

March 12, 2009

Page 1

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.)	
)	
_____)	

MARCH 12, 2009

SHAWN CLOUGHESY
Administrative Law Judge

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

Transcribed by: Leisa M. Miller

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

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

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

INDEX OF WITNESSES

--oOo--

Exclusive Representative's Witnesses	Page
JAMES VITKO	
Cross-Examination by Mr. Rose	14
Cross-Examination by Ms. Truong	54
Further Cross-Examination by Mr. Rose	57
KARLYNE AMARAL	
Direct Examination by Mr. Messing	62
Cross-Examination by Mr. Rose	67
Cross-Examination by Ms. Truong	77
Redirect Examination by Mr. Messing	78
Recross-Examination by Ms. Truong	78
Recross-Examination by Mr. Rose	79
SHELLEY BISHOP	
Direct Examination by Mr. Messing	84
Cross-Examination by Mr. Rose	87
Redirect Examination by Mr. Messing	99
Recross-Examination by Mr. Rose	101
Further Redirect Examination by Mr. Messing	103
ALLAN WIDMEYER	
Direct Examination by Mr. Messing	107
Cross-Examination by Mr. Rose	111
Cross-Examination by Ms. Truong	126
Further Cross-Examination by Mr. Rose	127

1	INDEX OF WITNESSES (Continued):	
2	Exclusive Representative's Witnesses	Page
3	JOHN KNIGHT	
4	Direct Examination by Mr. Messing	130
5	Cross-Examination by Mr. Rose	134
6	Redirect Examination by Mr. Messing	156
7	BRUCE D. HOTCHKISS	
8	Direct Examination by Mr. Messing	169
9	Cross-Examination by Mr. Rose	174
10	LAURA CAMPOS	
11	Direct Examination by Mr. Messing	196
12	Cross-Examination by Mr. Rose	203
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

INDEX OF EXHIBITS

--oOo--

		Ident.	Evid.
3	Exclusive Representative's Exhibits		
4	U Declaration of James Vitko		58
5	V Declaration of Karlyne Amaral	59	81
6	W Declaration of Shelley Bishop	82	105
7	X Declaration of Allan Widmeyer	106	128
8	Y Declaration of John Knight	129	157
9	Z Declaration of Bruce Hotchkiss	167	192
10	AA Declaration of Laura Campos	194	214

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 from you right here. And I need to admonish you not to
2 discuss your testimony with any witnesses, but you're
3 free to discuss it with anyone at these three tables
4 here.

5 THE WITNESS: Okay.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And do you
7 understand the admonishment?

8 THE WITNESS: Yes, I do, sir.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And with that,
10 Exclusive Rep V is admitted.

11 (Exclusive Representative's Exhibit V received
12 in evidence.)

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: We are off the
14 record.

15 (Off the record.)

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
17 We're back on the record. We have the next witness
18 called by the Exclusive Representative. Can I ask you to
19 raise your right hand?

20 (Witness sworn by the Judge.)

21 THE WITNESS: I do.

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

24 THE WITNESS: Shelley Bishop. B-I-S-H-O-P.

25 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And

1 Shelley is with an E-Y at the end, I take it?

2 THE WITNESS: It is with an E-Y, sir.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. I
4 have a couple preliminary questions. But before that,
5 I'm going to be marking as Exclusive Representative W
6 what appears to be a Declaration of this witness.

7 (Exclusive Representative's Exhibit W marked
8 for identification.)

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Let
10 me get to those questions. Did you ever remember
11 receiving transcripts of any of these proceedings?

12 THE WITNESS: Receiving them?

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

14 THE WITNESS: No.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Well, do
16 you remember reading them?

17 THE WITNESS: I read a part of a transcript from our
18 website, CSLEA website.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. Do you
20 remember how long ago that was?

21 THE WITNESS: Honestly, it's -- no, I don't. It's
22 maybe a month ago or so. I'm not really sure.

23 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay. But you
24 don't remember reading the transcripts -- I put that back
25 already -- such as -- such as this, anything like that?

1 THE WITNESS: Oh, no, nothing like that.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Okay.

3 THE WITNESS: I would remember that, yes.

4 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, most
5 people don't like to read them. But anyway, regardless,
6 additionally, do you know who James Cline is?

7 THE WITNESS: It's taking too long to remember, so
8 not that I can recall of now.

9 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
10 Passing to you Exclusive Representative W.

11 THE WITNESS: Uh-hmm.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And I'm going to
13 be asking you, do you recognize that document?

14 THE WITNESS: Yes, I do, sir.

15 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And what do you
16 recognize it as?

17 THE WITNESS: It's my Declaration.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And if you could
19 turn to your signature page?

20 THE WITNESS: Yes.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And is that your
22 signature?

23 THE WITNESS: Yes, it is.

24 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And did you sign
25 it on the date and location set forth?

1 THE WITNESS: Yes, I did.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
3 are the contents of that Declaration true and accurate to
4 the best of your recollection?

5 THE WITNESS: I did find one typo mistake.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
7 where is that?

8 THE WITNESS: It's on page three. For some reason
9 right here on number nine, it says there are
10 approximately 16 Investigator positions. It should be
11 146. It's a big difference.

12 ADMINISTRATIVE LAW JUDGE CLOUGHESY: That is. Okay.
13 Why don't you scratch out the 16 and then put in the
14 number and initial and date it. All right. And witness
15 has done so. And did everyone get that number? Hundred
16 and forty-six instead of 16.

17 All right. Any other corrections?

18 THE WITNESS: Not that I've noticed, sir.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing,
20 pass the witness.

21 MR. MESSING: Okay.

22 TESTIMONY OF

23 SHELLEY BISHOP,

24 Having been duly and regularly sworn, testified as
25 follows:

1 DIRECT EXAMINATION

2 BY MR. MESSING:

3 Q. So how long have you been employed in positions
4 that are within Bargaining Unit 7?

5 A. Approximately 24 years. A little over.

6 Q. Okay. And how many years have you been active --
7 pardon me. CASI is an affiliate of CSLEA?

8 A. Yes.

9 Q. Okay. And how long have you been active in CASI?

10 A. That would be for a little over 24 years.

11 Q. Okay. And how long over -- during that 24-year
12 period did you hold positions on the Board of Directors
13 or as an officer?

14 A. With CASI as an officer, I started as Director at
15 Large in I want to say probably 2004. That's an
16 approximate date.

17 Q. I'm sorry?

18 A. Approximately 2004 I believe it was when I was a
19 Director at Large.

20 Q. Okay. And your current position is?

21 A. As a President.

22 Q. Okay. Now, in your position on the Board of
23 Directors and as President, if there were complaints
24 about individual representation in grievances,
25 disciplines, IAs, is that something that would normally

1 come to your attention?

2 A. Some of them would.

3 Q. Okay. Can you characterize -- I'm talking now
4 about individual representation issues. That would be
5 grievances, disciplines and the like. Can you
6 characterize the feedback that you've gotten from your
7 members on how CSLEA has done in those areas?

8 A. The one that -- incident that comes to mind was a
9 new higher, and he was said to have been cheating in the
10 academy, and he was let go from even being on probation.
11 He was just let go. And CSLEA picked up the case. It
12 went to hearing. And he was reinstated with full
13 benefits and back pay. And he's happily employed with
14 ABC right now.

15 Q. Okay. Do you recall since let's say 2004, when
16 you became a Director, do you recall any complaints about
17 the nonresponsiveness of CSLEA when people called in for
18 grievances, disciplines or IAs?

19 A. No. I have not had any negative in that area.

20 Q. Okay. Now, let's move over to the area of
21 bargaining. Can you tell us since 2004 what kind of
22 feedback you've received from your members regarding how
23 CSLEA has done with bargaining?

24 A. With our members, the object of getting more
25 money has always been a goal. And for some reason, ABC

1 Investigators have been in competition with Department of
2 Justice, and they always think they should get the same,
3 even though the job is different. So that would have
4 been the only complaint through the last contract was
5 they wanted more money.

6 Q. Now, in 2006 there were some adjustments that
7 were made which gave different increases to different
8 levels.

9 A. Yes.

10 Q. Did you receive some complaints from any of your
11 members regarding the level of pay that ABC Investigators
12 was afforded?

13 A. That was what I was referring to. They felt they
14 should have had the 25 percent instead of, I believe, the
15 17.

16 Q. Okay. Okay. I think I will pass the witness
17 over to Mr. Rose.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sir?

19 MR. ROSE: Thank you.

20 CROSS-EXAMINATION

21 BY MR. ROSE:

22 Q. Good morning, Ms. Bishop.

23 A. Good morning, sir.

24 Q. My name is Joe Rose. I'm attorney for Peace
25 Officers of California.

1 A. Uh-hmm.

2 Q. Were you on the CSLEA Board in 2003?

3 A. No.

4 Q. All right. Other than the -- well, tell me again
5 who it is in Bargaining Unit 7 that you work with that is
6 not sworn at the ABC?

7 A. The Licensing Reps.

8 Q. Okay.

9 A. Well, Licensing Representatives is the full
10 title.

11 Q. And are there any other non-sworn employees at
12 the ABC that you work with regularly?

13 A. Not in our bargaining unit. We have other
14 employees.

15 Q. How about outside of your bargaining unit?

16 A. I'm not sure what you're asking.

17 Q. Do you work with other non-sworn employees that
18 are not in Bargaining Unit 7?

19 A. Oh, like clerical? Yes.

20 Q. Okay. Clerical would be one?

21 A. Yes.

22 Q. Do you work with any others?

23 A. Supervisors aren't represented, so it would just
24 be the clerical.

25 Q. Okay. And so just clerical, supervisors and

1 Licensing Representatives is the --

2 A. That are non-sworn, yes, sir.

3 Q. Okay. Now --

4 A. Well, supervisors are sworn.

5 Q. Okay.

6 A. But they're not represented.

7 Q. So the only other category of non-sworn employees
8 you work with at ABC are clerical?

9 A. Correct.

10 Q. All right.

11 A. And LRs, Licensing Reps.

12 Q. Okay. Very good. Now, you describe in your --
13 in your Declaration at page three that the ABC
14 Investigators are skilled undercover officers.

15 A. That is correct.

16 Q. Would you say the same is true with respect to
17 Licensing Representatives, that they are skilled
18 undercover officers?

19 A. They are not peace officers, sir. No.

20 Q. Okay. And would -- you mention that the
21 Investigators at ABC buy drugs from dealers in your
22 Declaration.

23 A. At times, yes.

24 Q. Would you say the same is true with respect to
25 Licensing Representatives, they also buy drugs from

1 dealers?

2 A. They are non-sworn, so it would be no.

3 Q. All right. And do Licensing Representatives
4 arrest prostitutes?

5 A. No, sir.

6 Q. Do they arrest intoxicated patrons?

7 A. Again, they are non-sworn. They don't.

8 Q. And do they -- how do the Investigators of the
9 ABC prevent alcohol sales and consumption to or by
10 minors?

11 A. You mean the programs that we run? Well, we do a
12 couple things. We run decoy programs, which is a
13 undercover minor.

14 Q. I'm sorry. I can't hear you. Can you --

15 A. Okay. I'm sorry. We run decoy operations. And
16 with the decoy operations, they are like an arm of law
17 enforcement, but they're minors. But they're under our
18 care. And we'd put them in a position to go into
19 licensed locations and attempt to purchase alcohol.

20 We also do a program called shoulder tap, and it
21 would be using those same decoys, but they would approach
22 citizens to see if they would go and get alcohol from a
23 store for them.

24 And then the old regular way of doing enforcement is
25 sitting outside and watching minors try to go in and buy

1 alcohol. Or if we're in a licensed premises, to see if
2 somebody would go and furnish, be it a waitress, cocktail
3 server, bartender.

4 Q. Okay. And so the decoy operation that you
5 described, that involves the minors and the
6 Investigators?

7 A. Yes.

8 Q. But the Licensing Representatives are not
9 participating in that decoy operation?

10 A. Once again, they're not sworn, so they would not.

11 Q. Okay. And then shoulder tap that you described,
12 that also involves the minor decoys and the
13 Investigators, but not the Licensing Representatives?

14 A. That's correct.

15 Q. And sitting outside and watching for minors going
16 in and out of the store or service to by a wait staff,
17 that also just involves Investigators, not Licensing
18 Representatives?

19 A. Yes. Only sworn personnel, sir, correct.

20 Q. All right. Licensing Representatives do not
21 write search warrants?

22 A. I have to stop and think. Not that I'm aware of,
23 so no. If they ever did, it would be for searching
24 records of someone trying to get a license. But usually
25 it gets passed to the sworn.

1 Q. Okay. And they never execute a search warrant?

2 A. No.

3 Q. And the Licensing Representatives do not conduct
4 interrogations of suspects in criminal cases?

5 A. No, not in criminal.

6 Q. And they do not conduct interrogations of
7 witnesses in criminal cases?

8 A. That's correct, they don't.

9 Q. The Licensing Representatives have contact with
10 the public?

11 A. Yes.

12 Q. And the contact is in the -- in the context of
13 either applying for or renewing a ABC license, correct?

14 A. That's one aspect of it. They also answer
15 general questions of ABC laws and procedures.

16 Q. All right. Now, the -- you mention in your
17 Declaration on page three at the bottom of the page,
18 paragraph sixteen, that there are assignments -- certain
19 Investigators have been assigned to various task forces
20 throughout the state.

21 A. That is correct.

22 Q. Are Licensing Representatives assigned to task
23 forces?

24 A. Not law enforcement task forces, no.

25 Q. All right. And you mention at page four of your

1 Declaration, paragraph eighteen, that Investigators like
2 yourself do not perform traditional police patrol
3 functions like a sheriff or police agency might.

4 A. That is correct.

5 Q. And would it be also fair to say that Licensing
6 Representatives do not perform traditional patrol police
7 functions like sheriffs or police?

8 A. That would be a correct statement, yes.

9 Q. All right. And would it -- you mention in your
10 Declaration Investigators perform investigative tasks,
11 much like Detectives or State or Federal Agents, such as
12 the DEA.

13 A. That is correct. At times we do, yes.

14 Q. Licensing Representatives do not perform tasks
15 working much like Detectives or Federal Agents, do they?

16 A. I'm giving a minute here. Because there have
17 been times not the same. But when we get an application,
18 they do financial investigations, and that could be
19 construed just like an Investigator would. Because they
20 look for signs of money laundering, false ownerships. So
21 when -- so it kind of overlaps. So I can't say a
22 complete yes or no to that.

23 Q. And those financial reviews are made in
24 connection with an application for renewal --

25 A. That is --

1 Q. -- or an initial application for an Alcoholic
2 Beverage Control license?

3 A. That is correct, sir.

4 Q. But once they identify something suspicious or
5 criminal, they would refer it to a peace officer,
6 correct?

7 A. It would really depend on the district office on
8 how that was handled. Sometimes it goes directly to a
9 supervisor and they'll handle it. If they want us to do
10 further investigations -- because these people aren't
11 licensed yet, so we would have to go through the formal
12 route. But if they wanted a license, they would have to
13 provide more documents. So it's -- it could go either
14 way, depending on how the supervisor would like it to go.

15 Q. Is the supervisor a peace officer?

16 A. Yes, they are.

17 Q. Now, do the Licensing Representatives -- their
18 field work consists of visiting the sites of applicants
19 for ABC licenses?

20 A. Yes.

21 Q. And also notifying persons within proximity to
22 the establishment that's applying for a license?

23 A. Correct.

24 Q. Other than that, would it be fair to say that the
25 Licensing Representative's work is conducted in the

1 office?

2 A. Well, they also -- when they're doing the
3 investigation, they're doing a little bit more. So
4 they're going to the county or the city planning
5 departments and talking to them. They may even have to
6 go to the local sheriff or police departments and talk to
7 them to see if they have any objections or concerns. It
8 could go either way. It could be through phone, or it
9 could be done in person. But that's all part of their
10 role.

11 Q. All right. And then other than what you've just
12 described and in addition to what I mentioned, would it
13 be fair to say, then, that all the additional duties they
14 perform are in the office?

15 A. Yes.

16 Q. Now, do you as a Investigator have much interface
17 with local building departments?

18 A. It depends on the case, sir. We can. And
19 sometimes we work jointly with the local planning
20 commissions or departments because of conditional use
21 permits and some problems they may have in like a
22 disorderly house, and we may want to go in that direction
23 to get other city or county agencies involved with it
24 also. So it can happen.

25 Q. Is that an infrequent occurrence?

1 A. It depends on the area and the cases. Some
2 cases, like in bigger cities, you'll have it more
3 frequently because of more problems. Smaller
4 communities, like in the desert area, it would be not as
5 frequent.

6 Q. All right. And you mention in your Declaration
7 at page four, line twelve, that you are issued standard
8 peace officer protective gear?

9 A. Yes, we are, sir.

10 Q. And also --

11 MR. MESSING: We're going to stipulate that Licensing
12 Representatives are not issued peace officer protective
13 gear.

14 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Well, I'll take
15 that stipulation.

16 MR. MESSING: So we don't have to go through item by
17 item.

18 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Then let's get
19 the next question.

20 MR. ROSE: All right. And so I accept the
21 stipulation, by the way.

22 BY MR. ROSE:

23 Q. Would you say that if an Investigator at the ABC
24 does not come to work some day, that the Licensing
25 Representative could fill in for the shoes of the

1 Investigator?

2 A. No, they could not.

3 Q. Would you say that if a Licensing Representative
4 didn't come to work one day that the Investigator could
5 fill in for the shoes of the Licensing Representative?

6 A. They can always work out of class under out of
7 class, yes, like that.

8 Q. All right. Is that a routine occurrence that a
9 special -- that an Investigator at ABC would fulfill the
10 role of a Licensing Representative when a Licensing
11 Representative is out on vacation or sick leave?

12 A. I hate to keep going back to this, but it's -- it
13 depends on the district office, the number of employees
14 that they have there, the casework, what's coming in. We
15 hope not to, but there have been many times in smaller
16 offices Investigators do the interviews and they fill in
17 for the Licensing Reps when they're on vacation.

18 Q. How often have you filled in for a Licensing Rep
19 absent from work in the last two years?

20 A. I'm on a task force, so I'm not even in a
21 district office.

22 Q. All right.

23 A. I have a desk there, but I'm not assigned to it.

24 Q. Okay. Do Licensing Representatives pass -- or
25 must they pass a pre-employment psychological evaluation?

1 A. Not that I'm aware of.

2 Q. Are they required to pass a pre-employment peace
3 officer medical examination?

4 A. No. Not that I'm aware of, sir.

5 Q. In your role as a Union official, are you aware
6 whether Licensing Representatives have coverage by the
7 Peace Officers Procedural Bill of Rights?

8 A. No.

9 Q. You're not aware?

10 A. No, I don't believe they do.

11 Q. All right. Are Licensing Representatives
12 required to pass the POST basic course before employment?

13 A. No, sir.

14 Q. Or the POST basic investigator course?

15 A. No, sir.

16 Q. All right. Are seniority lists for Licensing
17 Representatives different than the seniority lists for
18 Investigators?

19 A. When you say different, they're two different
20 lists, yes.

21 Q. All right. So --

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Next.

23 BY MR. ROSE:

24 Q. And there are different promotions processes for
25 Licensing Representatives as compared to Investigators?

1 A. Yes, sir.

2 MR. ROSE: All right. Thank you very much.

3 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong.

4 THE WITNESS: Thank you.

5 MS. TRUONG: No questions for us.

6 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

7 MR. MESSING: Yes, I have a couple of questions. But
8 first, if we could go off the record? I'd like to look
9 at some -- an exhibit.

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Yes.

11 MR. MESSING: We haven't brought all of the exhibits
12 with us, so --

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Off
14 the record.

15 MR. MESSING: -- if we could look at the ALJ's?

16 (Off the record.)

17 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
18 We're back on the record. And Mr. Messing.

19 MR. MESSING: Yeah. Just a few questions.

20 REDIRECT EXAMINATION

21 BY MR. MESSING:

22 Q. Do you know approximately when the classification
23 of Licensing Representatives was created?

24 A. I have to think on that one. It's been
25 approximately 10 years, I want to say, but I'm not sure.

1 Q. Okay. And do you know what the purpose of
2 creating the new classification was?

3 A. The purpose was to bifurcate our agency so we
4 could work both Licensing and then have an Enforcement
5 Section.

6 Q. Okay. Do you know if Licensing Representatives
7 do work that was previously performed by ABC
8 Investigators?

9 A. Yes, they did.

10 MR. ROSE: Objection. Leading.

11 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Sustained.

12 BY MR. MESSING:

13 Q. Can you characterize what kind of duties the
14 Licensing Representatives were supposed to take on at the
15 time of the creation of the class?

16 A. What they were going to be doing is doing all the
17 licensing that the Investigators used to do, and they
18 would do complete from a new license to a transfer
19 license, everything in between.

20 Q. By the way, do Licensing Representatives ever
21 become Investigators?

22 A. Yes, they do.

23 Q. Okay. Do you know -- do you have any idea how
24 many Licensing Reps have become Investigators?

25 A. Not off the top of my head I don't.

1 Q. Okay. One last thing, area. Did CASI always
2 represent sworn and non-sworn employees?

3 A. Since the development of the Licensing Rep we
4 have always represented them.

5 Q. Okay. Before the Licensing Rep did you represent
6 non-sworn?

7 A. No. We only had Investigators.

8 Q. Okay. And did the Investigators in CASI take a
9 vote to include -- or what action did -- was taken by the
10 Investigators in CASI that resulted in the inclusion of
11 the non-sworn?

12 A. To the best of my memory, it was a vote and to
13 include the Licensing Reps.

14 Q. Okay. And the vote was -- okay. I think that's
15 it. No further questions.

16 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose?

17 MR. ROSE: Yeah. Well, now that we've got Exhibit L
18 on the table, I'll ask the witness to look at it.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: The witness has
20 it.

21 RE-CROSS-EXAMINATION

22 BY MR. ROSE:

23 Q. Take a moment -- take a moment, Ms. Bishop, if
24 you would, please, and just review that document silently
25 to yourself. And then when you're ready, let me know.

1 A. Okay.

2 Q. I'll ask you some questions.

3 (Pause on the record.)

4 THE WITNESS: All right, sir.

5 BY MR. ROSE:

6 Q. Now, then, we have a three-page document. The
7 first two pages are a memo dated February 16, 2001?

8 A. Correct.

9 Q. And the third page is an e-mail dated
10 December 19, 2001?

11 A. Yes.

12 Q. Do you recall having received either or both of
13 these documents?

14 A. I can't remember. We receive a lot of memos.

15 Q. I mean it's only been eight years ago.

16 A. Oh, yes, it's only -- yes. No. I remember when
17 it happened.

18 Q. Okay.

19 A. But I don't remember the specific memo that we
20 received.

21 Q. And when you say "it happened," are you referring
22 to the bifurcation process --

23 A. Yes.

24 Q. -- that you mentioned earlier?

25 A. Yes.

1 Q. All right. And that's bifurcating the Department
2 so that some employees are focused mostly on licensing,
3 or almost exclusively, correct?

4 A. Correct.

5 Q. And some employees are focused almost exclusively
6 on enforcement?

7 A. Correct.

8 Q. And so when we look at the Licensing
9 Representatives, those would be in the enforcement -- or
10 excuse me, the licensing category?

11 A. Yes.

12 Q. And the Investigators would be in the other
13 category, being enforcement?

14 A. Most of the -- that would be their primary job.
15 But remember, Investigators may go and become
16 licensing -- active licensing people, too. They do do
17 licensing occasionally.

18 MR. ROSE: Okay. Thank you. Nothing further.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Ms. Truong?

20 MS. TRUONG: Nothing.

21 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Messing?

22 MR. MESSING: Just one more thing.

23 FURTHER REDIRECT EXAMINATION

24 BY MR. MESSING:

25 Q. Do Licensing Representatives participate in

1 hearings?

2 A. Yes, they do.

3 Q. Okay. Are those hearings in the same offices
4 where you work or in different offices?

5 A. I'm not sure I'm clear. They're held in the area
6 in which they're -- as example, it would be like the
7 biggest city next to it. In Rancho Mirage it would be
8 Riverside.

9 Q. Okay. But I guess what I'm asking is, are those
10 offices ABC offices, or are they offices -- other State
11 offices or local offices?

12 A. Where the hearings are at?

13 Q. Yes.

14 A. They're usually in conference rooms where we can
15 get -- an administrative law judge hears it. But it
16 depends on the area. Usually we like it in a State
17 building, if possible.

18 MR. MESSING: Okay. Nothing further.

19 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Mr. Rose?

20 MR. ROSE: Thank you. No, nothing.

21 MS. TRUONG: No.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. Let
23 me give you an admonishment not to discuss your testimony
24 with any of the other witnesses. You're free to discuss
25 your testimony with anyone at these three tables.

1 THE WITNESS: All right.

2 ADMINISTRATIVE LAW JUDGE CLOUGHESY: Do you
3 understand the admonishment?

4 THE WITNESS: Yes, sir, I do.

5 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. And
6 I'm going to be also admitting Exclusive Representative
7 W.

8 (Exclusive Representative's Exhibit W received
9 in evidence.)

10 ADMINISTRATIVE LAW JUDGE CLOUGHESY: And we are off
11 the record.

12 (Off the record.)

13 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right.
14 We're back on the record. And we have another witness
15 called by the Exclusive Representative. Sir, I'm going
16 to ask you to raise your right hand.

17 (Witness sworn.)

18 THE WITNESS: I do.

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

21 THE WITNESS: Allan Widmeyer. W-I-D-M-E-Y-E-R.

22 ADMINISTRATIVE LAW JUDGE CLOUGHESY: All right. A
23 couple of preliminary questions, Mr. Widmeyer. Have you
24 received copies of or received copies or the transcripts
25 of any of the days of these proceedings?

CERTIFICATION AND
DECLARATION OF TRANSCRIBER

1
2
3
4 I, Leisa M. Miller, a duly designated transcriber of
5 Vine, McKinnon & Hall, do hereby declare and certify
6 under penalty of perjury that I have transcribed from a
7 CD recording the proceedings in the matter of STATE OF
8 CALIFORNIA, Employer, and PEACE OFFICERS OF CALIFORNIA,
9 Petitioner, and CALIFORNIA STATEWIDE LAW ENFORCEMENT
10 ASSOCIATION, Exclusive Representative, Unfair Practice
11 Charge No. SA-SV-171-S, which recording was duly recorded
12 at Sacramento, California on March 12, 2009, and that the
13 foregoing pages 1 through 218 constitute a true, complete
14 and accurate transcription of the aforementioned
15 recording to the best of my ability.

16 Dated this 29th day of March, 2009, at Dixon,
17 California.

18
19
20 _____
21 Leisa M. Miller, Transcriber
22 VINE, MCKINNON & HALL
23 Certified Shorthand Reporters
24
25