



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

January 20, 2009

VIA REGULAR AND CERTIFIED MAIL

Jesse Townsend

Re: Notice of Suspension from CSLEA Membership

Dear Mr. Townsend:

Please be advised pursuant to Article X C of the Standing Rules to the CSLEA Constitution, effective February 1, 2009, you are suspended from CSLEA membership for a period of five (5) years.

On December 5, 2008, the CSLEA Disciplinary Hearing Committee notified you of its intent to impose discipline pursuant to Article XX of the CSLEA Constitution and Article X of the Standing Rules to the CSLEA Constitution. The charges were based on the following allegations:

In approximately September 2007, an organization known as the Peace Officers of California (POC) initiated a campaign to sever the peace officer members of Bargaining Unit 7 who are currently represented by CSLEA. On or about October 4, 2007, the CSLEA Board of Directors expressed in writing CSLEA's opposition to the severance and determined it would diminish the bargaining strength of CSLEA on behalf of Unit 7 peace officers and non-peace officers.

On or about December 5, 2008, you were identified on the POC website as an Officer Committed to Change.

You were notified pursuant to Article X of the Standing Rules to the CSLEA Constitution, the CSLEA Disciplinary Hearing Committee is authorized to conduct a hearing on the above charges and to determine whether to impose the following penalties: a formal reprimand, full or partial restitution, a fine of not less than \$1,000 or more than \$4,000 for each occurrence, censure, removal from office, suspension from membership for a defined period, or expulsion. A copy of the relevant provisions of the Constitution and Standing Rules were provided to you.

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You were also notified that if you desired to appear before the CSLEA Disciplinary Hearing Committee, you were required to file a request to appear in writing to be received by CSLEA no later than the close of business on December 22, 2008. You acknowledged receipt of the notice of intent on December 10, 2008.

On December 18, 2008, you filed a request for hearing. On December 22, 2008, the CSLEA Disciplinary Committee issued to you a Confirmation of Appearance notifying you that your hearing before the Committee would take place on January 16, 2009, at 2:00 p.m. at CSLEA Headquarters (or its satellite office in Westminster, if you so desired). Pursuant to Article XB(2) of the Standing Rules to the CSLEA Constitution, you were required to file with the CSLEA Disciplinary Hearing Committee a Statement of Defenses no later than fifteen (15) days prior to the scheduled date of hearing. You were notified the failure to file a Statement of Defenses would be deemed a waiver of your right to a hearing on the charges.

On December 30, 2008, you filed a Statement of Defenses. On January 16, 2009, you appeared before the CSLEA Disciplinary Hearing Committee via Skype. The thrust of your defense to the allegations against you is that you were not afforded notice that the assistance you have provided to the POC severance campaign was a violation of the CSLEA Constitution and Standing Rules. A defense of lack of notice is viable only to the extent you can demonstrate that your actions would have been different had you been afforded the notice you claim was deficient. At the hearing of your appeal, you admitted that had you been provided sufficient notice, you may still have engaged in the very same actions on behalf of POC. Further, you also stated that despite now having notice that your conduct is deemed to violate the CSLEA Constitution, you would not repudiate your prior conduct.

The Committee finds that your identification on the recently revised POC web site as an Officer Committed to change constitutes active support of POC, an organization that seeks to both sever the peace officer classifications from Bargaining Unit 7, but also to be the exclusive recognized bargaining representative for those classifications. Your act in furtherance of the severance is deemed to violate Article XX, Section 2(e) of the CSLEA Constitution which prohibits: “[a]ny activity which assists or is intended to assist a competing organization within the jurisdiction of CSLEA.”

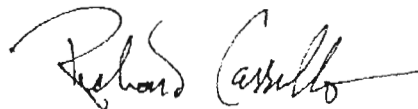
The Public Employment Relations Board and the California courts have ruled that it is reasonable for a labor organization to defend itself and “one of the primary obligations of membership is not to seek the very destruction of the union by engaging in dual unionism.” *Anderson v. Los Angeles County Employee Relations Com.* (1991) 229 Cal App. 3rd 817.

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As a result of your suspension from CSLEA membership, your dues status will be reduced to the equivalent of that paid by fee objectors. You will no longer be entitled to legal defense coverage, representation for administrative investigations and any resulting discipline, nor coverage for the life insurance benefit available to members. Further, CSLEA will be notifying its sponsored vendors of your ineligibility for optional coverages such as long-term disability insurance. Because you continue to remain in the CSLEA bargaining unit, you will benefit from collective bargaining and will continue to be entitled to representation to enforce the bargaining agreement.

Please be advised pursuant to Article X, Section D of the Standing Rules, you may appeal the decision of the Disciplinary Hearing Committee to the CSLEA Board of Directors. An appeal must be filed no later than thirty (30) days from your receipt of this decision, be in writing, and include a copy of the original charge and the decision which is being appealed, and set forth in substance the reasons for why the Disciplinary Hearing Committee was in error. The appeal shall be limited to evidence which was presented to the Disciplinary Hearing Committee. Please address any appeal to the attention of the CSLEA Board of Directors, 2029 H Street, Sacramento, CA 95811.

Sincerely,



Richard Carrillo
CSLEA Sr. Vice-President
Unit A Vice-President
AMVIC President
Chair, CSLEA Disciplinary Hearing Committee

RC/se

cc: Severance Discipline File
Disciplinary Hearing Committee