

1 THE WITNESS: ANSWER THE QUESTION, SIR?

2 HEARING OFFICER KERRIGAN: YES, PLEASE. OKAY.

3 THE WITNESS: OKAY.

4 BY MR. IPSEN:

5 Q BUT THAT WAS A SPECIFIC ACTION HE WAS  
6 CONSIDERING WHEN YOU WARNED HIM ABOUT ENDORSING ME AS PRESIDENT  
7 DURING A CAMPAIGN FOR PRESIDENT OF THE UNION?

8 MS. EVANS: OBJECTION. AT THE TIME OF THE ENDORSEMENT,  
9 IT WAS NOT A UNION. IT WAS AN ASSOCIATION. THERE WAS NO UNION  
10 AT THE TIME OF THIS --

11 MR. IPSEN: THANK YOU.

12 MS. EVANS: -- SO IT MISSTATES THE EVIDENCE.

13 HEARING OFFICER KERRIGAN: WELL --

14 MS. EVANS: MISSTATES HER TESTIMONY TOO.

15 HEARING OFFICER KERRIGAN: I'M NOT GOING TO GET -- WHEN  
16 WAS THE UNION CERTIFICATED?

17 MS. EVANS: MARCH 24TH, 2008.

18 HEARING OFFICER KERRIGAN: OKAY. AND WHAT ARE THE DAYS  
19 OF THESE CONVERSATIONS, IF YOU RECALL?

20 THE WITNESS: IT IS MY MEMORY THAT IT WAS A YEAR BEFORE  
21 THE UNION -- BEFORE THE A.D.D.A. GOT CERTIFICATED AS A  
22 BARGAINING ASSOCIATION. SO IT WAS MAYBE A YEAR, IS WHAT I  
23 THINK. I COULD BE WRONG.

24 BY MR. IPSEN:

25 Q IT WAS A TIME AT WHICH WE HAD ALREADY COLLECTED

1 THE UNIONIZATION CARDS BY PEOPLE WHO HAD SIGNED TO BECOME A  
2 UNION AND WE HAD A CAMPAIGN GOING ON AGAINST BRENT FARRERA AND  
3 CRAIG GOLD WHO WERE ADVOCATING S.E.I.U. AND THE A.D.D.A. BOARD  
4 WHICH WAS ADVOCATING INDEPENDENCE; IS THAT CORRECT?

5 A I DON'T KNOW ABOUT ALL THOSE THINGS THAT YOU'RE  
6 SAYING. IT WAS OBVIOUSLY WHEN YOU WERE, YOU KNOW, RUNNING  
7 AGAINST BRENT FARRERA. WHETHER THE CARDS WERE COLLECTED AND  
8 THOSE THINGS, I COULD NOT TELL YOU THAT THAT WAS GOING ON AT  
9 THE TIME. I DON'T KNOW.

10 Q DO YOU THINK ROB WOULD HAVE BEEN A GOOD PERSON  
11 TO BE INVOLVED IN A D.A.'S UNION? IN GENERAL --

12 MS. EVANS: OBJECTION.

13 BY MR. IPSEN:

14 Q -- IS HE THE TYPE OF PERSON --

15 MS. EVANS: PARDON ME. CALLS FOR SPECULATION.  
16 RELEVANCY.

17 HEARING OFFICER KERRIGAN: YOU'RE ASKING HER WHAT HER  
18 OPINION IS NOW OR WHATEVER HER OPINION IS THEN.

19 MR. IPSEN: JUST IN GENERAL. WELL, LET ME ASK IT  
20 ANOTHER WAY.

21 BY MR. IPSEN:

22 Q DON'T YOU THINK TELLING HIM YOU SHOULDN'T BE  
23 INVOLVED WITH IPSEN, YOU SHOULDN'T ENDORSE THE CAMPAIGN WOULD  
24 DETER HIM OTHER UNION ACTIVITIES, POSSIBLY MEMBERSHIP, POSSIBLY  
25 RUNNING FOR THE BOARD HIMSELF?

1           A           NO.

2           Q           YOU'RE SAYING YOU FELT IT WOULD BE BAD FOR HIS  
3 CAREER, THAT'S WHY WHEN HE ASKED IF HE SHOULD ENDORSE, YOU  
4 DISCOURAGED HIM. BUT ARE YOU SAYING YOU DIDN'T EXPRESS TO HIM  
5 IT WOULD BE BAD FOR HIS CAREER?

6           A           I DIDN'T USE THOSE TERMS.

7           Q           ALL RIGHT.

8           A           I DIDN'T WARN HIM. I GAVE HIM ADVICE. HE DID  
9 NOT TAKE THE ADVICE. WE WERE -- AS FAR AS I'M CONCERNED, WHEN  
10 WE WERE TALKING, WE WERE TALKING AS FRIENDS. HE DID NOT TAKE  
11 THE ADVICE AND HE DID, IN FACT, ENDORSE YOU.

12          Q           I UNDERSTAND. BUT YOUR BELIEF WAS IT WOULD BE  
13 BAD FOR HIS CAREER. HE TESTIFIED THAT YOU WARNED HIM IT WOULD  
14 BE BAD FOR HIS CAREER. AND YOU EXPRESSED, IN WORDS YOU HAVEN'T  
15 TOLD US, YOUR CONCERN FOR HIM BECAUSE YOU FELT IT WOULD BE BAD  
16 FOR HIS CAREER.

17          A           I THOUGHT I --

18                    ARE THOSE ALL FACTS ACCURATE?

19          A           NO. I THOUGHT I HAD TOLD YOU, AS BEST I COULD  
20 REMEMBER THE CONVERSATION, I GAVE HIM ADVICE. AND THE ADVICE  
21 WAS BASED ON THE DISLIKE THAT THE DISTRICT ATTORNEY HAD FOR  
22 YOU.

23          Q           LET ME ASK YOU, WHEN YOU SAY FOR ME, THERE'S NO  
24 OTHER PERSON ON THE A.D.D.A. UNION BOARD THAT MR. COOLEY  
25 EXPRESSED HIS DISLIKE FOR? ARE YOU SAYING THAT?

1 A NOT TO THE DEGREE THAT HE EXPRESSES IT FOR YOU.

2 Q OKAY. SO TO OTHER DEGREES HE EXPRESSES DISLIKE  
3 FOR OTHER UNION MEMBERS, OTHER BOARD MEMBERS?

4 A YES.

5 Q OKAY. AND DOES HE EXPRESS ANY DISTASTE FOR THE  
6 POSITIONS WE'VE TAKEN OR DOES HE SAY: NO, WHAT THEY'RE DOING I  
7 LOVE, BUT I DON'T LIKE THEM PERSONALLY.

8 HOW WOULD YOU CHARACTERIZE IT?

9 HEARING OFFICER KERRIGAN: DO YOU UNDERSTAND THE  
10 QUESTION?

11 THE WITNESS: I'M NOT SURE. I GUESS THE ANSWER IS --  
12 BY MR. IPSEN:

13 Q IS IT ONLY THE PEOPLE HE DISLIKES OR THE FACT  
14 THAT THEY ARE CHALLENGING HIS AUTHORITY AND POWER THAT HE  
15 DISLIKES?

16 A HE TELLS ME IT'S THE PEOPLE.

17 Q OKAY. DID HE DISCUSS WHEN THE A.D.D.A. TOOK A  
18 POSITION TO TRY TO HAVE JUDGE OKI AND WESLEY TAKEN OUT OF  
19 OFFICE AND HE WAS CAMPAIGNING FOR THEM?

20 DID HE EXPRESS HE DISAGREED WITH THE POSITIONS  
21 WE WERE TAKING AS AN ASSOCIATION WHEN THE A.D.D.A. UNANIMOUSLY  
22 VOTED TO ENDORSE OTHER CANDIDATES?

23 WAS THAT ISSUE NOT SOMETHING HE WAS UPSET ABOUT?

24 A YES.

25 Q OKAY. SO IT WASN'T JUST THAT I HAD A BAD

1 PERSONALTY, HE DIDN'T LIKE THE THINGS I WAS DOING AS PRESIDENT;  
2 ISN'T THAT FAIR TO SAY?

3 A NO, BECAUSE YOU'RE -- THAT TIME FRAME IS --  
4 IF I CAN JUST FINISH MY ANSWER BECAUSE I'M  
5 TRYING NOT TO OFFEND THE COURT REPORTER HERE BY TALKING OVER  
6 YOU.

7 THE WESLEY/OKI EVENT OCCURRED IN 2004 -- 2002.  
8 2002, I THOUGHT. I CAN'T REMEMBER. THAT WAS A LONG TIME AGO.  
9 THE WESLEY/OKI MATTER. A LOT HAPPENED --

10 Q SURE.

11 A -- BETWEEN 2002 AND THE WESLEY/OKI DEAL, AND THE  
12 UNION AND THAT SORT OF THING. THOSE WERE VERY DIFFERENT --

13 Q BUT THAT WAS A POSITION THE BOARD TOOK  
14 UNANIMOUSLY THAT HE WAS NOT HAPPY WITH; CORRECT?

15 A I CAN'T SAY UNANIMOUSLY BUT --

16 Q OKAY.

17 A -- I WASN'T INVOLVED IN THAT.

18 Q OKAY. WERE YOU PRESENT IN THE A.D.D.A. MEETING  
19 WHEN STEVE COOLEY WORE A BULLETPROOF VEST?

20 A NO.

21 Q WERE YOU PRESENT AT HIS LAST MEETING, I BELIEVE,  
22 IT WAS IN 2004, WHEN HE STOPPED COMING TO THE BOARD MEETINGS?

23 A NO.

24 Q ARE YOU ARE AWARE OF OUR POSITION ON THE  
25 PERFORMANCE EVALUATION AND THAT WE ARE CONTESTING IT AND WE

1 HAVE WRITTEN LETTERS TO CONTEST THE NEW P.E. PROCESS, THE  
2 POSITION THE BOARD HAS TAKEN?

3 A I'M NOT FAMILIAR WITH THE LETTERS. I AM  
4 FAMILIAR WITH THE UNION CONTESTING OUR NEW PERFORMANCE  
5 EVALUATION.

6 Q AND WE'RE STANDING AGAINST THE DISTRICT  
7 ATTORNEY'S POSITION ON THAT, AREN'T WE, AS A UNION AND A BOARD?

8 A THROUGH MS. BOOTH, I HAVE HEARD THAT, YES.

9 Q AND THERE ARE OTHER POSITIONS WE'VE TAKEN AS A  
10 BOARD THAT THE DISTRICT ATTORNEY DOES NOT LIKE; CORRECT?

11 A YOU KNOW, I CAN ONLY SPECULATE, BUT I WOULD  
12 ASSUME SO.

13 HEARING OFFICER KERRIGAN: YOU MEAN AS FAR AS WHAT HE'S  
14 TOLD HER?

15 BY MR. IPSEN:

16 Q ON PAGE 21 AT THE BOTTOM IT SAYS:

17 "THERE WAS NO  
18 QUESTION THAT SHE WAS.  
19 JACKIE'S LIKE MY SISTER AND  
20 WAS LOOKING OUT FOR SOMEONE  
21 I THINK SHE VIEWS AS A  
22 BROTHER. AND SHE WAS TRYING  
23 TO MAKE SURE THAT THINGS  
24 WENT WELL FOR ME IN THE  
25 OFFICE."

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IS THAT CORRECT?

MS. EVANS: OBJECTION. THE DOCUMENT SPEAKS FOR ITSELF.

MR. IPSEN: I'M ASKING HER --

HEARING OFFICER KERRIGAN: NO. HE'S ASKING HER IF THAT'S A CORRECT REPRESENTATION OF WHAT SHE SAID TO HIM, WHAT THEIR CONVERSATION WAS.

OVERRULED.

BY MR. IPSEN:

Q I ASKED: WERE THOSE WARNINGS ON ONE OCCASION OR MORE THAN ONE OCCASION?

MORE THAN ONE OCCASION, DO YOU AGREE WITH THAT?

MS. EVANS: OBJECTION. CHARACTERIZATION AS TO "WARNINGS." SHE'S ALREADY --

HEARING OFFICER KERRIGAN: SHE'S ALREADY TESTIFIED SHE MADE NO WARNINGS.

MR. IPSEN: WELL, SHE DEFINED WARNING AND HER DEFINITION IS -- WELL, HIS DEFINITION IS WARNINGS AND WHAT A PERSON CONSIDERS A WARNING --

SHE SAID A WARNING IS WHEN SHE GOES TO A PERSON AFFIRMATIVELY TO WARN THEM VERSUS WHEN THEY ASK HER OPINION AND SHE --

HEARING OFFICER KERRIGAN: THAT'S CORRECT. SO YOU'VE GOT TO DEFINE THE TERM SO SHE UNDERSTANDS WHAT THE QUESTION IS.

MR. IPSEN: I'M READING THE TRANSCRIPT AND ASKING IF IT'S ACCURATE. ROB DVER SAID IT WAS A WARNING.

1 MS. EVANS: NO. THE TRANSCRIPT IS NOT -- THE QUESTION  
2 USES THE PHRASE WARNING --

3 MR. IPSEN: SHE CAN SAY IT'S INACCURATE THEN.

4 MS. EVANS: EXCUSE ME.

5 MR. IPSEN: NO. I'M NOT GOING TO EXCUSE YOU. MY  
6 QUESTION IS: IS THIS ACCURATE? THIS IS TESTIMONY. SHE CAN  
7 SAY IT'S INACCURATE.

8 MS. DIXON SILVA: NO, IT'S NOT TESTIMONY.

9 MS. EVANS: EXCUSE ME.

10 HEARING OFFICER KERRIGAN: OKAY.

11 MS. EVANS: WHAT IS -- MAY I HEAR THE QUESTION SO I CAN  
12 KNOW WHAT IT IS FOR THE RECORD? CAN WE HAVE A CLEAR QUESTION  
13 ON THE RECORD?

14 BY MR. IPSEN:

15 Q ROB WAS ASKED:

16 "WERE THOSE WARNINGS  
17 ON ONE OCCASION OR MORE THAN  
18 ONE OCCASION?"

19 HE SAID: "MORE THAN ONE OCCASION."

20 MY QUESTION IS: IS THAT ACCURATE?

21 MS. EVANS: OBJECTION AGAIN TO THE CHARACTERIZATION OF  
22 WARNINGS BASED UPON THE WITNESS' PRIOR TESTIMONY THAT SHE DID  
23 NOT GIVE WARNINGS.

24 BASED UPON THAT, IT'S ARGUMENTATIVE AT THIS  
25 POINT.



1 HEARING OFFICER KERRIGAN: OKAY. THE QUESTION IS THE  
2 NUMBER OF CONVERSATIONS, IS THAT CORRECT, AS FAR AS THE NUMBER  
3 OF CONVERSATIONS, THAT THERE WERE MORE THAN ONE OCCASION?

4 THE WITNESS: YES.

5 HEARING OFFICER KERRIGAN: OKAY.

6 BY MR. IPSEN:

7 Q HE THEN SAID --

8 I ASKED:

9 "OVER WHAT PERIOD OF  
10 TIME."

11 HE SAID:

12 "WELL, REALLY I WOULD  
13 SAY TWO OR THREE YEARS WHERE  
14 IT BECAME -- AS THE UNION  
15 BECAME MORE REAL, MEANING  
16 WHEN YOU GUYS FIRST --  
17 STARTING, YOU KNOW, AROUND  
18 2005/2004 THAT KIND OF  
19 STUFF --

20 "I MEAN, I WAS SORT  
21 OF -- THERE WERE THINGS  
22 GOING ON WITH THE A.D.D.A.,  
23 BUT AS THE TIME WENT ON AND  
24 THE UNION BECAME MORE REAL  
25 AND DIFFERENT INCIDENTS

1                   HAPPENED, THE WARNINGS  
2                   BECAME, I WOULD SAY, MORE  
3                   FREQUENT. JACKIE AND I  
4                   SPOKE LESS."

5                   HE SAID THE WARNINGS BECAME MORE FREQUENT AS  
6                   TIME WENT ON AND UNIONIZATION BECAME MORE REAL. AND WE TURNED  
7                   IN OUR CARDS ABOUT A YEAR AND-A-HALF TO TWO YEARS BEFORE WE  
8                   BECAME A UNION IN MARCH 2008. SO IT BECAME MORE REAL IN 2006  
9                   OR 2007 --

10                  HEARING OFFICER KERRIGAN: LET ME INTERRUPT YOU FOR A  
11                  SECOND.

12                                 WHEN IS THE DATE OF THE JUDGE OKI -- WHOEVER THE  
13                  ARRAIGNMENT -- THE FAILED ARRAIGNMENT?

14                  MS. EVANS: 2002.

15                  HEARING OFFICER KERRIGAN: 2002?

16                  THE WITNESS: YES, I THINK IT WAS 2002.

17                  HEARING OFFICER KERRIGAN: OKAY.

18                  MR. IPSEN: IT COULD BE.

19                  HEARING OFFICER KERRIGAN: I'M SORRY FOR THE  
20                  INTERRUPTION. GO AHEAD.

21                  MS. EVANS: I DON'T THINK THERE WAS A QUESTION PENDING.  
22                  I THINK HE WAS JUST READING THE TRANSCRIPT.

23                  BY MR. IPSEN:

24                                 Q                 WELL, THE QUESTION WAS: DO YOU AGREE WITH THAT?  
25                  HE'S SAYING THEY BECAME MORE FREQUENT AS TIME WENT ON.

1 A NO, I DISAGREE WITH THAT.

2 Q OKAY. SO HE'S LYING ABOUT THERE BEING FREQUENT  
3 WARNINGS?

4 MS. EVANS: OBJECTION. ARGUMENTATIVE.

5 HEARING OFFICER KERRIGAN: IT IS ARGUMENTATIVE. TO SAY  
6 SOMEBODY IS INCORRECT DOESN'T MEAN THEY'RE LYING.

7 MR. IPSEN: I'M ASKING IF SHE'S SAYING HE'S LYING.

8 BY MR. IPSEN:

9 Q YOU'RE SAYING HE'S MISTAKEN?

10 MS. EVANS: SAME QUESTION. SAME OBJECTION. IT'S  
11 ARGUMENTATIVE.

12 BY MR. IPSEN:

13 Q ON PAGE 25, LINES 24 TO 25, ROB SAID: JACKIE  
14 TOLD ME -- I'M SORRY.

15 A I'M SORRY. WOULD YOU TELL ME WHERE YOU ARE?

16 HEARING OFFICER KERRIGAN: PAGE 25, LINES 24 AND 25,  
17 RIGHT AT THE BOTTOM.

18 THE WITNESS: OKAY.

19 BY MR. IPSEN:

20 Q THIS IS REGARDING OCTOBER 2008 THE 17TH, WHERE I  
21 ASKED WHAT THE CIRCUMSTANCES --

22 "THE CIRCUMSTANCES

23 WERE THAT YOU HAD ASKED

24 ME --"

25 "YOU" MEANING STEVE IPSEN

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"-- TO BE A PART OF  
THE BARGAINING TEAM. I HAD  
TALKED TO JACKIE ABOUT THAT  
BECAUSE JACKIE KNEW THAT I  
WANTED SOME DAY TO BE A  
GRADE V OR A D.I.C."

DID YOU, IN FACT, KNOW THAT HE WANTED TO BE A  
GRADE V SOME DAY? DID YOU KNOW THAT?

A WELL, I'M TRYING TO ANSWER THAT HONESTLY OR  
ACCURATELY IS PROBABLY THE BETTER WORD. I ASSUMED THAT HE DID  
WANT TO BE A GRADE V. I KNEW THAT. SPECIFICALLY, WE HAD A  
CONVERSATION ABOUT HIM MOVING ON FROM HIS ASSISTANT HEAD DEPUTY  
SPOT THAT HE HAD NOW TO BECOME A D.I.C. WE HAD BREAKFAST ONE  
MORNING AND TALKED ABOUT THAT IN A WHOLE SEPARATE CONVERSATION.

Q AND HE THEN SAYS:

"AND SHE KNEW SHE  
FELT THAT IF I WAS ON THE  
BARGAINING TEAM, THAT WOULD  
BE A DISASTER FOR MY CAREER  
BECAUSE OF HOW STEVE COOLEY  
FELT ABOUT THE UNION AND  
ABOUT YOU IN PARTICULAR."

HEARING OFFICER KERRIGAN: OKAY. YOU ARE REFERRING TO  
LINES 13 THROUGH --

MR. IPSEN: 13 THROUGH 16.

1 HEARING OFFICER KERRIGAN: OKAY.

2 BY MR. IPSEN:

3 Q I'M ASKING: IS THAT HOW YOU FELT, NOT WHETHER  
4 YOU SAID IT. BUT IS THAT ACCURATE, HOW YOU FELT THAT IF HE WAS  
5 ON THE BARGAINING TEAM IT WOULD BE A DISASTER FOR HIS CAREER  
6 BECAUSE OF HOW STEVE COOLEY FELT ABOUT THE UNION AND ABOUT YOU  
7 IN PARTICULAR?

8 HEARING OFFICER KERRIGAN: HOW RELEVANT IS HER  
9 UNEXPRESSED FEELINGS?

10 MR. IPSEN: WELL, I'M JUST ASKING IF THAT'S HOW SHE  
11 FELT.

12 HEARING OFFICER KERRIGAN: WELL, HOW RELEVANT --

13 MR. IPSEN: ROB'S CLEARLY SAYING IT WAS EXPRESSED.

14 HEARING OFFICER KERRIGAN: -- IS HER UNEXPRESSED  
15 FEELINGS.

16 MR. IPSEN: WELL, WHETHER SHE EXPRESSES --

17 HEARING OFFICER KERRIGAN: IF SHE DIDN'T EXPRESS IT TO  
18 HIM --

19 MR. IPSEN: LET ME SAY IT SO SHE'LL HEAR IT. IF SHE  
20 FELT IT AND ROB DVER SAYS SHE EXPRESSED IT, I THINK IT'S PRETTY  
21 STRONG EVIDENCE SHE, IN FACT, EXPRESSED IT AS HE HEARD IT,  
22 OTHERWISE HE'S READING MINDS.

23 HE SAID THAT SHE FELT IT WOULD BE BAD FOR HIS  
24 CAREER AND THAT STEVE COOLEY HAD ANGER FOR THE UNION AND FOR ME  
25 IN PARTICULAR.

1                    THAT'S WHAT HE SAID SHE SAID TO HIM. I'M  
2 ASKING: IS THAT TRUE, DID YOU FEEL THAT IN THAT CONVERSATION?

3                    HEARING OFFICER KERRIGAN: OKAY. YOU UNDERSTAND THE  
4 LIMITATIONS.

5                    GO AHEAD.

6                    THE WITNESS: DISASTER IS A MUCH STRONGER WORD THAN  
7 DESCRIBED MY FEELING. I THOUGHT -- I FELT THAT IT WOULD BE BAD  
8 FOR HIM TO BE ASSOCIATED WITH THE UNION WITH YOU AT THE  
9 LEADERSHIP.

10 BY MR. IPSEN:

11                    Q            AND NOT ASSOCIATED WITH THE UNION, ON THE  
12 CONTRACT NEGOTIATION TEAM FOR THE A.D.D.A., THAT'S WHAT HE  
13 ASKED YOU ABOUT AND THAT'S WHAT YOU DISCOURAGED HIM ABOUT;  
14 ISN'T THAT CORRECT?

15                    MS. EVANS: OBJECTION.

16                    THE WITNESS: I SIMPLY ADVISED --

17                    MS. EVANS: PARDON ME. MISCHARACTERIZES THE WITNESS'  
18 TESTIMONY.

19 BY MR. IPSEN:

20                    Q            THE ADVICE YOU GAVE WAS THAT HE SHOULD NOT DO  
21 IT.

22                    A            RIGHT.

23                    Q            HE RESISTED THAT AND SUGGESTED HE TALK TO COOLEY  
24 DIRECTLY?

25                    A            NO. NO. THAT'S NOT WHAT I SAID.

1 Q OKAY. THEN WHAT DID YOU SAY?

2 A HE ASKED MY ADVICE, I GAVE HIM MY ADVICE.

3 Q WHICH WAS?

4 A WHICH WAS --

5 MS. EVANS: ASKED AND ANSWERED.

6 HEARING OFFICER KERRIGAN: GO AHEAD.

7 THE WITNESS: THAT I DID NOT THINK IT WOULD BE A GOOD  
8 IDEA BECAUSE MR. COOLEY DID NOT LIKE YOU.

9 HE THEN SAID: I'LL JUST GO TALK TO STEVE  
10 COOLEY. I'LL EXPLAIN TO HIM THE BENEFITS OF ME BEING ON THE  
11 BARGAINING TEAM AND CONVINCING HIM THAT IT WOULD BE A GOOD IDEA.

12 HE THEN WENT OFF FOR A SHORT TIME AFTER THAT  
13 TALKED TO MR. COOLEY. I NEVER TALKED TO MR. COOLEY ABOUT IT.  
14 BY MR. IPSEN:

15 Q ROB SAID: WELL -- SO THE ANSWER IS:

16 "JACKIE TOLD ME THAT  
17 THIS WOULD BE A MISTAKE.  
18 THIS WOULD BE VERY BAD FOR  
19 MY CAREER, THAT I SHOULDN'T  
20 BE PART OF THE BARGAINING  
21 TEAM. THAT STEVE DOESN'T  
22 LIKE YOU, DOESN'T LIKE THE  
23 UNION, THINKS THE UNION IS  
24 GOING TO BE A DISASTER AND  
25 ANYONE ASSOCIATED WITH THE

1 UNION IS NOT GOING TO BE --  
2 THAT IT'S GOING TO BE VERY  
3 BAD FOR THEIR CAREERS."

4 A I DID NOT SAY THAT.

5 Q WHICH PARTS OF THOSE DO YOU DISAGREE WITH?

6 A I DISAGREE WITH, QUITE FRANKLY, A LOT OF IT.

7 Q LET'S GO LINE --

8 A CAN WE GO LINE BY LINE?

9 HEARING OFFICER KERRIGAN: YEAH, SURE.

10 BY MR. IPSEN:

11 Q YEAH, ROB SAYS THAT'S WHAT YOU TOLD HIM. SO  
12 LET'S SEE WHICH PARTS YOU'RE SAYING ROB DIDN'T TELL YOU.

13 MS. EVANS: CAN WE HAVE A REFERENCE ON THE TRANSCRIPT,  
14 PLEASE?

15 HEARING OFFICER KERRIGAN: OKAY. YOU'RE TALKING ABOUT  
16 GOING FROM 24, 25 ON PAGE 25 TO LINES 1 THROUGH 5 ON PAGE 26;  
17 RIGHT?

18 MR. IPSEN: YES.

19 HEARING OFFICER KERRIGAN: OKAY. WHAT PART OF THAT IS  
20 ACCURATE AND WHAT PART IS INACCURATE?

21 THE WITNESS: OKAY, ARE YOU ASKING ME, SIR?

22 HEARING OFFICER KERRIGAN: YES.

23 THE WITNESS: OKAY. ALL RIGHT. ON LINE 24 IT SAYS:

24 "WELL, SO THE ANSWER

25 IS JACKIE TOLD ME THAT THIS



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WOULD BE A MISTAKE."

THAT IS ACCURATE.

HEARING OFFICER KERRIGAN: OKAY.

THE WITNESS: "THIS WOULD BE VERY BAD  
FOR MY CAREER."

I DID NOT USE THOSE WORDS.

HEARING OFFICER KERRIGAN: OKAY.

BY MR. IPSEN:

Q BUT FELT IT WAS TRUE?

MS. EVANS: WELL, WAIT, CAN SHE FINISH --

HEARING OFFICER KERRIGAN: WAIT A MINUTE.

MR. IPSEN: I'M ASKING HER A QUESTION.

MS. EVANS: NO.

HEARING OFFICER KERRIGAN: SHE'S GOING THROUGH THIS.  
SHE HASN'T FINISHED HER ANSWER. SHE'S GOING THROUGH THIS  
LANGUAGE THAT YOU PUT IN FRONT OF HER.

MR. IPSEN: THANK YOU.

THE WITNESS: "THAT I SHOULDN'T BE PART  
OF THE BARGAINING TEAM."

THAT WOULD BE TRUE OR ACCURATE.

"THAT STEVE DOESN'T  
LIKE YOU."

MEANING, I ASSUME, HE'S TALKING TO YOU, STEVE

IPSEN.

///

1 BY MR. IPSEN:

2 Q LET'S ASSUME THAT'S CORRECT.

3 A OKAY.

4 "DOESN'T LIKE THE  
5 UNION, THINKS THE UNION IS  
6 GOING TO BE A DISASTER AND  
7 ANYONE ASSOCIATED WITH THE  
8 UNION IS NOT GOING TO BE --"  
9 NOW, THIS PART ABOUT THAT -- OKAY.

10 "THAT STEVE DOESN'T  
11 LIKE YOU, DOESN'T LIKE THE  
12 UNION, THINKS THE UNION IS  
13 GOING TO BE A DISASTER.

14 "AND ANYONE  
15 ASSOCIATED WITH THE UNION IS  
16 NOT GOING TO BE --"  
17 AND THEN IT LOOKS LIKE THERE'S A PAUSE.

18 "THAT IT'S GOING TO  
19 BE VERY BAD FOR THEIR  
20 CAREERS."

21 I DID NOT SAY THAT LAST PART, THAT ANYONE  
22 ASSOCIATED WITH THE UNION THAT IT'S GOING TO BE BAD FOR THEIR  
23 CAREERS. I JUST DIDN'T SAY THAT.

24 Q YOU TESTIFIED TO THAT TODAY, THAT BASED ON YOUR  
25 CONVERSATIONS WITH STEVE COOLEY, YOU FELT IT WOULD BE BAD FOR

1 ANYONE WHO ASSOCIATED WITH ME OR THE UNION WHILE I WAS  
2 PRESIDENT.

3 DIDN'T YOU TESTIFY TO THAT?

4 A I DON'T RECALL USING THOSE WORDS EXACTLY. I  
5 DON'T RECALL USING THOSE PARTICULAR WORDS.

6 Q DO YOU BELIEVE THAT TO BE TRUE AND HAVE YOU  
7 BELIEVED IT TO BE TRUE, OR IS IT JUST THAT ONLY ROB, IT WOULD  
8 BE BAD FOR HIS CAREER IF HE JOINED THE UNION AND WORKED CLOSELY  
9 WITH ME, OR IS YOUR STATE OF MIND THAT ROB OR ANYONE ELSE THAT  
10 WORKED CLOSELY WITH ME, IT WOULD BE BAD FOR THEIR CAREERS?

11 A AT THE TIME I TALKED TO ROB DVER --  
12 HEARING OFFICER KERRIGAN: THAT ASSUMES A FACT NOT IN  
13 EVIDENCE. SHE'S ALREADY SAID SHE DIDN'T SAY IT WOULD BE BAD  
14 FOR HIS CAREER.

15 MR. IPSEN: I'M CHALLENGING THAT BASED ON -- THAT HER  
16 MEMORY MAY BE INVALID SINCE ROB DVER TESTIFIED SHE DID SAY IT.  
17 I THINK IT IS SUGGESTIVE THAT ROB IS ACCURATE IF SHE, IN FACT,  
18 HAD A BELIEF THAT HE SAYS SHE EXPRESSED TO HIM.

19 SO IF HE SAYS SHE TOLD ME SHE LIKES PISTACHIO  
20 ICE CREAM. AND SHE CAME IN AND SAID: YEAH, I LOVE PISTACHIO  
21 ICE CREAM, BUT I NEVER TOLD THAT TO ROB. I THINK IT SUGGESTS  
22 THAT ROB WOULD BE ACCURATE --

23 HEARING OFFICER KERRIGAN: WELL, THAT'S ARGUMENT.  
24 WHICH PART? IT SAYS ON LINE 1:

25 "THAT I SHOULDN'T

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BE PART OF THE BARGAINING  
TEAM BECAUSE STEVE DOESN'T  
LIKE YOU."

THAT'S ACCURATE; RIGHT?

THE WITNESS: RIGHT.

HEARING OFFICER KERRIGAN: "DOESN'T LIKE THE UNION."

IS THAT ACCURATE?

THE WITNESS: THAT'S CORRECT.

HEARING OFFICER KERRIGAN: BEG PARDON?

THE WITNESS: YES, THAT'S CORRECT, SIR.

HEARING OFFICER KERRIGAN: OKAY.

"THINKS THE UNION IS

GOING TO BE A DISASTER."

IS THAT TRUE?

THE WITNESS: THAT'S CORRECT.

HEARING OFFICER KERRIGAN: OKAY. SO THOSE ARE ALL  
THINGS THAT YOU SAID TO HIM.

THE WITNESS: CORRECT.

HEARING OFFICER KERRIGAN: OKAY. GO AHEAD.

MR. DEBBAUDT: WERE YOU GOING TO GO TO THE LAST ONE?

MR. IPSEN: NO. THAT'S OKAY. ANYWAY --

HEARING OFFICER KERRIGAN: OKAY.

"AND ANYONE

ASSOCIATED WITH THE UNION IS

NOT GOING TO BE -- IT'S

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GOING TO BE BAD FOR THEM IN  
THEIR CAREERS."

DID YOU SAY ANYTHING TO THAT EFFECT?

THE WITNESS: I DID NOT SAY THAT LAST -- THAT LAST  
PHRASE WHERE IT SAYS:

"THAT IT'S GOING  
TO BE VERY BAD FOR THEIR  
CAREERS."

HEARING OFFICER KERRIGAN: YES.

THE WITNESS: I NEVER SAID THAT.

HEARING OFFICER KERRIGAN: OKAY.

BY MR. IPSEN:

Q DID YOU BELIEVE THAT IT WOULD ONLY BE BAD FOR  
ROB DVER IF ROB DVER WORKED WITH THE UNION, OR DID YOU BELIEVE  
IT WOULD BE BAD FOR OTHERS AS WELL?

MS. EVANS: SAME OBJECTION WE HAD BEFORE. RELEVANCE OF  
HER STATE OF MIND UNEXPRESSED.

HEARING OFFICER KERRIGAN: WHAT HER GENERAL FEELING IS  
ABOUT PEOPLE IN GENERAL --

MR. IPSEN: BASED ON -- LET ME ASK IT THIS WAY.

BY MR. IPSEN:

Q BASED ON CONVERSATIONS. ALL OF THESE VIEWS ARE  
BASED ON YOUR CONVERSATIONS WITH THE ELECTED D.A. AND THINGS HE

1 TOLD YOU. THAT'S THE BASIS OF YOUR CONCERN OF HOW IT WOULD  
2 EFFECT ROB IF HE JOINED C.N.T.; CORRECT, BECAUSE YOU KNEW WHAT  
3 STEVE COOLEY THOUGHT?

4 A OKAY. SO WE'RE ON TO ANOTHER QUESTION? I MEAN  
5 IS THIS QUESTION YOU'RE ASKING A FOUNDATIONAL QUESTION TO WHAT  
6 YOU'RE TRYING TO ASK? IF THAT'S --

7 Q LET ME START WITH THAT. CONSIDER THAT -- WHAT  
8 YOU'RE EXPRESSING TO ROB CAME FROM YOUR CONVERSATIONS WITH  
9 STEVE COOLEY --

10 A MY CONVERSATIONS --

11 Q -- AND THE KNOWLEDGE YOU HAD OF HIS VIEWS?

12 A MY CONVERSATIONS AND MY IMPRESSIONS.

13 Q AND YOUR IMPRESSIONS FROM STEVE COOLEY BASED ON  
14 THOSE CONVERSATIONS THAT TOOK PLACE OVER A NUMBER OF YEARS --  
15 IS THAT FAIR TO SAY?

16 A YES.

17 Q WERE THEY JUST THAT IT WOULD BE BAD FOR ROB DVER  
18 TO BE INVOLVED WITH THE UNION AND EVERYONE ELSE IT WOULD BE  
19 FINE IF THEY WERE INVOLVED OR THAT IT WOULD BE BAD FOR ANYONE  
20 TO BE INVOLVED WITH THE UNION?

21 MS. EVANS: SAME OBJECTION, MR. KERRIGAN.

22 HEARING OFFICER KERRIGAN: OVERRULED.

23 YOU MAY ANSWER THE QUESTION.

24 THE WITNESS: DURING THIS PARTICULAR CONVERSATION THE  
25 THOUGHT PROCESS AND THE ADVICE WAS TO THIS MAN.

1 BY MR. IPSEN:

2 Q I UNDERSTAND.

3 A WITH REGARD TO ANYBODY'S CAREER IN THE OFFICE  
4 AND WHAT IMPACT THAT WOULD HAVE, THAT IS A QUESTION I CAN'T  
5 ANSWER BECAUSE I HADN'T REALLY THOUGHT ABOUT.

6 AND I DON'T THINK IT'S ACCURATE THAT ANYBODY WHO  
7 ASSOCIATES WITH THE UNION THAT THEIR CAREER WOULD, YOU KNOW, BE  
8 AS YOU SAY HERE, THAT IT WOULD GO VERY BAD FOR THEIR CAREER.

9 Q WELL, THAT WAS ROB DVER'S STATEMENT.

10 A I UNDERSTAND THAT. BUT THERE ARE MANY PEOPLE --  
11 SINCE YOU ASKED ME, SINCE WE'RE INTO WHAT MY VIEWS ARE, THERE  
12 ARE MANY PEOPLE ON THAT TEAM WHO I BELIEVE ARE GOING TO DO --  
13 HAVE SATISFYING CAREERS IN THIS OFFICE. BUT THIS WAS A FRIEND  
14 ASKING ME ADVICE.

15 Q OKAY.

16 A BUT YOU'RE TRYING TO SORT OF GENERALIZE IT NOW.

17 HEARING OFFICER KERRIGAN: WHEN YOU SAY THE --

18 BY MR. IPSEN:

19 Q MY QUESTION IS --

20 HEARING OFFICER KERRIGAN: -- "TEAM," YOU MEAN THE  
21 BARGAINING TEAM?

22 THE WITNESS: I'M SORRY. YES, THE BARGAINING TEAM.

23 HEARING OFFICER KERRIGAN: OKAY.

24 BY MR. IPSEN:

25 Q YOUR CONCERNS FOR ROB DVER'S CAREER THAT YOU

1 FELT WERE BASED ON THINGS STEVE COOLEY SAID. MY QUESTION WAS  
2 THE THINGS THAT STEVE COOLEY SAID ABOUT DISLIKING ITS CURRENT  
3 PRESIDENT, MYSELF, THE UNION. AND THE OTHER THINGS YOU SAID,  
4 WERE THEY ONLY CONCERNS IT WOULD BE BAD FOR ONLY ROB DVER TO BE  
5 INVOLVED OR WAS IT A BROADER CONCERN THAN THAT?

6 MS. EVANS: SHE JUST ANSWERED THIS QUESTION IN GREAT  
7 DETAIL.

8 HEARING OFFICER KERRIGAN: I THINK SHE DID ANSWER THE  
9 QUESTION. BUT YOU WANT TO GO AHEAD AND ANSWER IT ONE MORE TIME  
10 AND MAKE IT CLEAR ON THE RECORD.

11 THE WITNESS: I THINK FOR THIS PARTICULAR FRIEND. THIS  
12 ADVICE APPLIES TO THIS PARTICULAR FRIEND. I CAN'T ANSWER FOR  
13 THE WHOLE UNIVERSE OF LAWYERS.

14 THERE ARE LAWYERS WHO ARE CURRENTLY ON THE  
15 BARGAINING TEAM WHO, I BELIEVE, YOU KNOW, ARE FINE AND WILL BE  
16 FINE. THE QUESTION WAS THIS FRIEND ASKED ME -- THIS FRIEND  
17 WHO, YOU KNOW, ASKED ME WHAT DID I THINK FOR HIM.

18 BY MR. IPSEN:

19 Q I'M NOT SAYING YOU WOULD HAVE WARNED ANYONE ELSE  
20 OTHER THAN ROB --

21 A AND I DIDN'T WARN HIM.

22 Q UNDER YOUR TERMS YOU DIDN'T WARN HIM BECAUSE --

23 A YES.

24 Q -- HE CAME TO ASK YOUR OPINION.

25 A HE DID.



1 Q YOU DIDN'T SEEK HIM OUT TO WARN HIM?

2 A I DID NOT.

3 Q WHEN HE ASKED -- IF SOMEONE SAID: MOM, SHOULD I  
4 EAT THIS POISON PILL? AND YOU SAID: NO, YOU'LL DIE.

5 ISN'T THAT A WARNING?

6 MS. EVANS: OBJECTION. MOVE TO STRIKE. THAT'S  
7 ARGUMENTATIVE.

8 HEARING OFFICER KERRIGAN: YEAH, THAT'S --

9 MR. IPSEN: I WANT TO GET THE DEFINITION OF A WARNING.

10 BY MR. IPSEN:

11 Q IF SOMEONE ASKS YOU: SHOULD I JUMP OFF A  
12 BUILDING AND YOU SAY: NO, YOU'LL FALL TO YOUR DEATH.

13 ISN'T THAT A WARNING?

14 MS. EVANS: THE ENTIRE LINE OF QUESTIONING IS BECOMING  
15 ARGUMENTATIVE. SHE HAS DESCRIBED AGAIN AND AGAIN WHAT SHE  
16 BELIEVES A WARNING TO BE.

17 HEARING OFFICER KERRIGAN: IT'S NOT HELPING ME ANY.  
18 I'M GOING TO DECIDE THE CASE AND I THINK YOU BETTER MOVE ON  
19 BECAUSE HER DEFINITION OF A WARNING IS NOT A WARNING IN A  
20 DISCIPLINARY SENSE, IT'S NOT A WARNING IN THE SENSE OF AN  
21 OFFICIAL WARNING. THAT'S WHAT I GET.

22 BY MR. IPSEN:

23 Q WOULD IT BENEFIT A D.A.'S CAREER TO ATTACK OR  
24 WORK AGAINST THE UNION CONSIDERING MR. COOLEY'S ANIMOSITY FOR  
25 ITS CURRENT LEADER?

1 MS. EVANS: CALLS FOR SPECULATION. INCOMPLETE  
2 HYPOTHETICAL.

3 BY MR. IPSEN:

4 Q IF YOU KNOW.

5 HEARING OFFICER KERRIGAN: THAT'S RIGHT. HAVE YOU  
6 HEARD ANYTHING THAT WOULD LEAD YOU TO THAT CONCLUSION?

7 THE WITNESS: NO.

8 BY MR. IPSEN:

9 Q ARE YOU AWARE OF ANY OTHER PERSON THAT WAS  
10 WARNED NOT TO BE ON THE CONTRACT NEGOTIATIONS TEAM?

11 MS. EVANS: SAME OBJECTION AS TO THE USE OF THE WORD  
12 WARNING AS ARGUMENTATIVE.

13 HEARING OFFICER KERRIGAN: AND IT ASSUMES A FACT NOT IN  
14 EVIDENCE. SHE SAYS SHE DIDN'T WARN ANYBODY. WE DON'T KNOW IF  
15 ANYBODY WAS --

16 MR. IPSEN: ARE YOU ACCEPTING THE DEFINITION THAT IF  
17 THE PERSON ASKS FOR YOUR ADVICE IT'S NOT A WARNING WHEN THEY  
18 SAY DON'T DO IT?

19 HEARING OFFICER KERRIGAN: I'M ACCEPTING HER DEFINITION  
20 OF WARNING BECAUSE SHE'S THE WITNESS AND I UNDERSTAND WHAT SHE  
21 MEANS BY WARNING. AND SHE SAYS NOBODY WAS WARNED. THAT'S HER  
22 TESTIMONY.

23 BY MR. IPSEN:

24 Q ARE YOU AWARE OF ANYONE ELSE WHO WAS ADVISED NOT  
25 TO BE ON THE A.D.D.A. BARGAINING TEAM AFTER INQUIRING HOW IT

1 WOULD AFFECT THEIR CAREER?

2 A NO, I'M NOT.

3 Q JUST A QUESTION.

4 MS. EVANS: I'M SORRY --

5 BY MR. IPSEN:

6 Q ARE YOU AWARE OF HOW THE DISTRICT ATTORNEY GOT A  
7 LIST OF THE D.A.'S WHO SIGNED THE UNION CARDS?

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

9 HEARING OFFICER KERRIGAN: YOU'RE GOING TO HAVE TO LAY  
10 A FOUNDATION FOR THAT BECAUSE I HAVEN'T HEARD THAT BEFORE. I  
11 HAVEN'T HEARD OF ANY SUCH LIST.

12 THE WITNESS: IF I MAY ANSWER. I'M NOT AWARE OF WHAT  
13 YOU'RE TALKING ABOUT.

14 MR. IPSEN: I HAVE NO OTHER QUESTIONS OF THIS WITNESS.

15 MR. DEBBAUDT: MAY I INQUIRE?

16 HEARING OFFICER KERRIGAN: WHAT ARE YOU DOING NOW? I  
17 BEG YOUR PARDON, WHAT ARE YOU ASKING FOR?

18 MR. DEBBAUDT: MR. IPSEN SAID HE HAD NO OTHER  
19 QUESTIONS. MAY I INQUIRE?

20 HEARING OFFICER KERRIGAN: OH, I'M SORRY.

21 GO AHEAD. PROCEED.

22 MR. DEBBAUDT: THANK YOU VERY MUCH.

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DIRECT EXAMINATION

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3 BY MR. DEBBAUDT:

4 Q IS THE FACT THAT I ASSOCIATE WITH STEVE IPSEN IN  
5 THE UNION BAD FOR MY CAREER?

6 A WOULD YOU BE MORE SPECIFIC? I MEAN --

7 Q BESIDES MR. IPSEN YOU SAID THAT THERE WERE OTHER  
8 MEMBERS ON THE BOARD THAT MR. COOLEY DID NOT LIKE.

9 AM I ONE OF THOSE?

10 A YES.

11 Q WHY?

12 A FROM WHAT I UNDERSTAND IT HAD TO DO WITH YOUR  
13 CRITICISMS OF POLICIES IN COURT, YOUR Demeanor AND ATTITUDE  
14 TOWARDS THE DISTRICT ATTORNEY. I THINK THAT WAS --

15 Q HAVE I EVER SHARED MY Demeanor OR ATTITUDE  
16 TOWARD THE DISTRICT ATTORNEY WITH YOU?

17 A NO.

18 Q HAVE I EVER SHARED IT, TO YOUR KNOWLEDGE, WITH  
19 MR. COOLEY?

20 A HIS Demeanor -- YOUR Demeanor --

21 Q ARE YOU AWARE OF ANY TIME I'VE EVER HAD A  
22 CONVERSATION WITH MR. COOLEY?

23 A NO. I DON'T THINK I'VE EVER BEEN PRESENT WHEN  
24 YOU AND MR. COOLEY HAVE SPOKEN.

25 Q WOULD IT BE FAIR TO SAY THAT MR. COOLEY DOESN'T

1 LIKE ME BECAUSE OF WHAT HE BELIEVES TO BE MY POLICY AND  
2 ATTITUDE TOWARDS HIM?

3 A THAT'S PROBABLY A FAIR CHARACTERIZATION.

4 Q AND MY DECISION TO HAVE A POLICY OR ATTITUDE  
5 TOWARDS THE ELECTED OFFICIAL, WHO'S THE D.A. IN THIS COUNTY,  
6 THAT'S SOMETHING I'M PROTECTED UNDER THE FIRST AMENDMENT, ISN'T  
7 IT?

8 MS. EVANS: OBJECTION.

9 HEARING OFFICER KERRIGAN: WAIT A MINUTE. DON'T ASK  
10 HER LEGAL QUESTIONS. THERE IS NO SUCH THING AS A LEGAL EXPERT.  
11 I'M THE ONLY LEGAL EXPERT BECAUSE I'M MAKING THE DETERMINATION.

12 WE'RE NOT HAVING ANY EXPERTS IN LAW TO DEFINE  
13 WHAT'S IN VIOLATION OF THE CONSTITUTION OR ANYTHING ELSE.

14 MR. IPSEN: I WOULD JUST ASK -- I THINK THAT MANAGEMENT  
15 IS TRAINED AND IS SUPPOSED TO KNOW WHAT RIGHTS ITS EMPLOYEES  
16 HAVE SO THEY DON'T TRAMPLE THEM.

17 SO I THINK ASKING A MANAGER IF THEY'RE AWARE  
18 THEY'RE SUPPOSED TO RESPECT THEIR EMPLOYEES' RIGHTS, I WOULD  
19 JUST OBJECT AND ASK THAT THAT BE ALLOWED.

20 MS. EVANS: I'M GOING TO ASK THAT THE HEARING OFFICER  
21 IGNORE MR. IPSEN'S COMMENT, HE'S NOT HANDLING THE WITNESS NOW.  
22 WE TALKED ABOUT ONE ATTORNEY AT A TIME --

23 MR. IPSEN: IT SOUNDS LIKE A BLANKET RULE THAT I CAN'T  
24 GO INTO MANAGEMENT'S AWARENESS THAT I HAVE UNION RIGHTS,  
25 MANAGEMENT'S AWARENESS THAT I HAVE FIRST AMENDMENT RIGHTS. THE

1       WHOLE POINT OF THE QUESTION IS --

2               HEARING OFFICER KERRIGAN:  I DON'T HAVE ANY --

3               MR. IPSEN:  -- DID THEY KNOWINGLY TRAMPLE ON --

4               HEARING OFFICER KERRIGAN:  I DON'T HAVE ANY  
5       JURISDICTION TO DETERMINE YOUR FIRST AMENDMENT RIGHTS.

6               MR. IPSEN:  BUT THE QUESTION IS IF SHE'S AWARE THAT WE  
7       HAVE THESE RIGHTS.  AND ISN'T IT RELEVANT THAT MANAGEMENT  
8       WOULD, IF THEY'RE AWARE AT ALL, THAT WE HAVE RIGHTS OF FREEDOM  
9       OF SPEECH?

10              MS. EVANS:  HOW IS IT RELEVANT?

11              HEARING OFFICER KERRIGAN:  I DON'T THINK THERE'S ANY  
12       QUESTION ABOUT THAT.  I DON'T THINK THERE'S ANY QUESTION ABOUT  
13       YOUR RIGHTS UNDER THE NATIONAL ELECTIONS LAW OR THE EQUIVALENT.

14                      I THINK THERE'S NO QUESTION ABOUT THAT.  IF THEY  
15       DIDN'T UNDERSTAND THAT, THEN THEY'RE, YOU KNOW, THEY'RE ACTING  
16       AT THEIR OWN PERIL.

17                      BUT TO ASSUME THAT THIS WITNESS IS GOING TO  
18       TESTIFY WHAT THE LAW IS -- FOR WHAT I DON'T KNOW, IF IT'S TO  
19       EDUCATE ME -- I DON'T KNOW WHAT THE PURPOSE IS.

20              MS. EVANS:  THE FIRST AMENDMENT ISSUES ARE ALSO NOT  
21       WITHIN THE PURVIEW OF ERCOM, SO WHETHER SHE KNOWS OR NOT --

22              HEARING OFFICER KERRIGAN:  YEAH, I KNOW.  I UNDERSTAND  
23       THAT.

24       BY MR. DEBBAUDT:

25              Q            ISN'T IT A FACT THAT FIRST AMENDMENT RIGHTS ARE

1           ADDRESSED IN THE PERSONNEL POLICIES HANDBOOK?

2           MS. EVANS:  OBJECTION.

3           HEARING OFFICER KERRIGAN:  SUSTAINED.

4  BY MR. DEBBAUDT:

5           Q           OKAY.  MY QUESTION TO YOU IS:  DO YOU BELIEVE  
6  THAT MY ASSOCIATIONS WITH MR. IPSEN AND WITH THIS UNION HAS  
7  AFFECTED MY CAREER?

8           HEARING OFFICER KERRIGAN:  THAT'S A TWO-PRONGED  
9  QUESTION.

10          MR. DEBBAUDT:  OKAY.  I'LL BREAK IT DOWN IF YOU PREFER.

11          HEARING OFFICER KERRIGAN:  YES.

12  BY MR. DEBBAUDT:

13          Q           DO YOU BELIEVE MY ASSOCIATION WITH MR. IPSEN HAS  
14  AFFECTED MY CAREER?

15          A           PROBABLY NOT.  I MEAN --

16          Q           WELL, "PROBABLY NOT" -- I'M ASKING YOU IF YOU  
17  BELIEVE.

18                        ARE YOU SAYING "PROBABLY NOT" -- IS THAT YOUR  
19  ANSWER?

20          MS. EVANS:  OBJECTION.  ARGUMENTATIVE.  THE WITNESS'  
21  ANSWER WAS CLEARLY "PROBABLY NOT."

22          HEARING OFFICER KERRIGAN:  ASK THE NEXT QUESTION.  YOU  
23  CAN ASK HER WHAT SHE MEANS BY THAT, IF YOU WANT TO.

24  BY MR. DEBBAUDT:

25          Q           OKAY.  WHAT DO YOU MEAN BY THAT?

1           A           WELL, I HAVEN'T -- YOU AND I HAVE NEVER  
2 DISCUSSED WHAT YOUR GOALS AND ASPIRATIONS ARE FOR YOUR CAREER.  
3 I DON'T -- I DON'T KNOW WHAT YOUR ASPIRATIONS ARE OR GOALS ARE.  
4 WE HAVE NOT DISCUSSED THAT.

5                       WE HAVE NEVER DISCUSSED: MR. DEBBAUDT, WHERE  
6 YOU WOULD LIKE TO GO IN THE OFFICE? I HAVE NEVER HAD -- I HAVE  
7 NEVER BEEN A PARTY TO ANY DISCUSSION WITH MR. COOLEY ABOUT YOUR  
8 CAREER OR ANYTHING OF THAT NATURE.

9           Q           WELL, FOR EXAMPLE, IF A DEPUTY WHO IS A TOP-STEP  
10 GRADE IV --

11          A           UH-HUH.

12          Q           -- IS TRANSFERRED TO A LOWER-LEVEL ASSIGNMENT,  
13 UNLESS THERE'S A MEDICAL REASON OR A HARDSHIP, THAT MIGHT BE  
14 CONSIDERED BAD FOR THEIR CAREER; CORRECT?

15          A           IT COULD.

16          Q           NOW, LET ME ASK YOU THE QUESTION AGAIN THEN.

17                       DO YOU BELIEVE THAT MY ASSOCIATION WITH  
18 MR. IPSEN HAS BEEN BAD FOR MY CAREER, NOT BECAUSE I HAVE A  
19 MEDICAL HARDSHIP OR ANY OTHER REASON, BUT THAT MY CAREER HAS  
20 BEEN AFFECTED BY MY ASSOCIATION WITH MR. IPSEN?

21           MS. EVANS: ASKED AND ANSWERED.

22           HEARING OFFICER KERRIGAN: IT HAS BEEN ASKED AND  
23 ANSWERED BUT I'LL LET HER ANSWER ONE MORE TIME.

24           THE WITNESS: I WAS WAITING FOR -- THE ANSWER IS: NO,  
25 I THINK THAT SOME OF THE THINGS YOU HAVE DONE ON YOUR OWN HAVE



1           AFFECTED YOUR ASSIGNMENT.

2           BY MR. DEBBAUDT:

3           Q           WOULD THOSE BE THE FACT THAT I CO-HOSTED A CABLE  
4           TELEVISION SHOW IN GLENDORA?

5           A           DO YOU CO-HOST A CABLE TELEVISION SHOW? I  
6           DIDN'T --

7           Q           WERE YOU AWARE OF A NEWSLETTER THAT I  
8           DISSEMINATED CONCERNING THE NEWHALL LAND AND FARMING COMPANY  
9           CASE?

10          A           ARE YOU TALKING ABOUT THE REMAKE OF THE  
11          INFORMANT BACK IN 2001?

12          Q           ARE YOU FAMILIAR WITH A NEWSLETTER I DISTRIBUTED  
13          CONCERNING THE NEWHALL LAND AND FARMING COMPANY CASE?

14          A           I CAN'T SAY BECAUSE I KNOW YOU DISTRIBUTED A  
15          NEWSLETTER IN 2001 WHICH I HAVE READ, BUT I CAN'T REMEMBER  
16          EVERYTHING THAT WAS IN THERE BECAUSE IT WAS A MULTI -- I  
17          THOUGHT IT WAS A MULTI-SUBJECT --

18          Q           IS IT YOUR POSITION --

19          MS. EVANS:   EXCUSE ME.

20          HEARING OFFICER KERRIGAN:  WAIT A MINUTE.  WHEN YOU SAY  
21          HIS CAREER OR WHATEVER HAS BEEN AFFECTED BY WHAT HE HAS DONE,  
22          WHAT ARE YOU REFERRING TO?  WHAT THINGS ARE YOU REFERRING TO?

23          THE WITNESS:  I'M REFERRING TO HIS CRITICISM IN COURT  
24          ABOUT SOME OF THE DISTRICT ATTORNEY'S POLICIES.

25          HEARING OFFICER KERRIGAN:  OKAY.  THAT'S WHAT YOU'RE

1 REFERRING TO?

2 THE WITNESS: THAT'S WHAT I'M REFERRING TO. I'M  
3 NOT REFERRING TO THE NEWSLETTER OR --

4 BY MR. DEBBAUDT:

5 Q DO YOU HAVE AN EXAMPLE --

6 MS. EVANS: EXCUSE ME. PARDON ME. MAY THE WITNESS  
7 FINISH HER ANSWER, PLEASE.

8 HEARING OFFICER KERRIGAN: YOU WERE SAYING HE  
9 CRITICIZED THE DISTRICT ATTORNEY'S POLICIES IN COURT.

10 IS THAT WHAT YOU'RE REFERRING TO?

11 THE WITNESS: THAT'S WHAT I'M REFERRING TO.

12 HEARING OFFICER KERRIGAN: OKAY. ARE YOU REFERRING TO  
13 ANYTHING ELSE?

14 THE WITNESS: NO.

15 HEARING OFFICER KERRIGAN: OKAY.

16 BY MR. DEBBAUDT:

17 Q WHAT POLICY OF THE DISTRICT ATTORNEY'S DID I  
18 CRITICIZE IN COURT?

19 A I AM NOT SURE, BUT I THINK IT'S THE THIRD-STRIKE  
20 POLICY AND --

21 Q WHAT COURT?

22 A IN THE PASADENA COURT.

23 Q WHICH COURT?

24 A I AM NOT PRIVY TO THAT INFORMATION. I  
25 UNDERSTAND A JUDGE WHO WAS IN THAT COURT TOLD MR. COOLEY,

1 OUTSIDE OF MY PRESENCE, ABOUT SOME POLICY THAT YOU WERE  
2 CRITICIZING IN OPEN COURT.

3 Q WHICH POLICY EXACTLY, DO YOU KNOW?

4 A I DON'T KNOW. I SAID --

5 Q WHICH --

6 A EXCUSE ME. I SAID THE THIRD-STRIKE -- I JUST  
7 WANT TO EXPLAIN, MY MEMORY --

8 HEARING OFFICER KERRIGAN: YES.

9 THE WITNESS: -- OF ALL STUFF IS NOT THE BEST BECAUSE  
10 WE'RE JUMPING FROM THINGS THAT HAPPENED IN 2001 AND THINGS THAT  
11 HAVE GONE ON --

12 HEARING OFFICER KERRIGAN: ALL RIGHT.

13 THE WITNESS: -- FOR A LONG TIME.

14 HEARING OFFICER KERRIGAN: AND AS AN ATTORNEY, YOU KNOW  
15 YOU'RE REQUIRED TO GIVE YOUR BEST RECOLLECTION.

16 THE WITNESS: YES.

17 HEARING OFFICER KERRIGAN: IF YOU DON'T HAVE A  
18 RECOLLECTION, IF YOU DON'T REMEMBER, YOU DON'T REMEMBER.

19 THE WITNESS: OKAY.

20 BY MR. DEBBAUDT:

21 Q WHICH JUDGE?

22 HEARING OFFICER KERRIGAN: IF YOU KNOW?

23 THE WITNESS: I DON'T KNOW THE JUDGE WHOSE COURTROOM  
24 YOU WERE IN. I KNOW A JUDGE COMPLAINED TO MR. COOLEY AT A  
25 SOCIAL EVENT. THAT'S AS MUCH AS I KNOW.

1 BY MR. DEBBAUDT:

2 Q WAS THIS DURING --

3

4 (PAUSE IN THE PROCEEDINGS.)

5

6 BY MR. DEBBAUDT:

7 Q AS A RESULT OF WHAT MR. COOLEY ALLEGEDLY LEARNED  
8 FROM THIS JUDGE, WAS THAT THE BASIS FOR MY TRANSFER FROM  
9 PASADENA AS A CALENDAR DEPUTY TO POMONA JUVENILE AS A CALENDAR  
10 DEPUTY?

11 A PART OF THE ANSWER IS, YES. YOU WERE GOING --  
12 YOU WERE SCHEDULED TO BE TRANSFERRED TO -- FROM PASADENA TO  
13 EAST LAKE JUVENILE AND IT ULTIMATELY ENDED UP BEING POMONA  
14 JUVENILE.

15 Q SO EITHER EAST LAKE OR POMONA, THAT WAS THE  
16 BASIS FOR THE TRANSFER; IS THAT CORRECT?

17 A YES.

18 Q WAS THERE A DISCUSSION ON THE RECORD ABOUT A  
19 PARTICULAR CASE OR WAS THIS A DISCUSSION OFF THE RECORD?

20 HEARING OFFICER KERRIGAN: WHAT YOU MEAN "ON THE  
21 RECORD," "OFF THE RECORD"? WHAT DO YOU MEAN BY THAT?

22 MR. DEBBAUDT: WELL, I MEAN YOU CAN DISCUSS THINGS WITH  
23 JUDGES THAT HAVE NOTHING TO DO WITH AN ACTUAL PENDING CASE OFF  
24 THE RECORD. YOU'RE SITTING THERE PASSING TIME WAITING FOR A  
25 CASE TO BE CALLED AND YOU MIGHT HAVE A CONVERSATION.

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I WANT TO KNOW IF --

HEARING OFFICER KERRIGAN: YOU'RE --

MR. DEBBAUDT: -- IN ANY WAY WHAT I ALLEGEDLY DID --

HEARING OFFICER KERRIGAN: YOU'RE TALKING ABOUT YOUR  
CRITICISM, YOU'RE NOT TALKING ABOUT THE JUDGE TALKING TO  
MR. COOLEY.

MR. DEBBAUDT: NO. RIGHT.

HEARING OFFICER KERRIGAN: OKAY. I MISUNDERSTOOD.

BY MR. DEBBAUDT:

Q ANYTHING I ALLEGEDLY SAID TO THIS JUDGE, WAS IT  
ON THE RECORD ABOUT A PENDING CASE?

A MR. DEBBAUDT, I DON'T KNOW. I DON'T HAVE THOSE  
DETAILS.

Q IT'S POSSIBLE, FROM WHAT YOU KNOW, THAT IT WAS  
OFF THE RECORD ABOUT NO PENDING CASE.

A THAT COULD BE TRUE.

MS. EVANS: CALLS FOR SPECULATION.

HEARING OFFICER KERRIGAN: THAT DOES CALL FOR  
SPECULATION. SHE DOESN'T KNOW.

BY MR. DEBBAUDT:

Q ASSUME THAT IT WAS OFF THE RECORD ABOUT NO  
PENDING CASE, WOULD THAT BE A LEGITIMATE BASIS TO TRANSFER ME?

MS. EVANS: INCOMPLETE HYPOTHETICAL. IRRELEVANT.

HEARING OFFICER KERRIGAN: I'M NOT SURE SHE'S QUALIFIED  
TO ANSWER THAT EVEN.

1 MR. DEBBAUDT: EXCUSE ME. WE'LL GET TO THAT.

2 BY MR. DEBBAUDT:

3 Q MS. LACEY, YOU'RE THE ONE THAT INFORMED  
4 MR. ZAJEC THAT I WAS TO BE TRANSFERRED; CORRECT?

5 A THAT'S CORRECT.

6 Q AND WAS THIS YOUR DECISION?

7 A NO.

8 Q WHO TOLD YOU TO TRANSFER ME?

9 A MR. SPILLANE.

10 Q WAS IT MR. SPILLANE'S DECISION, AS FAR AS YOU  
11 KNOW?

12 A AS FAR AS I KNOW, NO.

13 Q YOU BELIEVE, IN FACT, IT WAS HIGHER THAN  
14 MR. SPILLANE?

15 A YES.

16 Q WAS IT MR. HAZEL'S DECISION?

17 A MR. HAZEL WAS RESPONSIBLE FOR YOU GOING TO  
18 POMONA JUVENILE.

19 Q WAS IT HIS DECISION --

20 HEARING OFFICER KERRIGAN: I DIDN'T HEAR THE ANSWER.

21 MS. EVANS: MR. HAZEL WAS RESPONSIBLE FOR HIM GOING TO  
22 POMONA JUVENILE.

23 HEARING OFFICER KERRIGAN: OKAY.

24 BY MR. DEBBAUDT:

25 Q HOW WAS HE RESPONSIBLE?

1           A           MR. -- DID I SAY MR. SPILLANE WAS RESPONSIBLE  
2 FOR POMONA JUVENILE?

3 BY MR. DEBBAUDT:

4           Q           THAT'S WHAT YOU SAID.

5           A           OKAY. THAT'S A MISTAKE.

6           MS. EVANS: NO. YOU SAID MR. HAZEL WAS.

7           THE WITNESS: MR. HAZEL. I THOUGHT I SAID MR. HAZEL.

8                       MR. SPILLANE SAID THAT YOU WERE TO BE  
9 TRANSFERRED TO EAST LAKE JUVENILE. I WENT DOWN THE HALL AND  
10 TALKED TO THE DIRECTORS WHO WERE DOING TRANSFERS AT THAT TIME,  
11 TOLD MR. ZAJEC WHERE YOU WERE TO GO.

12                      AND A DAY OR TWO LATER, I HEARD FROM EITHER  
13 MR. ZAJEC OR MR. HAZEL THAT YOU WERE GOING TO GO TO -- YOU WERE  
14 BEING TRANSFERRED INSTEAD TO POMONA JUVENILE.

15 BY MR. DEBBAUDT:

16           Q           DID YOU LEARN WHETHER THE DECISION TO TRANSFER  
17 ME ORIGINATED AT A HIGHER LEVEL THAN THE CHIEF DEPUTY?

18           A           YOU MEAN BEFORE THE CHIEF DEPUTY TOLD ME?

19           Q           YES.

20           A           YES.

21           Q           SO IT WAS YOUR UNDERSTANDING THAT THE DECISION  
22 TO TRANSFER ME TO JUVENILE WAS MADE BY STEVE COOLEY?

23           A           YES.

24           Q           HOW HOW OFTEN DOES MR. COOLEY MAKE A DECISION TO  
25 TRANSFER A GRADE IV DEPUTY DISTRICT ATTORNEY TO A JUVENILE

1 ASSIGNMENT OTHER THAN AS A DEPUTY IN CHARGE?

2 A INFREQUENTLY.

3 Q WOULD YOU SAY, IN FACT, THAT I WAS THE ONLY ONE?

4 HEARING OFFICER KERRIGAN: DURING WHAT PERIOD OF TIME?

5 BY MR. DEBBAUDT:

6 Q IN THE LAST FIVE YEARS?

7 A YOU'RE THE ONLY ONE I REMEMBER.

8 Q IS IT YOUR OPINION THAT IF I EXERCISED OR IF I  
9 HAD AN OFF-THE-RECORD DISCUSSION WITH A JUDGE ABOUT A POLICY,  
10 THAT THAT'S A LEGITIMATE BASIS TO TRANSFER ME TO A JUVENILE  
11 ASSIGNMENT?

12 HEARING OFFICER KERRIGAN: WAIT. WHAT'S THE RELEVANCE  
13 OF HER OPINION? SHE DIDN'T MAKE --

14 MR. DEBBAUDT: AS AN EXPERT IN THE OFFICE -- OKAY. LET  
15 ME BACK UP.

16 HEARING OFFICER KERRIGAN: SHE DIDN'T MAKE THE  
17 DETERMINATION.

18 MR. DEBBAUDT: WELL, I THINK SHE, AS AN EXPERT IN THE  
19 OFFICE, CAN SAY WHETHER THIS IS IN COMPLIANCE WITH OFFICE  
20 POLICIES.

21 HEARING OFFICER KERRIGAN: WELL, I DON'T KNOW THAT  
22 SHE'S AN EXPERT.

23 MR. DEBBAUDT: WELL, I HAVE TO DO IT.

24 BY MR. DEBBAUDT:

25 Q ISN'T THE FUNDAMENTAL AND PRIMARY BASIS TO



1 TRANSFER A DEPUTY THE NEEDS OF THE OFFICE?

2 A THAT'S THE ULTIMATE GOAL.

3 Q WAS MY TRANSFER FROM PASADENA, AS AN ADULT  
4 CALENDAR DEPUTY TO POMONA JUVENILE AS A CALENDAR DEPUTY, A  
5 FULFILLMENT OF A LEGITIMATE NEED OF THE OFFICE?

6 A A STAFFING NEED, NO.

7 Q AND DO YOU BELIEVE THAT THE POLICIES LIKE THAT,  
8 A TRANSFER, SHOULD BE BASED ON THE NEEDS OF THE OFFICE APPLY TO  
9 THE DIRECT ATTORNEY HIMSELF?

10 MS. EVANS: TO THE EXTENT THAT HE DOESN'T MAKE  
11 DECISIONS FOR A DEPARTMENT HE RUNS? OBJECTION.

12 HEARING OFFICER KERRIGAN: THE ANSWER TO THAT QUESTION  
13 IS NOT GOING TO DO ME ANY GOOD. YOU CAN GO AHEAD AND ASK IT,  
14 BUT IT'S NOT GOING TO DO ME ANY GOOD, BECAUSE HER OPINION OF  
15 THAT IS NOT THE KEY TO THIS CASE.

16 MR. DEBBAUDT: I RESPECTFULLY DISAGREE AND I'D LIKE A  
17 MOMENT JUST TO EXPLAIN WHY. AND I'LL TRY TO BE AS  
18 STRAIGHTFORWARD AS I CAN.

19 IF, IN FACT, PEOPLE GET TRANSFERRED EVERY DAY  
20 BASED ON POLICIES AND I GET TRANSFERRED AND IT'S NOT IN  
21 ACCORDANCE WITH THAT POLICY, THEN I HAVE A --

22 LIKE AN EXPERT. YOU GET FIVE EXPERTS TO COME  
23 AND SAY: NO. MACHINE BREAKS DOWN LIKE THIS. NO, IT BREAKS  
24 DOWN LIKE THIS. NO, IT BREAKS DOWN LIKE THIS. BUT WE GET ONE  
25 TO SAY: NO, IT DIDN'T BREAK DOWN. WELL, THEN YOU HAVE A REAL

1 BATTLE.

2 MS. LACEY KNOWS WHAT'S GOING ON. MS. LACEY IS  
3 AT THE HEART OF THE ADMINISTRATION. IF SHE THINKS THAT THIS  
4 WAS NOT A LEGITIMATE NEED, I THINK THAT INFORMS YOUR DECISION  
5 WHATEVER MR. COOLEY MAY SAY WHEN HE GETS HERE AND ANSWERS MY  
6 QUESTIONS.

7 MS. EVANS: IF I MAY BE HEARD.

8 MR. DEBBAUDT: IT'S VERY RELEVANT TO THE PRACTICE AND  
9 PROCEDURE IN OUR OFFICE AND WHETHER MY TRANSFER WAS OUTSIDE  
10 THAT PRACTICE AND PROCEDURE AND WHETHER THEREFORE I'M AN  
11 ANOMALY AND I'VE BEEN MISTREATED. IT'S VERY RELEVANT TO THAT.

12 MS. EVANS: IF I MAY BE HEARD? I THINK WHAT THE  
13 DISCUSSION MISSES IS THE RIGHT AND AUTHORITY OF AN ELECTED  
14 OFFICIAL TO RUN A DEPARTMENT THAT THEY ARE ELECTED TO RUN.

15 WITH THAT ASIDE, WE WILL STIPULATE -- AND  
16 THERE'S NEVER BEEN ANY HIDING THE BALL ABOUT THE FACT THAT  
17 MR. DEBBAUDT WAS NOT TRANSFERRED AS PART OF THE USUAL, NORMAL  
18 EVERY COUPLE OF MONTHS TRANSFER.

19 THAT MR. DEBBAUDT WAS, IN FACT, TRANSFERRED AT  
20 THE DIRECTION OF THE DISTRICT ATTORNEY. AND THAT IT WAS NOT  
21 SOMETHING THAT HAPPENED 80 TIMES EVERY TWO MONTHS. IT WAS, AS  
22 MS. LACEY HAS CLEARLY SAID, "AN INFREQUENT EVENT."

23 MR. DEBBAUDT: SHE'S RIGHT. IT'S OVER BECAUSE --

24 HEARING OFFICER KERRIGAN: YOU WANT TO STIPULATE TO  
25 THAT? STIPULATE TO THAT IF YOU WANT TO.

1 MR. DEBBAUDT: NO. I WANT TO GET THE WITNESS TO SAY  
2 IT. I MEAN, BASICALLY IT'S LIKE THIS, IF SHE'S RIGHT --

3 HEARING OFFICER KERRIGAN: ARE YOU REJECTING THE  
4 STIPULATION?

5 MR. DEBBAUDT: I DIDN'T CATCH IT. I DIDN'T UNDERSTAND  
6 IT. COULD YOU REPHRASE IT FOR ME.

7 MS. EVANS: I'LL STIPULATE THAT MR. DEBBAUDT WAS  
8 TRANSFERRED AT THE DIRECTION OF THE DISTRICT ATTORNEY, THE  
9 ELECTED OFFICIAL OVER THE DEPARTMENT, AS PART OF HIS RUNNING  
10 THAT DEPARTMENT. AND THAT THE TRANSFER OF MR. DEBBAUDT IS  
11 SOMETHING -- THE TRANSFER OF THE TYPE OF MR. DEBBAUDT'S IS  
12 SOMETHING THAT HAPPENS INFREQUENTLY IN THE DEPARTMENT.

13 HEARING OFFICER KERRIGAN: DO YOU WANT TO STIPULATE TO  
14 THAT OR NOT?

15 MR. DEBBAUDT: OKAY. I'LL STIPULATE TO THAT.

16 HEARING OFFICER KERRIGAN: OKAY.

17 GO AHEAD. PROCEED.

18 MR. DEBBAUDT: HOWEVER, MY QUESTION TO THE  
19 STIPULATION --

20 WE COULD END THIS RIGHT NOW IF SHE WANTS TO  
21 STIPULATE THAT THE D.A. OF THIS COUNTY, WHO RUNS -- WHO IS THE  
22 ELECTED OFFICIAL CAN VIOLATE ALL THE PERSONNEL POLICIES IN  
23 THESE PERSONNEL POLICY MANUALS AND TRANSFER ME WILLY-NILLY,  
24 WITHOUT ANY LEGITIMATE REASON EXCEPT HE FEELS LIKE IT, I THINK  
25 THAT WE CAN SOLVE A LOT OF MY QUESTIONS RIGHT NOW.

1 MS. EVANS: THE DISTRICT ATTORNEY --

2 MR. DEBBAUDT: IN OTHER WORDS, IF THAT'S THE CASE AND  
3 IF THAT'S THE LAW, I REALLY -- I GUESS I DON'T HAVE A COMPLAINT  
4 HERE.

5 IF THE D.A. CAN JUST DO WHATEVER HE WANTS, NOT  
6 IN COMPLIANCE WITH THE PERSONNEL POLICIES MANUAL, SEND ME  
7 WHEREVER HE WANTS BECAUSE HE DOESN'T LIKE ME, BECAUSE I HAVE  
8 THE AUDACITY TO SPEAK UP ON OCCASION AND PUNISH ME BECAUSE OF  
9 THAT, BUT THERE'S NO RECOURSE, THEN I GUESS WE CAN SOLVE THE  
10 PROBLEM RIGHT NOW.

11 HEARING OFFICER KERRIGAN: WELL, LET ME TELL YOU  
12 SOMETHING HERE, MR. DEBBAUDT, IF THE DISTRICT ATTORNEY  
13 TRANSFERRED YOU BECAUSE HE DIDN'T LIKE YOU PERSONALLY, I HAVE  
14 NO JURISDICTION OVER THAT. I ONLY HAVE JURISDICTION IF HE DID  
15 IT BECAUSE HE HAD AN ANIMUS AGAINST THE UNION. OTHERWISE --

16 MR. DEBBAUDT: EXCUSE ME. WOULDNT IT ALSO BE AN  
17 UNFAIR TRANSFER OF AN EMPLOYEE WHO'S REPRESENTED IF HE'S  
18 TRANSFERRED OUTSIDE OF ALL THE POLICIES? ARE YOU SAYING --

19 MS. EVANS: NO.

20 HEARING OFFICER KERRIGAN: AN UNFAIR TRANSFER WITHIN  
21 THE MEANING OF WHAT LAW?

22 BY MR. DEBBAUDT:

23 Q MS. LACEY --

24 HEARING OFFICER KERRIGAN: WE DON'T --

25 MR. DEBBAUDT: NO. I'LL MOVE ON. I UNDERSTAND.

1 HEARING OFFICER KERRIGAN: I DON'T HAVE GENERAL  
2 JURISDICTION TO REVIEW THE ACTIONS OF THE DISTRICT ATTORNEY  
3 UNLESS IT'S A VIOLATION OF THE LAW, THE LAW THAT I HAVE  
4 JURISDICTION TO ENFORCE.

5 BY MR. DEBBAUDT:

6 Q HAVE YOU EVER HAD A CONVERSATION WITH MR. COOLEY  
7 ABOUT THE SPECIFICS OF THE ALLEGED COMMENTS I MADE CONCERNING  
8 THREE STRIKES?

9 A I HAVE HAD A CONVERSATION AND THE ONLY FACTS  
10 THAT I CAN REMEMBER HIM TELLING ME ARE THE ONES THAT I'VE  
11 TESTIFIED TO.

12 Q HAS MR. COOLEY EVER MENTIONED TO YOU THAT MY  
13 ASSOCIATION WITH THE UNION ALSO UPSETS HIM?

14 A NO.

15 Q WHEN MR. DVER SAYS -- BECAUSE WE NEVER DID  
16 ANSWER THIS PART OF THAT LAST QUESTION:

17 "... THAT ANYONE  
18 ASSOCIATED WITH THE UNION,  
19 IT'S GOING TO BE VERY BAD  
20 FOR THEIR CAREERS."

21 IS THAT SOMETHING YOU COMMUNICATED TO MR. DVER?

22 A NO.

23 Q HAS MR. COOLEY --

24 HEARING OFFICER KERRIGAN: JUST A SECOND. IT IS NOW  
25 4:15, WE HAVE TO BE OUT OF HERE BY 4:30. I PROMISED THE

1 REPORTER --

2 MR. DEBBAUDT: I APPRECIATE THAT.

3 HEARING OFFICER KERRIGAN: HOW MUCH TIME DO YOU NEED?

4 MR. DEBBAUDT: WELL, THERE ARE A COUPLE OF OTHER  
5 THINGS --

6 HEARING OFFICER KERRIGAN: I'M NOT RESTRICTING YOU IN  
7 ANY WAY. IF YOU NEED TO HAVE HER BACK, FINE. I'M JUST TRYING  
8 TO FIND OUT.

9 MR. DEBBAUDT: I GUARANTEE THE HEARING OFFICER THAT I  
10 DON'T BELIEVE I'LL BE MORE THAN AN HOUR IN THE FUTURE. AND I  
11 INTEND TO BE LESS WITH MS. LACEY IF WE HAVE HER BACK.

12 HEARING OFFICER KERRIGAN: OKAY. WHY DON'T WE --

13 MR. DEBBAUDT: AND AS I PROMISED YOU BEFORE, I WOULD BE  
14 DONE WITH MR. ZAJEC, I WAS DONE WITH MR. ZAJEC. I DON'T MAKE  
15 THESE PROMISES LIGHTLY. SO WE CAN CALL IT A DAY AND HAVE HER  
16 COME BACK?

17 HEARING OFFICER KERRIGAN: OKAY.

18 MR. DEBBAUDT: NOT THE NEXT DATE BUT WHATEVER THE --

19 HEARING OFFICER KERRIGAN: OKAY. ANYWAY WE HAVE TO  
20 PICK DATES.

21 MR. DEBBAUDT: RIGHT.

22 HEARING OFFICER KERRIGAN: WE HAVE TO PICK ADDITIONAL  
23 DATES. WE HAVE SOME BUSINESS TO DO. I PROMISED THE REPORTER  
24 I'D GIVE HER A CHANCE TO GET HER STUFF OUT OF HERE --

25 MR. DEBBAUDT: NO. I APPRECIATE THAT.

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HEARING OFFICER KERRIGAN: -- BY, LIKE I SAID, 4:30.  
SO WHY DON'T WE -- WELL, WE ARE ADJOURNED AT THIS POINT.  
OFF THE RECORD.

(PROCEEDINGS ADJOURNED AT 4:18 P.M.)

HEARING REPORTER'S CERTIFICATE

I, EULAH STEWART, HEARING REPORTER, IN AND FOR THE STATE OF CALIFORNIA, DO HEREBY CERTIFY:

THAT THE FOREGOING TRANSCRIPT OF PROCEEDINGS WAS TAKEN BEFORE ME AT THE TIME AND PLACE SET FORTH, THAT THE TESTIMONY AND PROCEEDINGS WERE REPORTED STENOGRAPHICALLY BY ME AND LATER TRANSCRIBED BY COMPUTER-AIDED TRANSCRIPTION UNDER MY DIRECTION AND SUPERVISION, THAT THE FOREGOING IS A TRUE RECORD OF THE TESTIMONY AND PROCEEDINGS TAKEN AT THAT TIME.

I FURTHER CERTIFY THAT I AM IN NO WAY INTERESTED IN THE OUTCOME OF SAID ACTION.

I HAVE HEREUNTO SUBSCRIBED MY NAME THIS 28TH DAY OF JULY 2009.

  
EULAH STEWART  
HEARING REPORTER