

WEINSTEIN

Court Reporters

BEFORE THE EMPLOYEE RELATIONS COMMISSION

OF THE COUNTY OF LOS ANGELES

THOMAS KERRIGAN, HEARING OFFICER

COPY

IN THE MATTER OF:)
)
 STEVE IPSEN) UFC 10.08
 CHARGING PARTY,) 22.08
 V.)
 LOS ANGELES COUNTY DISTRICT)
 ATTORNEY'S OFFICE)
)
 _____)
 RESPONDENT.)

IN THE MATTER OF:)
)
 MARC DEBBAUDT) UFC 24.08
 CHARGING PARTY,)
 V.)
 LOS ANGELES COUNTY DISTRICT)
 ATTORNEY'S OFFICE)
)
 _____)
 RESPONDENT.)

TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, JULY 9, 2009

REPORTED BY:

EULAH STEWART,
HEARING REPORTER

JOB NO.: ERC 0173

BEFORE THE EMPLOYEE RELATIONS COMMISSION
OF THE COUNTY OF LOS ANGELES
THOMAS KERRIGAN, HEARING OFFICER

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TRANSCRIPT OF PROCEEDINGS, TAKEN AT
374 KENNETH HANN HALL OF ADMINISTRATION,
LOS ANGELES, CALIFORNIA, COMMENCING AT 10:03 A.M.
ON THURSDAY, JULY 9, 2009, HEARD BEFORE
THOMAS KERRIGAN, HEARING OFFICER, REPORTED BY
EULAH STEWART, HEARING REPORTER.

APPEARANCES:

FOR THE COUNTY:

LIEBERT CASSIDY & WHITMORE
ATTORNEYS AT LAW
BY: DONNA EVANS
6033 WEST CENTURY BOULEVARD
SUITE 500
LOS ANGELES, CALIFORNIA
90045
(310) 981-2000

FOR THE CHARGING PARTY:

STEVE IPSEN
ATTORNEY AT LAW
18565 SOLEDAD CANYON ROAD
SUITE 329
SANTA CLARITA, CALIFORNIA
91351
(213) 974-2332

MARC DEBBAUDT
ATTORNEY AT LAW
18565 SOLEDAD CANYON ROAD
SUITE 329
SANTA CLARITA, CALIFORNIA
91351
(213) 974-2332

ALSO PRESENT:

JULIE DIXON SILVA

CRAIG RENETZKY

I N D E X

CHARGING PARTY

WITNESSES:

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
JOHN ZAJEC	6 72			
JACQUELYN LACEY	161 216			

E X H I B I T S

CHARGING
PARTY'S:

MARKED FOR
IDENTIFICATION

RECEIVED
IN EVIDENCE

C.D.B.-15 - PERSONNEL POLICIES HANDBOOK EMPLOYEE PERFORMANCE RATINGS 6.00.00,	15	
IPSEN'S-A - NEWSPAPER ARTICLES	82	
UNION-A - LETTER BY JAMES BOZAJIAN ONE-PAGE	158	

1 MS. LACEY IS NOT AVAILABLE NEXT TIME AND SHE IS HERE TODAY.

2 HEARING OFFICER KERRIGAN: OKAY.

3 MS. EVANS: SO LET ME GO SEE IF I CAN GET HER EARLIER
4 SO WE CAN BE SURE WE CAN FINISH WITH HER.

5 HEARING OFFICER KERRIGAN: OKAY. ALL RIGHT.

6 OFF THE RECORD.

7
8 (RECESS.)

9
10 HEARING OFFICER KERRIGAN: ON THE RECORD.

11 STATE YOUR FULL NAME.

12 MS. LACEY: JACQUELYN, J-A-C-Q-U-E-L-Y-N, LACEY,
13 L-A-C-E-Y.

14 HEARING OFFICER KERRIGAN: OKAY.

15
16 JACQUELYN LACEY,

17 PRODUCED AS A WITNESS BY AND ON BEHALF OF THE CHARGING PARTY,
18 AND HAVING BEEN FIRST DULY SWORN BY THE HEARING OFFICER, WAS
19 EXAMINED AND TESTIFIED AS FOLLOWS:

20
21 HEARING OFFICER KERRIGAN: OKAY. PROCEED.

22 MR. IPSEN: THANK YOU.

23 ///

24 ///

25 ///

DIRECT EXAMINATION

1
2
3 BY MR. IPSEN:

4 Q MS. LACEY, WHAT IS YOUR CURRENT POSITION IN THE
5 D.A.'S OFFICE?

6 A I'M THE ASSISTANT DISTRICT ATTORNEY OF LINE
7 OPERATIONS.

8 Q AND THAT'S A MANAGEMENT POSITION?

9 A YES.

10 Q A GRADE V POSITION?

11 A I DON'T THINK IT'S TECHNICALLY A GRADE V
12 POSITION.

13 Q ACTUALLY, IT'S ABOVE GRADE V.

14 A RIGHT.

15 Q OKAY. SO YOU'RE A GRADE V WHEN YOU'RE A HEAD
16 DEPUTY AND A DIRECTOR?

17 A CORRECT.

18 Q AND THEN ONCE YOU'RE AN ASSISTANT CHIEF OR
19 ELECTED D.A., IT'S NOT CONSIDERED A GRADE V? IT'S NOT THAT
20 IMPORTANT, I'M JUST LEARNING THIS FOR THE FIRST TIME.

21 A THE WAY I UNDERSTAND IT THERE IS THE HEAD
22 DEPUTY, THE DIRECTOR, AND THE ASSISTANT D.A.

23 Q RIGHT.

24 A ONCE THE D.A. LEAVES, NEW ADMINISTRATION COMES
25 IN, I REVERT TO A V. IF THAT'S WHAT YOU'RE ASKING.

1 Q OKAY. INTERESTING. AND WHEN DID YOU FIRST
2 BECOME A GRADE V?

3 WAS IT UNDER THE GARCETTI ADMINISTRATION --

4 A NO.

5 Q -- OR THE COOLEY ADMINISTRATION?

6 A IT WAS UNDER THIS ADMINISTRATION AND --

7 Q AND THAT WAS SOON AFTER HIS ELECTION?

8 A IT WAS PROBABLY A YEAR AFTER THE ELECTION, 2002.

9 Q PRIOR TO THAT YOU'D WORKED YOUR WAY IN THE
10 OFFICE AND ACHIEVED THE RANK OF GRADE IV; IS THAT CORRECT?

11 A YES.

12 Q ALL RIGHT. AND DURING THAT TIME YOU DID TRIALS
13 AND ALL THE NORMAL WORK THE GRADES I THROUGH IV DO?

14 A CORRECT.

15 Q AND DURING THAT TIME DID YOU KNOW DEPUTY D.A.
16 ROB DVER?

17 A I DO.

18 Q AND HOW LONG WOULD YOU SAY YOU'VE KNOW ROB DVER?

19 A SINCE 1987, '88.

20 Q AND HOW WOULD YOU CHARACTERIZE THE RELATIONSHIP?

21 A VERY CLOSE RELATIONSHIP.

22 Q CLOSE PROFESSIONALLY OR PERSONALLY?

23 A BOTH.

24 Q WOULD YOU SAY THAT YOU HAVE PROFESSIONAL RESPECT
25 FOR HIM?

1 A I DO.

2 Q FOR HIS ETHICS?

3 A I DO.

4 Q HIS INTEGRITY?

5 A YES.

6 Q HIS HONESTY?

7 A YES.

8 Q IS THERE ANY DEPUTY D.A. IN THE OFFICE THAT YOU
9 WOULD SAY YOU HAVE GREATER RESPECT FOR THOSE FACTORS THAN ROB
10 DVER?

11 A YEAH. I HAVE EQUAL RESPECT FOR DANETTE MEYERS,
12 WHO IS A VERY GOOD FRIEND. THAT SAME -- I HOLD HER IN THE SAME
13 ESTEEM. D-A-N-E-T-T-E, M-E-Y-E-R-S.

14 Q ALL RIGHT. AND WOULD IT BE YOUR EXPECTATION,
15 HAVING BEEN IN THE OFFICE AND WE ALL KNOW EACH OTHER, YOU AND I
16 HAVE WORKED IN THE SAME OFFICE THAT MANY PEOPLE MOST LIKELY
17 SHARE THAT VIEW OF ROB DVER BASED ON HIS CHARACTER AND HOW HE
18 DEALS WITH HIMSELF AND --

19 MS. EVANS: OBJECTION. CALLS FOR SPECULATION.

20 HEARING OFFICER KERRIGAN: SUSTAINED. AND GRANT THE
21 MOTION TO STRIKE. THIS IS A QUESTION THAT ASKS HER TO TESTIFY
22 WITH RESPECT TO OTHER PEOPLE'S STATE OF MIND.

23 BY MR. IPSEN:

24 Q HIS REPUTATION WITHIN THE OFFICE IS CONSISTENT
25 WITH YOUR PERSONAL VIEWS?

1 MS. EVANS: OBJECTION. LACKS FOUNDATION.

2 HEARING OFFICER KERRIGAN: I DON'T THINK THAT'S A
3 PROPER QUESTION.

4 DID HE HAVE A GOOD REPUTATION IN THE OFFICE?

5 THE WITNESS: YES.

6 HEARING OFFICER KERRIGAN: OKAY.

7 BY MR. IPSEN:

8 Q WERE YOU AWARE OF THE ASSOCIATION OF DEPUTY
9 DISTRICT ATTORNEYS AND ITS GROWTH IN -- WELL, LET'S JUST SAY
10 GROWTH AND ACTIVITY, AND YOU CAN REPHRASE IT HOWEVER YOU
11 WANT -- SINCE I BECAME PRESIDENT SOME SIX OR SEVEN YEARS AGO?

12 HEARING OFFICER KERRIGAN: I DIDN'T HEAR THE QUESTION.

13 BY MR. IPSEN:

14 Q IT DIDN'T SOUND LIKE IT WAS ASKED THE RIGHT WAY
15 FOR HER TO ANSWER ANYWAY.

16 HAVE YOU BEEN AWARE OF THE ACTIVITIES OF THE
17 ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS SINCE I BECAME
18 PRESIDENT?

19 A IN GENERAL. I CAN'T SAY I KNOW SPECIFICS.

20 Q OF COURSE, JUST AN AWARENESS. AND THE MOST
21 RECENT INVOLVEMENT IS YOU WERE ON THE CONTRACT NEGOTIATIONS
22 TEAM REPRESENTING THE D.A.'S OFFICE?

23 A YES.

24 Q AND WHAT WAS YOUR POSITION IN THAT GROUP?

25 A A MANAGEMENT REPRESENTATIVE FOR THE MANAGEMENT

1 PART OF THE BARGAINING TEAM.

2 Q AND IN THE GROUP THAT THE A.D.D.A. HAD, OUR TEN
3 MEMBERS WITH TWO REPRESENTATIVES; IS THAT CORRECT?

4 A WOULD YOU SAY THAT --

5 Q TEN DEPUTY D.A. MEMBERS AND THEN STEVE SILVERS,
6 AN ATTORNEY --

7 A CORRECT.

8 Q AND JOHN REESE --

9 A YES.

10 Q -- ACTING AS OUR BARGAINING PROFESSIONALS?

11 A YES.

12 Q AND IN YOUR GROUP YOU HAD COUNTY OFFICIALS DON
13 WASHINGTON AND ANOTHER WOMAN, WHO I SHOULD REMEMBER BUT I
14 DON'T; IS THAT CORRECT?

15 A MARIE.

16 Q PASCUAL.

17 A PASCUAL, P-A-S-C-U-A-L.

18 Q TOGETHER WE KNOW IT.

19 IS THERE ANY OTHER PERSON WHO WAS ON THE
20 MANAGEMENT BARGAINING TEAM REPRESENTING THE DISTRICT ATTORNEY
21 OTHER THAN YOURSELF?

22 A YES.

23 Q WHO WAS THAT?

24 A SHARON MATSUMOTO, JANET MOORE, DAVID TRAUM,
25 T-R-A-U-M, LANCE WONG, W-O-N-G, AND THEN MS. DIXON SILVA WAS

1 ALSO A PART OF THE TEAM.

2 Q ALL RIGHT. YOUR TEAM, THE DISTRICT ATTORNEY'S
3 TEAM, HAD YOURSELF AS AN ASSISTANT AND THEN THERE WERE OTHER
4 HEAD DEPUTY DISTRICT ATTORNEYS AND DIRECTORS.

5 AM I CORRECT?

6 A YES, THERE WAS ONE DIRECTOR, TWO HEAD DEPUTIES,
7 TWO ASSISTANT D.A.'S.

8 Q AND THE ASSISTANTS WERE YOURSELF AND
9 MS. MATSUMOTO?

10 A CORRECT.

11 Q DID ONE OF THE TWO OF YOU HAVE THE LEAD POSITION
12 OR WAS IN CHARGE OF BARGAINING FOR THE D.A.'S OFFICE?

13 MS. EVANS: MAKE AN INQUIRY AS TO RELEVANCE OF THIS
14 CURRENT BARGAINING TEAM, GOING BACK TO THIS --

15 HEARING OFFICER KERRIGAN: I THINK IT HAS TO DO WITH
16 PEOPLE WHO WERE INVOLVED IN THE BARGAINING, IT HAS SOMETHING TO
17 DO WITH RELEVANCE OF THEIR ACTIONS. AND I ASSUME THAT'S GOING
18 TO COME OUT, AND THEIR ASSOCIATIONS OR AFFILIATIONS OR
19 LOYALTIES.

20 GO AHEAD.

21 THE WITNESS: DID YOU ASK WHETHER ONE OF US WAS THE
22 LEADER OF THE TEAM?

23 BY MR. IPSEN:

24 Q YES. I ASKED WHETHER THERE WAS AN APPOINTED --
25 WHATEVER YOU CALL IT A CHAIR OR --

1 A NO. I WOULD SAY THE ANSWER IS NO.

2 Q THE TWO OF YOU WERE, BY VIRTUE OF YOUR STATUS IN
3 THE OFFICE, WERE IN CHARGE OF THE DISTRICT ATTORNEYS
4 CONTINGENCY WITH SUPPORT BY THE HEAD DEPUTIES AND THE --

5 A I WOULDN'T CHARACTERIZE IT THAT WAY. WE WERE
6 THE HIGHEST RANKING MEMBERS OF THE ADMINISTRATION ON THE TEAM.
7 BUT I WOULDN'T -- YOU KNOW, EVERYBODY HAD INPUT --

8 Q SURE.

9 A -- EVERYBODY, YOU KNOW, THERE WAS NO ONE PERSON
10 WHO SAID: OKAY. THIS IS WAY WE'RE GOING TO DO IT OR THIS IS
11 WHAT WE'RE GOING TO DO.

12 Q YOU WERE PRIMARILY THE PERSON THAT HAD DIRECT
13 CONTACT WITH STEVE COOLEY AND JOHN SPILLANE; CORRECT?

14 A ALL OF US DID.

15 Q BUT YOU PRIMARILY, MORE THAN OTHERS, WOULD HAVE
16 MORE ACCESS TO THE TWO OF THEM?

17 A NO. THAT'S NOT TRUE.

18 HEARING OFFICER KERRIGAN: WHAT DATES ARE WE TALKING
19 ABOUT THAT THE NEGOTIATIONS TOOK PLACE?

20 MR. IPSEN: BARGAINING WAS BETWEEN LATE DECEMBER AND --

21 THE WITNESS: LATE DECEMBER --

22 MR. IPSEN: -- AND MAY OF --

23 THE WITNESS: -- ALL THE WAY TO THIS YEAR.

24 HEARING OFFICER KERRIGAN: OKAY.

25 MS. EVANS: AND IN MAY, AN UNFAIR WAS FILED BY THE

1 ASSOCIATION CLAIMING THAT THE DEPARTMENT HAS VIOLATED E.E.R.O.
2 AND THE M.M.B.A. DURING THE NEGOTIATION PROCESS. SO THERE IS A
3 PENDING UNFAIR ON CONDUCT AT THE NEGOTIATION.

4 HEARING OFFICER KERRIGAN: OKAY.

5 MR. IPSEN: OKAY.

6 BY MR. IPSEN:

7 Q AND FROM THE D.A. CONTINGENCY, AS FAR AS PEOPLE
8 IN THIS ROOM, IS IT FAIR TO SAY I WAS ON THE BARGAINING TEAM
9 AND MARC DEBBAUDT WAS ALSO ON THAT BARGAINING TEAM?

10 A THAT'S CORRECT.

11 Q ALL RIGHT. AND THERE ARE OTHER DEPUTY D.A.'S
12 AND YOU'RE FAMILIAR WITH --

13 A YES.

14 Q -- IF WE WENT THROUGH THE NAMES, YOU'D PROBABLY
15 RECOGNIZE --

16 A FOR SURE.

17 Q HAVE YOU HAD A CHANCE TO REVIEW THE SWORN
18 TESTIMONY OF ROB DVER?

19 A I HAVE.

20 Q AND THAT INCLUDED STATEMENTS --

21 MR. IPSEN: AND, IN FACT, I CAN GIVE -- I'M GUESSING
22 THAT AS FAR AS CERTIFICATED COPIES, COUNSEL, HAS A CERTIFICATED
23 COPY?

24 MS. EVANS: NO, I DON'T.

25 MR. IPSEN: I'LL GIVE ONE TO MS. LACEY.

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AND HERE'S ONE FOR YOU.

MY UNDERSTANDING THAT ERCOM ORDERS AND GOT
CERTIFIED COPIES.

HEARING OFFICER KERRIGAN: YES. BUT I DON'T --

(OVERLAPPING COLLOQUY.)

MR. IPSEN: I'M SORRY. I ONLY HAVE ONE AND I NEED TO
USE ONE.

BY MR. IPSEN:

Q DID YOU READ -- AND YOU CAN TURN TO THE PAGE IF
YOU NEED TO REFRESH YOUR MEMORY. I'M GOING TO DESCRIBE THE
SUBJECT AND IF YOU NEED TO READ THE LINES, I'LL TELL YOU THE
LINES. AND YOU CAN READ IT TO REFRESH YOUR MEMORY.

A OKAY.

Q DID YOU READ THE SECTION ON PAGE 21 WHERE ROB
WAS DESCRIBING SEVERAL CONVERSATIONS OVER THE YEARS WHERE:

"BASICALLY SHE WAS
WARNING ME THAT IT WAS BAD
FOR MY CAREER TO BE SEEN
WITH YOU" --

MEANING STEVE --

"TALK TO YOU" --

MEANING STEVE --

"AND ASSOCIATE WITH

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THE UNION."

DID YOU READ THAT?

MS. EVANS: I'M SORRY, WHAT WAS THE REFERENCE IN THE
TRANSCRIPT, PLEASE?

MR. IPSEN: OH, I'M SORRY. IT'S PAGE 21, LINES 9
THROUGH 12.

BY MR. IPSEN:

Q DID YOU READ THAT SECTION?

A OKAY. IF YOU CAN GIVE ME -- I ONLY READ THIS
ONCE.

Q SURE.

A AND IT WAS A COUPLE OF WEEKS AGO.

Q SURE.

A SO IF YOU CAN REFER ME TO --

Q PAGE 21, LINES 9 THROUGH 12, AND LET ME KNOW --
HEARING OFFICER KERRIGAN: TAKE A MOMENT AND READ IT.

THE WITNESS: THANK YOU.

MS. EVANS: AND JUST FOR THE RECORD, THE COPY THAT WAS
PROVIDED TO MS. LACEY WAS THE ONE THAT WAS, AGAIN, CIRCULATED
BY THE A.D.D.A. SO IT WAS NOT -- THIS COPY WAS THE ROUGH
TRANSCRIPT THAT WAS CIRCULATED, THAT WAS MADE AVAILABLE TO
MS. LACEY BY ME.

THE WITNESS: OKAY. SO IT'S LINES 9 THROUGH 12?

BY MR. IPSEN:

Q YES.

1 A OKAY.

2 Q AND IF YOU WANTED TO READ -- IF YOU STARTED
3 EARLIER, THAT'S FINE. LINE 7 WAS THE QUESTION AND THEN
4 WHATEVER SURROUNDING PORTION YOU CAN READ SO YOU HAVE YOUR
5 BEARINGS. AND I'M GOING TO ASK REGARDING THROUGH PAGE 22, LINE
6 13. SO IF YOU WANT TO READ UP TO THAT --

7 A OKAY. SO ALL THE WAY UP TO 22, LINE 13. OKAY.

8 Q SURE.

9

10 (PAUSE IN THE PROCEEDINGS.)

11

12 THE WITNESS: OKAY. I'VE READ IT.

13 BY MR. IPSEN:

14 Q ALL RIGHT. AND IS IT ACCURATE THAT YOU HAD
15 WARNED ROB DVER THAT IT WAS BAD FOR HIS CAREER TO ASSOCIATE
16 WITH THE UNION?

17 A THAT'S PARTIALLY ACCURATE IN THE SENSE THAT HE
18 WOULD ASK ME ON A PERSONAL LEVEL HIS [SIC] ADVICE ON WHAT HE
19 SHOULD DO ABOUT A PARTICULAR ISSUE WITH REGARD TO YOU AND THE
20 UNION.

21 AND INASMUCH AS HE AND I WERE, AND ARE, VERY
22 CLOSE FRIENDS, I WOULD GIVE HIM MY HONEST ADVICE.

23 Q OKAY. DO YOU FIND -- AND WE'VE WORKED TOGETHER
24 AND HAVE BEEN FRIENDLY ASSOCIATES, IF NOT THE KIND OF FRIENDS
25 YOU AND ROB WERE -- DO YOU FIND CONFLICT BETWEEN YOUR

1 OBLIGATIONS AS A SUPERVISOR AND A MANAGER AND YOUR INSTINCTS AS
2 AS A FRIEND?

3 IS THAT SOMETHING YOU HAVE TO DEAL WITH AT TIMES
4 DOING YOUR JOB?

5 MS. EVANS: RELEVANCE. AMBIGUOUS.

6 HEARING OFFICER KERRIGAN: I DON'T UNDERSTAND THE
7 QUESTION. I DON'T UNDERSTAND THE RELEVANCE.

8 I THINK YOU'D BETTER REPHRASE IT AND SEE IF YOU
9 CAN MAKE IT A PROPER QUESTION.

10 BY MR. IPSEN:

11 Q DO YOU FIND AT TIMES YOU HAVE CONFLICTING
12 OBLIGATIONS, ONE, THE OBLIGATION YOU UNDERSTAND YOU HAVE AS A
13 MANAGER AND THE SECOND YOUR NORMAL OBLIGATION AS A FRIEND?

14 FOR EXAMPLE, AS A FRIEND YOU MIGHT WANT YOUR
15 FRIEND'S CAREER TO PROGRESS AND PROMOTE THEM FROM II TO III TO
16 IV BECAUSE YOU WANT THEM TO DO WELL IN LIFE. AS A MANAGER YOU
17 MIGHT NOT BE IN A POSITION TO DO THAT AND, IN FACT, IT MIGHT BE
18 INAPPROPRIATE FOR YOU TO HELP A FRIEND AND NOT FOLLOW THE
19 POLICIES OF THE OFFICE, THAT KIND OF CONFLICT.

20 HAVE YOU EXPERIENCED THAT IN THE TIME YOU'VE
21 BEEN A MANAGER?

22 HEARING OFFICER KERRIGAN: HOW IS THAT RELEVANT IF SHE
23 HAD THIS CONFLICT? ISN'T THE ONLY QUESTION WHAT SHE SAID TO
24 HIM AND WHAT HE SAID TO HER? I MEAN --

25 MR. IPSEN: WELL, I CAN ASK IT ANOTHER WAY. IF YOUR

1 EXPERIENCE HAS BEEN I'VE BEEN ASKING LOTS OF IRRELEVANT
2 QUESTIONS, THEN I CAN EITHER EXPRESS THE RELEVANCE OR I CAN ASK
3 ANOTHER QUESTION TO WHAT --

4 HEARING OFFICER KERRIGAN: WELL, I'M JUST TRYING TO,
5 YOU KNOW, THERE ARE SO MANY QUESTIONS WE CAN ASK HER. SHE'S
6 NOT A PARTY TO THIS CASE.

7 MR. IPSEN: I WILL ASK ANOTHER QUESTION.

8 HEARING OFFICER KERRIGAN: OKAY.

9 MR. IPSEN: I THINK IT'S RELEVANT AND I THINK THE
10 RELEVANT POINT CAN COME OUT IN A MORE OBVIOUS WAY.

11 HEARING OFFICER KERRIGAN: OKAY.

12 BY MR. IPSEN:

13 Q ARE YOU FAMILIAR WITH THE PERSONNEL POLICIES
14 MANUAL IN THIS OFFICE?

15 A YES.

16 Q ARE YOU FAMILIAR WITH THE PORTION THAT INDICATES
17 YOU'RE NOT SUPPOSED TO INTERFERE WITH OR DETER A PERSON FROM
18 UNIONIZATION OR UNION ACTIVITY?

19 A I'M FAMILIAR WITH THAT LAW, NOT WITH THE SECTION
20 IN THE PERSONNEL POLICIES HANDBOOK --

21 Q ALL RIGHT.

22 A -- THAT YOU'RE REFERRING TO.

23 Q OKAY. WELL, THE PERSONNEL POLICIES HANDBOOK
24 REFLECTS THE LAW --

25 A RIGHT.

1 Q -- AND THERE ARE PROVISIONS --

2 A RIGHT --

3 THE REPORTER: ONE AT A TIME, PLEASE.

4 MR. IPSEN: I'M SORRY.

5 BY MR. IPSEN:

6 Q THERE ARE MANY PROVISIONS IN THE PERSONNEL
7 POLICIES MANUAL THAT REFLECT EITHER COUNTY LAW OR FEDERAL LAW
8 ON VARIOUS TOPICS; IS THAT CORRECT?

9 HEARING OFFICER KERRIGAN: I'M GOING TO STRIKE THAT
10 ONE, BECAUSE YOUR IMPRESSION OF WHAT FEDERAL LAW OR COUNTY LAW
11 IS, MAY BE DIFFERENT THAN SOMEBODY ELSE'S IMPRESSION. IT MAY
12 BE DIFFERENT THAN HER IMPRESSION.

13 AND YOU CAN ASK HER IF -- YOU CAN ASK HER
14 ANOTHER QUESTION, BUT YOU CAN'T ASK A QUESTION WHERE YOU ASSUME
15 THAT SHE HAS THE SAME KNOWLEDGE OF THE LAW -- COUNTY, FEDERAL,
16 AND STATE -- THAT YOU DO.

17 MR. IPSEN: DON'T MANAGERS IN L.A. COUNTY HAVE AN
18 OBLIGATION TO UNDERSTAND WHAT THE RULES OF BEING MANAGERS ARE
19 SO THEY CAN'T JUST GO AND VIOLATE THOSE RULES?

20 HEARING OFFICER KERRIGAN: I'M NOT SAYING THEY DON'T.

21 MR. IPSEN: ALL RIGHT.

22 HEARING OFFICER KERRIGAN: I'M JUST TALKING ABOUT THE
23 QUESTION.

24 BY MR. IPSEN:

25 Q YOU'RE FAMILIAR WITH THE FEDERAL LAW THAT

1 REGULATES THE RELATIONSHIP OR THAT LIMITS THE ACTIONS YOU CAN
2 TAKE AS A MANAGEMENT PERSON WITH REGARDS TO THE UNION.

3 IS THAT SOMETHING YOU'RE FAMILIAR WITH?

4 A AS A MANAGEMENT PERSON; THAT'S CORRECT.

5 Q AND YOU BECAME PARTICULARLY FAMILIAR WITH THAT
6 AS THE A.D.D.A. AS AN ASSOCIATION BECAME A UNION AND THAT
7 BECAME MORE IMPORTANT TO YOU AS AN ASSISTANT D.A.?

8 MS. EVANS: OBJECTION. VAGUE AS TO TIME.

9 HEARING OFFICER KERRIGAN: WHAT'S THE OBJECTION?

10 MS. EVANS: BEG YOUR PARDON?

11 HEARING OFFICER KERRIGAN: WHAT'S THE OBJECTION?

12 MS. EVANS: VAGUE AS TO TIME. I DON'T KNOW WHEN HE'S
13 TALKING ABOUT.

14 MR. IPSEN: AS IT BECAME A UNION.

15 HEARING OFFICER KERRIGAN: OKAY.

16 MR. IPSEN: THE WITNESS KNOWS WHEN IT BECAME A UNION.

17 HEARING OFFICER KERRIGAN: ALL RIGHT. YOU MAY ANSWER.

18 THE WITNESS: I BECAME AWARE OF THE LAW JUST BEFORE WE
19 STARTED HAVING NEGOTIATIONS, BECAUSE I WANTED TO KNOW WHAT THE
20 LAWS WERE.

21 BY MR. IPSEN:

22 Q ALL RIGHT. SO TO THE EXTENT THAT THE PERSONNEL
23 POLICIES MANUAL REFLECTS THE LAW AND SAYS THAT YOU'RE NOT TO
24 DETER OR HINDER A PERSON OR INTERFERE WITH THEIR UNION
25 ACTIVITIES, YOU'RE SAYING YOU WERE UNAWARE OF THOSE

1 PROHIBITIONS?

2 MS. EVANS: OBJECTION. ASSUMES FACTS NOT IN EVIDENCE.

3 MR. IPSEN: IT'S A QUESTION WHETHER SHE'S AWARE OF
4 THOSE PROHIBITIONS.

5 MS. EVANS: WELL, IT'S IMPLICIT IN THE QUESTION THAT
6 THERE ARE PROHIBITIONS LIKE THAT IN THE RULES. IF THE RULES
7 EXIST, SHOW THEM TO THE WITNESS.

8 MR. IPSEN: THE QUESTION SAID "TO THE EXTENT THAT THERE
9 ARE SUCH RULES." SHE IS UNAWARE OF THEM.

10 HEARING OFFICER KERRIGAN: OKAY. YOU'VE ASKED HER IF
11 SHE'S AWARE OF THE PERSONNEL POLICIES THAT -- I HAVEN'T SEEN
12 THEM -- THAT SAYS THAT MANAGEMENT IS NOT SUPPOSED TO INTERFERE
13 WITH THE ACTIONS OF THE UNION.

14 IS THAT THE QUESTION?

15 MR. IPSEN: SURE.

16 HEARING OFFICER KERRIGAN: OR HAVE I --

17 MR. IPSEN: SURE. THAT'S FINE.

18 HEARING OFFICER KERRIGAN: OKAY. CAN YOU ANSWER THAT?

19 THE WITNESS: I HAVE READ THE PERSONNEL POLICIES
20 HANDBOOK ON NUMEROUS OCCASIONS --

21 HEARING OFFICER KERRIGAN: YES.

22 THE WITNESS: -- NOT ON THIS PARTICULAR SUBJECT MATTER.
23 I'M FAMILIAR WITH THE LAW AS -- AND I'M SORRY TO BE POINTING
24 HERE -- BUT I'M FAMILIAR WITH THE LAW THAT PROHIBITS MANAGEMENT
25 FROM INTERFERING WITH THE UNION. BECAUSE I HAVE READ THE LAW

1 IN A SEPARATE PUBLICATION.

2 HEARING OFFICER KERRIGAN: OKAY.

3 THE WITNESS: BUT I'VE NEVER LOOKED TO SEE IF THE LAW
4 THAT I READ IN A SEPARATE PUBLICATION WAS IN THE PERSONNEL
5 POLICIES HANDBOOK. I MAY HAVE SEEN IT.

6 HEARING OFFICER KERRIGAN: OKAY.

7 THE WITNESS: I KNOW I HAVE READ THE PERSONNEL POLICIES
8 HANDBOOK.

9 HEARING OFFICER KERRIGAN: OKAY.

10 BY MR. IPSEN:

11 Q THAT IS SOMETHING WE'RE TESTED ON, THAT YOU
12 STUDY WHEN YOU BECOME A GRADE IV, AND YOU'RE TESTED ON AND
13 YOU'RE SUPPOSED TO STUDY WHEN YOU BECOME A GRADE V; CORRECT?

14 THE ENTIRE PERSONNEL POLICES HANDBOOK IS THE
15 SUBJECT OF THAT TEST, ISN'T THAT TRUE?

16 A IN THE LATEST GRADE V EXAM IT WAS. I MEAN THE
17 BOOK WAS.

18 Q AND PRIOR TO THAT, THE GRADE IV EXAM IT WAS THAT
19 YOU TOOK?

20 A I'M SURE IT WAS. I JUST DON'T REMEMBER EVERY
21 SINGLE SECTION IN THE BOOK.

22 Q WAS ROB TELLING THE TRUTH WHEN HE INDICATED
23 REPEATEDLY IN THE TRANSCRIPT ON PAGES 21 AND 22, THAT YOU TOLD
24 HIM IT WOULD BE BAD FOR HIS CAREER TO ASSOCIATE WITH THE UNION
25 AND BAD FOR --

1 A I NEVER USED THOSE WORDS. I NEVER USED THE
2 "TERM BAD FOR YOUR CAREER."

3 HE ASKED MY ADVICE AND I GAVE HIM MY ADVICE.
4 BUT I NEVER SPECIFICALLY SAID IT WOULD BE BAD -- "IT WOULD BE
5 BAD FOR YOUR CAREER." THOSE ARE NOT MY WORDS. THAT MAY BE HIS
6 INTERPRETATION OF WHAT I SAID, BUT I NEVER SAID TO HIM "IT
7 WOULD BE BAD FOR YOUR CAREER."

8 HE ASKED ME AND I GAVE HIM, AS A FRIEND AND
9 SOLELY AS A FRIEND, THE BEST ADVICE I POSSIBLY COULD.

10 Q ALL RIGHT. BUT DO YOU REMEMBER THE EXACT WORDS
11 YOU DID SAY ON REPEATED OCCASIONS THAT GAVE HIM THAT
12 IMPRESSION?

13 MS. EVANS: OBJECTION TO THE CHARACTERIZATION AS
14 "REPEATED OCCASIONS." SHE'S NOT STATED THAT SHE SAID IT ON
15 REPEATED OCCASIONS.

16 MR. IPSEN: WELL, I'LL RE-ASK --

17 HEARING OFFICER KERRIGAN: WAIT A MINUTE. WAIT A
18 MINUTE.

19 MR. IPSEN: -- THE QUESTION.

20 HEARING OFFICER KERRIGAN: WAIT A MINUTE.

21 HOW DID THESE CONVERSATIONS COME UP, DO YOU
22 RECALL?

23 THE WITNESS: YEAH, I JUST REMEMBER TWO CONVERSATIONS.

24 HEARING OFFICER KERRIGAN: OKAY.

25 THE WITNESS: ONE WAS AT THE TIME OF THE ELECTION OF

1 THE OFFICERS. I BELIEVE, MR. IPSEN WAS RUNNING.

2 HEARING OFFICER KERRIGAN: YES.

3 THE WITNESS: AND MR. DVER SAID: I AM WRITING, YOU
4 KNOW, AN ENDORSEMENT, AND WHAT DO YOU THINK?

5 AND I TOLD HIM I THOUGHT THAT IT WAS NOT A GOOD
6 IDEA BECAUSE I KNEW THAT MR. COOLEY DID NOT LIKE MR. IPSEN. HE
7 DID NOT LIKE HIM.

8 HEARING OFFICER KERRIGAN: MR. COOLEY DID --

9 THE WITNESS: MR. IPSEN. MR. COOLEY DID NOT LIKE
10 MR. IPSEN.

11 HEARING OFFICER KERRIGAN: OKAY.

12 BY MR. IPSEN:

13 Q AND HOW DID YOU KNOW THAT?

14 A WELL, ON NUMEROUS OCCASIONS MR. COOLEY HAS SAID
15 THAT.

16 Q EVER USING PROFANITY?

17 A I RECALL ONE OCCASION WHERE HE, MR. COOLEY, WAS
18 TALKING ABOUT A FORMAL BAR ASSOCIATION EVENT WHERE HE USED --
19 MAY HAVE USED PROFANITY TO REFER TO YOU, MR. IPSEN.

20 BUT IF YOU'RE ASKING ME SPECIFICS ABOUT: DO I
21 HAVE AN INDEPENDENT RECOLLECTION OF HIM USING PROFANITY TO
22 REFER TO YOU? I CAN'T REMEMBER THAT LEVEL OF DETAIL.

23 HEARING OFFICER KERRIGAN: LET ME ASK YOU -- I'M GOING
24 TO ASK ONE MORE QUESTION.

25 YOU HAD TWO CONVERSATIONS WITH HIM?

1 THE WITNESS: RIGHT. I HAD TWO CONVERSATIONS.

2 HEARING OFFICER KERRIGAN: THE FIRST CONVERSATION WAS
3 WHEN THE UNION WAS ELECTING OFFICERS, I THINK, YOU SAID.

4 THE WITNESS: RIGHT. WHICH WAS A YEAR OR TWO AGO.

5 HEARING OFFICER KERRIGAN: OKAY. WHEN WAS THE SECOND
6 CONVERSATION?

7 THE WITNESS: THE SECOND CONVERSATION WAS PROBABLY IN
8 DECEMBER --

9 HEARING OFFICER KERRIGAN: OKAY.

10 THE WITNESS: -- WHEN MR. DVER ASKED ME WHAT I THOUGHT
11 ABOUT HIM -- THAT HE HAD BEEN ASKED TO JOIN THE UNION
12 BARGAINING TEAM.

13 HEARING OFFICER KERRIGAN: YES.

14 THE WITNESS: AND HE ASKED ME WHAT I THOUGHT ABOUT IT.
15 I THINK, WE WERE AT AN ELEVATOR OR SOMETHING AND HE ASKED ME
16 WHAT I THOUGHT OF THAT. AND I THINK I TOLD HIM THEN TO CALL ME
17 AT HOME OR WE'D TALK ABOUT IT OR SOMETHING.

18 HEARING OFFICER KERRIGAN: YES.

19 THE WITNESS: AND HE ASKED ME WHAT I THOUGHT AND I GAVE
20 HIM THE SAME ADVICE THAT I HAD GIVEN HIM WHEN HE ASKED ME ABOUT
21 THE ENDORSEMENT.

22 BY MR. IPSEN:

23 Q DO YOUR BEST TO PUT IT IN YOUR WORDS WHAT YOU
24 SAID TO HIM: ROB -- WHAT DID YOU SAY?

25 A AS BEST AS I CAN REMEMBER I SAID TO HIM: I

1 THOUGHT IT WAS A BAD IDEA BECAUSE OF THE ANIMOSITY BETWEEN YOU
2 AND MR. COOLEY. AND THAT I DID NOT THINK IT WAS A GOOD IDEA
3 FOR HIM TO BE INVOLVED IN THE BARGAINING TEAM.

4 HE SAID: WELL, I THINK IT WILL BE A KICK, WAS
5 HIS TERM. AND I TOLD HIM I DIDN'T THINK THAT WAS GOING TO BE
6 ACCURATE.

7 AND HE SAID: WELL, I'LL JUST GO EXPLAIN IT TO
8 STEVE COOLEY. I CAN CONVINCHE HIM THAT IT WILL BE OKAY.

9 AND I TOLD HIM I THOUGHT THAT WAS -- THAT HE WAS
10 NOT GOING TO BE SUCCESSFUL. AND HE WENT TO TALK WITH
11 MR. COOLEY. AND THEN I THINK WE TALKED AGAIN AFTER HE SPOKE
12 WITH MR. COOLEY.

13 Q OBVIOUSLY, SINCE YOU SAID HE SAID HE TALKED TO
14 MR. COOLEY, YOU SAID SOMETHING TO HIM THAT IMPLIED IT WAS
15 BECAUSE OF MR. COOLEY'S VIEWS --

16 A YES.

17 Q -- IT WOULDN'T BE A GOOD IDEA FOR HIM TO DO
18 THAT.

19 A YES.

20 Q WHAT DID YOU SAY IN THAT -- SO YOU KNEW
21 MR. COOLEY'S VIEWS AT THAT TIME WHEN YOU, IS IT FAIR TO SAY,
22 DISCOURAGED ROB FROM BEING ON THE TEAM?

23 A I GAVE HIM ADVICE.

24 Q DID YOU ENCOURAGE HIM TO BE --

25 A HE ASKED MY OPINION AND I GAVE HIM ADVICE.

1 Q IS IT FAIR TO SAY YOU DISCOURAGED HIM FROM BEING
2 ON THE TEAM?

3 A I GAVE HIM MY ADVICE, WHICH WAS I THOUGHT IT WAS
4 A BAD IDEA.

5 Q OKAY. AND CAN YOU SAY THAT THAT DISCOURAGED HIM
6 FROM BEING ON THE TEAM?

7 MS. EVANS: OBJECTION. ASKED AND ANSWERED.

8 HEARING OFFICER KERRIGAN: YEAH, THE OBVIOUS, I GET.

9 MR. IPSEN: THANK YOU.

10 BY MR. IPSEN:

11 Q ON PAGE 21 ROB SAYS UNDER OATH --

12 MS. EVANS: WHAT LINE, PLEASE?

13 MR. IPSEN: LINE 10.

14 BY MR. IPSEN:

15 Q "THERE WERE SEVERAL
16 WHERE I HAD BEEN -- WHERE
17 SHE WAS BASICALLY WARNING ME
18 THAT IT WAS BAD FOR MY CAREER
19 TO BE SEEN WITH YOU, TO TALK
20 WITH YOU, TO ASSOCIATE WITH
21 THE UNION."
22 SAYING IT'S NOT A GOOD IDEA WITH NO REASON COULD
23 BE: YOU WON'T ENJOY IT. IPSEN'S A JERK TO HANG AROUND.

24 ROB SAID: A) IT WAS SEVERAL, NOT JUST TWO. AND
25 THAT HE DEFINITELY GOT THE IMPRESSION -- AND THOUGH HE DIDN'T

1 QUOTE YOU -- THAT IT "WOULD BE BAD FOR HIS CAREER." MEANING IT
2 WOULD NOT HELP HIS PROSPECTS OF PROMOTION FROM SUPERVISORY IV
3 TO GRADE V.

4 A I KNOW THAT'S --

5 MS. EVANS: OBJECTION. WHAT'S THE QUESTION?

6 HEARING OFFICER KERRIGAN: YEAH. YOU'RE READING THE
7 TESTIMONY FROM THE TRANSCRIPT. SHE CAN READ THE TRANSCRIPT.

8 MR. IPSEN: UNDERSTOOD.

9 BY MR. IPSEN:

10 Q LET ME ASK THIS: DID YOU THINK IT WOULD BE BAD
11 FOR HIS CAREER IF HE WAS CLOSELY ALLIED WITH THE UNION, MEANING
12 IT WOULD LESSEN HIS CHANCE OF GETTING PROMOTED TO A GRADE V BY
13 STEVE COOLEY?

14 DID YOU BELIEVE THAT?

15 A INASMUCH AS IF YOU WERE THE PRESIDENT --

16 Q OKAY.

17 A -- YEAH, I DID.

18 Q AND YOU BELIEVED THAT IT WOULD HURT HIS CHANCES
19 AND HURT HIS CAREER IF HE DID THAT WHILE I WAS PRESIDENT?

20 A I DEFINITELY THOUGHT THAT BEING ASSOCIATED WITH
21 YOU WOULD HURT HIM.

22 Q OR EVEN WITH THE UNION WHILE I WAS PRESIDENT?

23 A WHILE YOU WERE PRESIDENT.

24 Q WOULD HURT HIM IN THE SENSE OF "HURT HIS
25 CAREER"?

1 A YES.

2 Q WHY DID YOU THINK THAT?

3 A I THOUGHT THAT BECAUSE MR. COOLEY FELT THAT YOU
4 WERE DISHONEST AND FELT, QUITE FRANKLY, THAT ANYBODY ASSOCIATED
5 WITH YOU WOULD BE RATIFYING OR ENDORSING THAT DISHONESTY.

6 Q OKAY. ANYTHING ELSE?

7 A NO. AND SO BY ROB, YOU KNOW, ASSOCIATING WITH
8 YOU I FELT THAT, YOU KNOW, THAT MR. COOLEY WOULD THINK THAT ROB
9 WAS RATIFYING ANY DISHONESTY.

10 Q WAS THAT JUST SPECULATION ON YOUR PART OR THINGS
11 THAT MR. COOLEY SAID?

12 A I THINK THAT -- WELL, THOSE WERE THINGS THAT HE
13 SAID.

14 Q THAT PEOPLE WHO WERE WITH THE UNION, AS LONG AS
15 I WAS PRESIDENT, WOULDN'T GET PROMOTED?

16 MS. EVANS: OBJECTION, MISCHARACTERIZES THE WITNESS'
17 TESTIMONY.

18 THE WITNESS: NO.

19 HEARING OFFICER KERRIGAN: WAIT A MINUTE. YOU'VE
20 GONE -- YOU'VE TAKEN A BIG LEAP.

21 BY MR. IPSEN:

22 Q THAT IT WOULD BE BAD FOR THEIR CAREER?

23 MS. EVANS: WAIT.

24 HEARING OFFICER KERRIGAN: THIS IS A WITNESS YOU'RE
25 TAKING ON DIRECT EXAMINATION, YOU CAN'T LEAD HER IN THAT WAY.

1 YOU CAN ASK HER QUESTIONS THAT --

2 MR. IPSEN: THIS IS A MANAGEMENT --

3 HEARING OFFICER KERRIGAN: I KNOW SHE'S --

4 MR. IPSEN: THIS IS THE THIRD HIGHEST-RANKING PERSON IN
5 THE OFFICE.

6 HEARING OFFICER KERRIGAN: I KNOW THIS WITNESS IS
7 MANAGEMENT.

8 MR. IPSEN: SO I HAVE TO BE HOSTILE IN ORDER TO ASK A
9 LEADING QUESTION?

10 HEARING OFFICER KERRIGAN: I DON'T THINK SHE IS
11 HOSTILE. I THINK SHE'S BEING VERY CANDID. I THINK, YOU KNOW,
12 MADE A DECISION.

13 I THINK IT DOESN'T HELP TO ASK QUESTIONS LIKE
14 THAT BECAUSE YOU'RE ASSUMING FACTS NOT IN EVIDENCE AND YOU'RE
15 TAKING A LEAP FORWARD.

16 IF YOU WANT TO KNOW WHAT STEVE COOLEY SAID TO
17 HER, YOU CAN ASK HER THAT OR YOU CAN ASK FOR HER CONCLUSIONS
18 ABOUT IT, BUT --

19 MR. IPSEN: ALL RIGHT. I WILL.

20 HEARING OFFICER KERRIGAN: GO AHEAD.

21 BY MR. IPSEN:

22 Q WHAT THINGS DO YOU RECALL STEVE COOLEY SAYING?

23 A WELL, FIRST OF ALL, THE LAST CHARACTERIZATION OF
24 WHAT I SAID IS INACCURATE. AND YOUR CURRENT QUESTION IS: WHAT
25 DID STEVE COOLEY SAY ABOUT YOU? IS THAT -- I'M SORRY. I'M

1 LOST.

2 Q OKAY. LET ME START AGAIN.

3 A OKAY.

4 Q YOU HAD A BELIEF THAT IT WOULD BE BAD FOR ROB
5 DVER'S CAREER, MEANING REDUCE HIS CHANCE OF PROMOTION, IF HE
6 WAS CLOSELY INVOLVED WITH THE UNION WHILE I WAS PRESIDENT?

7 HEARING OFFICER KERRIGAN: THAT'S NOT HER TESTIMONY.

8 MR. IPSEN: WELL, I'M ASKING HER --

9 HEARING OFFICER KERRIGAN: IF YOU'RE GOING TO ASK HER A
10 QUESTION, YOU'VE GOT TO ASK HER A QUESTION THAT DOESN'T ASSUME
11 SHE TESTIFIED THAT WAY. YOU'VE GOT TO ASK THE QUESTION: IF
12 THAT, IN FACT, IS CORRECT...

13 SHE'S TESTIFIED AS FAR AS I'M CONCERNED THAT
14 MR. COOLEY DIDN'T LIKE YOU AND HE DIDN'T WANT ANYBODY TO BE
15 ASSOCIATED WITH YOU. THAT'S NOT SHORT OF WHAT YOU'VE GOT TO
16 SHOW.

17 MR. IPSEN: I THOUGHT I HEARD THE: WHILE I WAS
18 PRESIDENT OF THE UNION.

19 HEARING OFFICER KERRIGAN: YOU SAID THAT AT ONE POINT
20 BUT THE QUESTION WAS -- THERE'S A STATEMENT IN MY MIND,
21 BETWEEN --

22 YOU KNOW, YOU DON'T HAVE TO BE NICE TO BE
23 INVOLVED IN COLLECTIVE BARGAINING NEGOTIATIONS. YOU DON'T HAVE
24 TO LIKE PEOPLE TO BE INVOLVED IN COLLECTIVE BARGAINING
25 NEGOTIATIONS.

1 SHE'S MADE A DISTINCTION, AS FAR AS I'M
2 CONCERNED. I DON'T WANT TO INFLUENCE HER TESTIMONY EITHER, BUT
3 I THINK YOU HAVE TO DISTINGUISH BETWEEN THE ANIMOSITY BETWEEN
4 YOU -- BETWEEN THE INDIVIDUALS, AND THE INDIVIDUAL AND THE
5 INSTITUTION. AND THAT'S WHAT I WANT THE TESTIMONY TO BE CLEAR
6 ABOUT.

7 MR. IPSEN: ALL RIGHT.

8 BY MR. IPSEN:

9 Q THE CONVERSATIONS YOU HAD WITH ROB ABOUT WARNING
10 HIM HAD TO DO WITH HIS INVOLVEMENT WITH ME IN A UNION CONTEXT,
11 IS THAT CORRECT, VERSUS WHETHER, YOU KNOW, HE MET ME FOR A
12 HAMBURGER SOMEWHERE.

13 IT WAS WHETHER HE WOULD BE INVOLVED WITH THE
14 UNION WHILE I WAS PRESIDENT; IS THAT CORRECT?

15 A I FELT IT WAS MORE INVOLVED WITH YOU AS YOU WERE
16 UNION PRESIDENT. THERE'S A SUBTLE DISTINCTION I HEAR IN
17 YOUR PHRASING.

18 Q WELL, MY QUESTION IS: HE ASKED YOU IF HE SHOULD
19 BE ON THE BARGAINING COMMITTEE?

20 A RIGHT.

21 Q THAT IS INVOLVEMENT WITH THE UNION IN A VERY
22 STRONG DEGREE; CORRECT?

23 A CORRECT.

24 Q AND WHETHER HE SHOULD ENDORSE ME IN A RACE IN A
25 PRESIDENTIAL CAMPAIGN FOR THE UNION POSITION, WHETHER HE SHOULD

1 BE AN ENDORSER AND SUPPORT A CANDIDATE IN THE UNION; CORRECT?

2 A CORRECT.

3 Q SO IT WAS IN THAT CONTEXT YOU GAVE WARNINGS
4 VERSUS --

5 DID YOU EVER WARN HIM, YOU KNOW, DON'T HAVE A
6 HAMBURGER WITH STEVE?

7 A ONCE AGAIN, YOU CHARACTERIZE IT AS A WARNING.
8 THIS IS A FRIEND SAYING WHAT DO YOU THINK ABOUT THIS, AND I'M
9 GIVING HIM ADVICE. HAD HE NEVER ASKED, I WOULDN'T HAVE GIVEN
10 THE ADVICE.

11 WARNING IMPLIES ALMOST A, YOU KNOW, PROACTIVE
12 WHERE I SOUGHT HIM OUT AND WARNED HIM: DON'T DON'T GET
13 INVOLVED. THIS MAN SAID, AS MY FRIEND: WHAT DO YOU THINK?

14 Q AND WHEN HE ASKED, YOU CHOSE TO WARN HIM BECAUSE
15 YOU FELT -- YOU PERSONALLY FELT IT WOULD BE BAD FOR HIS CAREER
16 TO ENDORSE ME IN THE CAMPAIGN; CORRECT?

17 A I FELT IT WOULD BE ULTIMATELY BAD FOR HIS CAREER
18 BECAUSE, QUITE FRANKLY, IT WOULD RUIN HIS FRIENDSHIP AND HIS
19 REPUTATION WITH THE DISTRICT ATTORNEY. I DID.

20 Q BAD TO ENDORSE ME AS PRESIDENT OF THE UNION?

21 MS. EVANS: OBJECTION. ASKED AND ANSWERED.

22 MR. IPSEN: BUT THAT WAS THE --

23 HEARING OFFICER KERRIGAN: I'M GOING TO LET HIM ASK HER
24 ONE MORE TIME.

25 ANSWER THE QUESTION.