

2 A. Ours and the firefighter/peace officer -- or
3 security officer duties.

4 Q. Okay. How many different duty statements did you
5 have to look at?

6 A. Oh, just the one.

7 Q. The one -- the firefighter/security officer?

8 A. The one firefighter/security officer, one for
9 captain and --

10 Q. Okay.

11 A. -- and then a requirement for armed patrols put
12 out by our supervisor. Foot patrols.

13 Q. Is that a document?

14 A. Yes.

15 Q. Is it a memo of some sort?

16 A. Yes.

17 Q. Do you have a copy of that with you somewhere?

18 A. I think I do. I think I --

19 Q. Okay. I'll tell you what. We're going to
20 probably break for lunch in the middle of your testimony.

21 If you could possibly find that --

22 A. I can.

23 Q. -- before we resume? Okay. Now, when you're --
24 when you're talking about Duty Statement, you're not
25 talking about the Job Specification, correct?

1 A. No.

2 Q. Well, when I say --

3 A. Well, I'm sorry. Yes, I am.

4 Q. Good.

5 A. I'm sorry. I'm not very comfortable with this.

6 Q. Okay. And if you look at the back of your

7 Declaration?

8 A. Yes.

9 Q. Attached to that is a Job Specification.

10 A. Those are what I looked at, yes.

11 Q. That's what you looked at?

12 A. Yes.

13 Q. Okay. Not any other document other than the
14 armed --

15 A. Yes.

16 Q. -- patrol?

17 A. Correct.

18 Q. Okay. All right. Now, let's see. You're
19 employed at Hearst Castle?

20 A. Yes.

21 Q. Okay. And by the way, it says here that you --
22 and you signed this Declaration under penalty of perjury,
23 correct?

24 A. Yes.

25 Q. Okay. So you understand that that's just like

1 being sworn to testify in court?

2 A. Yes.

3 Q. Okay. And it says that you -- in here that you
4 got a high school diploma in 1968.

5 A. Yes.

6 Q. Is that correct?

7 A. Uh-hmm.

8 Q. Okay. It also says that you began -- you became
9 832 PC qualified in March of 1998; is that correct?

10 A. Yes.

11 Q. Okay. So what were you doing in the 30 years
12 between 1968 and '98?

13 MR. ROSE: Objection. Relevance.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You know, we had
15 some testimony from Sanchez in regards to being a former
16 Sac PD officer, so I'm going to allow this. Go ahead.

17 THE WITNESS: With -- let me just clarify what you're
18 asking. Other -- I was -- before that I came from Camp
19 Roberts also with the same duty -- the same job
20 description.

21 BY MR. MESSING:

22 Q. Okay. When were you hired at Camp Roberts?

23 A. Well, let me say this. I was there for 10 years,
24 I think. Six years of it was counted because it was a
25 PI, but --

1 Q. Okay. I am -- okay. Let's just do it this way.

2 A. Okay.

3 Q. 1968 you get your high school diploma.

4 A. Yes.

5 Q. Okay.

6 A. What I do from then --

7 Q. Starting then can you give us a brief overview of
8 your employment up to 1998?

9 A. Restaurant service, grocery store, married, crop
10 duster, a flagger for a crop duster I mean. From there I
11 went to -- I was a volunteer firefighter for 12 years,
12 administrator for that department.

13 Q. What department was that?

14 A. CDF. Templeton Fire Department. CDF took it
15 over.

16 Q. Okay.

17 A. I became -- I worked two years as a seasonal
18 firefighter for CDF. From there I went to Camp Roberts.

19 Q. And what year did you arrive at Camp Roberts?

20 A. I wish I could tell you that.

21 Q. Approximately.

22 A. Six years -- say six years before '95 probably.

23 Q. In 1995? Okay. Because it says in your
24 Declaration in 1998 you were employed --

25 A. No. Then it wouldn't be that. I was -- I'm just

1 trying to think. I have a six-year diploma. I mean a
2 plaque from them of full time work. So what does that
3 make it?

4 MR. ROSE: Ninety-two.

5 THE WITNESS: Ninety-two. Thank you.

6 MR. MESSING: Excuse me. I think it's inappropriate
7 for the --

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You have the
9 document in front of you, so --

10 MR. MESSING: -- for counsel to prompt his witness
11 for an answer.

12 THE WITNESS: I do. So do you want me to calculate
13 that up? All right. So --

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Go back to -- I
15 know you're kind of nervous. I can tell.

16 THE WITNESS: I'm very --

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: So just hang on
18 there. You're going to do fine.

19 THE WITNESS: I'm very --

20 MR. MESSING: No need to be nervous.

21 THE WITNESS: Okay. So --

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Go back to the
23 second page of that Declaration.

24 THE WITNESS: All right.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And so we have

1 your --

2 THE WITNESS: So I started there -- that part's
3 pretty clear. I started there March 8, '98.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. And so
5 back off six years?

6 THE WITNESS: So six years is '92.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

8 BY MR. MESSING:

9 Q. All right. Let's turn back to the -- to the top
10 of Declaration. Now, isn't it true that -- I'm going to
11 talk about firefighter/security officers. I'm going to
12 include the captain --

13 A. Okay.

14 Q. -- if that's okay with you, when I ask these
15 questions. Firefighter/security officers are basically
16 the first responders for fire, medical, rescue, hazmat?

17 A. Yes.

18 Q. Okay. And isn't it fair to say that perhaps 80
19 percent of your -- 80 percent of your job is firefighter
20 related as opposed to perhaps 20 percent peace officer
21 related?

22 A. Can I answer this from what I know from when we
23 first got the job at Camp Roberts? It was 70/30.

24 Q. Well, let's talk about currently. Would you say
25 that -- let's start with this. Would you say that a

1 majority of your job is firefighter related as opposed to
2 peace officer related?

3 A. I would say a majority, yes.

4 Q. Okay. Would you go so far as to say that 80
5 percent of your job is firefighter related? And when I
6 say firefighter related, I mean responding or being
7 prepared to respond to fire, medical, rescue, hazmat?

8 A. No. We have quite a bit of peace officer
9 responsibilities.

10 Q. Okay. Aren't -- where you work isn't it true
11 that park rangers are the primary responders for law
12 enforcement --

13 A. That's correct.

14 Q. -- actions?

15 A. Uh-hmm.

16 Q. Okay. And you have full time park rangers who
17 act in that capacity?

18 A. Yes.

19 Q. Okay. And sometimes they are -- they have K-9
20 units?

21 A. Yes.

22 Q. Okay. All right. And isn't it true that your
23 peace officer qualifications are really just 832 Penal
24 Code training, correct?

25 A. Right.

1 Q. Okay. And about -- do you recollect about how
2 long that training lasted?

3 A. Yes, sir. Initially when we were hired we all
4 went through that, so it was 40 hours of arrest and
5 control, 24 hours of range. Then we have 40 hours come
6 in of defensive tactics.

7 Q. Okay. So just over 100 hours total?

8 A. In the first three weeks, yes.

9 Q. Okay. And isn't it true that there is no
10 mandatory training by the Department for your peace
11 officer functions on an ongoing basis?

12 A. No, sir. We are -- we've trained right along
13 with the rangers. It's mandatory.

14 Q. Okay. What I'm asking you is do you have any
15 POST obligations beyond the 832 training that you
16 received?

17 A. Word that another way, sir.

18 Q. Well, you may -- you may have --

19 A. Are you saying --

20 Q. You asked me to word it another way.

21 A. Yes.

22 Q. You may have on-the-job training with peace
23 officers, but do you have formal training requirements
24 that have to be completed under the peace officer
25 standards and training?

1 A. Yes. The exact same ones.

2 Q. You have -- okay. What are those?

3 A. Twenty-four hours of -- well, we train quarterly
4 with our handgun, twice a year with our shotgun, a AR-14,
5 annually with our pepper spray and our baton.

6 Q. Okay. Anything else beside that?

7 A. On the peace officer side, no.

8 Q. Okay. So it's mostly you said -- it seems to be
9 mostly qualifying.

10 A. We train -- yes.

11 Q. Okay. So, all right. And as a peace officer,
12 you're only a level three peace officer, correct?

13 A. Right.

14 Q. Okay. And isn't it true that a level three peace
15 officer should administer law enforcement functions only
16 with a level one present?

17 A. No. We have full peace officer abilities.

18 Q. Okay. Now, tell us about your ongoing training
19 as a firefighter. What kind of training do you engage in
20 on an annual basis?

21 A. We have no annual training. We have training up
22 to a certain point and then we do monthly training. We
23 have just rotational training of what we deal with.

24 Q. You train regularly on EMT?

25 A. Yes, we have to keep an EMT.

1 Q. Okay. How much training do you get on that?

2 A. It's mandatory 24 hours every 2 years you re-
3 certify.

4 Q. Okay. What about hazmat training?

5 A. Hazmat annually.

6 Q. Annually? And how much time do you spend on
7 that?

8 A. It's eight hours a year.

9 Q. Okay. What other firefighter training do you
10 have?

11 A. That's mandatory?

12 Q. That's ongoing and mandatory.

13 A. I think none.

14 Q. Now, are you familiar with the firefighter/
15 security officers and other firefighters in other
16 locations in the state?

17 A. With the same classification?

18 Q. Yes.

19 A. Only Camp Roberts.

20 Q. Only Camp Roberts? So you don't know, for
21 example, anything about the firefighters who work in
22 Mental Health?

23 A. I don't.

24 Q. Okay. DDS?

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You're shaking

1 your head.

2 THE WITNESS: Sorry. No.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you.

4 THE WITNESS: Sorry.

5 BY MR. MESSING:

6 Q. Department of Veterans Affairs?

7 A. No.

8 Q. Department of Military?

9 A. Military is --

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Camp Roberts.

11 THE WITNESS: -- is Camp Roberts.

12 BY MR. MESSING:

13 Q. That's yours?

14 A. Uh-hmm.

15 Q. Camp Roberts. Okay. All right. Now, about --
16 do you know about how many positions there are for
17 firefighter/security officers at Camp Roberts?

18 A. I don't. When I was there it was 12, and I think
19 it's more than that now.

20 Q. Okay. And was the position of firefighter/
21 security officer at Camp Roberts, did it entail 832
22 training?

23 A. Yes.

24 Q. Okay. Now, at your current location, do you --
25 are you armed?

1 A. Yes.

2 Q. Okay. How about at the Department of Military,
3 were you armed?

4 A. Yes.

5 Q. Okay. Were you -- did you know -- or are you
6 aware of whether firefighters at Mental Health and DDS
7 can transfer to -- laterally transfer to positions at the
8 Department of Military or the Department of Veterans
9 Affairs?

10 A. I'm sorry, I don't.

11 Q. Okay. I want to look at page four of your
12 Declaration, please.

13 A. There.

14 Q. Okay. All right. Look at number 23, please, on
15 page four.

16 A. Yes.

17 Q. Okay. It says that you cooperate with California
18 Department of Fish and Game to enforce Fish and Game
19 violations.

20 A. If they call us, yes.

21 Q. Okay. About how many times a year does that
22 happen?

23 A. I've never been called.

24 Q. Never?

25 A. No.

1 Q. Okay. So it's not exactly accurate to say that
2 you cooperate with the Department of Fish and Game
3 because you've never done it? Look at -- look at your
4 statement.

5 A. I see the statement. I don't -- I'm trying to
6 just answer directly. It's fair to say they can call us
7 at any time.

8 Q. It's possible. But it says you actually
9 cooperate with them. That's not true.

10 A. I don't believe it's not true. I believe I
11 haven't been called, and I think that's a difference.
12 But --

13 Q. Okay. So you --

14 A. -- I could be wrong.

15 Q. So you believe that cooperating means that you
16 don't actually have to be working with them, that you
17 might have to be working, and that's cooperating with
18 them?

19 A. I do.

20 Q. Okay. And does the same thing -- well, let me
21 ask you this: How many times have you cooperated with
22 the state police, California Highway Patrol, and local
23 police when they require sworn backup assistance?

24 A. I don't have those -- I don't have those numbers
25 for you, but several times we've been asked to back them

1 up.

2 Q. Several times in your career?

3 A. Uh-hmm.

4 Q. Several times.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And that's a
6 yes?

7 THE WITNESS: Yes.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

9 THE WITNESS: Sorry.

10 BY MR. MESSING:

11 Q. Okay. You said we. Does that mean you
12 personally, or --

13 A. We as in our --

14 Q. -- does it mean --

15 A. We as in our fire department. But all our
16 classifications have been.

17 Q. Okay. So how many times have you personally
18 served as backup for the Highway Patrol?

19 A. Once.

20 Q. Once. Okay. The state police?

21 A. The county, the sheriff, but not state police.

22 Q. Okay. So not the state police. And you said --
23 and what about local police?

24 A. The sheriff would be who -- be our local. And
25 several different occasions.

1 Q. Several times?

2 A. Yes.

3 Q. So one time with the Highway Patrol and several
4 times -- this is over a period of over 10 years?

5 A. And again, I'm speaking for myself. Yes.

6 Q. And I'm asking you for yourself. And how many
7 times have you actually received cooperation from the
8 state police while you were performing law enforcement
9 functions?

10 A. Personally?

11 Q. Yes.

12 A. Zero.

13 Q. And how many times with the California Highway
14 Patrol? How many times did they provide you backup?

15 A. Two or three with trespassers.

16 Q. Two to three.

17 A. Starting our direction.

18 Q. Okay. This is over 10 or 11 years?

19 A. Uh-hmm.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Is that a yes?

21 MR. MESSING: You have to say yes or no.

22 THE WITNESS: Yes.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you.

24 THE WITNESS: I'm sorry.

25 /////

1 BY MR. MESSING:

2 Q. Okay. And what about local police, how many
3 times did they give you backup over 10 or 11 years?

4 A. Again, you're talking me about personally?

5 Q. You personally.

6 A. I can think of two.

7 Q. Two. Okay. Now, it says you have the power to
8 search suspects. How many times have you done that in
9 your career?

10 A. Once.

11 Q. Once.

12 A. No. Correction. Three times.

13 Q. Three times. Okay. How many times in the last
14 year?

15 A. Once.

16 Q. Okay. How about arrests, how many arrests have
17 you made in 11 years?

18 A. I have only detained.

19 Q. Okay. So the answer is none?

20 A. None.

21 Q. Okay. Have you issued -- how many issues -- how
22 many times did you issue citations for infractions?

23 A. About 20.

24 Q. Okay. So something like one or two a year?

25 A. Yes.

1 Q. Okay. And how many times have you issued
2 citations for misdemeanors?

3 A. They were all misdemeanors.

4 Q. So it's the same number?

5 A. Yes, the same.

6 Q. Okay. It's included in the total?

7 A. Yeah.

8 Q. Okay. Okay. Now, it says you interrogate
9 criminal suspects; is that correct?

10 A. Yes.

11 Q. Okay. How many times in the past year did you
12 interrogate a criminal suspect?

13 A. None.

14 Q. None? How about in the past five years?

15 A. One.

16 Q. One.

17 A. Potential.

18 Q. Potential.

19 A. I mean --

20 Q. Okay. That's -- it's a suspect I think means
21 potential. Let's see here. How many complaints have you
22 filed in the past year?

23 A. None.

24 Q. Okay. How many complaints have you filed in the
25 last five years?

1 A. None.

2 Q. How about over your whole career?

3 A. None.

4 Q. Okay. Okay. Now, I'm kind of interested,
5 because in 36 it says you have the power to search
6 suspects. To me that means it doesn't -- you don't
7 necessarily have to do it. You have the power. But
8 these other items below it, it says you actually do these
9 things. I file complaints. So are you saying that
10 that -- that that -- that this Declaration under penalty
11 of perjury is incorrect?

12 A. Let me see if I understand. I'm not sure whether
13 you want me to talk and talk, or how you want me to say
14 that. I have the ability to do these. I have the
15 training to do these.

16 Q. Right. But --

17 A. Because it's a low -- because it's a low volume
18 place and it's a -- it's a resort, those opportunities
19 don't present themselves.

20 Q. But as we indicated, this is a sworn -- you
21 understand this is a sworn Declaration under penalty of
22 perjury, correct?

23 A. Yes.

24 Q. Okay. It says, "I file complaints."

25 A. Okay.

1 Q. Okay. That's not a true statement, is it?

2 A. Would a better way have put it maybe for me to
3 say I have the ability to?

4 Q. Okay.

5 A. Would that have been a different way?

6 Q. Well, I think so. But I'm simply pointing out
7 that you -- it's not true that you -- to say that you
8 file complaints.

9 A. I guess.

10 Q. Okay.

11 A. I don't mean it to --

12 Q. Okay.

13 A. -- sound flippant, but --

14 Q. How many criminal reports have you prepared in
15 the last year?

16 A. Zero.

17 Q. How many in the last five years?

18 A. Zero.

19 Q. Okay. How many in your career?

20 A. Zero.

21 Q. Okay. So you don't prepare criminal reports?

22 A. Again, I guess we could go all the way down
23 those, but I could tell you I have the ability to --

24 Q. Okay.

25 A. -- would have been a better sentence for all of

1 them.

2 Q. For all of them? Okay.

3 A. No. No, I guess that's probably not true.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Do you want her
5 to pick out which ones, Mr. Messing?

6 BY MR. MESSING:

7 Q. Yeah. Which ones would you like to tell us as
8 you look? Let's deal with number 44 to 51 to start with.

9 A. Okay.

10 Q. Or no. Let's go down to 56. So 44 to 56 will
11 take you to the next heading. Which of these things
12 does -- have you actually not done?

13 A. Have I not done?

14 Q. Yes. Let's start with the first -- in the past
15 year.

16 A. Forty-seven I have not.

17 Q. Okay. Wait. Before you go on, so you've
18 controlled a riot in the last year?

19 A. Yes.

20 Q. Okay. Okay. So 47, no?

21 A. No.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You agree you
23 haven't done that?

24 BY MR. MESSING:

25 Q. You agree?

1 A. I agree, yes. I'm sorry.

2 Q. Okay. Go on.

3 A. That I have done. No on 47.

4 Q. Uh-hmm.

5 A. No on 48.

6 Q. Okay.

7 A. No on 49.

8 Q. Okay.

9 A. I have not done that, 50.

10 Q. Okay.

11 A. And I have in 51.

12 Q. I'm sorry?

13 A. I have in 51.

14 Q. Okay.

15 A. And I have in 52. I have 53.

16 Q. Uh-hmm.

17 A. I've only assisted in 54. I have in 55.

18 Q. Uh-hmm.

19 A. I have not in 56.

20 Q. Okay. And before we go on, the ones that you
21 have not done, I think I asked you for the past year.
22 Now let me ask you, have you done any of those in your
23 career?

24 A. No. I can say that the same.

25 Q. Okay. All right. Now, on the other side of the

1 coin, can you tell us how many times that you have
2 responded to medical emergencies in the last year?

3 A. Two or three hundred.

4 Q. Two or three hundred. Okay. Okay. So -- and I
5 assume that these responses are in your capacity more on
6 the firefighter side than it is as a peace officer,
7 correct?

8 A. I'm not sure why you think that'd be any
9 different, but --

10 Q. Well, let me put it to you this way: When you
11 respond to medical emergencies, are you responding to
12 provide medical assistance?

13 A. Yes.

14 Q. Okay. And isn't that a normal duty of a
15 firefighter?

16 A. Can I ask you, isn't it a normal duty of a peace
17 officer?

18 Q. Well, I would say would you --

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, we --

20 THE WITNESS: Is that -- is that okay? I'm sorry.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: No. Yeah. It's
22 not okay. But regardless of that, let me ask you this.

23 THE WITNESS: Okay.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: What type of --
25 what are you doing? When you said two, three hundred

1 times, what type of medical emergencies are you
2 responding to?

3 THE WITNESS: Well, again, the Castle has 100 --
4 800,000 people that come there a year.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

6 THE WITNESS: So there's always the opportunity for
7 hundreds of medical emergencies.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. But I
9 mean give us kind of a sampling of what are you talking.
10 You're talking about CPR? You're talking about --

11 THE WITNESS: No, not CPR.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Slip and fall?
13 What -- I mean --

14 THE WITNESS: Slip and fall, heart problems, medical
15 problems. We also have automatic aid for up to 30 or 50
16 miles on the highway. And that opportunity is always
17 there with those. So --

18 MR. MESSING: Okay.

19 THE WITNESS: -- plenty of opportunity.

20 BY MR. MESSING:

21 Q. Okay. So, now, let me ask you this: You had
22 indicated earlier you're a first responder for this type
23 of incident, correct?

24 A. EMT --

25 Q. Yes.

1 A. -- you mean? Yes.

2 Q. Right. Okay. And park rangers would be
3 secondary responders, correct?

4 A. We're dispatched the same. We all go to the
5 calls.

6 Q. Okay. So when you go to these calls, I presume
7 as a first responder you're the first one to render
8 medical assistance?

9 A. If I'm there first.

10 Q. Okay. If you're there first. What if you arrive
11 together with a park ranger, who is the individual who
12 will be in charge of rendering assistance?

13 A. It's a shared -- it's shared. I wouldn't -- he
14 wouldn't give it to me, and I wouldn't give it to them.
15 We just work to it.

16 Q. Okay. Are you an EMT?

17 A. Yes.

18 Q. Okay. Are the park rangers EMT trained?

19 A. Some of them are.

20 Q. Some of them are?

21 A. Uh-hmm.

22 Q. Do you know what percentage of them?

23 A. Hmm-um.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Is that a no?

25 /////

1 BY MR. MESSING:

2 Q. You have to say yes or no.

3 A. I'm sorry. That's a no.

4 Q. Okay. Do you ask them when they show up if
5 they're EMT trained to figure out who's going to assist
6 somebody who's --

7 A. No.

8 Q. -- having a heart attack? Okay. If somebody's
9 having a heart attack, isn't it assumed that you as an
10 EMT-trained individual are going to jump in and try and
11 take care of that person?

12 A. If it got technical, I suspect.

13 Q. Okay. And isn't it true that you wouldn't assume
14 that a park ranger showing up is EMT trained and is --
15 and is going to jump in and take care of the situation?

16 A. I don't think about that. I haven't yet.

17 Q. You just do your job. Okay. How many times in
18 the -- and so this is two or three hundred times in the
19 last year. How many times in the last year have you
20 responded to fire calls?

21 A. A true fire? Three.

22 Q. Three. How about calls for fire that may not
23 have turned out to be fires?

24 A. I'm guessing about 30 maybe.

25 Q. Thirty. Okay. And you're the first responder

1 for these calls, correct? You meaning firefighter/
2 security officers?

3 A. Yes.

4 Q. Okay.

5 A. Can I get one clarification from you, sir?

6 Q. Well, actually, there's not a question pending,
7 so let me -- let me --

8 A. Okay. Go ahead.

9 Q. -- please continue on my line of questioning.

10 A. All right.

11 Q. Okay. So you said you're the first responder.
12 How many -- how many of these calls do park rangers
13 respond to?

14 A. Everyone.

15 Q. Okay. And they are the secondary responder,
16 correct?

17 A. No. They're just part of the team.

18 Q. They're part of the team. So do they have the
19 same training that the firefighters do in handling fire
20 incidents?

21 A. No.

22 Q. No. Okay. So I --

23 A. Some of them are fire trained. I do want that
24 out there.

25 Q. Okay. But you don't particularly know what --

1 who has fire training and what level it is when you're
2 responding to an emergency, correct?

3 A. Well, they train with us.

4 Q. Okay. Now, what about a hazmat situation, spills
5 or incidents, how many of those have you responded to in
6 the last year?

7 A. None.

8 Q. None?

9 A. None.

10 Q. Okay. How about over the last five years?

11 A. There's been one at the Castle, but I don't know
12 when that was.

13 Q. Okay. Did you respond to it?

14 A. At the second day, yes.

15 Q. Okay. And you are hazmat trained?

16 A. Yes.

17 Q. Okay. And you're a first responder to that?

18 A. Right.

19 Q. Okay. Park rangers are not hazmat trained,
20 correct?

21 A. They are hazmat trained operation -- first
22 responder. We're operational. They're first responder.

23 Q. Okay.

24 A. But they are hazmat trained.

25 Q. They don't have the same level of training that

1 you have, correct?

2 A. Correct.

3 Q. Okay. Okay. What other -- do you do fire
4 inspections of the facilities?

5 A. Yes.

6 Q. Okay. How often do you do that in a year?

7 A. Annually it's a regular basis. It's ongoing.

8 Q. Okay.

9 A. We just work our way through the Castle and
10 Visitor Center.

11 Q. So is it a daily sort of duty?

12 A. It could be.

13 Q. Okay. Okay. Now, do you -- in your -- the
14 performance of your duties, do you work -- well, it says
15 here -- hang on a second -- you have a separate seniority
16 from other State employees who are not peace officers.

17 A. Right.

18 Q. You think that's a good thing?

19 A. Yes.

20 Q. Okay. And it says you're in a separate
21 promotional system from non-peace officer employees. You
22 think that's a good thing?

23 A. It's just rank-and-file. I think so.

24 Q. Okay. What are your -- it doesn't indicate here.
25 It says you work a 24-hour shift. But what kind of

1 schedule do you work?

2 A. Forty-eight on. Four off.

3 Q. Forty-eight on. Go on.

4 A. Four off.

5 Q. And four days off?

6 A. Yes.

7 Q. Okay. And that's a typical -- is that a typical
8 firefighter schedule?

9 A. Yes.

10 Q. Okay. Okay. Let me ask you this: It says in
11 your Declaration that you work with non-peace officer
12 personnel, but that they're not part of Bargaining Unit
13 7.

14 A. Correct.

15 Q. Okay. So let me ask you this: Do you have
16 dispatchers?

17 A. Yes.

18 Q. Okay. Are those dispatchers in -- what
19 bargaining unit are they in?

20 A. Four.

21 Q. Okay. Do you ever work with seasonal lifeguards?
22 Okay. I'm sorry. Let me back up for a second.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: so you want to
24 withdraw that question? Okay.

25 /////

1 BY MR. MESSING:

2 Q. Let me back up for a second.

3 A. Sure.

4 Q. Do you -- what agency does the dispatching for
5 you?

6 A. State Parks. We have our own dispatch.

7 Q. Your own dispatch?

8 A. Uh-hmm.

9 Q. So these are called State Park comm. operators?

10 A. No, not at our district.

11 Q. Okay. Well, then let me --

12 A. Dispatcher clerk.

13 Q. Okay. Are you familiar with other location --
14 you said you were familiar with Camp Roberts.

15 A. Yes.

16 Q. Okay. Who dispatches firefighter/security
17 officers from Camp Roberts?

18 A. The firefighter/security officer does.

19 Q. Okay. Okay. Well, let me ask you this: You
20 work -- do you ever work with seasonal lifeguards?

21 A. They -- we would -- we hire them per swim. Is
22 that what you mean? We -- as a --

23 Q. I'm asking if you ever --

24 A. Yeah.

25 Q. -- have occasion to work with them?

1 A. Twenty or 30 times a year we have swims, and they
2 come and work.

3 Q. Okay. So --

4 A. They lifeguard.

5 Q. And you know they're not peace officers?

6 A. Yes.

7 Q. Okay. And they're in the bargaining unit,
8 Bargaining Unit 7, correct?

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I mean do you --

10 THE WITNESS: I don't know.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

12 BY MR. MESSING:

13 Q. You don't know. Okay. What about on fires, do
14 you ever have occasion to work with people from OES?

15 A. Yes.

16 Q. Yes. Okay. And are you aware that OES
17 coordinators are in the same bargaining unit that you are
18 in?

19 A. No.

20 Q. Didn't know that. Okay. What about have you
21 ever responded to incidents or emergencies where there
22 have been conservationists present?

23 A. I don't know that I would know. I don't know.

24 Q. You don't know?

25 A. I don't know.

1 Q. So then they could be?

2 A. They could be.

3 MR. ROSE: Objection. Calls for speculation.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sustained.

5 MR. ROSE: Lacks foundation. Move to strike the
6 answer.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, she said
8 could be. It's not going to go one way or another. Go
9 ahead.

10 MR. MESSING: I have no further questions at this
11 time.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

13 MR. MESSING: But I would like to reserve the right
14 to question the witness based on the document that she's
15 going to use.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: What is the
17 document that you're talking about? I mean what was the
18 other document that --

19 THE WITNESS: Oh, the only other document I have and
20 that I was referring to was the day-to-day patrols, armed
21 foot patrols, that we have to patrol.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I mean is it --

23 THE WITNESS: So --

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Can you explain
25 what it is? Is it just a policy or just a --

1 THE WITNESS: It's just a policy. It's just telling
2 you --

3 MR. ROSE: Judge, we have that coming from my office.
4 It's being couriered here right now.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

6 MR. MESSING: Okay. Good.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
8 Well, let's make our way through, then, and go ahead.

9 MS. TRUONG: No questions.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. We
11 may be working our way through quicker than thought.
12 Mr. Rose?

13 REDIRECT EXAMINATION

14 BY MR. ROSE:

15 Q. You work with OES coordinators, Ms. Tully?

16 A. Not on a day-to-day basis. Only -- no, I don't
17 think so.

18 Q. Do you know what -- do OES coordinators wear
19 uniforms? Do you know?

20 A. I don't know.

21 Q. When's the last time you know you for sure worked
22 with an OES coordinator?

23 A. Out-of-county assignment.

24 Q. When was that?

25 A. Three years ago, I think.

1 Q. Prior to that when was the next most recent time
2 you worked with an OES coordinator?

3 A. That I would know of, I don't know. I don't
4 think so, no.

5 Q. And when you say out-of-county assignment, were
6 you responding as a firefighter?

7 A. Yes.

8 Q. And did you personally have interaction with the
9 OES coordinator?

10 A. No.

11 Q. Did anyone in your -- were you on a fire engine?

12 A. I was on an engine, yes. And we just received
13 our orders through the OES coordinator at the time.

14 Q. Did you -- did anyone on your fire engine, to
15 your knowledge, have personal interaction --

16 A. No.

17 Q. -- with an OES coordinator?

18 A. No. No.

19 Q. OES coordinator --

20 A. Just by radio.

21 Q. -- was just there?

22 A. It was just there and the information --

23 MR. MESSING: Object. Leading and mischaracterizes
24 the witness' testimony.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. In what

1 manner do you have any communication?

2 THE WITNESS: Just in -- just passed down orders that
3 need to be done. That's all.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

5 BY MR. ROSE:

6 Q. You said you respond on a mutual aid basis?

7 A. Yes.

8 Q. Or was it automatic aid to up the highway?

9 A. Automatic aid up the highway to Ragged Point and
10 above if it -- if it needs -- if it needs our engine.

11 And then auto aid/mutual aid, which is by request, into
12 Cambria.

13 Q. I see. And when you respond to Ragged Point, are
14 you responding on state highway?

15 A. Yes.

16 Q. Do you ever respond to motor vehicle accidents on
17 that highway?

18 A. All the time.

19 Q. Do any law enforcement agencies respond while you
20 respond to motor vehicle accidents on that highway?

21 A. Every call.

22 Q. Can you identify those for us?

23 A. Sheriff and CHP.

24 Q. Are you aware whether any CHP officers have
25 emergency medical technician training?

1 A. I don't know their level.

2 Q. Same question as to the sheriffs.

3 A. I don't know their level.

4 Q. Have you ever witnessed any CHP officer providing
5 medical care to a victim of a motor vehicle accident --

6 A. Sure.

7 Q. -- on a call that you went on?

8 A. Yes. Many times.

9 Q. Same question as to sheriffs.

10 A. Yes.

11 Q. When you're responding to a medical -- to a motor
12 vehicle accident on the highway, do you have any
13 obligations whatsoever as a peace officer during that
14 time, in your mind?

15 A. No, not usually. We always bring our equipment
16 with us. We always have our gear with us because we
17 never know. But --

18 Q. What equipment are you referring to?

19 A. Our POPE gear, our -- and my vest.

20 Q. Your what gear?

21 A. Our POPE gear. Our Sam Brown.

22 Q. What else is consisting of that in that gear?

23 A. Our gun. Is that what you mean?

24 MR. MESSING: I'm going to object. This is
25 cumulative. It's in the Declaration.

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, I don't
2 have it in front of me. But just go ahead and finish
3 answering the question.

4 THE WITNESS: I carry my weapon, my baton, my mace,
5 my -- anything you would need for a peace officer goes
6 with us everywhere.

7 BY MR. ROSE:

8 Q. Is that -- is that included when you respond to
9 medical emergencies?

10 A. Yes.

11 Q. And the same for fires, same question.

12 A. Yes.

13 Q. Have you ever been on a medical emergency when
14 you also had to take an action as a peace officer in your
15 job duties?

16 A. I was diverted once.

17 Q. What was that circumstance?

18 A. We were at a call. We were getting ready to --
19 we were at a minor medical aid, and we got a call for a
20 backup for one of our rangers that was having problems
21 with a gal that was real drunk, and basically he couldn't
22 gain control of her. So he asked for us to divert from
23 that call to go help him.

24 Q. All right. When you first got the job at Camp
25 Roberts, comparing your job at that time to today, would

1 you say that the job duties that you perform have stayed
2 the same, or have they changed?

3 A. Far more peace officer work here with DPR. That
4 is as opposed to Camp Roberts. Camp Roberts had -- they
5 always had security on post. We were always their
6 backup. And so at the Castle, we don't always have a
7 ranger readily available, so we were trained to take
8 immediate action to a higher level.

9 MR. ROSE: I see. Well, I don't have anything
10 further at this time. Although, once we get the document
11 here, I'd like to perhaps question the witness, or
12 depending on how it goes.

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.

14 MR. MESSING: I have --

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Anything further
16 on those questions?

17 MR. MESSING: I do.

18 RE-CROSS-EXAMINATION

19 BY MR. MESSING:

20 Q. Now, you have a basic firefighter uniform that
21 you wear?

22 A. Yes.

23 Q. Okay. And you were talking about an incident
24 where you received orders from an OES coordinator. What
25 kind of event was it?

1 A. It wasn't from an OES coordinator. It was from
2 our ranger.

3 Q. Well, your testimony was, and I wrote it down,
4 that you received orders from an OES coordinator.

5 A. On a --

6 Q. Now are you changing your testimony?

7 A. On a --

8 MR. ROSE: Objection. Argumentative.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sustained.

10 (Unintelligible) pass through. But this is just talking
11 about whether you remember the orders you received from
12 the park ranger.

13 THE WITNESS: From the park ranger was to assist and
14 back up with the young lady on the beach.

15 BY MR. MESSING:

16 Q. No. We're talking about the event that you
17 responded to out of county --

18 A. Yes.

19 Q. -- where you said you received -- you just
20 received orders from an OES coordinator. Do you remember
21 your testimony?

22 A. Just coordinating the fire. Is that --

23 Q. Yeah, coordinating the fire. So --

24 A. Yes.

25 Q. -- I am asking you what kind of a fire -- what

1 kind of event was it. It was obviously a fire.

2 A. It was a fire. We were just moving stages. The
3 OES coordinator just moves you around.

4 Q. Okay. So the OES coordinator deployed people in
5 the appropriate places?

6 A. Correct.

7 Q. Okay. Now, when you would respond to a motor
8 vehicle accident, you're in your normal firefighter
9 uniform?

10 A. Yes.

11 Q. Okay. And you're responding predominantly to
12 render medical assistance if needed, correct?

13 A. For that particular call, yes.

14 Q. Okay. And you were talking about the gear that
15 goes along with you, the peace officer gear. You're not
16 wearing that when you respond, correct?

17 A. Not to a fire, no. Or, no.

18 Q. Or to a medical emergency --

19 A. No.

20 Q. -- at a car wreck?

21 A. No.

22 Q. Okay. That's in the trunk of the car?

23 A. That's in the engine.

24 Q. In the engine. Okay. And when you -- when
25 you're at -- you talk about the fact that you've only

1 made I think -- did you say you've never arrested
2 someone? I don't recall.

3 A. No.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Just detained.

5 THE WITNESS: Just detained.

6 BY MR. MESSING:

7 Q. Okay. So you obviously have never detained or
8 arrested somebody at a motor vehicle accident, correct?

9 A. I've assisted with a drunk, but that was it.

10 Q. Okay. And it's not part of your duties to
11 investigate the accident either, is it?

12 A. It can be. Plenty of times to assist yes.

13 Q. Okay. Have you -- assist in what way?

14 A. To determine what happened with the accident.

15 Q. Okay. Do you write reports about the accidents?

16 A. Only what my job is for the accident. So does
17 that make sense?

18 Q. Well, your job you said is to respond
19 predominately for medical assistance.

20 A. Yes.

21 Q. So is that the part of the report that you
22 contribute to?

23 A. Twofold. If it -- if the accident was between a
24 person that had been drinking, then we impound the
25 vehicle and we'd have to go through it. I've assisted in

1 that. I didn't have to do the report. I was doing the
2 report with the ranger, so that was it.

3 Q. Okay. You don't -- you don't -- you're not a
4 part of the investigation of the cause of the accident,
5 correct?

6 A. Police on duty usually do that, yes.

7 Q. So you're -- you would agree with my --

8 A. The CHP.

9 Q. -- statement?

10 MR. MESSING: Okay. I don't have anything further
11 pending the document.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Why
13 don't we just take a quick break to see if (inaudible)
14 someone who's on their way here.

15 (Off the record.)

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We're back on
17 the record. We've been provided with a copy, and I'm not
18 going to mark it yet, unless any of the parties want me
19 to. But we've been provided with a copy of standard
20 operating guideline number 12 of the California State
21 Parks, San Luis Obispo Coast District, First Castle Fire
22 and Security, foot patrolling Hilltop.

23 Mr. Messing, do you have any further questions for
24 this witness?

25 MR. MESSING: Yeah, just a couple things.

1 BY MR. MESSING:

2 Q. I think you said that somebody brought this to
3 your attention, this document; is that true?

4 A. No.

5 Q. Oh, okay. So you --

6 A. It's just one we got, we received for our -- for
7 our SOG book.

8 Q. Okay. So this is -- this was issued in June of
9 2006. Is there some reason that you --

10 A. The same --

11 Q. Well, let me finish my question. Dug back to
12 find this?

13 A. I didn't -- I didn't want to take the old
14 administration's name. Is that what you mean? This is
15 just --

16 Q. Well, no. Were you looking for this document in
17 particular, or were you just skimming through a bunch of
18 documents to see if there was anything that might be of
19 help to you here?

20 A. I was just looking for documents to see what I
21 could bring to participate to show you what my job is.

22 Q. Okay. So this wasn't the only document you
23 looked at? You looked at a whole bunch of other stuff,
24 too?

25 A. Yes.

1 Q. Okay. So I asked you if you reviewed any
2 documents to prepare for your testimony. But, in fact,
3 you saw a lot more documents than this one, right? You
4 reviewed a whole bunch of others and this was just one of
5 them?

6 A. Yes.

7 MR. MESSING: Okay. Well, you know, I'm going to ask
8 that whatever it is that she reviewed be produced to us.
9 I'd like to see that file or the manual, whatever it is.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: What other
11 documents? Do you know? Is it just the specs and this?

12 THE WITNESS: They're just -- they're just memos
13 about housekeeping. All different kind of memos.

14 BY MR. MESSING:

15 Q. What do you mean housekeeping?

16 A. I mean just firefighter cleaning the house,
17 cleaning the -- they're just -- it's a just a general --
18 it isn't a complete book. This was just one that was put
19 out that was pertinent to this. And I knew that there
20 was something that it said about our -- about our
21 patrols, and so --

22 Q. Okay. So, basically, you have this -- how
23 many -- how many material -- how many documents were
24 there? Was it like this or this, or what are we talking
25 about? Can you estimate?

1 A. This was just in my e-mail.

2 Q. Hmm?

3 A. This was just in my e-mail.

4 Q. Well, you said you were looking through
5 documents.

6 A. In my e-mail, yeah. I was just --

7 Q. Okay. So how many -- how many documents like
8 this --

9 A. None.

10 Q. -- were in your e-mail?

11 A. None. This is -- this is the only patrol that we
12 do.

13 Q. No, no. I'm asking you everything that you look
14 at.. You said you looked at things about housekeeping
15 and firefighter training and lots of different things,
16 right?

17 A. Yes.

18 Q. Okay. So this was just one document in a bunch
19 of other documents?

20 A. That pertained to this, yes.

21 Q. Okay. But how many other documents did you look
22 at that were not, in your words, pertaining to this?

23 A. You mean how --

24 Q. How long did you spend looking at documents?

25 A. I don't know. I can't answer that question. I

1 don't feel like I --

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well --

3 THE WITNESS: I don't -- I don't guess I'm getting
4 the grift [sic] of this.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Just hold
6 on.

7 THE WITNESS: Okay.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: What did you
9 look at to prepare for your testimony today?

10 THE WITNESS: They had this from October.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Just what
12 you looked at to prepare for your testimony.

13 THE WITNESS: I was looking for this particular
14 document.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. What
16 else?

17 THE WITNESS: And I don't have anything -- my Duty
18 Statement.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And the Duty
20 Statement, the Job Specifications, or some other
21 document?

22 THE WITNESS: There is a Duty Statement. I don't
23 have it in this document, but there is a Duty Statement
24 that we have.

25 /////

1 BY MR. MESSING:

2 Q. Did you look at that before coming here to
3 testify? And by that I mean could be last week or two
4 weeks ago, but whenever you prepared.

5 A. Right. Yes.

6 Q. You did look at it?

7 A. Yes.

8 Q. Okay. Well, I'd certainly like a copy of that.

9 A. I can get you one.

10 Q. Okay.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Well,
12 that's not a good sign.

13 MR. MESSING: Did (inaudible) pay its bills this
14 month?

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: You'll have to
16 ask Buzz Oates. He owns the building. So, okay. So is
17 there a chance that you could forward it to Mr. Rose, and
18 he could make it available --

19 THE WITNESS: Sure.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: -- for us? All
21 right. All right.

22 MR. ROSE: Judge, can I --

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Any further
24 questions, at least on behalf of the Employer?

25 MS. TRUONG: No.

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose?

2 MR. ROSE: Yes. If you don't mind.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Yes.

4 MR. MESSING: Okay. Wait. No, no. I'm not -- I'm
5 not done. Did you think I was finished?

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

7 MR. MESSING: I'm not. First of all, on this issue,
8 I don't want to get into this witness' personal e-mails
9 or whatever, but I think it would be appropriate for her
10 to print out the list of documents that she was looking
11 at. For example, the Duty Statement we wouldn't have
12 gotten to if we hadn't probed. There may be other
13 documents that we're also going to want to see. And if
14 she looked at that in preparing for her testimony, we're
15 entitled to see it.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: The only thing I
17 have so far, other than specs and this, is the Duty
18 Statement for preparing for your testimony. Is it -- no,
19 I'm not asking what you're asking.

20 MR. MESSING: Well, Judge, she also said -- she also
21 said --

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: No. Listen.

23 MR. MESSING: -- she looked at other documents.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I get to ask the
25 questions.

1 MR. MESSING: Okay.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: So I'm asking
3 the question. For preparation of testimony, what else
4 did you look at?

5 THE WITNESS: These were all I have to look at was
6 this --

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

8 THE WITNESS: -- the Duty Statement, and this.
9 That's all I had to look at.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And that's all
11 you get a right to look at, Mr. Messing.

12 MR. MESSING: Okay. This contradicts the witness'
13 testimony of a couple minutes ago when she said she
14 looked at documents about firefighter housekeeping and
15 other things.

16 MR. ROSE: Judge, may I be heard?

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes, go ahead,
18 sir.

19 MR. ROSE: I think Mr. Messing is confusing what the
20 witness has looked at in general with respect to her
21 participation in the severance petition. She said, "This
22 was provided to my office in October of 2008," and what
23 she specifically reviewed in preparation, deliberate
24 preparation for her testimony today. And obviously, all
25 the witnesses have reviewed hundreds of thousands of

1 documents that will inform their testimony. And so with
2 respect to the duty statement, I have it right here.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
4 Thank you.

5 THE WITNESS: Thank you.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And we'll go off
7 the record.

8 (Off the record.)

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Back
10 on the record. Mr. Rose.

11 MR. ROSE: Yeah. What I've just handed out to all
12 the parties and the witness and yourself is a Memorandum
13 dated October -- well, first of all, a Duty Statement for
14 position number two, a Memorandum dated October 19, 2008,
15 to Ms. Tully from John Russo. Subject: Wearing of peace
16 officer protective equipment. Three color photographs of
17 Ms. Tully in her uniform and in her -- near her State
18 vehicle. And those are the documents we received from
19 Ms. Tully.

20 I don't know whether or not she reviewed them in
21 preparation for her testimony here today specifically.
22 But I'd like to have all of these documents marked for
23 identification.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
25 Let's do that right now, then. I'm going to be marking

1 as Petitioner --

2 MR. MESSING: What are the numbers?

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: The numbers are
4 going to be N, O and P. Specifically, Petitioner N is
5 the Standard Operating Guide -- Guideline -- Standard
6 Operating Guideline No. 12 regards to the foot
7 patrolling.

8 And marking as Petitioner O what appears to be the
9 October 19th, '08, Memorandum from John Russo to Linda
10 Tully, with attached to it appears to be digital
11 photographs of witness, her badge, and her vehicle.

12 Marking as Petitioner P what appears to be a Duty
13 Statement of the firefighter/security officer.

14 (Petitioner's Exhibits N, O and P marked
15 for identification.)

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And before I
17 turn over further examination to Mr. Messing, if you want
18 to go ahead and lay the foundation for these documents
19 with this witness, then we'll move over to Mr. Messing.
20 So, Mr. Rose, go ahead.

21 MR. ROSE: Yes, thank you.

22 FURTHER REDIRECT EXAMINATION

23 BY MR. ROSE:

24 Q. Ms. Tully, first let me have you look at what's
25 been marked for identification as Petitioner's N, which

1 is the Foot Patrol in Hilltop, date of issue June 30,
2 2006. Do you have it in front of you?

3 A. Yes.

4 Q. Do you recognize that document?

5 A. Yes.

6 Q. What is it?

7 A. That's our -- that's our guides for patrolling
8 from our -- from our superintendent.

9 Q. I see. And do you follow this guide?

10 A. Yes, we do.

11 Q. Is this guide a part of a larger document?

12 A. No.

13 Q. Well, what I mean by that, is it contained in a
14 binder? Where is this located?

15 A. It probably -- it was sent out from the
16 supervisor. Our rec -- our personal records are hit and
17 miss with our attempt to put them in a binder, I guess.
18 But the reason it was generated was a reminder of high
19 profiles needed to be done, foot patrols. And like
20 everyone else, they don't -- sometimes people don't get
21 their two in a day, so it's just a reminder.

22 Q. Do you see where it says at the top of the page
23 standard operating guideline?

24 A. Yes.

25 Q. To the right of that it says number 12. Do you

1 see that?

2 A. Yes.

3 Q. Are there other standard operating guidelines
4 with different numbers?

5 A. Yes.

6 Q. And this is just but one of those; is that right?

7 A. One that pertains to -- yes.

8 Q. Did you review this document in preparation for
9 your testimony here today?

10 A. Yes.

11 Q. When?

12 A. Last night, too. Just to review so that I could
13 speak -- just so that I could get it right when I was
14 talking to you.

15 MR. ROSE: Excellent. I'd move admission of
16 Petitioner's N.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Any objection to
18 M?

19 MR. MESSING: To N.

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: N.

21 MR. MESSING: No.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

23 MS. TRUONG: No.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: N is admitted.

25 /////

1 (Petitioner's Exhibit N received in
2 evidence.)

3 BY MR. ROSE:

4 Q. Now, then, looking to another page, Ms. Tully,
5 please look at the -- what's been marked for
6 identification as Petitioner's O, Memorandum, State of
7 California, dated October 19, 2008, from Mr. Russo to
8 you. Do you have that in front of you?

9 A. Yes.

10 Q. Do you recognize that document?

11 A. Yes.

12 Q. What is it?

13 A. That was just his clarification of the same.
14 Just to be sure that we -- be sure that I have this
15 right, it's October 19th?

16 Q. The October 19th, 2008, Memorandum is what I'm
17 looking at.

18 A. Yes.

19 Q. Is that what you're looking at?

20 A. Yes.

21 Q. And what is that document?

22 A. It's the same. It's the -- it's just the same
23 one. Just reminding us to -- telling us to go out, put
24 your gear on, and go out and patrol the area. Be high
25 profile.

1 Q. And do you do that?

2 A. Yes.

3 Q. What does it mean to be high profile?

4 A. High profile is --

5 MR. MESSING: Okay. I'm going to object. That goes
6 beyond laying a foundation for the document.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm actually
8 going to allow that last one. Go ahead.

9 THE WITNESS: They like us with our weapons out among
10 the guests to -- for a level of security. There's
11 hundreds of people on the hilltop all the time. And so
12 if we all break it up and spend some time out with the
13 people, they realize that there's law enforcement on the
14 hilltop.

15 MR. ROSE: Move admission of Petitioner's O.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
17 just I -- you know, I attached the two photos of yourself
18 to that document. That was probably a mistake. But
19 anyway, there's three photographs. Those are you?

20 THE WITNESS: Yes, they are.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And one of them
22 is what, a captain's badge?

23 THE WITNESS: Just the badge, yeah.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
25 any objection to O? Exclusive Rep?

1 MR. MESSING: Not at this time, no.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: On behalf of the
3 Employer?

4 MS. TRUONG: No.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: O is admitted.

6 (Petitioner's Exhibit O received in
7 evidence.)

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Witness as P.

9 MR. ROSE: Just for clarity, Judge, the pictures are
10 part of O?

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

12 MR. ROSE: Okay. Thank you.

13 MR. MESSING: We'll stipulate to the Duty Statement.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. P,
15 any objection to that?

16 MS. TRUONG: No.

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: P is in.

18 (Petitioner's Exhibit P received in
19 evidence.)

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

21 FURTHER RECROSS-EXAMINATION

22 BY MR. MESSING:

23 Q. Okay. Let's start with N. Can you look at N?

24 A. I don't --

25 Q. Okay. Well, I --

1 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm sorry about
2 that.

3 THE WITNESS: I didn't write them.

4 MR. MESSING: N as in Nancy.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I will help you.
6 N. O.

7 THE WITNESS: And this is attached to there.

8 ADMINISTRATIVE LAW JUDGE CLOUGHESY: P. All right.
9 Witness has N.

10 THE WITNESS: All right.

11 BY MR. MESSING:

12 Q. Okay. Now, it says here that you're to do two
13 foot patrols in a day; is that correct?

14 A. Yes.

15 Q. It says that the patrols will be noted and read
16 in the shift logbook?

17 A. Yes.

18 Q. Okay. Does that show the amount of time that is
19 spent on the patrol?

20 A. Yes.

21 Q. Okay. And it says that the patrol -- one patrol
22 is between -- well, before noon, it looks like.

23 A. Yes.

24 Q. Okay. And this is a patrol where you go to a
25 hilltop? Is that what it is?

1 A. The hilltop is where the Castle is and it's where
2 the tours are being given.

3 Q. Okay. So how long does that one tour in the
4 morning take?

5 A. It isn't written here, but the goal is an hour.

6 Q. An hour. Okay. How about the one at the end of
7 the day?

8 A. The same.

9 Q. The second part of the day?

10 A. The same.

11 Q. An hour. Okay. Now, turning your attention to

12 O. How long have you been exercising peace officer
13 hours? Since 1998?

14 A. Before that was Camp Roberts.

15 Q. Okay. But --

16 A. But this, yes.

17 Q. Yeah. Here. Okay. So why all of a sudden was
18 it necessary for there to be a clarification of what the
19 peace officer functions were to be?

20 MR. ROSE: Objection. Lacks foundation. Calls for
21 speculation.

22 BY MR. MESSING:

23 Q. If you know.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sustained. I
25 mean --

1 BY MR. MESSING:

2 Q. Well, let me -- let me put it to you this way:

3 Did you -- what prompted this Memorandum, if you know?

4 A. I don't know exactly. But I know that we had a
5 change of supervisor and they like to clean up and put
6 things in their name.

7 Q. Okay. Did the supervisor ask you to have your
8 picture taken in uniform in front of a truck?

9 A. No.

10 Q. Okay. Was that part of this memorandum?

11 A. No.

12 Q. Okay. Who took your picture in front of the
13 truck?

14 A. My dispatcher.

15 Q. Okay. So you don't know if anybody requested
16 this memorandum of October 19th, 2008?

17 A. I don't.

18 Q. Okay. Now let's get to the picture. Okay. Do
19 you know if this was -- this memorandum was issued to all
20 of the firefighter/security officers where you work?

21 A. I don't.

22 Q. You don't know. Was this -- how did you receive
23 this document?

24 A. An e-mail.

25 Q. By e-mail? Okay. So you would have an e-mail

1 that would show who the recipients were of this document?

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Only if you
3 remember.

4 THE WITNESS: I don't know.

5 BY MR. MESSING:

6 Q. If you keep your -- did you print this document
7 off of your e-mail?

8 A. I did.

9 Q. Okay. So you -- do you still have that e-mail?

10 A. I don't know.

11 MR. MESSING: Okay. Well, I'm going to request that
12 if she still has the e-mail, I'd like to see who the
13 recipients were.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Denied. Next
15 question.

16 MR. MESSING: Well, I think this is altogether
17 relevant.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I don't want to
19 get into some (inaudible) with you.

20 MR. MESSING: Well, I'm going to make an offer of
21 proof. This is -- the offer proof is this is -- this is
22 a document that was requested specifically and issued for
23 the purposes of this hearing.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Was that ever
25 communicated to you?

1 THE WITNESS: No.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thanks.

3 MR. MESSING: But the -- but if it was issued only to
4 one person and not to all of the firefighter/security
5 officers, that would certainly be probative of that
6 issue.

7 ADMINISTRATIVE LAW JUDGE CLOUGHESY: I'm not going to
8 make such a stretched inference. Next question.

9 BY MR. MESSING:

10 Q. Drawing your attention to the photograph.

11 A. All right.

12 Q. Is this the equipment that you would be wearing
13 on the patrol that's referenced in the Exhibit N?

14 A. Yes.

15 Q. Okay. What parts of the -- of this uniform do
16 you have to put on in order to -- on top of your normal
17 firefighter security uniform in order to do the patrol
18 that's listed in -- or referenced in Exhibit N?

19 A. I just add my weapon.

20 Q. Okay. Your weapon. Okay.

21 A. Well, the belt. The whole belt.

22 Q. The whole belt. Okay. And what's on the belt in
23 addition to the weapon?

24 A. Pepper spray, a baton, handcuffs.

25 Q. Okay.

1 A. Extra ammunition.

2 Q. And who requested that these photographs be taken
3 and prepared for you?

4 A. It was my thought that I could better explain it
5 to you folks to say that this is how we patrol. So it's
6 independent --

7 Q. Okay.

8 A. -- preparation for here.

9 Q. Okay. Now, when you're done with the one-hour
10 patrol, or when you're not on the patrol, you don't wear
11 a gun, or you do?

12 A. The only time I don't wear a gun is when I'm
13 doing vehicle maintenance, or I'm teaching, or -- yeah.
14 So the gun is either with me or on me.

15 Q. Okay. But I'm asking you about when you wear it.

16 A. Okay.

17 Q. Not when it's with you. You don't wear a gun
18 when you respond to a fire, do you?

19 A. No.

20 Q. Okay. Do you wear a gun when you respond to a
21 medical emergency?

22 A. Half the time it could already be on, the weapon,
23 so it would stay on.

24 Q. Okay. And then the other half of the time?

25 A. If it doesn't happen to be on, I don't put it on

1 to go, if that's your question.

2 Q. So you don't have the gun on all day long?

3 A. If -- as long -- can I just add when it is on all
4 day long, and that's when there's not a ranger on the
5 hilltop.

6 Q. Okay. And if there is a ranger on the hilltop?

7 A. Then it's like we were just talking about.

8 Q. Bring it along with you and put it on as
9 necessary?

10 A. It's on a lot of the time.

11 Q. Okay. Let's look at Exhibit P.

12 A. Okay.

13 Q. Look at the section entitled security.

14 A. Okay.

15 Q. Okay. Now, would you read that to yourself? Not
16 out loud. And I'll ask you a question.

17 A. Okay.

18 Q. Okay. Would you -- you'd agree that there's
19 stuff in here that is not involved with criminal
20 enforcement, correct?

21 A. Yes.

22 Q. Okay. But security is only listed as 30 percent
23 of your job, and is that right? Do you agree with this
24 Duty Statement?

25 A. It's at least 30, yes.

1 Q. Okay. Do you agree that fire prevention and
2 protection is 30 percent of your job?

3 A. Yes.

4 Q. Okay. The same with health and safety, 30
5 percent?

6 A. About, yeah.

7 Q. And you agree that 10 percent of your job is
8 administrative, approximately?

9 A. Yes. Yes.

10 MR. MESSING: Nothing further on this.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Do you --
12 nothing further on this. But does that mean I can pass
13 the witness or --

14 MR. MESSING: Yes.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Mr. Rose?

16 MR. ROSE: Yes, briefly.

17 FURTHER REDIRECT EXAMINATION

18 BY MR. ROSE:

19 Q. Ms. Tully, thank you for your patience. With
20 respect to the Duty Statement marked as P, do you
21 consider these percentages, for example, 30 percent
22 security, to be minimums or maximums or approximations,
23 or how would you characterize those percentages?

24 A. I believe they'd be about minimums. Some days
25 it's much more.

1 Q. Have you -- have you ever been told that you were
2 performing too much security, for example?

3 A. No.

4 Q. Have you been told you were performing too much
5 fire prevention and protection?

6 A. No.

7 Q. Do you recall your testimony when the attorney
8 for CSLEA asked you about investigation of vehicle
9 accidents?

10 A. Yes.

11 Q. Could you please look under security, 30 percent,
12 and look to the -- in that paragraph, look to the third
13 line from the bottom, about the center.

14 A. Got it.

15 Q. It says, "Investigate and report accidents." Do
16 you see that?

17 A. Yes.

18 Q. What do you understand that to mean?

19 A. If there's an accident, and we have had a few in
20 hindsight, I need to make reports like any other peace
21 officer would.

22 MR. ROSE: Nothing further at this time. Although,
23 Judge, I just make the request that I -- we didn't intend
24 to represent that the pictures go with the memorandum. I
25 believe you understand that. And I, for clarify, and

1 perhaps we could -- since it's O, we could turn that into
2 Q for the pictures.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. I
4 understand why you want to do that. And I actually agree
5 with you. All right. I'm going to segregate the -- as
6 Petitioner Q the three photographs. And they are
7 admitted, sir.

8 (Petitioner's Exhibit Q marked for
9 identification and received in evidence.)

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: With that,
11 anything further, Mr. Messing?

12 MR. MESSING: Just two or three quick things.

13 FURTHER RE-CROSS-EXAMINATION

14 BY MR. MESSING:

15 Q. The Duty Statement, that's supposed to be -- do
16 you understand this to be an average estimation of the
17 different functions that you perform, correct?

18 A. Yes.

19 Q. Okay. So on any given day any one of these
20 categories could be more or less?

21 A. That's a fair statement.

22 Q. Okay. And just one other thing is the issue
23 about investigating and reporting accidents. You have
24 accidents that occur on park grounds?

25 A. Yes.

1 Q. Okay. Somebody slips and falls, is that
2 considered an accident?

3 A. Yes.

4 Q. Okay. And you would report that?

5 A. Yes.

6 Q. And you have to write a -- investigate and write
7 a report about that?

8 A. Yes.

9 Q. Okay. Have there ever been any vehicle accidents
10 on your park grounds?

11 A. Yes.

12 Q. Okay. And so you would investigate and report
13 that?

14 A. Yes.

15 Q. Okay. And so that's why we hear a difference in
16 your testimony between that and the bulk of the duties
17 that you have when you're responding to --

18 A. Correct.

19 Q. -- something off of park grounds, right?

20 A. Yes.

21 MR. MESSING: Okay. Nothing further.

22 MS. TRUONG: Nothing further.

23 MR. ROSE: No.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Thank you very

25 much.

1 THE WITNESS: Okay.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And we will go
3 off the record, take our break. Off the record.

4 (Lunch recess.)

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
6 We're back on the record. We are marking as Petitioner's
7 Exhibit R what appears to be a Declaration of Joanna
8 Rykoff in lieu of direct testimony. The Declaration also
9 has appended to it the State Personnel Board Job
10 Specifications or Series Specifications for Criminal
11 Investigator, Department of Toxic Substances Control.

12 (Petitioner's Exhibit R marked for
13 identification.)

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And I'm going to
15 hand R to this witness and ask you to -- wait a minute.
16 I still need to wait for -- didn't see that. Let's go
17 off the record and I'll swear you in. Hold on a second.
18 Off the record.

19 (Off the record.)

20 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We're back on
21 the record. I'm going to ask you to raise your right
22 hand.

23 (Witness sworn by the Judge.)

24 THE WITNESS: Yes, I do.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Please state

1 CERTIFICATION AND
2 DECLARATION OF TRANSCRIBER

3 I, Leisa M. Miller, a duly designated transcriber of
4 Vine, McKinnon & Hall, do hereby declare and certify
5 under penalty of perjury that I have transcribed from CD
6 recording the proceedings in the matter of STATE OF
7 CALIFORNIA, Employer, and PEACE OFFICERS OF CALIFORNIA,
8 Petitioner, and CALIFORNIA STATEWIDE LAW ENFORCEMENT
9 ASSOCIATION, Exclusive Representative, Unfair Practice
10 Charge No. SA-SV-171-S, and which recording was duly
11 recorded at Sacramento, California on February 26, 2009,
12 and that the foregoing pages 1 through 271 constitute a
13 true, complete and accurate transcription of the
14 aforementioned recording to the best of my ability.

15
16 Dated this 14th day of March, 2009, at Dixon,
17 California.

18
19
20 _____
21 Leisa M. Miller, Transcriber
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25