



CALIFORNIA STATEWIDE LAW ENFORCEMENT ASSOCIATION

THE VOICE OF LAW ENFORCEMENT, PUBLIC SAFETY & CONSUMER PROTECTION

AFFILIATES

Association of Conservation Employees

Association of Criminalists-DOJ

Association of Deputy Commissioners

Association of Motor Carrier Operations Specialists

Association of Motor Vehicle Investigators of California

Association of Special Agents-DOJ

California Association of Criminal Investigators

California Association of Food & Drug Investigators

California Association of Fraud Investigators

California Association of Regulatory Investigators and Inspectors

California Association of State Investigators

California Fish & Game Wardens Association

California Organization of Licensing Registration Examiners

CHP-Public Safety Dispatchers Association

Fire Marshal's & Emergency Services Association

Hospital Police Association of California

State Employed Fire Fighters Association

State Park Peace Officers Association of California

December 3, 2008

VIA HAND DELIVERY

Les Chisholm, Division Chief
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811-4124

Re: *Dan Gurule v. California Statewide Law Enforcement Association; Unfair Practice Charge No. SA-CO-430-S*

Dear Mr. Chisholm:

The following is California Statewide Law Enforcement Association's (CSLEA) position statement relative to the above charge as amended on or about November 26, 2008.

First, Charging Party's assertion that others who are subject to potential disciplinary action by CSLEA have been denied continuances should be disregarded due to lack of specificity and/or standing. With that said, the requests for continuance which have been lodged appear to be for the purpose of causing unnecessary delay as they all have generally claimed lack of availability until January 29, 2009, due to business or personal commitments. None have alleged family medical care or scheduled court appearances as a basis for the request. As such, these requests have been denied for lack of good cause.

The Committee was notified that one member is on a tour of duty in Iraq and any action relative to the member has been deferred as a result of his unavailability due to military service.

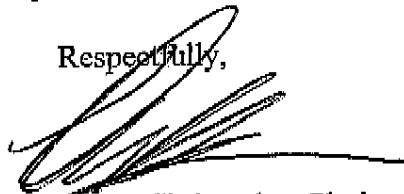
Second, as Charging Party is not a member of CSLEA, no disciplinary action is being threatened against him and the Constitution and Standing Rule provisions relative to appeals from potential discipline are not applicable. Charging Party is merely being afforded the courtesy of appearing before the Committee as it is contemplating restrictions on Charging Party's right to resume CSLEA membership in the future, should he attempt to do so.

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Finally, even assuming the procedures relative to Charging Party's membership restrictions fall within the disciplinary procedures, the right to be represented by a CSLEA member or director is not absolute. A CSLEA member facing discipline cannot force another CSLEA member or director to represent them if they do not wish to do so. Also, there may be circumstances where it is inappropriate for a CSLEA member, director or Site Representative to represent a member if the defense calls for advocating the propriety of assisting a competing organization within the jurisdiction of CSLEA. Charging Party's "chosen" representative, Mr. Voettiner is a CSLEA Site Representative who understands it would be improper for him to advocate that Charging Party's active support of POC is appropriate and has advised CSLEA he has no desire to represent Charging Party should he appear before the CSLEA Disciplinary Hearing Committee.

Based on the foregoing, CSLEA requests the Unfair Practice Charge be dismissed.

Respectfully,



Kasey Christopher Clark
General Manager/Chief Counsel
California Statewide Law Enforcement Assn.

KCC/se
Enclosure

cc: Severance Discipline File